Town of Oakville
Planning and Development Council

AGENDA

Date: Monday, June 12, 2023
Time: 6:30 p.m.
Location: Council Chamber

Town Hall is open to the public and live streaming video is available on https://www.oakville.ca/town-hall/mayor-council-administration/agendas-meetings/live-stream or at the town's YouTube channel at https://www.youtube.com/user/TownofOakvilleTV. Information regarding written submissions and requests to delegate can be found at https://www.oakville.ca/town-hall/mayor-council-administration/agendas-meetings/delegations-presentations.

Pages

1. **Regrets**

2. **Declarations of Pecuniary Interest**

3. **Committee of the Whole**

4. **Consent Items(s)**

   4.1 24T-14002 – Shieldbay – Subdivision Assumption – By-law 2023-062 9 - 13

   Recommendation:

   1. That the assumption of remaining public works under Registered Plan 20M-1183 be approved.
   2. That By-law 2023-062, a by-law to assume completed public works within Plan 20M-1183 or outside of Plan 20M-1183 that were required as a condition of draft approval, as they relate to Silver Maple Road, Eighth Line from Dundas Street to Wheat Boom Drive, Max Kahn Boulevard from Dundas Street to Silver Maple Road, and all street trees not previously assumed under By-law 2021-092 be passed.

4.2 Recommendation Report, Draft Plan of Condominium, MC Oakvillage Inc., 24CDM-22006/1312 - 335, 345 and 349 Wheatboom Drive 14 - 37

Recommendation:
That the Director of Planning Services be authorized to grant draft plan approval to the Draft Plan of Condominium (24CDM-22006/1312) submitted by MC Oakvillage Inc., prepared by R-PE Surveying Ltd., dated December 12, 2022, subject to the conditions contained in Appendix 'A' of the Planning Services report dated May 30, 2023.

5. Confidential Consent Item(s)

There are no Confidential Consent Items listed for this agenda.

6. Public Hearing Item(s)

6.1 Public Meeting Report, Official Plan Amendment & Zoning By-law Amendment, Amica Bronte Village Inc., File No.: OPA.1729.62; Z.1729.62 - 2370 Lakeshore Road West 38 - 76

Recommendation:

1. That comments from the public with respect to the proposed Official Plan Amendment and Zoning By-law Amendment submitted by Amica Bronte Village Inc. (File No.: OPA 1729.62; Z.1729.62), be received.
2. That staff consider such comments as may be provided by Council.

6.2 Public Meeting and Recommendation Report, Zoning By-law Amendment and Draft Plan of Subdivision, bcIMC Realty Corp., File No.: Z.1333.01 and 24T-11001, By-law 2023-014 77 - 156

Recommendation:

1. That Zoning By-law Amendment (File Z.1333.01) and Draft Plan of Subdivision (File 24T-11001) applications submitted by bcIMC Realty Corp. c/o QuadReal Property Group, be approved, as revised, on the basis that the Zoning By-law Amendment and Draft Plan of Subdivision are consistent with the Provincial Policy Statement, conform with all applicable provincial plans, the Halton Region Official Plan, the North Oakville West Secondary Plan, have regard for matters of Provincial interest, and represents good planning for the reasons outlined in the report from the Planning Services department dated May 30, 2023.

2. That By-law 2023-014, an amendment to Zoning By-law 2009-189, as amended, be passed.

3. That the Director of Planning Services be authorized to grant draft plan approval to the revised Draft Plan of Subdivision (24T-11001) prepared by WSP on behalf of bcIMC Realty Corp. c/o QuadReal Property Group dated December 14, 2022, subject to the conditions contained in Appendix D of the staff report prepared by Planning Services Department dated May 30, 2023.

4. That once 24T-11001 has been draft approved by the Director of Planning Services, the Town enter into a Subdivision Agreement to the satisfaction of the CAO and Town Solicitor or designates.

5. That the Subdivision Agreement be executed in accordance with By-law 2023-021.

6. That notice of Council's decision reflects that Council has fully considered all the written and oral submissions relating to this matter and that those comments have been appropriately addressed.

7. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary.

7. Discussion Item(s)

7.1 Information Report – Warehousing and Distribution Industries Review (File No. 42.15.61) 157 - 251

Recommendation:

1. That staff amend Zoning By-law 2014-014 and Zoning By-law 2009-189 to introduce a new definition of “Warehousing and Distribution Centre” as outlined in this report.
2. That this report be used to inform the ongoing Official Plan Review and future comprehensive Zoning By-law Review.

7.2 Recommendation Report – Draft Plan of Subdivision (24T-21005/1530) – Part of Lot 30, Concession 2 (SDS), Bronte Green Corporation 252 - 302

Recommendation:

1. That Draft Plan of Subdivision application (File No. 24T-21005/1530), submitted by Bronte Green Corporation, be approved on the basis that the application is consistent with the Provincial Policy Statement, conforms or does not conflict with all applicable Provincial plans, conforms with the Region of Halton Official Plan and the Livable Oakville Official Plan, has regard for matters of Provincial interest and Section 51(24) of the *Planning Act*, and represents good planning for the reasons outlined in the report from the Planning Services department dated May 30, 2023.
2. That the Director of Planning Services be authorized to grant draft plan approval to the Draft Plan of Subdivision (24T-21005/1530) submitted by Bronte Green Corporation, prepared by J.D Barnes Limited, dated October 27, 2021, subject to the conditions contained in Appendix “A”.
3. That once 24T-21005/1530 has been draft approved by the Director of Planning Services, the Town enter into a Subdivision Agreement to the satisfaction of the CAO and Town Solicitor or designates.
4. That the Subdivision Agreement be executed in accordance with By-law 2013-057.
5. That notice of Council’s decision reflect that Council has fully considered all the written and oral submissions relating to this matter and that those comments have been appropriately addressed.

7.3 Ontario Heritage Act Alternative Notice Policy 303 - 309

Recommendation:
That the *Ontario Heritage Act* Alternative Notice Policy be approved.

7.4 Notice of intention to designate – Multiple properties 310 - 371

Recommendation:
That a notice of intention to designate be issued under section 29, Part IV of the *Ontario Heritage Act* for the following properties:

1. Lawrence and Mary Hager House at 2527 Dundas Street West; and
2. Conder House at 159 Trafalgar Road.

7.5 Notice of intention to demolish – 2108 Lakeshore Road East 372 - 410

Recommendation:
1. That the property at 2108 Lakeshore Road East be removed from the Oakville Register of Properties of Cultural Heritage Value or Interest; and,
2. That, prior to demolition, the property owner allows for the salvage of materials from the house.

7.6 2023 Heritage Grant Program Recommendations 411 - 417

Recommendation:
That the 2023 funding allotment as attached in 'Appendix A - Recommended Grant Projects and Maximum Approved Amounts' to the report titled 2023 Heritage Grant Program Recommendations dated May 30, 2023, be approved.

7.7 Cultural Heritage Landscape Conservation Plan Policy - By-law 2023-085 418 - 437

Recommendation:
1. That By-law 2023-085, a by-law to repeal By-law 2018-019, 'a by-law to govern cultural heritage landscape conservation plans within the Town of Oakville and to delegate certain powers to designated officials', be passed; and
2. That the Conservation Plans for Cultural Heritage Landscapes Policy be endorsed.

8. Confidential Discussion Item(s)

There are no Confidential Discussion Items listed for this agenda.

9. Advisory Committee Minutes

9.1 Heritage Oakville Advisory Committee Minutes - May 30, 2023 438 - 443

Recommendation:
That the following recommendation pertaining to Items 4.1 and 4.2 of the Heritage Oakville Advisory Committee minutes from its meeting on May 30, 2023, be approved and the remainder of the minutes be received:

4.1 Heritage Permit Application HP013/23-42.20T 344 Trafalgar Road – New windows and front door and alterations to exterior

1. That Heritage Permit Application HP013/23-42.20T for new windows and front door and alterations to the exterior of the house at 344 Trafalgar Road, as attached in Appendix B to the report dated May 16, 2023 from Planning Services, be approved subject to the following:

    a. That final details on the new windows, door, cedar shingle cladding, stone cladding, trim and roofing material be submitted to staff for final approval; and

2. That this heritage permit expire two years from the date of final approval by Council.

4.2 Heritage Permit Application HP011/23-42.20S 69 Second Street – Demolition of existing garage and portions of the house, construction of a new addition and restoration of the house

1. That Heritage Permit Application HP011/23-42.20S for the demolition of the existing garage and portions of the house, the construction of a new two-storey addition and restoration of the house at 69 Second Street, as attached in Appendix B to the report dated May 16, 2023 from Planning Services, be approved subject to the following:

    a. That minor changes be made to ensure that there are no blank windowless walls on the new addition; and

    b. That final details on the windows, doors and cladding materials be submitted to staff for final approval; and

2. That this heritage permit expire two years from the date of final approval by Council.

10. Rise and Report to Council

11. New Business

(Emergency, Congratulatory or Condolence)

12. Consideration and Reading of By-laws

That the following by-law(s) be passed:

12.1 By-law 2023-014

A by-law to amend the North Oakville Zoning By-law 2009-189 to permit the use of lands described as 3269 and 3271 Dundas Street West (bcIMC Realty Corporation c/o QuadReal Property Group, Z.1333.01, 24T-11001). **(Re: Item 6.2)**

12.2 By-law 2023-055 444 - 445

A by-law to declare that certain land is not subject to part lot control (Blocks 104, 105, 106, 107, 108, 109 and 110, Plan 20M-1253 – Mattamy (Joshua Creek) Limited).

12.3 By-law 2023-062

A by-law to assume completed public works within Plan 20M-1183 or outside of Plan 20M-1183 that were required as a condition of draft approval, as they relate to Silver Maple Road, Eighth Line from Dundas Street to Wheat Boom Drive, Max Kahn Boulevard from Dundas Street to Silver Maple Road, and all street trees not previously assumed under By-law 2021-092. **(Re: Item 4.1)**

12.4 By-law 2023-085

A by-law to repeal By-law 2018-019, ‘A by-law to govern cultural heritage landscape conservation plans within the Town of Oakville and to delegate certain powers to designated officials’. **(Re: Item 7.7)**

12.5 By-law 2023-088 446 - 446

A by-law to confirm the proceedings of a meeting of Council.

13. Adjournment

REPORT

Planning and Development Council

Meeting Date: June 12, 2023

FROM:	Transportation and Engineering Department
DATE:	May 30, 2023
SUBJECT:	**24T-14002 – Shieldbay – Subdivision Assumption – By-law 2023-062**
LOCATION:	North of Dundas Street, West of Eighth Line
WARD:	7

RECOMMENDATION:

1. That the assumption of remaining public works under Registered Plan 20M-1183 be approved.

2. That By-law 2023-062, a by-law to assume completed public works within Plan 20M-1183 or outside of Plan 20M-1183 that were required as a condition of draft approval, as they relate to Silver Maple Road, Eighth Line from Dundas Street to Wheat Boom Drive, Max Kahn Boulevard from Dundas Street to Silver Maple Road, and all street trees not previously assumed under By-law 2021-092 be passed.

KEY FACTS:

The following are key points for consideration with respect to this report:

- All public works being recommended for acceptance through this assumption have been inspected and deemed acceptable.
- By-law 2021-092 assumed the works and streets within Plan 20M-1183, save and except the following: Silver Maple Road, Eighth Line from Dundas Street to Silver Maple Road, Max Kahn Boulevard from Dundas Street to Silver Maple Road and all street trees.
- These outstanding public works have now been accepted and inspected through the assumption of this development and deemed acceptable.

BACKGROUND:

As a requirement of the Subdivision Agreement, when all the obligations of the Owner have been fulfilled, a request may be made to the Town for the assumption of the works and streets within Registered Plan of Subdivision (20M-1183).

The Registered Plan (Appendix B – 20M-1183) identifies the location of the plan and area(s) to be assumed during the remainder assumption of the Shieldbay development, by the Town.

As set out in the Subdivision Agreement, when the obligations of the Owner have been fulfilled, the Developer may request that the Town assume public elements within the Plan of Subdivision. The Developer has requested assumption, which has prompted this report to Council.

Most of the public works within Plan 20M-1183 were assumed by the Town through By-law 2021-092, save and except the following: Silver Maple Road, Eighth Line from Dundas Street to Silver Maple Road, Max Kahn Boulevard from Dundas Street to Silver Maple Road and all street trees.

COMMENT/OPTIONS:

The request for assumption was circulated to the standard commenting departments and external agencies, concluding with no concerns in moving forward with clearance for assumption.

CONSIDERATIONS:

(A) PUBLIC

N/A

(B) FINANCIAL

In accordance with the Terms and Conditions of the Subdivision Agreement, the balance of subdivision securities can be released upon assumption of the public infrastructure.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

All affected departments (Parks and Open Space, Legal Services, Finance and Transportation and Engineering) have been circulated and provided their respective signoffs.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:
Be accountable in everything we do.

(E) CLIMATE CHANGE/ACTION

The final assumption ensures that the development has been constructed in accordance with the sustainability objectives of the draft plan approval.

APPENDICES:

Appendix A – By-law 2023-062
Appendix B – Registered Plan 20M-1183

Prepared by:
Matthew Thomas, CET
Development Coordinator

Recommended by:
Kristina Parker, P.Eng.
Manager, Development Services

Submitted by:
Jill Stephen, P.Eng.
Director, Transportation and Engineering

Appendix A

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2023-062

A by-law to assume completed public works within Plan 20M-1183 or outside of Plan 20M-1183 that were required as a condition of draft approval, as they relate to Silver Maple Road, Eighth Line from Dundas Street to Wheat Boom Drive, Max Kahn Boulevard from Dundas Street to Silver Maple Road, and all street trees not previously assumed under By-law 2021-092.

COUNCIL ENACTS AS FOLLOWS:

The public works completed within Plan 20M-1183 or outside of Plan 20M-1183 that were required as a condition of draft approval, as they relate to Silver Maple Road, Eighth Line from Dundas Street to Wheat Boom Drive, Max Kahn Boulevard from Dundas Street to Silver Maple Road and all street trees, are hereby assumed.

PASSED this 12th day of June, 2023

_____ _____

MAYOR CLERK

APPENDIX B

CURVE TABLE				
LOT	RADIUS	ARC	CHORD	BEARING
LOT 1	60.00	21.13	21.02	N19°44'30"W
LOT 2	60.00	17.80	17.74	N38°20'00"W
LOT 13	517.00	1.64	1.64	N46°44'30"W
LOT 14	517.00	3.03	3.03	N46°29'00"W
LOT 33	500.00	2.90	2.90	N46°28'50"W
LOT 34	500.00	1.62	1.62	N46°44'30"W
LOT 42	62.00	9.67	9.66	N42°21'50"W
LOT 43	62.00	13.37	13.34	N31°43'10"W
LOT 44	62.00	12.95	12.93	N19°33'30"W
LOT 45	45.00	23.66	23.39	N31°46'10"W
LOT 62	17.00	14.18	13.77	N15°30'10"E
LOT 63	40.00	12.23	12.19	N84°58'30"W
LOT 64	40.00	11.44	11.40	N68°01'10"W
LOT 65	40.00	9.43	9.41	N53°04'10"W
LOT 72	67.00	10.91	10.90	N42°10'00"W
LOT 73	67.00	4.52	4.52	N35°34'00"W
LOT 76	50.00	8.48	8.47	N38°29'10"W
LOT 77	50.00	3.05	3.04	N45°05'20"W
LOT 81	517.00	4.67	4.67	N46°34'30"W
LOT 86	23.00	9.91	9.83	N58°39'20"W
LOT 87	23.00	9.13	9.07	N82°22'00"W
LOT 89	17.00	12.63	12.34	N25°01'30"W
LOT 94	500.00	4.52	4.52	N46°34'30"W
LOT 96	47.00	9.13	9.11	N41°16'10"W
LOT 97	47.00	16.12	16.04	N25°52'50"W
LOT 98	47.00	13.71	13.66	N7°42'00"W
LOT 100	30.00	16.43	16.23	N15°02'10"W
LOT 101	30.36	7.40	7.38	N70°37'00"W
LOT 101	29.99	21.28	20.84	N43°18'20"W
LOT 101	47.00	11.32	11.29	N32°04'40"W
LOT 102	47.00	14.33	14.28	N16°26'40"W
LOT 102	30.25	19.06	18.75	N35°38'40"E
LOT 103	47.00	6.86	6.85	N3°31'40"W
LOT 103	30.01	6.03	6.02	N13°42'10"E
LOT 104	30.01	5.89	5.88	N2°19'20"E
LOT 105	30.01	4.13	4.12	N6°18'00"W
LOT 105	30.00	8.72	8.69	N7°40'10"W
LOT 106	30.01	12.35	12.27	N22°02'00"W
LOT 106	30.00	16.15	15.95	N31°24'50"W
LOT 107	30.01	4.56	4.56	N38°10'50"W
LOT 108	30.01	1.37	1.37	N42°54'30"W
LOT 108	517.00	4.39	4.39	N46°35'20"W
LOT 109	30.01	14.25	14.11	N57°49'00"W
LOT 109	517.00	0.28	0.28	N46°19'50"W
LOT 113	34.00	25.27	24.69	N25°01'30"W
LOT 114	34.00	28.36	27.54	N15°30'20"E
LOT 122	17.00	1.54	1.54	N41°59'30"E
LOT 123	17.00	11.15	10.96	N63°22'50"E
LOT 124	17.00	11.16	10.96	N79°01'20"W
LOT 125	17.00	4.13	4.12	N53°16'10"W
LOT 135	500.00	4.52	4.52	N46°34'30"W
LOT 146	77.00	9.89	9.88	N43°09'20"W
LOT 147	77.00	13.55	13.53	N34°26'10"W
LOT 148	77.00	13.54	13.52	N24°21'30"W
LOT 149	77.00	14.26	14.24	N14°00'50"W
LOT 154	77.00	4.47	4.47	N7°02'40"W
LOT 155	60.00	4.48	4.47	N7°31'00"W
LOT 159	62.00	8.87	8.86	N9°28'40"W
LOT 160	45.00	8.90	8.88	N11°02'40"W
LOT 161	69.00	3.78	3.78	N83°03'00"E
LOT 162	69.00	13.39	13.37	N75°55'20"E
LOT 163	69.00	7.68	7.68	N67°10'30"E
LOT 164	69.00	5.22	5.22	N39°19'40"E
LOT 170	30.00	11.58	11.51	N41°47'00"W
LOT 171	47.00	11.37	11.35	N45°54'30"W
LOT 174	29.99	7.31	7.29	N15°59'40"W
LOT 174	31.07	17.25	17.03	N5°56'50"E
LOT 174	219.00	4.41	4.41	N37°50'00"E
LOT 174	200.00	3.11	3.11	N37°57'50"E
LOT 175	50.00	3.14	3.14	N82°49'20"E
LOT 178	94.50	4.48	4.48	N6°44'10"W
LOT 178	67.00	3.05	3.05	N6°41'00"W
LOT 179	94.50	18.69	18.66	N13°45'40"W
LOT 179	67.00	13.24	13.21	N13°39'00"W
LOT 180	94.50	18.71	18.67	N25°05'50"W
LOT 180	67.00	13.25	13.23	N24°58'30"W
LOT 181	94.50	20.76	20.72	N37°03'40"W
LOT 181	67.00	13.19	13.16	N36°16'40"W
LOT 193	50.00	2.63	2.63	N44°10'30"W
LOT 194	50.00	20.46	20.32	N30°56'30"W
LOT 195	50.00	12.08	12.05	N12°17'50"W
LOT 203	67.00	13.21	13.19	N11°01'40"W
LOT 204	67.00	13.18	13.15	N22°18'40"W
LOT 205	67.00	12.22	12.20	N33°10'00"W
LOT 206	67.00	8.53	8.52	N42°02'10"W
LOT 223	50.00	15.63	15.57	N36°43'40"W
LOT 224	50.00	18.70	18.59	N17°03'20"W
LOT 225	50.00	0.84	0.84	N5°51'30"W
LOT 230	32.00	9.13	9.10	N13°33'20"W
LOT 231	32.00	11.29	11.24	N31°50'30"W
LOT 232	32.00	2.08	2.08	N43°49'10"W
LOT 238	67.00	0.31	0.31	N45°48'50"W
LOT 244	15.00	10.55	10.34	N25°31'50"W
LOT 246	50.00	5.83	5.83	N49°01'20"W
LOT 247	67.00	7.51	7.50	N49°09'20"W
LOT 251	50.00	5.83	5.83	N49°01'20"W
LOT 252	67.00	7.81	7.81	N49°01'20"W
LOT 301	167.00	1.59	1.59	N45°59'50"W
LOT 328	250.00	27.66	27.65	N46°30'00"W
LOT 336	150.00	1.43	1.43	N45°59'50"W
LOT 349	250.00	27.52	27.50	N52°49'20"W
BLOCK 365	221.00	18.44	18.44	N40°01'40"E
BLOCK 366	222.50	45.22	45.14	N49°18'40"W
BLOCK 366	250.00	27.66	27.65	N46°30'00"W
BLOCK 366	250.00	27.52	27.50	N52°49'20"W
BLOCK 379	50.00	13.86	13.82	N53°44'00"W
BLOCK 380	50.00	29.41	28.99	N78°31'40"W
BLOCK 381	150.00	0.34	0.34	N45°47'20"W
BLOCK 382	167.00	0.38	0.38	N45°47'20"W
BLOCK 383	221.00	8.58	8.58	N48°12'20"E
BLOCK 384	500.00	4.52	4.52	N46°34'30"W
BLOCK 384	517.00	4.67	4.67	N46°34'30"W
BLOCK 385	94.50	20.76	20.72	N37°03'40"W
BLOCK 385	94.50	18.71	18.67	N25°05'50"W
BLOCK 385	94.50	18.69	18.66	N13°45'40"W
BLOCK 385	94.50	4.48	4.48	N6°44'10"W
BLOCK 385	50.00	38.28	37.35	N59°05'30"E
BLOCK 385	219.00	3.40	3.40	N37°57'50"E
BLOCK 385	200.00	4.02	4.02	N37°50'00"E
BLOCK 386	199.00	40.57	40.50	N43°28'30"E
BLOCK 386	67.00	4.41	4.40	N43°48'00"W
BLOCK 387	31.07	17.25	17.03	N5°56'50"E
BLOCK 387	29.99	7.31	7.29	N15°59'40"W
BLOCK 387	29.99	21.28	20.84	N43°18'20"W
BLOCK 387	30.36	7.40	7.38	N70°37'00"W
BLOCK 387	30.25	19.06	18.75	N35°38'40"E
BLOCK 387	30.01	6.03	6.02	N13°42'10"E
BLOCK 387	30.01	5.89	5.88	N2°19'20"E
BLOCK 387	30.01	4.13	4.12	N6°18'00"W
BLOCK 387	30.01	12.35	12.27	N22°02'00"W
BLOCK 387	30.01	4.56	4.56	N38°10'50"W
BLOCK 387	30.01	1.37	1.37	N42°54'30"W
BLOCK 387	30.01	14.25	14.11	N57°49'00"W
BLOCK 387	69.00	7.39	7.38	N87°41'20"E

MUNICIPAL APPROVAL
24T-14002/1311
APPROVED UNDER SECTION 51 OF THE PLANNING ACT, R.S.O.1990, c.P.13, THIS ___ DAY OF ___ 2016.
MARK H. SIMEONI
DIRECTOR OF PLANNING SERVICES
(AUTHORITY GRANTED BY BY-LAW 1998-272, AS AMENDED)

PLAN 20M-1183

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF HALTON (No. 20) AT 10:03 AM O'CLOCK ON THE 9th DAY OF NOVEMBER, 2016 AND ENTERED IN THE PARCEL REGISTER FOR PROPERTY IDENTIFIER 24930-0154 (LT)

AND THE REQUIRED CONSENTS ARE REGISTERED AS PLAN DOCUMENT No. HR 1408624

Isabelle Cole
REPRESENTATIVE FOR THE LAND REGISTRAR

THIS PLAN COMPRISES ALL OF PIN 24930-0154 (LT)

PART OF POSTRIDGE DRIVE, GRINDSTONE TRAIL, GEORGE RYAN AVENUE, SILVER MAPLE ROAD AND BLOCK 394 (0.30 RESERVE) ARE SUBJECT TO AN EASEMENT AS IN INST No. HR1391451 AND INST No. HR1391749.

PLAN OF SUBDIVISION OF
PART OF LOT 11
CONCESSION 1
NORTH OF DUNDAS STREET
(GEOGRAPHIC TOWNSHIP OF TRAFALGAR)
TOWN OF OAKVILLE
REGIONAL MUNICIPALITY OF HALTON

SCALE 1 : 1000
20 0 20 40 60 metres

J. D. BARNES LIMITED

METRIC DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

OWNER'S CERTIFICATE - PLAN OF SUBDIVISION

THIS IS TO CERTIFY THAT:

1. LOTS 1 TO 363 BOTH INCLUSIVE, BLOCKS 364 TO 390 BOTH INCLUSIVE, THE STREETS NAMELY: BUTTONBUSH TRAIL, GEORGE RYAN AVENUE (NORTH PORTION), GEORGE RYAN AVENUE (SOUTH PORTION), GRINDSTONE TRAIL (NORTH PORTION), GRINDSTONE TRAIL (SOUTH PORTION), LANE 165, MAX KHAN BOULEVARD, MEADOW MARSH CRESCENT, POSTRIDGE DRIVE, RIVER ROCK PATH, SILVER MAPLE ROAD (NORTH PORTION), SILVER MAPLE ROAD (SOUTH PORTION), STREAMWOOD PASSAGE, THRESHING MILL BOULEVARD, WHEAT BOOM DRIVE, WILLIAM ROSE WAY (WEST PORTION) AND WILLIAM ROSE WAY (EAST PORTION), THE STREET WIDENING NAMELY BLOCK 391 AND THE 0.3m RESERVES NAMELY BLOCKS 392 TO 394 BOTH INCLUSIVE, HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS.
2. THE STREETS ARE HEREBY DEDICATED TO THE CORPORATION OF THE TOWN OF OAKVILLE AS PUBLIC HIGHWAY.
3. THE STREET WIDENING IS HEREBY DEDICATED TO THE REGIONAL MUNICIPALITY OF HALTON AS PUBLIC HIGHWAY.

DATED THIS 9th DAY OF SEPTEMBER 2016

SHIELDBAY DEVELOPMENTS INC.

MAURO BALDASSARRA
(SECRETARY)
"I HAVE THE AUTHORITY TO BIND THE CORPORATION"

NOTES

BEARINGS ARE GRID, DERIVED FROM SPECIFIED CONTROL POINTS (SCPs) 00119633607 AND 00819810057, UTM ZONE 17, NAD83 (ORIGINAL).

INTEGRATION DATA		
SPECIFIED CONTROL POINTS (SCPs): UTM ZONE 17, NAD83 (ORIGINAL). COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14 (2) OF O.REG 216/10.		
POINT ID	EASTING	NORTHING
SCP 00819810057	601 539.729	4 816 706.611
SCP 00119633607	604 247.153	4 815 108.711
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9997047.

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT SET
SIB	DENOTES	STANDARD IRON BAR
SSIB	DENOTES	SHORT STANDARD IRON BAR
IB	DENOTES	IRON BAR
IP	DENOTES	IRON PIPE
RIB	DENOTES	ROUND IRON BAR
FD	DENOTES	FOUND
MEAS	DENOTES	MEASURED
760	DENOTES	K. H. McCONNELL, O.L.S.
950	DENOTES	F. G. CUNNINGHAM, O.L.S.
RPE	DENOTES	RADY-PENTEK & EDWARD SURVEYING LTD.
P1	DENOTES	PLAN 20R-15310
P2	DENOTES	EXPROPRIATION PLAN HR892159
P3	DENOTES	PLAN HR-7
P4	DENOTES	PLAN 20R-15060
P5	DENOTES	EXPROPRIATION PLAN 1174
D1	DENOTES	INST. No. 116300
C1	DENOTES	CALCULATED FROM P1 & P2

SURVEY MONUMENTS PLANTED ARE IRON BARS UNLESS OTHERWISE NOTED.

DISTANCES SHOWN ON CURVED LIMITS ARE ARC MEASUREMENTS.

SURVEY MONUMENTS FOUND ARE J.D. BARNES LIMITED UNLESS OTHERWISE NOTED.

ALL SET SSIB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O.REG. 525/91.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 12th DAY OF JULY, 2016.

DATE September 9th, 2016

R. S. QUERUBIN
ONTARIO LAND SURVEYOR

J.D.BARNES LIMITED
SURVEYING PLANNING MAPPING GIS
LAND INFORMATION SPECIALISTS
401 WHEELABRATOR WAY, SUITE A MILTON, ON L9T 3C1
T: (905) 875-9955 F: (905) 875-9956 www.jdbarnes.com

DRAWN BY: CE/RA/MD	CHECKED BY:	REFERENCE NO.: 13-30-536-00
FILE: G:\13-30-536\00\mp33053600.dgn		DATED: September 9th, 2016

REPORT

Planning and Development Council

Meeting Date: June 12, 2023

FROM:	Planning Services Department
DATE:	May 30, 2023
SUBJECT:	**Recommendation Report, Draft Plan of Condominium, MC Oakvillage Inc., 24CDM-22006/1312 - 335, 345 and 349 Wheatboom Drive**
LOCATION:	335, 345 and 349 Wheatboom Drive
WARD:	Ward 7

RECOMMENDATION

That the Director of Planning Services be authorized to grant draft plan approval to the Draft Plan of Condominium (24CDM-22006/1312) submitted by MC Oakvillage Inc., prepared by R-PE Surveying Ltd., dated December 12, 2022, subject to the conditions contained in Appendix 'A' of the Planning Services report dated May 30, 2023.

KEY FACTS

The following are key points for consideration with respect to this report:

- A draft plan of condominium application for a phased strata condominium has been submitted to create condominium tenure for a development with 536 residential units. Phase 1 consists of four stacked back-to-back townhouse blocks comprising of 100 residential units, and a single 18-storey tower consisting of 175 residential units. Phase 2 consists of a single 20-storey tower, comprised of 261 residential units. All units have parking within two-levels of a shared underground parking; with minimal surface parking available.
- Within the 20-storey building is 344 m2 of freehold at-grade commercial. Phase 2 will have the effect of creating a strata separation of ownership between the residential condominium use and the freehold commercial use. MC Oakvillage Inc. intends to retain ownership of the commercial space.
- Condominium tenure would allow for the transfer of individual units to the future owners.

- The development received final site plan approval (SP.1312.012.01) on January 7, 2022.
- There were no concerns raised with the application from circulated internal or external agencies.
- Staff recommends approval of the draft plan of phased strata condominium subject to the conditions outlined in Appendix 'A'.

BACKGROUND

The subject lands form a block on 20M-1211 of the Dundas-Trafalgar Inc. Subdivision.

Figure 1: Aerial Photo of the subject lands

The Trafalgar Road blocks were part of the second phase of the subdivision registration that took place in November, 2018. The zoning for the lands was approved March, 2020 as part of a settlement hearing in front of the LPAT, and the site plan was approved by the Director of Planning on January 7, 2022. Through the settlement discussions a commitment by the applicant to provide a public walkway, adjacent to the natural heritage system lands to the east, was agreed to and included in the minutes of settlement. The publicly accessible walkway will remain within the ownership of this condominium and the future condominium to the north.

Proposal:

The applicant seeks approval for a phased plan of condominium, consisting of two phases, to establish condominium tenure for a 14-storey residential building with 266 units with driveway access from Wheat Boom Drive. The context plan is shown as Figure 2 below and as a 3D model in Figure 3 and 4.

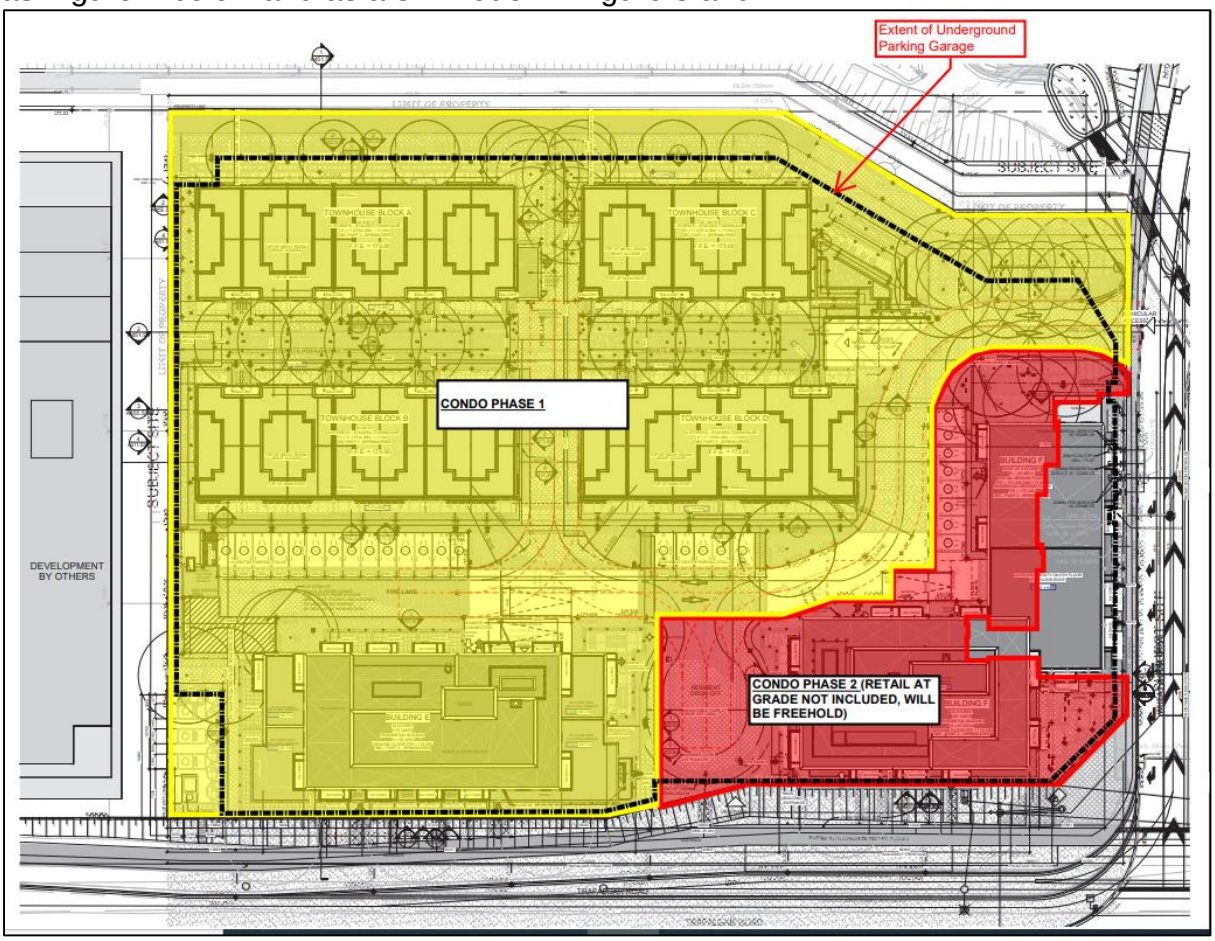


Figure 2: Context Plan for the subject condo (Phase 1 in yellow and Phase 2 in red)

Figure 2: 3D model view for the subject condo from the Trafalgar Road frontage (Phase 1 in green, Phase 2 in yellow and the freehold commercial space is identified in pink)

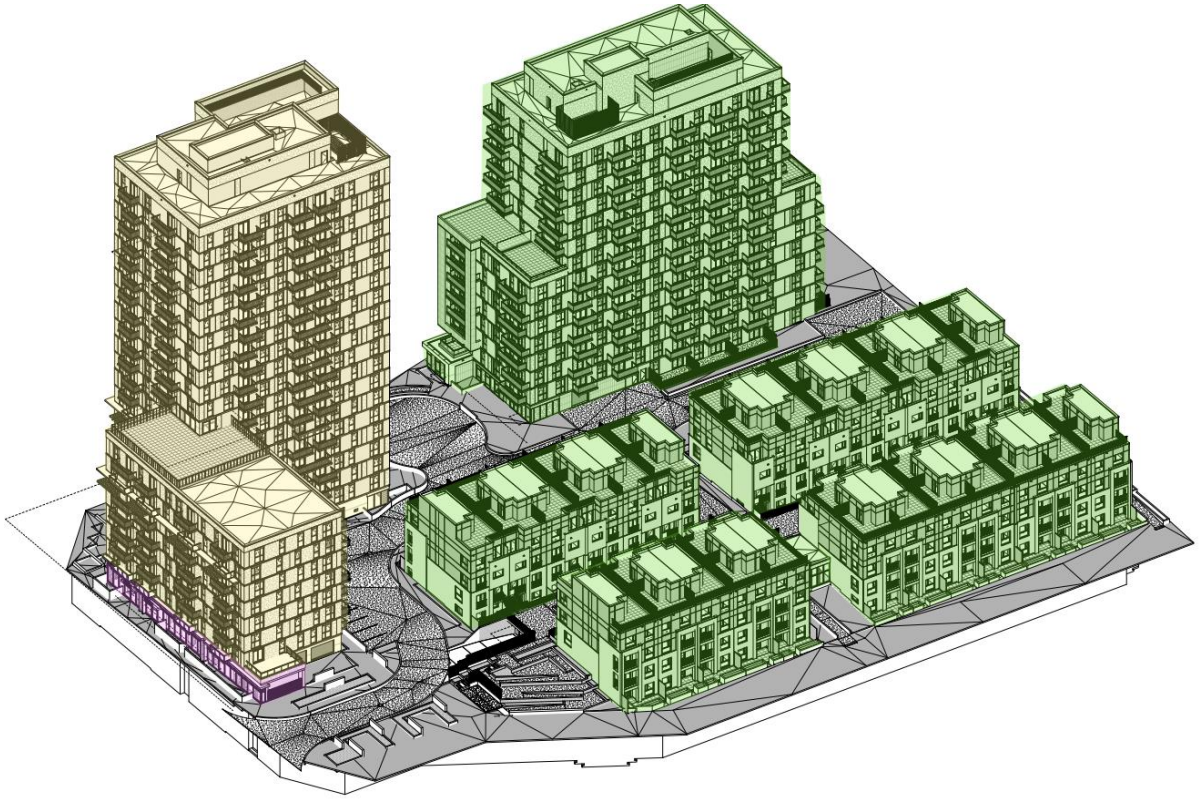


Figure 3: 3D model view for the subject condo from the eastern property boundary (Phase 1 in green, Phase 2 in yellow and the freehold commercial space is identified in pink)

A condition has been included in Schedule A recognizing any deficiencies are brought into compliance with the Zoning By-law through the Committee of Adjustment and/or Zoning By-law amendment. An application to the Committee of Adjustment for relief from the minimum parking stall width for four stalls was approved on May 2, 2023. The majority of the parking to accommodate the residential units is located in the underground garage, and there are 27 parking spaces available at-grade.

The underground garage extends to the limits of the property boundaries and is located under the future condominium Phases 1 and 2. The above grade phasing line extends below grade thereby maintaining the separation of the two Phases. The condominium will have a driveway off of Wheat Boom Drive which provides access to each building, and the interior open space and walkway. The walkway, which extends from Wheat Boom Drive to Threshing Mill Boulevard, will be constructed by the applicant with a public easement in favour of the Town. Freehold commercial space is located at-grade in the 20-storey building within Phase 2, and MC Oakvillage Inc. will retain ownership. A strata separation of uses will result from the formation of the condominium corporation and a shared use agreement will be in place to recognize the shared parking arrangements. Easements will be created to support each of the Phases as they are completed as well as for the freehold commercial space.

The draft plan is attached as Appendix ‘B’. Upon final approval of the plan of phased condominium, the condominium corporation will be responsible for the management of the development.

Submission materials are posted on the town’s website:
da - MC Oakvillage GP Inc. - 335, 345 and 349 Wheat Boom Drive (oakville.ca)

Location & Site Description
The subject land area is 1.32 hectares and fronts onto Trafalgar Road vehicular access from Wheat Boom Drive.

Surrounding Land Uses
The surrounding land uses are as follows:

North:	Future mixed use development that is currently vacant
East:	Natural Heritage System (NHS) and townhouse condominium development
South:	Wheat Boom Drive, NHS and townhouse condominium development
West:	Trafalgar Road and Green Ginger Phase 2 Trafalgar Urban Core blocks that are currently vacant

PLANNING POLICY & ANALYSIS

The property is subject to the following policy and regulatory framework:

- Provincial Policy Statement (2020)
- Growth Plan for the Greater Golden Horseshoe (2019)
- Halton Region Official Plan
- North Oakville East Secondary Plan
- Zoning By-law 2009-189

<u>2020 Provincial Policy Statement:</u>
The Provincial Policy Statement (2020) ('PPS') is intended to promote a policy led system, which recognizes that there are complex relationships among environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas and by promoting a compact development form.

Staff is of the opinion that the proposed draft plan of condominium is consistent with the 2020 Provincial Policy Statement as it adds to the range of residential uses, provides for compact development that makes use of existing municipal infrastructure, including Oakville Transit routes and the Uptown Core Transit Terminal which is approximately a ten-minute walk from the subject lands.

<u>2019 Growth Plan for the Greater Golden Horseshoe:</u>
The Growth Plan is a long-term plan that intends to manage growth, build complete communities, curb sprawl and protect cultural heritage resources and the natural environment.

The Growth Plan provides policies for where and how to grow, directing population and employment growth to urban areas and rural settlement areas with delineated built boundaries on full municipal services (policy 2.2.1). The policies of the Growth Plan are to be applied to support complete communities that feature a diverse mix of land uses with convenient access to local stores, services, and public service facilities, provide a diverse range and mix of housing options, and expand convenient access to transportation options.

The subject lands are located within a "Designated Greenfield Area", where areas are to be planned, designated, zoned and designed in a manner that supports the achievement of complete communities, supports active transportation and encourages the integration and sustained viability of transit services.

Staff is of the opinion that the proposed draft plan of condominium conforms and therefore does not conflict with the Growth Plan 2019 as the application contributes to the achievement of complete communities by providing additional residential unit

types to help accommodate people at different stages of life, as well as new commercial uses and access to local transit services.

Halton Region Official Plan

The subject lands are designated “Urban Area” in 2009 Regional Official Plan. The Urban Area is “planned to accommodate the distribution of population and employment for the Region and the four Local Municipalities”. One of the objectives of the Urban Area (Policy 72(1)) is to “accommodate growth in accordance with the Region’s desire to improve and maintain regional unity, retain local community identity, create healthy communities, promote economic prosperity, maintain a high quality, sustainable natural environment, and preserve certain landscapes permanently”.

The proposed draft plan of condominium conforms with the Regional Official Plan, given the proposed development represents compact development and healthy communities where residents can walk to commercial and service businesses as well as to transit facilities.

North Oakville East Secondary Plan

The subject lands are designated Trafalgar Urban Core (TUC) on Figure NOE2, Land Use Plan in the NOESP. The zoning by-law for the subject lands permits mixed use and stand-alone residential buildings fronting onto Trafalgar Road with heights starting at twelve storeys on this block. The application provides an appropriate transition of height and use from Trafalgar Road to the lower density residential areas to the east and the future development block to the south, in terms of land use, height and density in a manner consistent with NOESP and the approved site plan application.

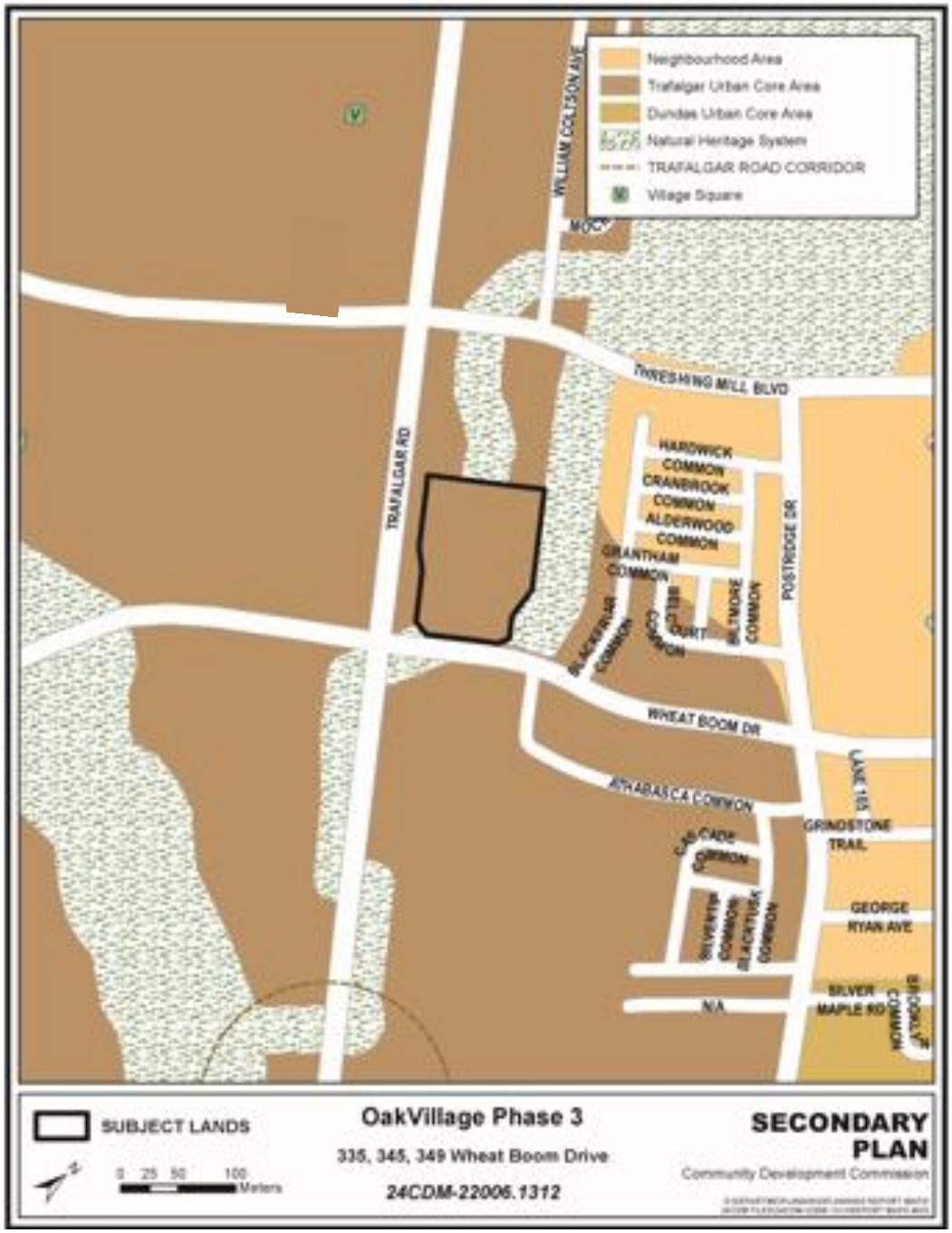


Figure 5: Excerpt from the North Oakville East Secondary Plan

<u>Zoning By-law 2009-189</u>

The subject lands are zoned TUC SP65 as shown on Figure 6 below. The development has been constructed in accordance with the Zoning By-law.

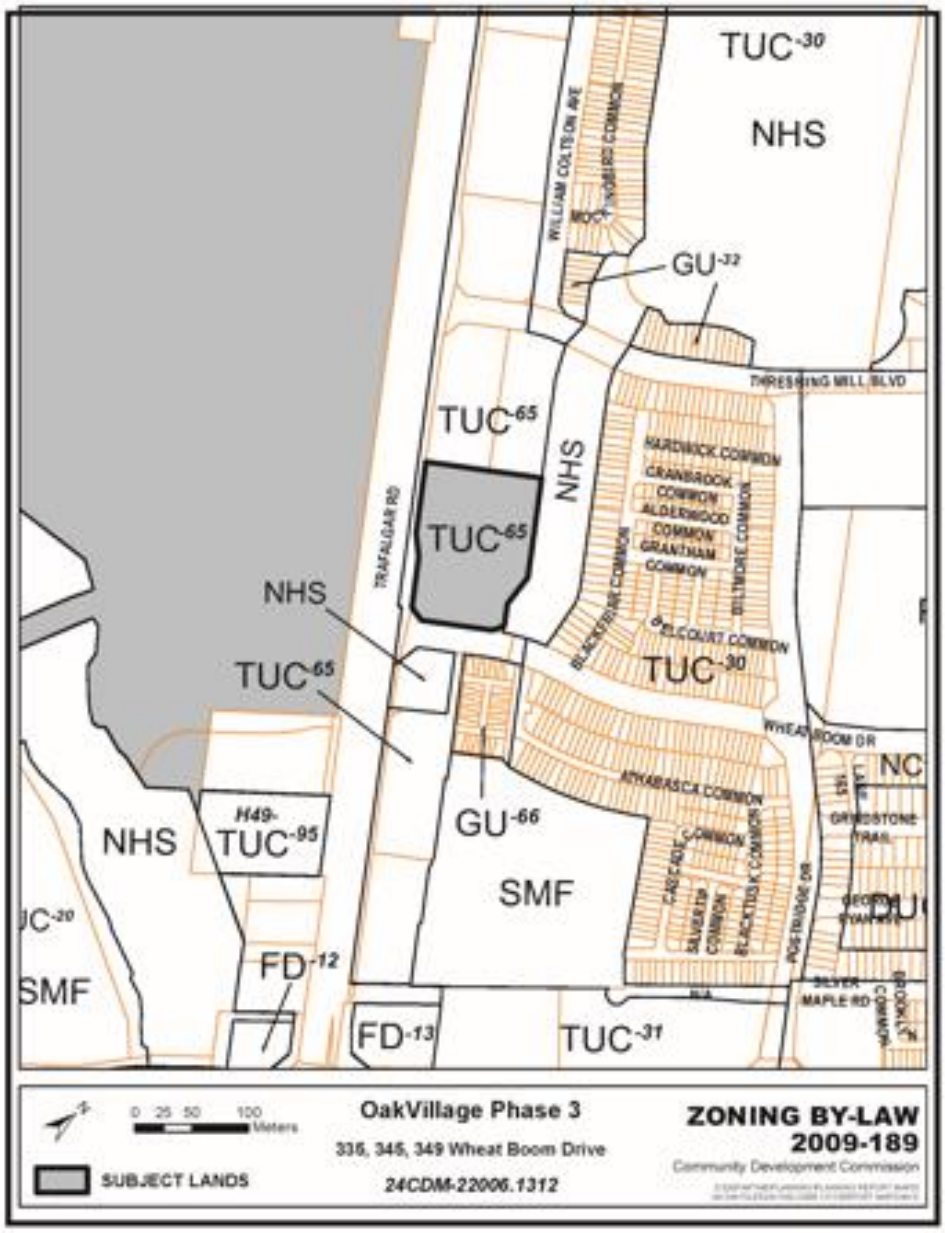


Figure 6: Excerpt from the North Oakville Zoning By-law

As a standard condition of approval for all developments, the applicant will be required to confirm that the "as built" development complies with the Zoning By-law prior to registration.

PLANNING ANALYSIS

<u>Technical Review</u>
The purpose of the proposed condominium is to create condominium tenure for 536 residential units on a private condominium road.

Through the review and approval of the site plan application the development has been subject to detailed technical analysis. Specifically, the following matters were addressed through previous processes:

- Built form and site layout;
- Elevations;
- Pedestrian circulation;
- Landscaping and urban design;
- Grading and stormwater management;
- Vehicular access;
- Visitor parking spaces;
- Conformity with the North Oakville East Secondary Plan; and
- Compliance with the Zoning By-law.

The proposed phased condominium includes residential parking within the underground garage and visitor parking at grade, as well as within the garage. The applicant recognized that four parking spaces included obstructions (wall, column, fire cabinet) that reduced the dimensions of the space below what is required by Section 5.4.1.3 of Zoning By-law 2009-189. An application for relief of the minimum width requirement of 2.90 metres for a parking space was approved by the Committee of adjustment on May 2, 2023, and the 20-day appeal period has passed.

The plan is consistent with the plans approved as part of the January 7, 2022 site plan approval (SP.1312.012/01).

The draft plan of phased condominium application was circulated to internal departments and external agencies for comments and there were no issues raised. Draft plan of condominium conditions have been included in Appendix ‘A’ of this report. Accordingly, Staff have determined that the proposed plan of condominium meets the criteria established in Section 51(24) of the *Planning Act* and is consistent with the North Oakville East Secondary Plan.

CONCLUSION

Staff recommends approval of the draft plan of condominium subject to the conditions noted in Appendix A, as the application is consistent with the Provincial Policy Statement, does not conflict with provincial plans or to the Region of Halton Official Plan, has regard for matters of Provincial interest, and represents good planning. Further the application is consistent with the North Oakville East Secondary Plan and Zoning By-law 2009-189. The following requirements have been satisfied:

- The proposed plan of condominium meets the criteria established in Section 51(24) of the *Planning Act*;
- The proposed development conforms to the North Oakville East Secondary Plan and complies with the Zoning By-law regulations applicable to the subject lands;
- The application to the Committee of Adjustment for relief from Section 5.4.1.3 of By-law 2009-189 for four parking spaces was approved.
- A full circulation has been undertaken and there are no outstanding financial or planning issues to be resolved;
- The development has been granted final site plan approval where site servicing, grading and stormwater management, landscaping, urban design and financial obligations were addressed through the conditions of site plan approval.
- There is no need for a condominium agreement as all financial, design and technical requirements have been addressed through the site plan approval process and the Town holds sufficient securities to allow for the completion of the required site works.
- Opportunities for public participation were provided as part of the previous site plan application, rezoning and subdivision processes.
- Approval of the draft plan of the phased strata condominium is necessary to create each unit as its own legal parcel, and is appropriate for the orderly development of the lands.
- Building permits have been issued in accordance with the approved Site Plan.

CONSIDERATIONS

(A) PUBLIC

Public input opportunities were provided through the subdivision, zoning and site plan approval processes. No comments were received from the public.

(B) FINANCIAL

Financial requirements specific to construction, such as the payment of development charges and parkland requirements, have been satisfied. A standard condition has been included to ensure that the property taxes are paid to date.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

None of the circulated departments/agencies raised any issues with respect to the proposal. Relevant conditions have been included within the draft plan of condominium conditions listed in Appendix ‘A’.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:

- Be the most livable town in Canada

(E) CLIMATE CHANGE/ACTION

The proposal generally complies with the sustainability objectives of the North Oakville East Secondary Plan.

APPENDICES

Appendix A - Draft Plan of Condominium Conditions for 24CDM-22006/1312
Appendix B - Draft Plan of Condominium

Prepared by:
Tricia Collingwood, MCIP, RPP
Senior Planner

Recommended by:
Leigh Musson, MCIP, RPP
Manager

Submitted by:
Gabriel A.R. Charles, MCIP, RPP
Director

TOWN OF OAKVILLE CONDITIONS FOR FINAL APPROVAL FOR THE REGISTRATION OF THE DRAFT PLAN OF CONDOMINIUM BY MC OAKVILLAGE GP INC.

This approval applies to the phased draft plan of condominium (File 24CDM-22006/1312) submitted by MC Oakvillage Inc., prepared by R-PE Surveyors Ltd., dated December 12, 2022. Phase 1 consists of four stacked back-to-back townhouse blocks with 100 units, and Phase and 18-storey tower with 175 units which will be registered together as the initial condominium. Phase 2, consisting of a 20-storey tower with 261 units and free-hold commercial space at-grade, is dependent on construction timelines and will be registered at a later date.

The final plans are to be reviewed and cleared to the satisfaction of the Town of Oakville.

The Town of Oakville conditions applying to the approval of the final plan for registration of the MC Oakvillage Inc., phased Draft Plan of Condominium (File 24CDM-22006/1312) are as follows for Phase 1:

	PHASE 1 CONDITIONS	*CLEARANCE AGENCY*
	GENERAL	
1.	That the Owner provides confirmation to the satisfaction of the Town's Finance Department that all outstanding property taxes have been paid prior to plan registration.	**OAK(F)**
2.	That the Owner provides a certificate signed by the surveyor and the Owner stating that the plan proposed to be submitted for registration is the same as the latest (most recent) draft approved plan and, if the plans are not the same, that any differences between the proposed registered plan and the latest draft plan are accepted/approved by the Town.	**OAK (A)**
3.	That the Owner provides a certificate from the Owner's engineer stating that all servicing, grading, drainage, overland flow route, and stormwater management requirements, and base asphalt paving have been completed in accordance with the plans and conditions in the original site plan agreement, or that arrangements to the satisfaction of the Director of Engineering have been made for their completion.	**OAK(DE)**
4.	That the Owner confirms to the satisfaction of the Town that detailed design drawings for the construction of the pedestrian and cycling facility, identified as Parts 1 and 2 on Plan 20R-21573, in accordance with the Minutes of Settlement and Final Order for PL170666, are prepared using the Town's design standards.	**OAK(POS)**
	ZONING	
5.	That the Owner/Applicant confirms to the satisfaction of the Town that the "as-built drawings" comply with the Zoning By-law and that any deficiencies be brought into compliance with the Zoning By-law through the Committee of Adjustment and/or a Zoning By-law amendment.	**OAK (Z)**

LEGAL

6. That the Owner shall file with the Director of Planning, a complete copy of the final version of the Declaration and Description to be registered, which includes the following schedules: **OAK(L)**

(a) Schedule "A" containing a statement from the declarant's solicitor that in his or her opinion, based on the parcel register or abstract index and the plans and drawings recorded in them, the legal description is correct, and any easements mentioned in the schedule will exist in law upon the registration of the Declaration and Description; and

(b) Schedule "G" being the certification of the project engineer and/or architect that all buildings have been constructed in accordance with the regulations under the Condominium Act.

When the Owner files a copy of the Declaration with the Director of Planning, it shall be accompanied with a letter of undertaking, stating that, "This is our undertaking to register the Declaration in the same form and content as was provided to you, subject to any changes the Land Registrar may require. This is also our undertaking to provide you with a registered copy of the Declaration once it is registered. If the Land Registrar requires any amendments to the Declaration, we will advise you."

7. The Owner shall provide evidence of a shared facilities agreement between the Phase 1 condominium and the adjacent lands retained by the Owner.

8. That the Owner shall include in Schedule “A” to the condominium declaration all necessary and appropriate easements to the satisfaction of the Town, and provide evidence satisfactory to the Town’s legal department that the necessary easements are in place, or will be created in the declaration, to allow the Phase 1 condominium to function completely independent and compliant from the adjacent lands retained by the Owner in all perspectives.

9. Visitor parking shall be unitized in the Condominium with ownership to be conveyed to the Condominium and the Declarant (as owner of the retail non condominium space) immediately after registration to be co-owned equally by the Condominium and Declarant. The Owner shall provide an irrevocable direction to its solicitor to effect this transfer and the Owner’s solicitor shall provide the Town with an undertaking to effect this transfer. Once conveyed to these parties, the visitor parking units shall not thereafter be conveyed to any other party or mortgaged and the Declaration shall contain a restriction to this effect. The Declaration shall also include wording to provide and maintain the visitor parking spaces for the exclusive use of visitors to the condominium and the retail non condominium space.

Notwithstanding the restriction on future conveyances, the owner of the non-condominium retail component can convey its interest in the visitor parking units to any condo corporation it creates on the retail lands and to any owner of the whole of the non-condo retail space.

HALTON REGION

10. All applicable noise warning clauses in relation to impacts from the Regional Road, as set out in the approved Noise Impact Study and listed in the Town's Site Plan Agreement shall be included in the Condominium Declaration, to the satisfaction of Halton Region. **RMH (PPW)**

In this regard, submission of the proposed Condominium Declaration is required.

HALTON SCHOOL BOARDS

11. The Owner agrees to place the following notification in all offers of purchase and sale for all lots/units: **HDSB HCDSB**

    a) Prospective purchasers are advised that pupils may be accommodated in temporary facilities and/or directed to school outside of the area.
    b) Prospective purchasers are advised that school busses will not enter cul-de-sacs and pick up points will be generally located on roads presently in existence, on through streets, or other pick up areas convenient to the Halton Student Transportation Services and the Halton Catholic District School Board. Additional pick up points will not be located within the subdivision until major construction activity has been completed.

12. That in cases were offers of purchase and sale have already been executed, the Owner sends a letter to all purchasers which include the above statements.

13. That the developer agrees that, should the development be phased, a copy of the phasing plan must be submitted prior to final approval to the Halton District School Board and the Halton Catholic District School Board. The phasing plan will indicate the sequence of development of residential units for each phase.

14. That the Owner shall supply, erect and maintain signs at all major entrances in the new development advising prospective purchasers that pupils may be directed to schools outside of the area. The Owner will make these signs to the specifications of the Halton District School Board and the Halton Catholic District School Board and erect them prior to the issuance of building permits.

15. That a copy of the approved sidewalk plan, prepared to the satisfaction of the Town of Oakville be submitted to the Halton District School Board and the Halton Catholic District School Board.

BELL CANADA

16. That the Owner provides written confirmation that all Bell Canada matters have been satisfactorily addressed. **BC**

CANADA POST

17. That the Owner provides written confirmation that all Canada Post matters have been satisfactorily addressed. **CP**

ROGERS

18.	That the Owner provides written confirmation that all necessary easements and maintenance agreements required by those CRTC-licensed telephone companies and broadcasting distribution companies intending to serve the Condominium (collectively, the "Communications Service Providers").	**R**
19.	That the Owner, in consultation with the applicable utilities and Communication Service Providers, provide confirmation that the overall utility distribution plan that shows the locations of the installed, and phased, utility infrastructure for the Condominium.	

CLOSING CONDITIONS

1.	Prior to signing the final plan the Director of Planning Services shall be advised that all conditions have been carried out to the satisfaction of the relevant agencies, and that a brief but complete statement detailing how each condition has been satisfied has been provided.	**OAK (A)**
2.	Prior to signing the final plan, the Director of Planning Services shall be advised by the Regional Municipality of Halton that condition 10, 11, and 12 have been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.	**RMH (PPW)**
3.	Prior to signing the final plan, the Director of Planning Services shall be advised by Bell Canada that condition 16 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.	**OAK(A)** **BC**
4.	Prior to signing the final plan, the Director of Planning Services shall be advised by Canada Post that condition 17 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.	**OAK(A)** **CP**
5.	All of the above conditions shall be satisfied within 3 years of the granting of draft approval, being *DATE*	**OAK (A)**

NOTES – The owner is hereby advised:

1. If the condominium is not registered within 3 years of the date of draft plan approval, then this approval shall be null and void and the plans and drawings must be resubmitted to the Town of Oakville for approval.

2. Fees are required by Halton Region and may be required by the Local Municipality for each extension to draft approval and for major revisions to the draft plan or conditions.

3. It should be noted that Educational Development Charges are payable in accordance with the applicable Education Development Charge By-law and are required at the issuance of a building permit. Any building permits that are additional to the maximum unit yield that is specified by the Subdivision Agreement are subject to Education Development Charges prior to the issuance of a building permit, at the rate in effect at the date of issuance.

4. **HALTON REGION - Requirements at the time of registration**

   a) Fees are required by Halton Region for each extension to draft approval and for major revisions to the draft plan or conditions and for registration of the plan.

   b) Please note the Owner should be made aware that Halton Region will have the following requirements at the time of registration of the condominium:

- Final draft condominium plans signed and dated by the Owner, Surveyor and initialed by the Town's Planner;
- Regional Registration fee;
- Registry Office review form (Appendix D Form (Formerly Schedule J Form)); and,
- Letter from Applicant/Owner indicating how the Region's conditions of draft approval have been addressed.

TOWN OF OAKVILLE CONDITIONS FOR FINAL APPROVAL FOR THE REGISTRATION OF THE DRAFT PLAN OF CONDOMINIUM BY MC OAKVILLAGE GP INC.

This approval applies to the phased draft plan of condominium (File 24CDM-22006/1312) submitted by MC Oakvillage Inc., prepared by R-PE Surveyors Ltd., dated December 12, 2022. Phase 2, consisting of a 20-storey tower with 261 units and free-hold commercial space at-grade, is dependent on construction timelines and will be registered at a later date.

The final plans are to be reviewed and cleared to the satisfaction of the Town of Oakville.

The Town of Oakville conditions applying to the approval of the final plan for registration of the MC Oakvillage Inc., phased Draft Plan of Condominium (File 24CDM-22006/1312) are as follows for Phase 2:

	PHASE 2 CONDITIONS	*CLEARANCE AGENCY*
	GENERAL	
1.	That the Owner provides confirmation to the satisfaction of the Town's Finance Department that all outstanding property taxes have been paid prior to plan registration.	**OAK (F)**
2.	That the Owner provides a certificate signed by the surveyor and the Owner stating that the plan proposed to be submitted for registration is the same as the latest (most recent) draft approved plan and, if the plans are not the same, that any differences between the proposed registered plan and the latest draft plan are accepted/approved by the Town.	**OAK (A)**
3.	That the Owner provides a certificate from the Owner's engineer stating that all servicing, grading, drainage, overland flow route, and stormwater management requirements, and base asphalt paving have been completed in accordance with the plans and conditions in the original site plan agreement, or that arrangements to the satisfaction of the Director of Engineering have been made for their completion.	**OAK (DE)**
	ZONING	
4.	That the Owner/Applicant confirms to the satisfaction of the Town that the "as-built drawings" comply with the Zoning By-law and that any deficiencies be brought into compliance with the Zoning By-law through the Committee of Adjustment and/or a Zoning By-law amendment.	**OAK (Z)**
	LEGAL	
5.	That the Owner shall file with the Director of Planning, a complete copy of the final version of the Declaration and Description to be registered, which includes the following schedules:	**OAK (L)**

(a) Schedule "A" containing a statement from the declarant's solicitor that in his or her opinion, based on the parcel register or abstract index and the plans and drawings recorded in them, the legal description is correct, and any easements mentioned in the schedule will exist in law upon the registration of the Declaration and Description; and

(b) Schedule "G" being the certification of the project engineer and/or architect that all buildings have been constructed in accordance with the regulations under the Condominium Act.

When the Owner files a copy of the Declaration with the Director of Planning, it shall be accompanied with a letter of undertaking, stating that, "This is our undertaking to register the Declaration in the same form and content as was provided to you, subject to any changes the Land Registrar may require. This is also our undertaking to provide you with a registered copy of the Declaration once it is registered. If the Land Registrar requires any amendments to the Declaration, we will advise you."

6. The Owner shall provide evidence of a shared facilities agreement between the condominium corporation and commercial freehold lands retained by the Owner.

7. That the Owner shall include in Schedule “A” to the condominium declaration all necessary and appropriate easements to the satisfaction of the Town, and provide evidence satisfactory to the Town’s legal department that the necessary easements are in place, or will be created in the declaration, to allow the Phase 3C condominium to function completely independent and compliant from the retained commercial freehold lands in all perspectives.

8. Visitor parking shall be unitized in the Condominium with ownership to be conveyed to the Condominium and the Declarant (as owner of the retail non condominium space) immediately after registration to be co-owned equally by the Condominium and Declarant. The Owner’s solicitor shall provide the Town with an undertaking to effect this transfer and once conveyed to these parties, the visitor parking units shall not thereafter be conveyed to any other party or mortgaged and the Declaration shall contain a restriction to this effect. The Declaration shall also include wording to provide and maintain the visitor parking spaces for the exclusive use of visitors to the condominium and the retail non condominium space.

   Notwithstanding the restriction on future conveyances, the owner of the non-condominium retail component can convey its interest in the visitor parking units to any condo corporation it creates on the retail lands and to any owner of the whole of the non-condo retail space.

HALTON REGION

9. The Owner shall provide an amended Condominium Declaration to include all proposed phases (Phase 1 and Phase 2), to the satisfaction of Halton Region. **RMH (PPW)**

10. The Owner shall provide the proposed metering for each owned commercial/ retail unit, to the satisfaction of Halton Region.

    Note: This may require some plumbing re-work inside the shared easements to accommodate the metering for each owned commercial/retail unit.

11. All applicable noise warning clauses in relation to impacts from the Regional Road, as set out in the approved Environmental Noise Assessment and listed in the Town's Site Plan Agreement shall be included in the Condominium Declaration, to the satisfaction of Halton Region.

    In this regard, submission of the proposed Condominium Declaration is required.

12. The following clause shall be included in the Condominium Declaration, to the satisfaction of Halton Region:

    "Halton Region will provide waste collection services for the residential units. Halton Region will not provide waste collection services for the commercial/retail units."

    In this regard, submission of the proposed Condominium Declaration is required.

HALTON SCHOOL BOARDS

13. The Owner agrees to place the following notification in all offers of purchase and sale for all lots/units: **HDSB HCDSB**

    c) Prospective purchasers are advised that pupils may be accommodated in temporary facilities and/or directed to school outside of the area.
    d) Prospective purchasers are advised that school busses will not enter cul-de-sacs and pick up points will be generally located on roads presently in existence, on through streets, or other pick up areas convenient to the Halton Student Transportation Services and the Halton Catholic District School Board. Additional pick up points will not be located within the subdivision until major construction activity has been completed.

14. That in cases were offers of purchase and sale have already been executed, the Owner sends a letter to all purchasers which include the above statements.

15. That the developer agrees that, should the development be phased, a copy of the phasing plan must be submitted prior to final approval to the Halton District School Board and the Halton Catholic District School Board. The phasing plan will indicate the sequence of development of residential units for each phase.

16. That the Owner shall supply, erect and maintain signs at all major entrances in the new development advising prospective purchasers that pupils may be directed to schools outside of the area. The Owner will make these signs to the specifications of the Halton District School Board and the Halton Catholic District School Board and erect them prior to the issuance of building permits.

17. That a copy of the approved sidewalk plan, prepared to the satisfaction of the Town of Oakville be submitted to the Halton District School Board and the Halton Catholic District School Board.

BELL CANADA

18. That the Owner provides written confirmation that all Bell Canada matters have been satisfactorily addressed. **BC**

CANADA POST

19. That the Owner provides written confirmation that all Canada Post matters have been satisfactorily addressed. **CP**

ROGERS

20. That the Owner provides written confirmation that all necessary easements and maintenance agreements required by those CRTC-licensed telephone companies and broadcasting distribution companies intending to serve the Condominium (collectively, the "Communications Service Providers"). **R**

21. That the Owner, in consultation with the applicable utilities and Communication Service Providers, provide confirmation that the overall utility distribution plan that shows the locations of the installed, and phased, utility infrastructure for the Condominium.

CLOSING CONDITIONS

1. Prior to signing the final plan the Director of Planning Services shall be advised that all conditions have been carried out to the satisfaction of the relevant agencies, and that a brief but complete statement detailing how each condition has been satisfied has been provided. **OAK (A)**

2. Prior to signing the final plan, the Director of Planning Services shall be advised by the Regional Municipality of Halton that condition 10, 11, and 12 have been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied. **RMH (PPW)**

3. Prior to signing the final plan, the Director of Planning Services shall be advised by Bell Canada that condition 16 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied. **OAK(A) BC**

4. Prior to signing the final plan, the Director of Planning Services shall be advised by Canada Post that condition 17 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied. **OAK(A) CP**

5. All of the above conditions shall be satisfied within 3 years of the granting of draft approval, being *DATE* **OAK (A)**

NOTES – The owner is hereby advised:

1. If the condominium is not registered within 3 years of the date of draft plan approval, then this approval shall be null and void and the plans and drawings must be resubmitted to the Town of Oakville for approval.

2. Fees are required by Halton Region and may be required by the Local Municipality for each extension to draft approval and for major revisions to the draft plan or conditions.

3. It should be noted that Educational Development Charges are payable in accordance with the applicable Education Development Charge By-law and are required at the issuance of a building permit. Any building permits that are additional to the maximum unit yield that is specified by the Subdivision Agreement are subject to Education Development Charges prior to the issuance of a building permit, at the rate in effect at the date of issuance.

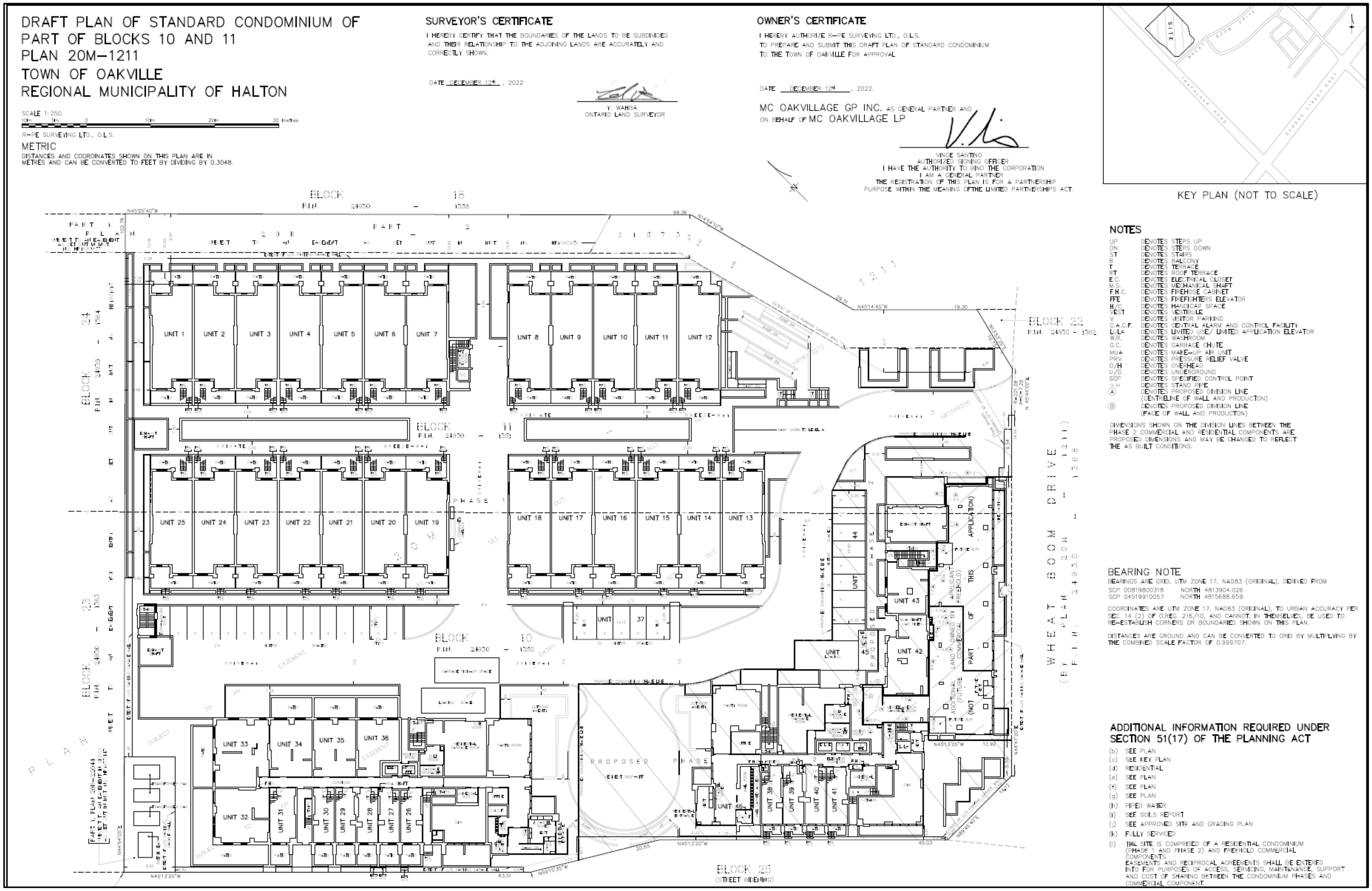
4. **HALTON REGION - Requirements at the time of registration**

   c) Fees are required by Halton Region for each extension to draft approval and for major revisions to the draft plan or conditions and for registration of the plan.

   d) Please note the Owner should be made aware that Halton Region will have the following requirements at the time of registration of the condominium:
      - Final draft condominium plans signed and dated by the Owner, Surveyor and initialed by the Town's Planner;
      - Regional Registration fee;
      - Registry Office review form (Appendix D Form (Formerly Schedule J Form)); and,
      - Letter from Applicant/Owner indicating how the Region's conditions of draft approval have been addressed.

LEGEND – CLEARANCE AGENCIES

BC	Bell Canada
CP	Canada Post
C	Cogeco
R	Rogers
HCDSB	Halton Catholic District School Board
HDSB	Halton District School Board
HO	Hydro One
CH	Conservation Halton
ENB	Enbridge Pipeline
CN	Canadian National Railway
MCzCR	Ministry of Citizenship, Culture and Recreation
OAK (A)	Town of Oakville – Planning Administration
OAK (F)	Town of Oakville - Finance
OAK (L)	Town of Oakville – Legal
OAK (DS)	Town of Oakville – Development Services Department
OAK (PS)	Town of Oakville – Current Planning Services
OAK (LR)	Town of Oakville – Long Range Planning
OAK (Z)	Town of Oakville – Building Services Department, Zoning Section
OAK (FD)	Town of Oakville – Fire Department
OAK (POS)	Town of Oakville – Parks and Open Space Department
OAK (EC)	Town of Oakville – Engineering and Construction Department
OAK (T)	Town of Oakville – Transit
OH	Oakville Hydro
RMH (PPW)	Regional Municipality of Halton – Planning and Public Works Department
UG	Union Gas


DRAFT PLAN OF STANDARD CONDOMINIUM OF
PART OF BLOCKS 10 AND 11
PLAN 20M–1211
TOWN OF OAKVILLE
REGIONAL MUNICIPALITY OF HALTON
SCALE 1:250
R–PE SURVEYING LTD., O.L.S.
METRIC
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJOINING LANDS ARE ACCURATELY AND CORRECTLY SHOWN.
DATE DECEMBER 12th, 2022
Y. WAHBA
ONTARIO LAND SURVEYOR
OWNER'S CERTIFICATE
I HEREBY AUTHORIZE R–PE SURVEYING LTD., O.L.S. TO PREPARE AND SUBMIT THIS DRAFT PLAN OF STANDARD CONDOMINIUM TO THE TOWN OF OAKVILLE FOR APPROVAL
DATE DECEMBER 12th, 2022.
MC OAKVILLAGE GP INC. AS GENERAL PARTNER AND ON BEHALF OF MC OAKVILLAGE LP
VINCE SANTINO
AUTHORIZED SIGNING OFFICER
I HAVE THE AUTHORITY TO BIND THE CORPORATION
I AM A GENERAL PARTNER
THE REGISTRATION OF THIS PLAN IS FOR A PARTNERSHIP PURPOSE WITHIN THE MEANING OF THE LIMITED PARTNERSHIPS ACT.
KEY PLAN (NOT TO SCALE)
BLOCK 18
BLOCK 11
BLOCK 10
BLOCK 22
BLOCK 24
BLOCK 25
WHEAT BOOM DRIVE
UNIT 1
UNIT 2
UNIT 3
UNIT 4
UNIT 5
UNIT 6
UNIT 7
UNIT 8
UNIT 9
UNIT 10
UNIT 11
UNIT 12
UNIT 13
UNIT 14
UNIT 15
UNIT 16
UNIT 17
UNIT 18
UNIT 19
UNIT 20
UNIT 21
UNIT 22
UNIT 23
UNIT 24
UNIT 25
UNIT 26
UNIT 27
UNIT 28
UNIT 29
UNIT 30
UNIT 31
UNIT 32
UNIT 33
UNIT 34
UNIT 35
UNIT 36
UNIT 37
UNIT 38
UNIT 39
UNIT 40
UNIT 41
UNIT 42
UNIT 43
UNIT 44
UNIT 45
UNIT 46
PROPOSED PHASE
NOTES
UP DENOTES STEPS UP
DN DENOTES STEPS DOWN
ST DENOTES STAIRS
B DENOTES BALCONY
T DENOTES TERRACE
RT DENOTES ROOF TERRACE
E.C. DENOTES ELECTRICAL CLOSET
M.S. DENOTES MECHANICAL SHAFT
F.H.C. DENOTES FIREHOSE CABINET
FFE DENOTES FIREFIGHTERS ELEVATOR
H/C DENOTES HANDICAP SPACE
VEST. DENOTES VESTIBULE
V DENOTES VISITOR PARKING
C.A.C.F. DENOTES CENTRAL ALARM AND CONTROL FACILITY
LULA DENOTES LIMITED USE/ LIMITED APPLICATION ELEVATOR
W.R. DENOTES WASHROOM
G.C. DENOTES GARBAGE CHUTE
MUA DENOTES MAKE–UP AIR UNIT
PRV DENOTES PRESSURE RELIEF VALVE
O/H DENOTES OVERHEAD
U/G DENOTES UNDERGROUND
SCP DENOTES SPECIFIED CONTROL POINT
DENOTES STAND PIPE
(A) DENOTES PROPOSED DIVISION LINE (CENTRELINE OF WALL AND PRODUCTON)
(B) DENOTES PROPOSED DIVISION LINE (FACE OF WALL AND PRODUCTON)
DIMENSIONS SHOWN ON THE DIVISION LINES BETWEEN THE PHASE 2 COMMERCIAL AND RESIDENTIAL COMPONENTS ARE PROPOSED DIMENSIONS AND MAY BE CHANGED TO REFLECT THE AS BUILT CONDITIONS.
BEARING NOTE
BEARINGS ARE GRID, UTM ZONE 17, NAD83 (ORIGINAL), DERIVED FROM
SCP 00819800318 NORTH 4813904.026
SCP 04519910057 NORTH 4815688.659
COORDINATES ARE UTM ZONE 17, NAD83 (ORIGINAL), TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10, AND CANNOT, IN THEMSELVES, BE USED TO RE–ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999707.
ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT
(b) SEE PLAN
(c) SEE KEY PLAN
(d) RESIDENTIAL
(e) SEE PLAN
(f) SEE PLAN
(g) SEE PLAN
(h) PIPED WATER
(i) SEE SOILS REPORT
(j) SEE APPROVED SITE AND GRADING PLAN
(k) FULLY SERVICED
(l) THE SITE IS COMPRISED OF A RESIDENTIAL CONDOMINIUM (PHASE 1 AND PHASE 2) AND FREEHOLD COMMERCIAL COMPONENTS.
EASEMENTS AND RECIPROCAL AGREEMENTS SHALL BE ENTERED INTO FOR PURPOSES OF ACCESS, SERVICING, MAINTENANCE, SUPPORT AND COST OF SHARING BETWEEN THE CONDOMINIUM PHASES AND COMMERCIAL COMPONENT.

REPORT

Planning and Development Council

Meeting Date: June 12, 2023

FROM:	Planning Services Department
DATE:	May 30, 2023
SUBJECT:	**Public Meeting Report, Official Plan Amendment & Zoning By-law Amendment, Amica Bronte Village Inc., File No.: OPA.1729.62; Z.1729.62 - 2370 Lakeshore Road West**
LOCATION:	2370 Lakeshore Road West
WARD:	Ward 1

RECOMMENDATION:

1. That comments from the public with respect to the proposed Official Plan Amendment and Zoning By-law Amendment submitted by Amica Bronte Village Inc. (File No.: OPA 1729.62; Z.1729.62), be received.

2. That staff consider such comments as may be provided by Council.

KEY FACTS:

The following are key points for consideration with respect to this report:

- **Nature of the Application:** The applicant has applied for an Official Plan Amendment and a Zoning By-law Amendment to permit a maximum building height of six (6) storeys in the Main Street 1 designated area and Mixed Use (MU1) zone category, whereas currently four (4) storeys is permitted.

- **Proposal:** The proposed development will add two (2) additional storeys to the approved four (4) storey retirement home with retail/commercial units along the ground floor, which will result in a mixed use senior's residential facility with 159 dwelling units and a maximum building height of six (6) storeys.

- **Public Consultation:** A Public Information Meeting ("PIM") was held on March 21, 2023, to present and discuss the subject applications. The Ward 1 Councillors, Staff and approximately 40-50 members of the public attended the meeting.

BACKGROUND:

Site Plan Approval was granted on April 1, 2021 for a four (4) storey retirement home with ground floor commercial. While the *Livable Oakville* Official Plan designated the subject lands as eligible for bonusing, which would permit two additional storeys through bonusing provisions under Section 24.8.2, the applicant decided not to pursue the extra height and density though a bonus agreement at that time.

Since then, the Province made a number of changes to the *Planning Act.* Pursuant to this new framework, new bonusing agreements are not permitted to be entered into (Section 37 of the *Planning Act*) and in accordance with Provincial requirements, retirement homes are exempt from the Town's Community Benefits Charge by-law.

Construction has not started on the approved four (4) storey seniors' mixed use residential facility. The applicant has now decided to apply to increase the maximum building height from four (4) to six (6) storeys. The additional height would result in an additional 46 units (113 units originally approved versus 159 units currently proposed).

APPLICATION SUMMARY

Applicant/Owner: Amica Bronte Village Inc.

Purpose of Application(s): The purpose of the applications are to amend the Town's Official Plan and Zoning By-law to permit a site-specific maximum building height of six storeys. The proposed Zoning By-law Amendment would implement the proposed development and introduce regulations relating to the maximum building height for the subject lands.

An aerial map, existing livable Oakville land use schedule and an existing excerpt from the Zoning By-law 2014-014, as amended, are included in **Appendix "A"**.

Effect of Application(s): The effect of the applications would be to permit a new six-storey seniors' residential mixed-use facility, containing 159 dwelling units with retail and commercial units along the ground floor.

A copy of the applicant's Concept Plans are included as **Appendix "B"**.

A copy of the applicant's draft Official Plan Amendment is included as **Appendix "C"**.

A copy of the applicant's draft Zoning By-law is included as **Appendix "D"**.

Submitted Plans / Reports: The applicant has provided technical supporting studies which are currently under review by various public agencies and internal Town departments. The supporting documentation is accessible on the Town's website at Amica Bronte Village Inc. - 2370 Lakeshore Road West - OPA 1729.62 and Z.1729.62 (oakville.ca).

Property Location: The subject lands are located on the south side of Lakeshore Road West, east of Jones Street, west of Nelson Street and north of Marine Drive, and are municipally known as 2370 Lakeshore Road West.

Surrounding Land Uses: The subject lands are currently vacant. The surrounding land uses are as follows:

- *North* – one to three storey retail and commercial uses
- *South* – Two three to six storey apartment buildings and various lower density housing types (single-detached, semi-detached, townhomes etc.)
- *East* – three storey townhouse complex with commercial uses along the ground floor
- *West* – one storey restaurant

Key Milestones:

This is a Bill 109 application.

Pre-Consultation Meeting	November 30, 2022
Public Information Meeting	March 21, 2023
Pre-submission Review	N/A
Application Deemed Complete	May 8, 2023
P & D Council - Public Meeting	June 12, 2023
Date Eligible for Appeal/Refund for Non-decision	September 6, 2023

Planning Staff are targeting the August 14, 2023, Planning and Development Council meeting for a recommendation.

PLANNING POLICY CONTEXT

The subject lands are subject to the following policy and regulatory framework:

- Provincial Policy Statement (2020)
- Growth Plan for the Greater Golden Horseshoe (2019, as amended in 2020)
- Halton Region Official Plan
- Livable Oakville Official Plan
- Zoning By-law 2014-014

A full analysis of the Provincial Policy Statement (2020), Growth Plan for the Greater Golden Horseshoe (2019, as amended in 2020), Halton Regional Official Plan will be included within the future recommendation report.

Official Plan and Zoning excerpts are included as **Appendix "E".**

MATTERS UNDER REVIEW

These applications were recently received and are under review by Town departments and agencies. The following are general issues that will be addressed in a future recommendation report, in addition to any comments from the public, Council and commenting agencies:

- Climate Change/Sustainability Goals
- Public & Council Comments/Concerns
- Conformity with applicable policy
- Zoning performance standards
- Transportation & Servicing Implications
    - functional servicing (water, wastewater & stormwater)
    - road and related infrastructure capacity
    - waste management
    - parking utilization
- Urban Design
    - interface with the public realm
    - compatability with buildings in the surrounding area
    - appropriate setbacks of additional building height
    - integration/impact on adjoining and adjacent properties
    - shadow impacts

NOTE – Detailed streetscape matters will be addressed through a subsequent site plan application. For the previously approved site plan application, cash-in-lieu of required streetscape components was provided. Cash-in-lieu enables the Town to perform streetscape design and construction work.

CONCLUSION

Planning Staff will continue to review and analyze the submitted Official Plan and Zoning By-law Amendment applications, evaluate the conceptual plans, and address all technical matters, if any, along with submitted public comments. No further notice is required; however, written notice of any future public meetings will be provided to those who have made written and/or verbal submissions.

CONSIDERATIONS

(A) PUBLIC

The applicant held two Public Information Meetings ("PIM") on March 21, 2023, to present the proposed development applications for the subject lands. It was attended by approximately 40-50 members of the public, including the Ward 1 Councillors and Town staff. Minutes of the meeting have been included as **Appendix "F"**. All other public comments received as of the date of this report are included as **Appendix "G"**.

Notice of complete application and statutory public meeting were distributed to property owners within 240m of the subject lands in accordance with the Town's current notice requirements.

(B) FINANCIAL

This application is not subject to the Town's Community Benefit Charge By-law.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The application was circulated to internal and external departments and agencies for review and comment. The application remains in technical review.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:

- Be the most livable town in Canada

(E) CLIMATE CHANGE/ACTION

The proposed development will be reviewed to ensure compliance with the Town's sustainability objectives of the Livable Oakville Plan.

APPENDICES:

Appendix “A”: Mapping
Appendix “B”: Concept Plans
Appendix “C”: Applicant’s Draft Official Plan Amendment
Appendix “D”: Applicant’s Draft Zoning By-law Amendment
Appendix “E”: Policy Excerpts
Appendix “F”: Applicant’s Hosted Public Information Meeting Minutes
Appendix “G”: Public Comments

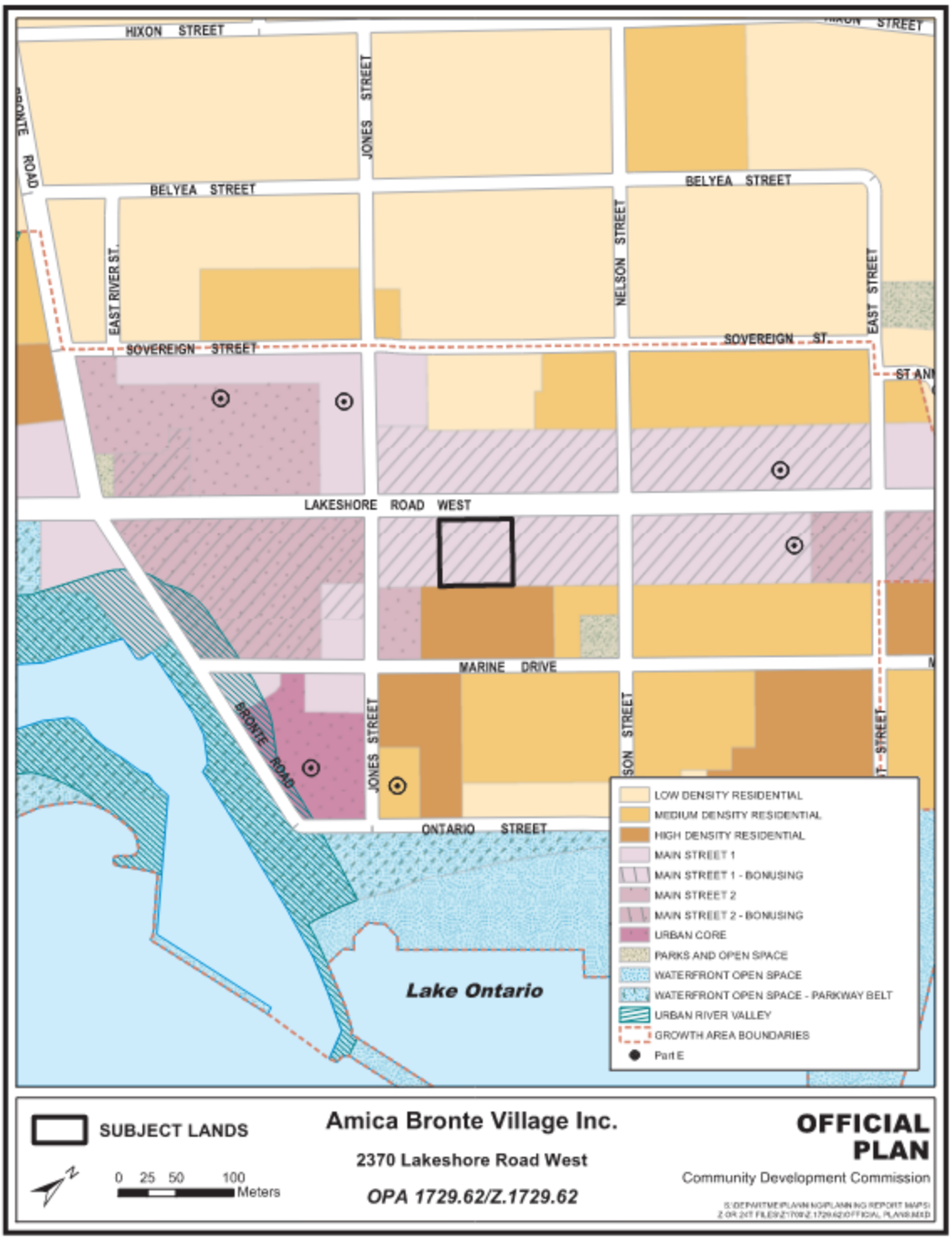
Prepared by:
Colin Westerhof, MA
Planner

Recommended by:
Paul Barrette, MCIP, RPP
Acting Planning Manager

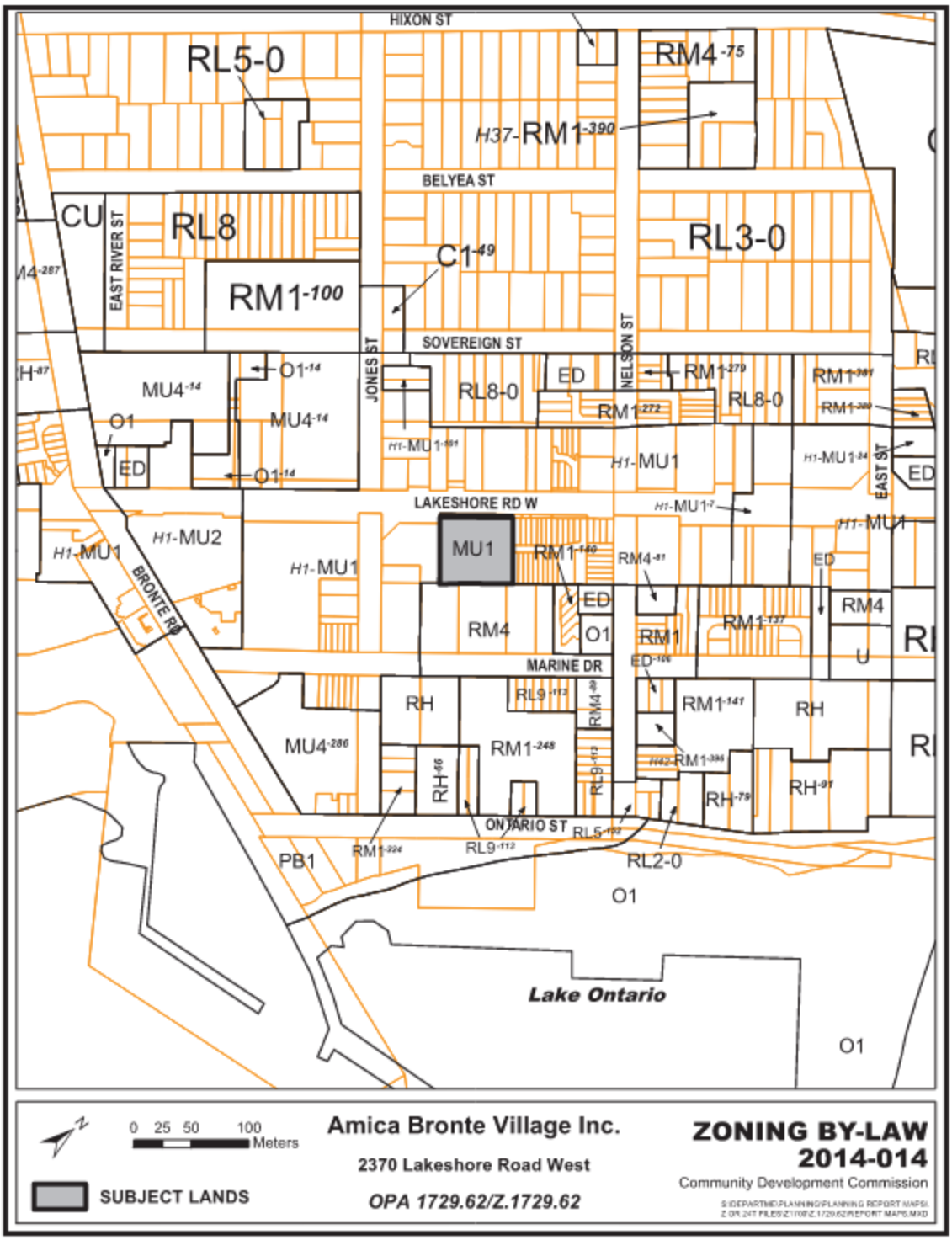
Submitted by:
Gabriel A.R. Charles, MCIP, RPP
Director, Planning Services

Appendix "A":
Mapping

Appendix "A":
Mapping



Appendix "A":
Mapping



Appendix "B":
Concept Plans

Appendix “B”:

Appendix "C":
Applicant's Draft Official Plan Amendment

Official Plan Amendment Number XX
to the Town of Oakville's Livable Oakville Plan

Constitutional Statement

The details of the amendment, as contained in Part 2 of this text, constitute Official Plan Amendment Number XX to the Livable Oakville Plan.

Part 1 - Preamble

A. Subject Lands

The Subject Lands are located on the south side of Lakeshore Road West, east of Jones Street and west of Nelson Street. The land is legally described as Part of Lots 27 to 30, Plan M8, and municipally known as 2370 Lakeshore Road West.

B. Purpose and Effect

The purpose of the Official Plan Amendment is to modify Schedule P1, Bronte Village Use to re-designate the Subject Lands from *Main Street 1* and *Lands Eligible for Bonusing* to *Main Street 1 – Exception XX*.

The effect of the proposed Official Plan Amendment would remove the defunct bonusing provision established by Policy 24.8.2, and to permit a maximum height of six storeys, whereas Policy 12.2.2 permits a maximum height of four storeys.

C. Background and Basis

- The proposal seeks to re-designate a the Subject Lands from *Main Street 1* and *Lands Eligible for Bonusing* to *Main Street 1 – Exception XX*.
- The proposed development is a component to the creation of complete communities.
- The site is located directly on Lakeshore Road West, within an area designated "Nodes and Corridors" by the Official Plan.
- The site is well served by existing services, amenities, transportation and infrastructure.

Appendix "C":
Applicant's Draft Official Plan Amendment

Part 2 – The Amendment

A. Map Change

This Official Plan Amendment reflects modifications to Schedule P1 of Livable Oakville Plan as shown below.

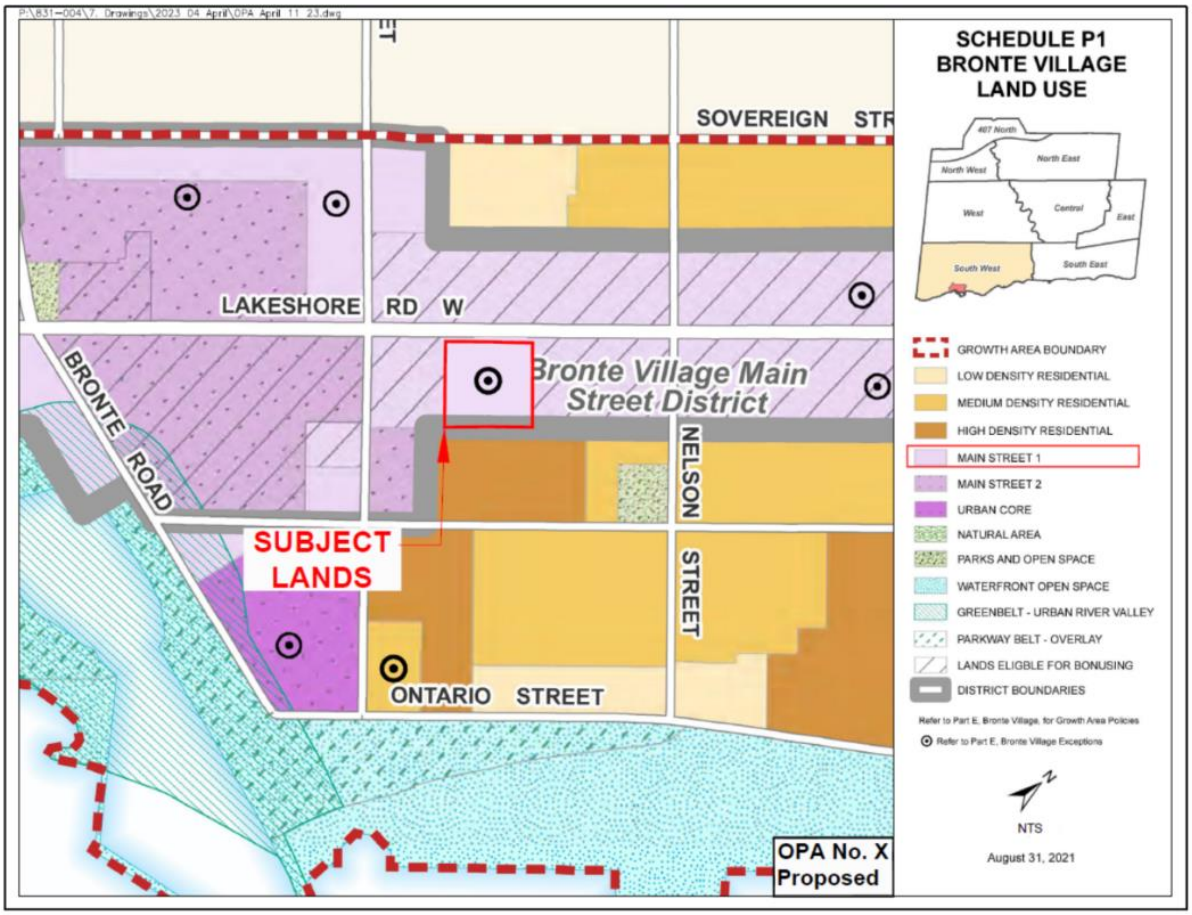
B. Text Changes

Livable Oakville is hereby amended by adding a new exception as follows:

27.XX. Bronte Village Exceptions – Schedule P1

On the lands designated Main Street 1 on the south side of Lakeshore Road West, a maximum height of six storeys shall be permitted.

Appendix "C":
Applicant's Draft Official Plan Amendment



Appendix "D":
Applicant's Draft Zoning By-law Amendment

BY-LAW NUMBER XXXX-XXX

A by-law to amend the Town of Oakville Zoning By-law 2014 – 014, as amended, to permit the use of lands described as 2370 Lakeshore Road West

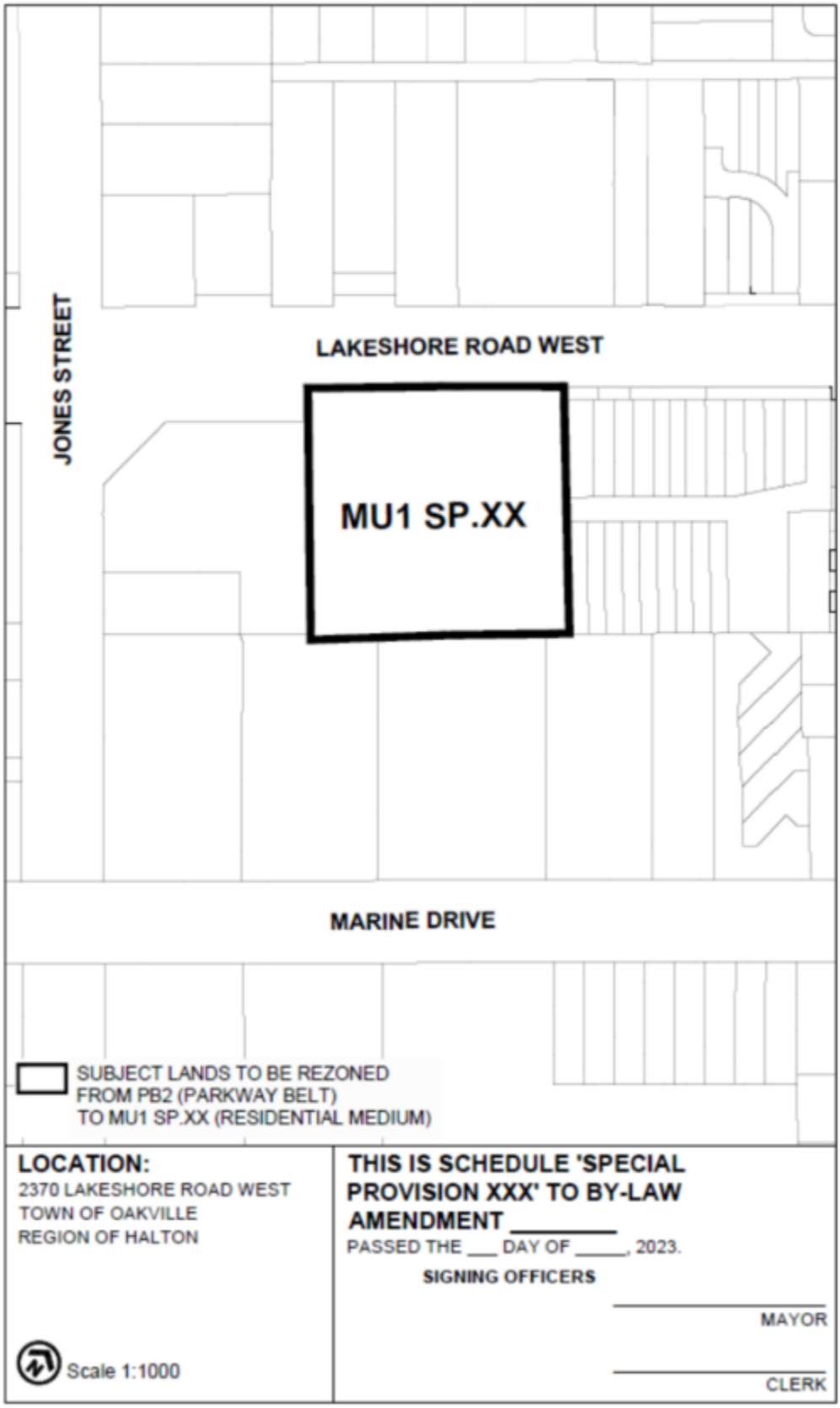
COUNCIL ENACTS AS FOLLOWS:

1. Map 19(2a) of By-law 2014-014, as amended, is further amended by rezoning the lands as depicted on Schedule 'A' to this By-law.

2. Part 15, Special Provisions, of By-law 2014 – 014, as amended, is hereby further amended by adding a new Special Provision as follows:

XXX	2370 Lakeshore Road West	Parent Zone: MU1
15.XXX.1 Zone Provisions		
The following regulations apply to the lands zoned MU1 sp. XX: a) A maximum height of 6 storeys and 27.00 metres shall be permitted;		
15.XXX.2 Special Site Figures		

Appendix "D":
Applicant's Draft Zoning By-law Amendment



Appendix "E":
Policy Excerpts

Livable Oakville

Part B: Mission Statement and Guiding Principles

2. POLICY FRAMEWORK

2.1 Mission Statement

To enhance the Town's natural, cultural, social and economic environments by ensuring that environmental sustainability, cultural vibrancy, economic prosperity and social well-being are incorporated into growth and *development* decisions.

2.2 Guiding Principles

2.2.1 Preserving and creating a livable community in order to:

a) preserve, enhance, and protect the distinct *character*, cultural heritage, living environment, and sense of community of neighbourhoods;
b) direct the majority of growth to identified locations where higher density, transit and pedestrian oriented *development* can be accommodated; and,
c) achieve long term economic security within an environment that offers a diverse range of employment opportunities for residents.

2.2.2 Providing choice throughout the Town in order to:

a) enable the availability and accessibility of a wide range of housing, jobs and community resources to meet the diverse needs of the community through all stages of life;
b) provide choices for mobility by linking people and places with a sustainable transportation network consisting of roads, transit, walking and cycling trails; and,
c) foster the Town's sense of place through excellence in building and community design.

2.2.3 Achieving sustainability in order to:

a) minimize the Town's *ecological footprint*;
b) preserve, enhance and protect the Town's environmental resources, natural features and areas, natural heritage systems and waterfronts; and,
c) achieve sustainable building and community design.

3. Urban Structure

3.6 Nodes and Corridors

Nodes and Corridors are key areas of the Town identified as the focus for mixed use development and intensification.

Nodes and Corridors shown on Schedule A1 – Urban Structure are referred to in this Plan as Growth Areas and corridors and include Midtown Oakville, Uptown Core, Palermo Village, Kerr Village, Bronte Village, Downtown Oakville, Trafalgar Road Corridor (QEW to Dundas Street) and the corridors along Dundas Street and Speers Road. This Plan also identifies Nodes and Corridors through the defined terms *intensification areas* and *intensification corridors*.

The Nodes and Corridors identified in this Plan and in the North Oakville Plan comprise the Town's *strategic growth areas* as that term is defined in the Growth Plan, 2017.

Downtown Oakville, Kerr Village and Bronte Village are intended to develop as mixed use centres with viable main streets.

4. MANAGING GROWTH

4.1 Growth Areas

The majority of intensification in the Town is to occur within the Growth Areas as defined in Part E.

Bronte Village, Kerr Village and Downtown Oakville are also Growth Areas. These areas are intended to develop as mixed use centres with viable main streets. The revitalization of Bronte Village and Kerr Village has been the subject of detailed, comprehensive land use studies which have resulted in objectives and policies to provide for growth opportunities. Downtown Oakville will continue to provide for intensification opportunities within its defined planning framework.

Part D: Land Use Designations and Policies

12. Mixed Use

The Mixed Use designations provide areas where residential, commercial and office uses are integrated in a *compact urban form* at higher *development* intensities. Mixed Use areas are to be pedestrian-oriented and *transit-supportive*.

12.1 General

12.1.1 The intent of the Mixed Use designations is to allow for a diversity of residential, commercial and office uses which are integrated in buildings to provide for the efficient use of municipal services and *infrastructure*.

12.1.2 Mixed use *development* will be focused on lands located within Oakville's Growth Areas and along identified corridors.

12.1.3 The Mixed Use designations are intended to create animated streets by providing retail and service commercial uses on the ground floor of mixed use buildings, fronting onto the street and other pedestrian environments. The location and size of any use on upper and/or lower floors within mixed use buildings will be determined through the *development* process and regulated by the implementing zoning.

12.1.4 All *development* within the Mixed Use designations shall be of a high quality design that considers the integration of new and existing buildings, as well as building façade treatment.

12.1.5 The uses listed in sections 11.1.6 and 11.1.7 may also be permitted in the Mixed Use designations.

12.2 Main Street 1

Appendix "E":
Policy Excerpts

The Main Street 1 designation represents small scale, mixed use *development* along main streets and is intended to reflect a pedestrian-oriented, historic main street *character*.

12.2.1 Permitted Uses

a) A wide range of retail and service commercial uses, including restaurants, commercial schools, offices, places of entertainment, indoor sports facilities, hotels, and residential uses, may be permitted in the Main Street 1 designation. The ground floor of buildings in the Main Street 1 designation shall be primarily occupied by retail and service commercial uses. Limited office uses, and ancillary residential uses, may also be permitted on the ground floor of mixed use buildings.

b) The requirement for and the size and location of retail, service commercial and office uses on the ground floor of buildings shall be determined through the *development* process and regulated by the implementing zoning.

12.2.2 Building Heights

Buildings within the Main Street 1 designation shall be a minimum of two storeys in height and a maximum of four storeys in height.

12.2.3 Parking

Surface parking shall be provided only within a side and/or rear yard. Surface parking on corner lots shall only be permitted in the rear yard.

Part E: Growth Areas, Special Policy Areas and Exceptions

24. Bronte Village

Bronte Village is a historical area, located where Bronte Creek meets Lake Ontario, which began as a port and evolved into a fishing village and a summer holiday destination. It retains the *character* of a village community and is focused on the pedestrian-oriented areas along and around Lakeshore Road West and Bronte Road. The surrounding residential uses, the waterfront, and the harbour contribute to its unique heritage and sense of place.

Bronte Village is intended to continue to evolve and serve as an *intensification area.* Growth will be managed at clearly defined locations and will contribute to the Town's residential *intensification* targets.

24.1 Goal

Bronte Village will be a vibrant community, with a thriving commercial area and a variety of housing opportunities that provide a year round environment for residents, employees, and visitors.

24.2 Objectives

As Bronte Village develops, the Town will, through public actions and in the process of reviewing planning applications, use the following objectives to guide decisions.

Appendix "E":
Policy Excerpts

24.2.1 To nurture, *conserve* and enhance the historic lakeside village *character* of Bronte Village by:

a) promoting a predominately low-rise and pedestrian-oriented built form along Lakeshore Road West, Bronte Road and Jones Street;

b) ensuring high quality urban design that complements and contributes to the historic lakeside village *character*;

c) protecting, conserving and enhancing *cultural heritage resources* and integrating them with new *developments*;

d) integrating public and private open spaces into the streetscape along Lakeshore Road West;

e) applying a co-ordinated streetscape and urban design plan, with recurring defining elements;

f) defining and conserving the *cultural heritage landscape character* of the harbour, lake and creek; and,

g) providing a sensitive transition between the concentration, mix and massing of uses and buildings within, and adjacent to, the village.

24.2.2 To revitalize Bronte Village and maintain a *complete community* by:

a) permitting uses that attract different users throughout the day and throughout the year, by including a mix of residential, commercial, office, cultural and recreational uses, complemented by public open spaces;

b) providing for a variety of residential unit sizes in new buildings;

c) focusing retail, service commercial and office uses along Lakeshore Road West, Bronte Road and Jones Street;

d) providing for a variety of retail unit sizes and improved retail space to encourage commercial revitalization;

e) defining the gateways to the village through enhanced urban design treatments;

f) developing a community gathering space on Lakeshore Road West between Bronte Road and Jones Street; and,

g) facilitating public investment in *infrastructure*, transit, recreation and cultural facilities to support existing and future residents, employees and visitors.

24.2.3 To maintain and improve waterfront connections by:

a) protecting, enhancing and connecting existing waterfront open spaces;

b) maintaining existing views from public streets through to the lake and harbour;

c) enhancing the streetscape along streets connecting and adjacent to the waterfront and harbour;

d) encouraging active main floor uses along portions of streets connecting and adjacent to the waterfront and harbour; and,

e) developing improved pedestrian and cycling access around the inner harbour.

24.3 Development Concept

Bronte Village is intended to be revitalized as a mixed use area. The primary focus of revitalization and change, including opportunities for *development* and *intensification* is in the area identified as the Bronte Village Main Street District as shown on Schedule P1. This district shall have a distinct character in terms of land use and function as set out in the following policies.

The area of Bronte Village outside of the Main Street District is a residential neighbourhood and shall continue to support a variety of housing forms while providing for some change.

24.3.1 Bronte Village Main Street District

New *development* in the Bronte Village Main Street District shall primarily be provided in mixed use buildings.

New commercial and office uses provided in *developments* shall be reflective of the existing street-related and pedestrian-oriented main street function. Commercial and office uses shall occur along frontages facing Lakeshore Road West and Bronte Road, south of Lakeshore Road, at grade level. The community commercial retail function should be retained and integrated with redevelopment.

New residential uses shall primarily be provided in mixed use buildings. However, apartments and *multiple-attached dwellings* may also be permitted in single use buildings when they form part of a comprehensive redevelopment proposal and there are not residential uses on the ground floor facing Lakeshore Road West or Bronte Road, south of Lakeshore Road. Lakeshore Road West and Bronte Road shall provide a commercial main street function.

Higher residential densities shall be directed to the gateways of the District and serve to anchor Lakeshore Road West within Bronte Village as the main street.

The District shall provide for well-defined landscaped streetscapes and integrated open spaces which provide opportunities for enhanced pedestrian focused activity and connections. A public urban square shall be located along Lakeshore Road West between Bronte Road and Jones Street. Community uses and facilities which support daily pedestrian activity are encouraged to locate within the District.

Jones Street, between Sovereign Street and Marine Drive, will be animated by a mix of retail and residential uses, which are intended to strengthen it as an important link to the waterfront.

Appendix "E":
Policy Excerpts

24.4 Functional Policies

In addition to the policies in Parts C and D of this Plan, the following functional policies shall apply specifically to Bronte Village.

24.4.1 Transportation

a) Parking

   i. On-street parking shall be permitted throughout Bronte Village and may be counted toward non-residential parking requirements as established by the implementing zoning.

   ii. Parking shall be encouraged to be provided below-grade within the Bronte Village Main Street District.

   iii. Above grade parking structures shall:

      - Be discouraged adjacent to Lakeshore Road West;
      - Incorporate active at-grade uses facing public streets, except along Sovereign Street; and,
      - In all cases be screen from adjacent residential uses.

   iv. Individual driveway access to Lakeshore Road West or Bronte Road shall be restricted. Where driveway access from a side street is not possible, shared driveways shall be encouraged.

b) Through the *development* process, pedestrian, cycling and transit amenities within Bronte Village are to be enhanced, including improved connectivity to, and within, the waterfront and harbour.

c) As part of the class environmental assessment process for Lakeshore Road West, the Town shall consider streetscape design and public realm improvements for Bronte Village to support and enhance pedestrian and cycling activity, transit use, as well as on-street parking opportunities within the right-of-way, to complement and contribute to Bronte Village's lakeside village *character*.

24.4.3 Minimum Density

A minimum planned density shall be established for Bronte Village through Provincial conformity coordinate with Halton Region.

24.5 Urban Design

In addition to the Urban Design policies in Section 6 of this Plan, the following policies shall apply specifically to Bronte Village. The urban design plan for Bronte Village is provided on Schedule P2.

Appendix "E":
Policy Excerpts

24.5.1 Built form and public realm elements should be designed to recognize and enhance a historic lakeside village *character*.

24.5.2 *Development* and public realm improvements, including the streetscape for Lakeshore Road West, shall be evaluated in accordance with the urban design direction provided in the Livable by Design Manual.

24.5.3 Public Realm

a) Where the Lakeshore Road West right-of-way is greater than that required by the policies of this Plan, the Town may permit minor encroachments in the form of small open spaces, such as landscaped areas and patios related to adjacent retail uses, to enhance the streetscape.

b) Views to the lake and harbour from public streets shall be maintained. Through the planning application process, view corridors as indicated on Schedule P2 shall be enhanced by appropriate built form and public realm elements.

c) Enhanced streetscape areas, as indicated on Schedule P2, should be incorporated in the design of new *developments*, streetscapes and open space areas, and utilized as a unifying public realm element through the use of compatible, consistent and complementary design treatments while contributing to a distinctive and unique streetscape. Enhanced streetscape areas may include the preservation of existing large stature trees and open space areas, as well as larger setbacks in built form and the creation of additional pedestrian-oriented spaces.

24.5.4 Streetscapes

a) Enhanced streetscape treatments including cycling, transit and pedestrian-oriented amenities shall be provided on primary and secondary streets identified on Schedule P2.

    i. wider sidewalks and additional street furniture and landscaping shall be provided.

    ii. gathering spaces and public art shall be encouraged.

b) Buildings along primary streets identified on Schedule P2 shall:

    i. incorporate a high degree of transparency on the ground floor;

    ii. provide building openings and principal entrances facing the street; and,

    iii. contain commercial, community, cultural, or limited office uses adjacent to the street which foster an active main street environment.

c) Buildings along secondary streets identified on Schedule P2 should:

    i. incorporate a high degree of transparency on the ground floor;

    ii. provide building openings and principal entrances facing the street; and,

iii. contain commercial, community, cultural and office uses adjacent to the street which support the main street district, and may also contain residential uses on the ground floor.

24.5.8 Built Form

To maintain a pedestrian-scaled environment, new *development* should generally be two to four storeys in height along the street edge, with taller elements stepped back from the street.

Zoning By-law 2014-014

8.3 Regulations

The regulations for *lots* in a Mixed Use *Zone* are set out in Tables 8.3.1 and 8.3.2, below.

Table 8.3.1: Regulations in the Mixed Use Zones

		CBD	MU1	MU2	MU3	MU4
Minimum front yard	A	0.0 m	0.0 m	0.0 m	0.0 m	1.0 m
Maximum front yard	A	3.0 m (1)(2)	3.0 m (1)	5.0 m (1)(3)	5.0 m (1)(3)	5.0 m (1)(3)
Minimum flankage yard	B	0.0 m	0.0 m	0.0 m	0.0 m	1.0 m
Maximum flankage yard	B	3.0 m (1)(2)	3.0 m (1)	5.0 m (1)(3)	5.0 m (1)(3)	5.0 m (1)(3)
Minimum interior side yard *(2015-018)*	C	0.0 m	0.0 m	0.0 m	0.0 m	0.0 m
Minimum interior side yard abutting a *lot* in any Residential *Zone*, Institutional (I) *Zone*, or Community Use (CU) *Zone*	C	3.0 m	3.0 m	3.0 m (4)	7.5 m (5)	7.5 m (5)
Minimum rear yard (2015-018)	D	0.0 m	0.0 m	0.0 m	0.0 m	0.0 m
Minimum rear yard abutting a *lot* in any Residential *Zone*, Institutional (I) *Zone*, or Community Use (CU) *Zone*	D	3.0 m	3.0 m	3.0 m (4)	7.5 m (5)	7.5 m (5)
Minimum number of *storeys*	H	2 (7)	2 (7)	4 (7)	6 (7)	8 (7)
Maximum number of *storeys*	H	4 (6)	4	6	8	12
Minimum *first storey height*		4.5 m (7)	4.5 m (7)	4.5 m (7)	4.5 m (7)	4.5 m (7)
Minimum *height*	H	7.5 m (7)	7.5 m (7)	13.5 m (7)	19.5 m (7)	25.5 m (7)
Maximum *height*	H	15.0 m (6)	15.0 m	22.0 m	29.0 m	43.0 m

Appendix "F":
Applicant's Hosted Public Information Meeting Minutes

GSAI
Glen Schnarr & Associates Inc.

Subject Property:	2370 Lakeshore Road West, Brampton, ON
Type of Application:	Official Plan and Zoning By-law Amendment
Meeting:	Public Information Center (PIC) Meeting Afternoon Session
Meeting Location:	Sir John Colborne Recreation Centre for Seniors
	1565 Old Lakeshore Road, Oakville, ON L6L 6N1
Meeting Attendees:	Derek Coss, Amica Senior Lifestyles
	Alison Keller, Amica Senior Lifestyles
	Steven Cohen, Succession Development Corporation
	Stephen Closs, Associate Planner, GSAI
	Jason DeBrum, Managing Partner, SRM Architects
	Town Councillor Jonathan McNeice
	Residents of the Town of Oakville

Agenda:	1.0 Call to Order
	2.0 AMICA Team Presentation
	3.0 Q&A Period
	4.0 Closing Remarks

SUMMARY OF MEETING:

AMICA Team Presentation:	The PIC meeting began with a presentation made by the Amica team, in which the team discussed who Amica is, the services it provides, the urgent need for seniors housing, the continuum of care model in a local context for Bronte Village, the planning process, application timeline, and the architectural details of the proposed building.
Q&A Period:	
Discussion 1:	Resident 1 asked that the Amica team reiterate the specific uses of the additional two storeys that are requested as part of this

application, the programming and amenities for Floor 1 to 4, and whether this proposal is only to add volume (of residents) to the building.

Mr. De Brum clarified the changes between the four storey and six storey building, and Ms Keller further elaborated on the programming for the building, the considerations behind Amica's decision to add the two storeys, the waitlist at Amica Bronte Harbour, and how the building contributes to the neighbourhood's vibrancy.

Resident 1 followed up and inquired if the operation is meant to be "two tier up and down", in response to which Ms Keller explained the concept of the spectrum of care and how it is not necessarily a tiered system.

Discussion 2:

Resident 2 asked about the number of units that are being proposed, and the effect of this particular development on the immediate surrounding community. Concerned about the scale of the development, and the "Canyonization" of Lakeshore Road.

It was questioned if any shadow studies were conducted to understand the proposed development's impact on sunlight reaching the residential properties to the east and south. Resident 2 also expressed the opinion that the additional two storeys would not be in keeping with the nature and character of the surrounding area.

Mr. DeBrum responded that the location of the building is in keeping with the setback requirements prescribed for this site, and reiterated that a 6 storey building is contemplated by the Official Plan through policies pertaining to bonusing, which he acknowledged are no longer in effect following the amendments to the Planning Act.

Responding to the concern about shadow and reduction of sunlight, it was discussed that the differences in impacts between four storeys and six storeys are minimal; and that some level of shadow impacts from mid-rise buildings are inevitable. The Amica team expressed that they would continue to work with Town staff to ensure the development is in compliance with Town's requirements and terms of reference.

Discussion 3:

Resident 3 raised concern over the loss of sunlight again and Mr. DeBrum reiterated that the team acknowledges that the building will create shadows but anticipates the additional floors to meet the terms of reference established by the municipality.

Resident followed up and asked if the intent is that this application to go before the OLT, and drew comparison with a nearby application that is/was in front of the OLT. Resident 3 also questioned the policy and regulatory basis of the 6 storey proposal and asked that the approved building permit be circulated with the participants of this meeting.

The team responded that there is no fixed direction on next steps, and that it is the team's intention to have the Town's approval for the proposed Official Plan and Zoning By-law Amendments. The team also reiterated that the bonusing overlay in the Official Plan contemplates these two storeys, and indicated that they would follow-up with the resident to discuss the proposal further should the resident desire.

Discussion 4:

Resident 4 asked what businesses would be in the ground floor retail units, and what else will be on the ground floor.

Mr. DeBrum responded that floor space east of the vehicular access arch is dedicated for community-based retail. Ms Keller further explained that Amica is consulting with Bronte BIA and is interested in supporting its vision of a "15 minute community" through this mixed-use application.

Discussion 5:

Resident 5 asked about the site access and parking arrangements, and more particularly raised concerns over whether there are enough parking spaces provided for the staff, visitors, and residents who live in the independent living units. The second question related to how the elevated traffic volume could impact the nearby area.

Ms Keller responded that approximately 60% of the building is dedicated for assisted living and memory care – and that none of these residents would be driving. She further pointed out that the

average age of residents for this building, as per the average age of Amica residents, is anticipated to be in the late eighties. It is therefore anticipated that there will be fewer parking demands from residents. In addition, the daily routines and travelling patterns of elderly residents, as experienced by Amica, will not contribute to peak-traffic volumes.

Resident 5 followed up and asked if there were any additional parking spaces added to the building in comparison to the previously approved 4-storey building and if the addition of parking space is proporationate to the increase in floor area.

Mr. DeBrum responded that additional parking spaces are provided, and that only two floors of residents can drive. He further noted that the majority of Amica staff take public transit, hence freeing up the remaining spaces for visitors.

Discussion 6: Resident 6 asked about how many staff will be working in the development once it is in operation. Mr. Coss responded that there will be approximately 167 team members, but at any given time there will only be approximately 30 to 35 on site, and half of those would be full time employees delivering care. It will take approximately three years to develop this building, and it is expected that 70% of the staff will come from existing Amica residences to support the new positions at 2370 Lakeshore.

Discussion 7: Resident 7 asked that if there is a preference for Bronte residents to apply for beds available at this location. Ms Keller responded that, based on numbers from Amica Bronte Harbour, 90% of the residents will come from the local community. She further explained that, while Amica accepts application from across the country, seniors choose to live in certain locations because they either come from the local community themselves or they move in to be close to their families living within the neighbourhood.

Discussion 8: Resident 8 asked about considerations and provisions for Lakeshore Boulevard during the three years of construction, and raised concerns over traffic issues during that time. Mr. Cohen responded that, as part of the building permit approval (for the 4

storey proposal), a construction management plan was requested by the Town, which will detail how construction, traffic flow, and pedestrian flow is to be managed. During the construction, there will be wood boarding that separates the site from public roads, and provisions will be put in place to allow for easy pedestrian circulation during construction.

Discussion 9:

Resident 9 asked for clarification on what exactly the application must demonstrate in order to get the approval for the additional two storeys. Mr. Closs responded that the Official Plan speaks to compatibility, and the application will demonstrate the same in terms of shadowing, step-backs, and architectural design, and that the applicant is working with the Town's Urban Design Staff to achieve this.

Resident 9 followed up to inquire if the Town will be contributing to the process with the reports and studies that are being completed. Mr. Closs confirmed that the Town will contribute their input by reviewing and commenting on the various technical reports that will be submitted as part of the application. It was further explained that it will be an ongoing process until there is a version of the proposal that Town Staff find satisfactory.

Resident 9 further followed up by asking what Amica's next step will be, should the Town refuse the proposal for the additional two storeys. Mr. Closs explained that Amica can either go ahead with the approved 4-storey proposal, or decide to appeal the refusal to the OLT, but that it is not Amica's intention to get to that stage – that Amica intends to work in collaboration with the Town through the entire process.

Discussion 10:

Resident 10 drew comparisons between this proposal and a nearby building. Mr. DeBrum responded that this proposal is only asking for what's already contemplated in the Official Plan.

Appendix "F":
Applicant's Hosted Public Information Meeting Minutes

Subject Property:	2370 Lakeshore Road West, Bronte, ON
Type of Application:	Official Plan and Zoning By-law Amendment
Meeting:	Public Information Center (PIC) Meeting Evening Session
Meeting Location:	Walton Memorial United Church
	2489 Lakeshore Road West, Oakville, ON L6L 1H9
Meeting Attendees:	Derek Coss, Amica Senior Lifestyles
	Alison Keller, Amica Senior Lifestyles
	Steven Cohen, Succession Development Corporation
	Stephen Closs, Associate Planner, GSAI
	Jason DeBrum, Managing Partner, SRM Architects
	Town Councillor Jonathan McNeice
	Regional Councillor Sean O'Meara
	Residents of the Town of Oakville

Agenda:	1.0 Call to Order
	2.0 AMICA Team Presentation
	3.0 Q&A Period
	4.0 Closing Remarks

SUMMARY OF MEETING:

AMICA Team Presentation: The PIC meeting began with a presentation made by the Amica team, in which the team discussed who Amica is, the services it provides, the urgent need for seniors housing, the continuum of care model in a local context for Bronte Village, the planning process, application timeline, and the architectural details of the proposed building.

Q&A Period:

Discussion 1: Resident 1,who lives at 2170 Marine Drive, asked how many more people the extra 2 storeys proposed by Amica would accommodate. Ms Keller responded that the extra two storeys would provide 57 more units and that there would be 65 total parking spots proposed at the site. Resident 1 followed up with a question regarding whether the 65 parking spots would be restricted to use for Amica staff only. Ms Keller responded that very few senior residents will have the capability to drive, that the development will be a "walkable site" with independent living residents living on the additional proposed 5th and 6th floors, and that 80% of facility staff will be taking transit to work. Ms. Keller further emphasized that the proposed parking provision complies with local by-laws, that visitors to the facility will typically come during off-peak hours, and that there is sufficient parking to accommodate everyone coming to the facility. Resident 1 lastly expressed concern that 65 parking spaces would be insufficient and that more consideration should be made to adding more parking spaces.

Discussion 2: Resident 2 expressed the opinion that the proposed two additional storeys would only accommodate 57 more residents, which would not be sufficient to resolve the overall housing shortage issue for seniors requiring assisted living and care. Ms Keller responded that the seniors' care and living crisis is a long-standing issue and implied that, whilst two floors may not solve the overall issue, it would help mitigate the growing seniors' care and living crisis in Oakville. Ms Keller further stated that 90% of residents at the existing Amica Bronte Harbour site are local Bronte residents and that there is a waitlist of 152 more seniors looking to move into assisted living with Amica, thus emphasizing that the need for all types of seniors' residences and assisted living facilities is overall extremely high.

Discussion 3: Resident 3 challenged that adding two extra storeys would block sunlight coming into townhouse properties adjacent to the new facility. Resident 3 further emphasized that six storeys would

destroy the overall "feel" of Lakeshore Road and suggested that the proposed amendment to the original development was entirely a business decision on Amica's side, which did not consider the impact that additional storeys would have on local tourism and community members' quality of living. Mr. DeBrum explained that the Government of Ontario took away the "bonusing" provision in the Planning Act that provided for the additional two extra storeys without requiring an Official Plan Amendment. Mr. DeBrum also explained that, regardless of the amendment to the Planning Act, six storeys are nonetheless contemplated for this property in the Town of Oakville's Official Plan, and that adding two storeys will not create significant impacts to the sunlight received by adjacent residential properties. Mr. DeBrum also indicated that issues regarding shadow impacts had been considered, and were mitigated by incorporating step-backs into the upper two storeys to further mitigate potential shadowing problems. He also noted that the development had taken into consideration the Town's terms of reference regarding shadow impact studies.

Discussion 4: Resident 4 expressed concern that adding two storeys to the original development would result in a loss of privacy for the 14 townhouses adjacent to the east side of the proposed facility. Ms Keller responded that senior residents would largely be spending time inside the facility, that there would be perimeters added to ensure privacy, and that senior residents would not be spending extended periods of time (generally no more than one hour) outside of the building itself. Resident 4 continued to express concern that seniors would spend the majority of their time indoors looking out of their windows and down into residential properties below.

Discussion 5: Resident 5, a private home care worker, expressed concern that there would not be sufficient parking spaces for contracted third-party private care staff who will be coming in and out of the facility 24 hours a day to provide care and transport to seniors. Ms Keller responded that the proposed new facility's situation is different to that of the existing Amica Bronte Harbour residence, which is not licensed for higher levels of care, thus requiring third-party agencies to provide care to seniors and increasing the pressures on

parking at the existing site. Ms Keller further emphasized that 60% of residents at the proposed new facility would be memory care and assisted living residents who would not be driving. Resident 5 concluded with comments regarding a potential invasion of privacy from senior residents looking down at their rooftop.

Discussion 6: Resident 6 agreed that more seniors' care and housing is needed in the area but questioned whether there is sufficient commercial space, as their expectation is that the entirety of the ground floor should be commercial. Mr. DeBrum responded that the design follows the requirements set out in the Zoning By-law, which requires that the first nine metres of depth be dedicated to commercial uses. The commercial space is planned to be outward facing and is intended to animate the Lakeshore Road West as a main street. Ms Keller further emphasized that Amica has engaged Bronte BIA, as well as other community groups, and has received valuable information about some of the gaps in types of businesses serving Bronte Village.

Discussion 7: Resident 7 raised concerns about the proximity between the proposed development and 96 Nelson Street. He stressed his opinion that the proposed development is too close to the townhouse complex and that the additional two storeys would impose a big wall over the townhomes. He expressed concerns from an integration perspective, and questioned whether it is a common practice in the Town for new structures that are taller than their neighbours to be built in such close proximity. He suggested that the proposed building should have a larger east-west step-back to create more separation between the two lots. Mr. DeBrum responded that the separation between the proposed development and the townhouses is governed by the Zoning By-law and that the six storey building height is envisioned in the Livable Oakville Plan. Resident 7 questioned why the zero setback is a requirement, in response to which Mr. DeBrum reiterated that the setback is in full compliance with the Zoning By-law.

Discussion 8: Resident 8, explained that he has been a member of the BIA, and questioned the economic impact that the proposed development would bring to the neighbourhood. He further stated the opinion that that this development has a limited retail component, and questioned the parking provision. He suggested that parking is an issue across Oakville, and recommended that Amica consider dedicating all space in the building for Amica's use and not to provide any retail component in exchange for not adding the extra two storeys. He further expressed that the supply of retail space is not the issue at Bronte. He stated that he couldn't support a plan that creates a "tunnel", casting greater shadows onto existing properties and public spaces. Ms Keller responded that Amica has continued to work with the BIA to address its concerns and assist in achieving its goals, and that the independent residents living in the two additional stories will assist in strengthening a vibrant community and local economy.

Discussion 9: Resident 9 is a resident of 96 Nelson Road. He expressed concern about the impacts of the proposed six story building would have on his property. He raised several issues, including the loss of sunlight and privacy, traffic congestion, and property devaluation. The resident cited an email exchange with the mayor and local councillor related to the minor variance application, in which they stated their opposition to the variance proposal. Resident 9 questioned what has changed since this time, to which Mr. Closs responded that the proposal is now being considered as an Official Plan and Zoning By-law Amendment, rather than a minor variance. It was also stated that the Official Plan overlay allows for bonusing, as has long contemplated the two additional storeys. In response to the variance application, although Town staff did not offer their support for the application, they did not object to the additional storeys in principle, but rather to the proposed process. Resident 9 responded that, although the proposed retirement home is seen as a positive development for the area, the impact on neighbouring properties must be considered. He reiterated that his and other residents' concerns over the project will be brought up to Council again during the application process.

Discussion 10:

Resident 10 expressed his concern about the parking situation and the impact on residents in the area. He questioned the actual number of staff parked on the site and criticized what he labelled a lack of transparency in the calculations. He also highlighted the difficulties faced by retailers in the area due to limited space and high rental costs. The resident mentioned the church across the road from Amica Bronte Harbour, which he suggested received parking overload from staff working at the residence. He argued that visitors and shoppers were unable to find parking due to the staff taking up all the spaces for long periods of time. The resident accused the team of being intentionally unprepared with the necessary information about the parking situation and not being honest with the numbers. Ms Keller promised to follow up with the information on the parking situation at Amica Bronte Harbour. She also responded to Resident 10 by explaining that there were 65 parking spaces available for 30 staff members during a day shift for the proposed development.

Residents 3, 10 and 11 highlighted the ongoing parking issue in the area and the frustration felt by residents who believed that the staff members working at the Amica residences were taking up valuable public parking spaces.

Mr. Closs responded that the provision of parking spaces is guided by the Zoning By-law and that the proposed development is compliant and does not require any By-law exception. Resident 3 stated that, apart from the conformance with the by-law, the additional staff coming in and the built form of the proposal will affect neighbouring residents' lives, especially considering the increased size of the building now being proposed.

Mr. Closs shared that the project team has prepared a shadow impact study and it shows the minor relative difference between the four storey building and the six storey building. Resident 3 raised his skepticism regarding Mr. Closs's statement, to which Mr. Closs replied that the shadow impact study will be made public once it has been submitted to the Town. Resident 3 stated that the proposal is ultimately too high, and daylight will be completely blocked from the townhomes. Resident 12 added his opinion that no other buildings along this ectionn of Lakeshore Road West have anything near the proposed height. She compared the shadow impacts of the now demolished building that was previously

situated on 2368 Lakeshore Road West to the four-storey building that has been approved, and noted that even the approved building will have greater shadow impacts than the demolished building. Mr. Cohen acknowledged the impact of the building and stated that the team has taken shadow impacts into serious consideration.

Discussion 11: Resident 13 expressed his concern about the scope of the shadow study conducted, suggesting that studies typically requested by the Town only consist of a few dates and times during the year and might not provide a full depiction of the shadow impacts. He also questioned the definition of storey height in feet and points out that the first storey is usually taller than other floors, and that the proposed building is nearly equivalent to being 7 storeys. The Amica Team clarified that the minimum height is set out by the Zoning By-law, and that there is a minimum height for floors containing commercial space. Resident 13 then asked about the height of the elevator room and stairwell access, stating that they protrude beyond the sixth floor, further adding to the building height. Mr. DeBrum confirmed that, although they are above the sixth floor, they are permitted by the By-law. Mr. Closs assured Resident 13 that the shadow impact study will take into account the exact dimensions of the building, including the mechanical penthouse. The conversation ended with Resident 13 suggesting a more comprehensive shadow study from 6 am to 10 pm.

Discussion 12: Resident 14 expressed concern about the proposal's proximity to her residence. She expressed a desire to see a more comprehensive set of physical plans to get a better understanding of the impact the building would have on her home and its relationship to the surrounding neighbourhood. Specifically, Resident 14 was concerned about the outdoor dining patio on the east side of the property, which is adjacent to her residence. Mr. DeBrum confirmed the existence of the outdoor area but reassured Resident 14 that the impact would be the same even if it were a townhouse, and would be greater if a restaurant or similar use were developed on site, as permitted by the Zoning By-law. Resident 14 expressed concern about the proposed restaurant use within the commercial space, and with having between 30 and 100

people sitting outside dining near her private living space. Resident 14 also questioned if the Amica team was only concerned with meeting guidelines, and if they were truly taking into account the residents' concerns. Mr. DeBrum reassured Resident 14 that they were there to listen and address any concerns. The conversation ended with Resident 14 reiterating concerns about the outdoor eating space being too close to private living spaces.

Discussion 13: Resident 15 expressed disappointment with the proposed development of an additional two floors, which she believes would negatively impact her property at 96 Nelson Street. She asked if the developers had ever considered changing their designs based on feedback from the community in the past, to which Mr. Closs responded that it is a common practice for developers to take all feedback into consideration before the formal submission of the Official Plan Amendment and Zoning By-law Amendment applications. Mr. Closs and Mr. DeBrum also noted that the feedback received from this PIC meeting would form part of the submission, and that a summary of the comments and responses would be provided to the town staff and to everyone who attended the meeting. They acknowledged that some concerns are easier to address than others, but that the team would provide response to all significant comments.

Discussion 14: Resident 16 expressed appreciation for the initiative Amica has taken to speak to the community, and commented that affordable long-term care options are necessary for Bronte, where many aging residents are currently living, and will soon require higher levels of care. She noted that, while the industry of high-end retirement residences is excellent, there is a lack of affordability for those who cannot afford Amica's rates. Ms. Keller responded by saying that Amica is a component of the spectrum of care and that private pay residences with licensed care relieve some of the pressures on the healthcare and provincially subsidized long-term care systems. Private pay residences help create more capacity and hence affordability in the long-term care environment. Resident 16 then commented on the impact of the building on the area, mentioning shadowing and the importance of social interaction for seniors. She believes that, although Amica has already bought the land, they

should have considered that alternative uses for this property may have been more appropriate. She expressed that Bronte should be a tourist destination. Resident 16 complimented the design of the building, but she expressed belief that there could have been a more appropriate use for the land. The conversation ended with Ms. Keller acknowledging that more of every type of housing for seniors is needed, and that Amica is part of the community's solution.

Closing Remarks: Mr. Coss thanked the residents for attending the PIC meeting and expressed the Amica team's commitment to work with Town planning staff to address the growing need for senior care. A resident voiced his concerns about the location of the seniors' residence, stating that it is not suitable for the area as it comes across as institutional and does not add anything to the main street or benefit the community. Mr. Coss responded by assuring the residents that Amica has worked hard to create a place that is not institutional and would be a home for the seniors, who would in turn be part of the community. He also emphasized that the retirement community would be beneficial for the seniors who helped build the community, as it would allow them to remain a part of it. The conversation ended with Mr. DeBrum inviting the resident to visit existing Amica locations for more assurance that the space is not institutional in nature.

Appendix “G”:
Public Comments

No additional comments from the public have been received.

REPORT

Planning and Development Council

Meeting Date: June 12, 2023

FROM:	Planning Services Department
DATE:	May 30, 2023
SUBJECT:	**Public Meeting and Recommendation Report, Zoning By-law Amendment and Draft Plan of Subdivision, bcIMC Realty Corp., File No.: Z.1333.01 and 24T-11001, By-law 2023-014**
LOCATION:	North side of Dundas Street West, midway between Tremaine Road and Regional Road 25
WARD:	Ward 7

RECOMMENDATION

1. That Zoning By-law Amendment (File Z.1333.01) and Draft Plan of Subdivision (File 24T-11001) applications submitted by bcIMC Realty Corp. c/o QuadReal Property Group, be approved, as revised, on the basis that the Zoning By-law Amendment and Draft Plan of Subdivision are consistent with the Provincial Policy Statement, conform with all applicable provincial plans, the Halton Region Official Plan, the North Oakville West Secondary Plan, have regard for matters of Provincial interest, and represents good planning for the reasons outlined in the report from the Planning Services department dated May 30, 2023.

2. That By-law 2023-014, an amendment to Zoning By-law 2009-189, as amended, be passed.

3. That the Director of Planning Services be authorized to grant draft plan approval to the revised Draft Plan of Subdivision (24T-11001) prepared by WSP on behalf of bcIMC Realty Corp. c/o QuadReal Property Group dated December 14, 2022, subject to the conditions contained in Appendix D of the staff report prepared by Planning Services Department dated May 30, 2023.

4. That once 24T-11001 has been draft approved by the Director of Planning Services, the Town enter into a Subdivision Agreement to the satisfaction of the CAO and Town Solicitor or designates.

5. That the Subdivision Agreement be executed in accordance with By-law 2023-021.

6. That notice of Council's decision reflects that Council has fully considered all the written and oral submissions relating to this matter and that those comments have been appropriately addressed.

7. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary.

KEY FACTS

The following are key points for consideration with respect to this report:

- The Statutory Public Meeting was held on December 12, 2011. Given the passage of time, this report reflects a combined Public Meeting and Recommendation Report.
- A number of watercourses related to the Fourteen Mile Creek subwatershed bisect the site. The consolidation of these watercourses, protection of the natural heritage system and their functions along with the necessary stormwater management for the development required an extensive amount of time to review and resolve issues.
- This report recommends approval of a revised Zoning Bylaw Amendment and Draft Plan of Subdivision application submitted by WSP to permit the development of an employment subdivision.
- The zoning by-law amendment and draft plan of subdivision application was originally received in May 2011 and deemed complete on June 9, 2011.
- The application has been reviewed against the North Oakville West Secondary Plan (NOWSP) policies.
- The site is located on the north side of Dundas Street West, midway between Tremaine Road and Regional Road 25.
- A Public Information Meeting was held on October 18, 2011.
- The site is designated as *Employment District, Transitway and Natural Heritage System Area* on Figure NOW2 of the NOWSP and zoned *Future Development (FD)* within Zoning By-law 2009-189, as amended.
- The proposed Zoning By-law Amendment is contained in Appendix C for consideration.
- The Draft Plan of Subdivision conditions are recommended based on town department and public agency comments, and are attached as Appendix D to this report.

Staff recommend approval of this revised application as the proposed development is consistent with the PPS, conforms to the Growth Plan, Regional OP and general intent and purpose of the NOWSP for the following reasons. The proposal:

- protects the natural heritage system as envisioned by the North Oakville Creeks Subwatershed Study (NOCSS) and North Oakville West Secondary Plan (NOWSP);
- reflects an employment development envisioned by the North Oakville West Secondary Plan that provides for a mix and range of employment uses to meet the long term needs of the town and region.
- addresses necessary infrastructure and servicing requirements for development of lands west of Regional Road 25;
- considers active transportation and community connectivity with the creation of the proposed trails system within the Natural Heritage System and stormwater management pond facility;
- protects identified cultural heritage resources (the farmstead on the property); and,
- addresses the Highway 407 expansion for bus rapid transit.

BACKGROUND

The site is located on the north side of Dundas Street West, midway between Tremaine Road and Regional Road 25. A tributary of the Fourteen Mile Creek together with the main Fourteen Mile Creek traverse the property.

The pre-consultation meeting for the development was held on March 23, 2011.

The Zoning By-law Amendment and Draft Plan of Subdivision applications were submitted on May 27, 2011. The application was deemed complete on June 9, 2011.

A Public Information Meeting (PIM) was held on October 18, 2011 and was attended by four members of the public.

The Statutory Public Meeting was held on December 12, 2011.

Figure 1a below reflects the original draft plan of subdivision application discussed at the December 12, 2011 Planning and Development/Council meeting with Figure 1b reflecting the latest draft plan of subdivision.

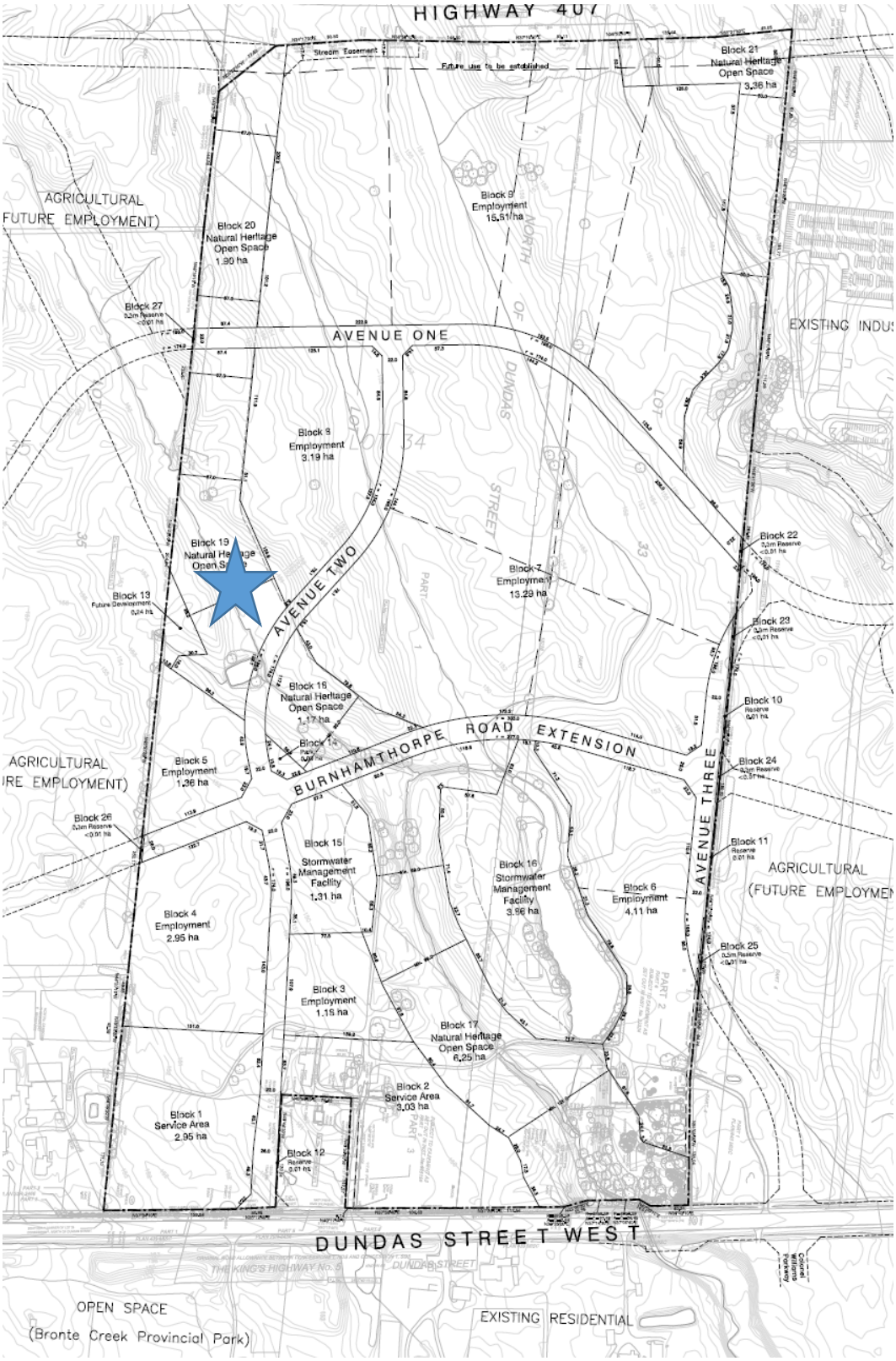


Figure 1a – Original Draft Plan of Subdivision

Updated Proposal

The original Zoning By-law Amendment and Draft Plan of Subdivision application was submitted in May 2011 to permit the development of approximately 75 hectares of land for an employment subdivision.

In addressing the various technical matters related to the EIR/FSS, servicing, transportation, etc. raised by the Town and the external public agencies since the original submission, a revised draft plan of subdivision and zoning bylaw amendment was submitted in October 2022.

The revised Zoning By-law Amendment application proposes to rezone the site from *Future Development 'FD'* to *Natural Heritage System (NHS), Light Employment (LE), General Employment (GE), Service Area – Employment (SA), Stormwater Mangement Facility (SMF)* and *Park (P)* with special provisions.

The draft plan of subdivision was updated to the December 14, 2022 version as contained in this report.

The revised draft plan of subdivision would:

- identify the Natural Heritage System (NHS) related to the Fourteen Mile Creek system,
- identify stormwater management facilities,
- establish the various blocks; and
- delineate the road system and land required for the expansion of Hwy 407 for bus rapid transit purposes.

The road pattern and the block layouts have all been revised from the original plan. As an example, the NHS blocks associated with the westerly tributary of the Fourteen Mile Creek have been revised as can be seen by the star when comparing Figure 1a (original above) and Figure 1b (latest below).

Initial access for the development to the site will be from a new road (Avenue Two) extending from Dundas Street West. This will service the Phase 1a lands to the west of the NHS. Once the lands to the east and west of the site have been developed, additional access to this site will occur from the extension of Colonel William Parkway (connects to Avenue 3) and the extension of Arterial One from Regional Road 25 and Tremaine Road.

Following the registration of each of the phases of the draft plan of subdivision, the larger employment blocks may be further subdivided into individual lots through the Part Lot Control process, should the need arise.

Submission information related to the development of this site can be found on the town's website at https://www.oakville.ca/business-development/planning-development/active-development-applications/ward-7-development-and-site-plan-applications/quadreal-property-group-bcimc-realty-corporation-bentall-3269-3271-dundas-street-west-z-1333-0/.

The following chart provides an overview of the uses and sizes as represented by the draft plan in Figure 1b.

Draft Plan Feature (December 14 , 2022)	**Blocks**	**Area**	
		(ha)	(acres)
Service Area – Employment	1,3b & 6	4.73	11.69
Employment	2, 3a, 3c, 4, 5, 7, 8	30.63	75.69
Stormwater Management	9, 10, 11	6.34	15.7
Natural Heritage/Open Space	12 - 15	22.25	55
Reserves	16 - 23	0.09	0.22
Dundas Street road widening	24, 25	0.66	1.6
Park (heritage)	26	0.44	1.1
Transitway	27	4.48	11.1
Roads		5.52	13.5
TOTAL		**75.14**	**185.7**

Figure 1b – Latest Draft Plan of Subdivision excerpt

The NHS (Blocks 12 – 15), which are to be conveyed to the Town to complement the overall North Oakville NHS system, are approximately 22 hectares in size; representing approximately 30% of the overall site.

Block 26 (P – Park), which reflects the cultural heritage interest in the property, is to be conveyed to the town. No parkland for this area of the NOWSP is identified.

Block 27 represents land to be conveyed to the Province for the Highway 407 Bus Rapid Transit system.

Phasing

Due to the large size of the subject lands, the applicant is proposing the following phasing for development (see Figure 1c). This phasing reflects the need for extensions to the road network and municipal services.

Phase 1a - Blocks 1, 2, 3 a - c, 4, 9, 11
Phase 1b - Blocks 5, 6, 7, 10, and 26
Phase 2 - Block 8

Blocks 12, 13 and 14, the NHS blocks, will be developed as part of Phase 1b.

Block 15, another NHS block, will be developed as part of Phase 2.

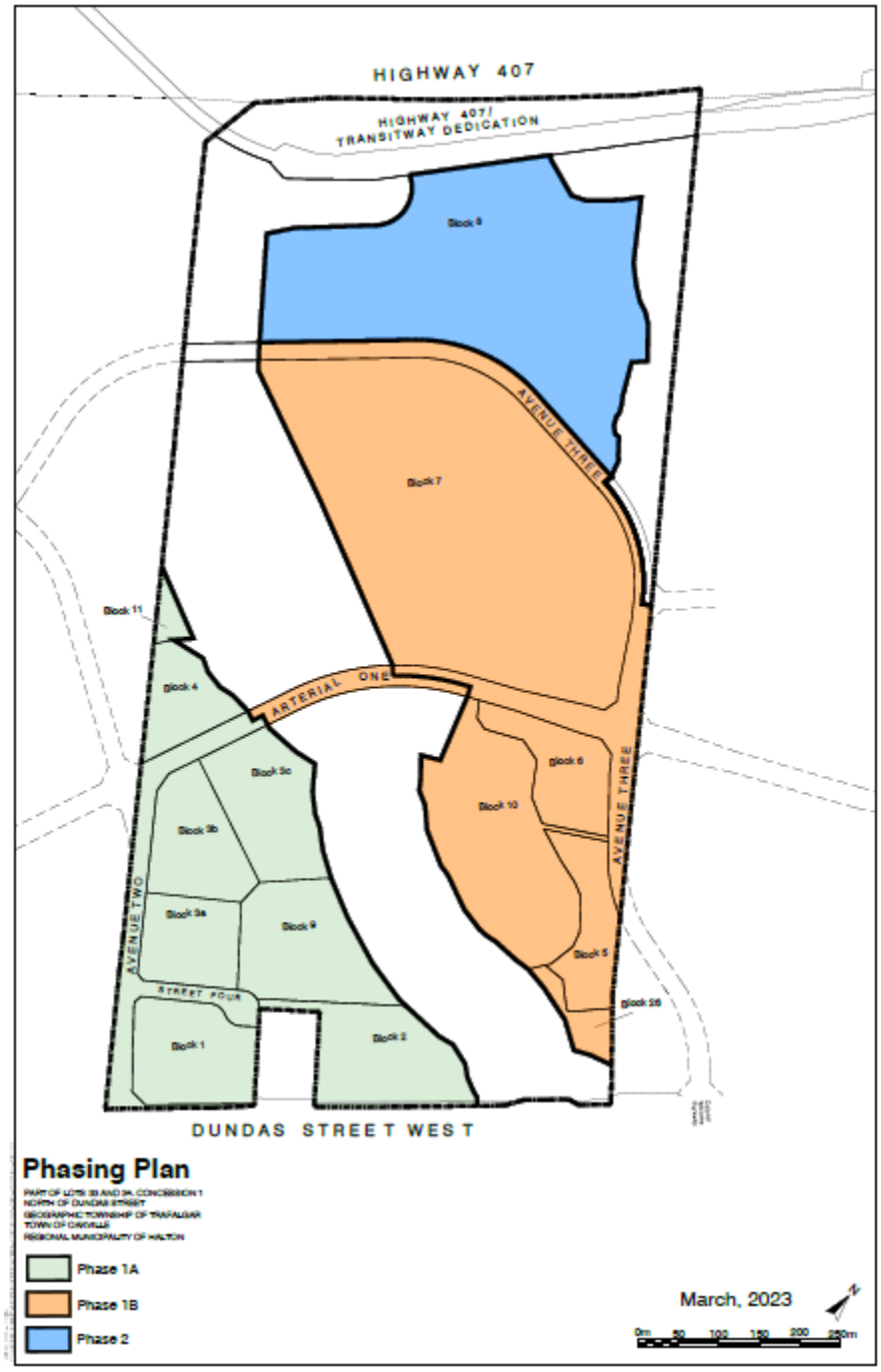


Figure 1c – Preliminary Phasing Plan

Location & Site Description

The municipal addresses for the overall 75-hectare site are 3269 and 3271 Dundas Street West. These addresses reflect the original farmstead located at the southeast corner of the site.

The site is located on the north side of Dundas Street West, midway between Tremaine Road and Regional Road 25. Frontage on Dundas Street West is approximately 500 metres. Presently, access to the overall site is from Dundas Street West via a gravel driveway, immediately east of the tributary of the Fourteen Mile Creek. The site is presently used for agricultural purposes. A number of tributaries of the Fourteen Mile Creek bisect the site.

The overall property is a heritage-listed property on the Town of Oakville's Heritage Register. This property was placed on the registry due to its cultural heritage value as an example of a historic farm complex and for its association with the agricultural development of Trafalgar Township. Heritage staff are working on the formal Part IV designation for a small portion of the overall site related to the original location of the farm buildings.

The existing barn is proposed to be refurbished as a pavilion. The area associated with the refurbished structure and surrounding cultural heritage landscape are to be conveyed to the Town; but not as part of the required parkland dedication.

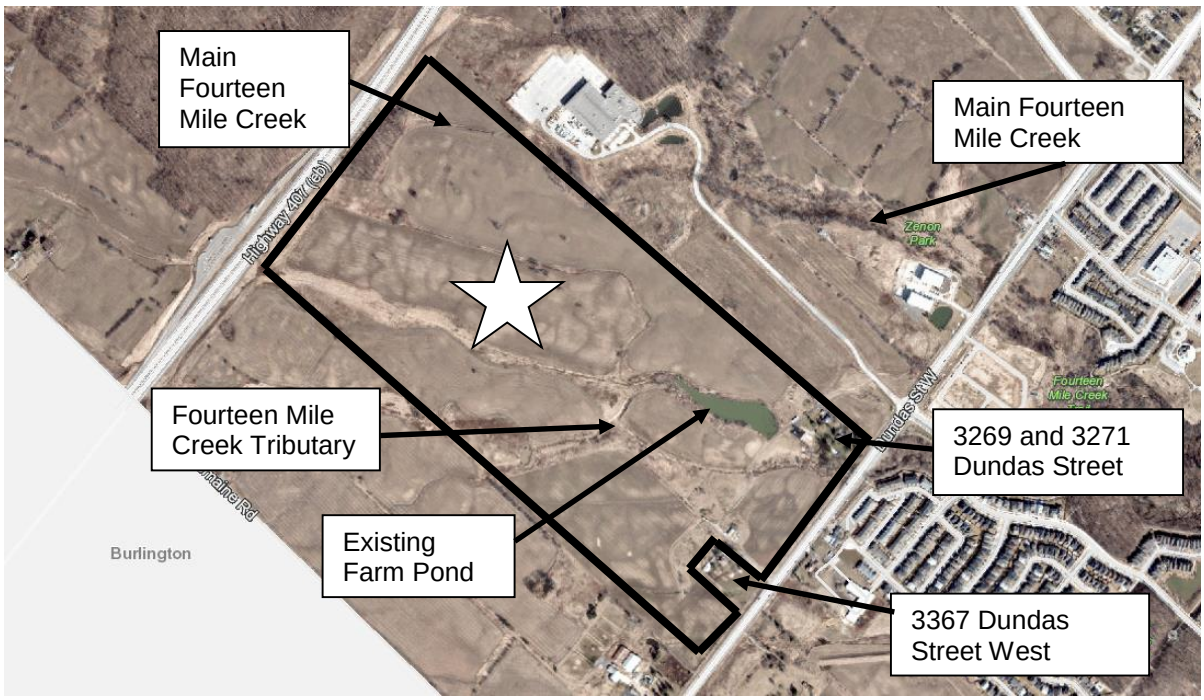


Figure 2 – Location Map

Surrounding Land Uses

The surrounding uses are described as follows:

West – agricultural land
North – Highway 407 and woodland
East – employment, one residential lot, agricultural land and Regional Road 25
South – Dundas Street West, Bronte Provincial Park and residential

3367 Dundas Street West is surrounded by this application.

PLANNING POLICY & ANALYSIS

The property is subject to the following policy and regulatory framework:

- Provincial Policy Statement (2020)
- Growth Plan for the Greater Golden Horseshoe (2019);
- Halton Region Official Plan;
- North Oakville West Secondary Plan; and,
- Zoning By-law *2*009-189

Provincial Policy Statement

The Provincial Policy Statement (2020) ('PPS') is intended to promote a policy led system, which recognizes that there are complex relationships among environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas and by promoting a compact development form.

The subject lands are located within a settlement area, which are to be the focus of growth and development. The land use patterns within the settlement area are based on densities and a mix of land uses that, among other matters, efficiently use land and resources, appropriately use the infrastructure and public service facilities that are planned or available and are transit supportive.

The proposal is consistent with the PPS 2020, as a range employment uses are proposed together with the protection of the natural heritage system and cultural heritage resources of the site. The expansion of provincial Hwy 407 with a bus rapid transitway is also recognized.

Growth Plan (2019)

The Growth Plan is a long-term plan that intends to manage growth, build complete communities, curb sprawl and protect cultural heritage resources and the natural environment.

The Growth Plan provides policies for where and how to grow, directing population and employment growth to urban areas and rural settlement areas with delineated built boundaries on full municipal services (policy 2.2.1). The subject lands are located within a “Designated Greenfield Area.”

The policies of the Growth Plan are to be applied to support complete communities that feature a diverse mix of land uses (employment and residential), services, and public service facilities; improve social equity and overall quality of life; provide a diverse range and mix of housing options; expand convenient access to transportation options, public service facilities, accessible open space and healthy local, affordable food options; ensure development of high quality compact built form; mitigate and adapt to climate change impacts, and integrate green infrastructure and low impact development (policy 2.2.1.4 a-g).

Policy 2.2.5 promotes economic development and competitiveness by ensuring the availability of sufficient land in appropriate locations for a variety of employment to accommodate forecasted employment growth, integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.

Policy 2.2.7.1 directs that new development in ‘Designated Greenfield Areas’ will be planned, designated, zoned and designed in a manner that supports the achievement of complete communities, supports active transportation and encourages the integration and sustained viability of transit services.

Section 4.2.2 outlines a series of policies directed at the long term protection of the natural heritage system.

Section 4.2.7.1 Cultural heritage Resources states “Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.”

The proposal conforms with the Growth Plan as the development assists in creating complete communities, protects natural heritage and cultural heritage resources and supports existing and planned transit services and active transportation. The existing designation of the property within the larger context of the surrounding area provides for an increased range of employment choices, convenient access to

planned and existing transit on Dundas Street West and convenient access to Highway 407.

Halton Region Official Plan

The subject land is designated as 'Urban Area' and 'Regional Natural Heritage System' within the Region of Halton's Official Plan (ROP) and is identified as forming part of the 'Employment Area – Overlay'. Dundas Street is designated a "Higher Order Transit Corridor". Policy 76 notes that the range of permitted uses is to be in accordance with Local Official Plans and Zoning By-laws. All development, however, is subject to the policies of the Regional Plan.

Dundas Street West is a regional road. A 1200 mm watermain already exists on the south side of Dundas Street West. However, the sanitary sewer system and road including signalized intersections still need to be completed. Development on the north side of Dundas Street will require the installation of the local watermains. In consideration of this, coordination with regional staff on the Dundas Street West capital project (servicing and roads) is required. The potential exists for the developer, should the developer wish to proceed in advance of the regional project, to front-end the financing for certain works.

Regional staff in a letter dated December 7, 2022 (see Appendix A) have provided a number of conditions for draft approval including conditions related to servicing and road works, and have requested holding provisions be included into the proposed zoning by-law.

Town of Oakville

Urban Structure

Schedule A1, Urban Structure, of the *Livable Oakville Plan* provides the basic structural elements for the Town and identifies the site, highlighted by the star, as *Employment Areas* and *Natural Heritage System*.

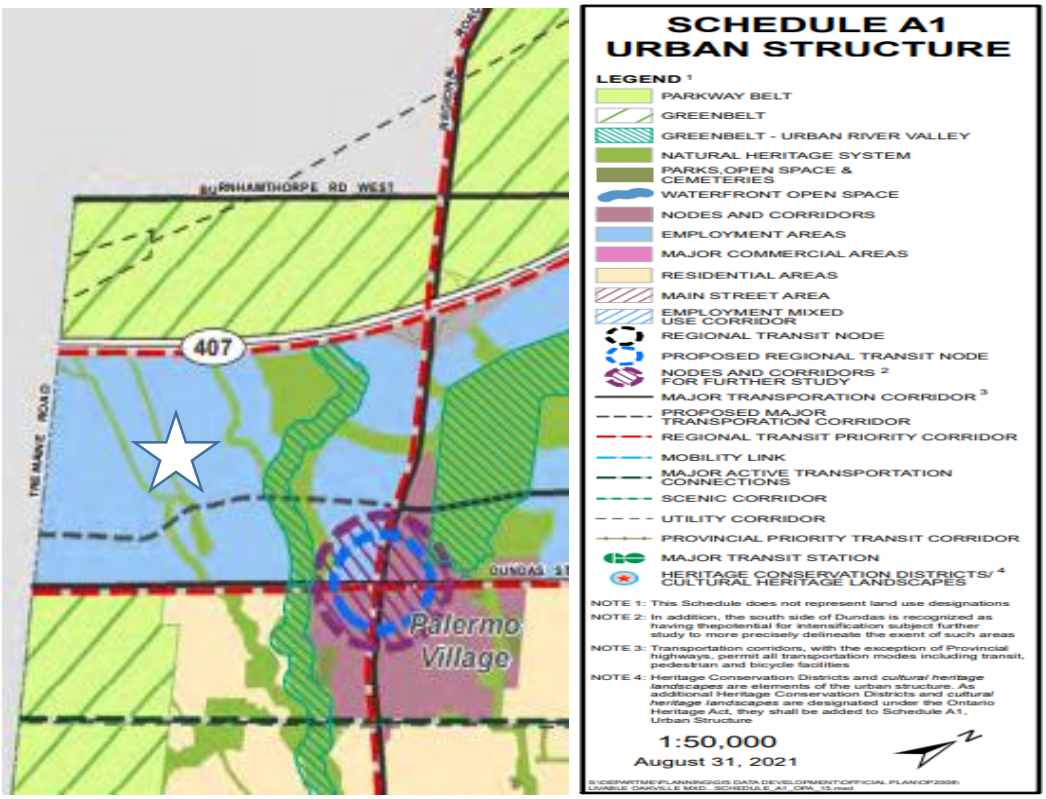


Figure 3 - Town's Urban Structure

North Oakville West Secondary Plan (NOWSP)

On November 23, 2009, the NOWSP was partially approved by the Ontario Municipal Board. The NOWSP establishes the detailed planning framework for future urban development between Dundas Street and Highway 407, generally west of Sixteen Mile Creek.

The one outstanding appeal to the NOWSP does not apply to the subject lands and is related to lands, centred on Regional Road 25, as shown on Figure 4 below.

The subject site is designated as '*Employment District, Transitway and Natural Heritage System Area'* on Figure NOW2 as shown on Figure 4.

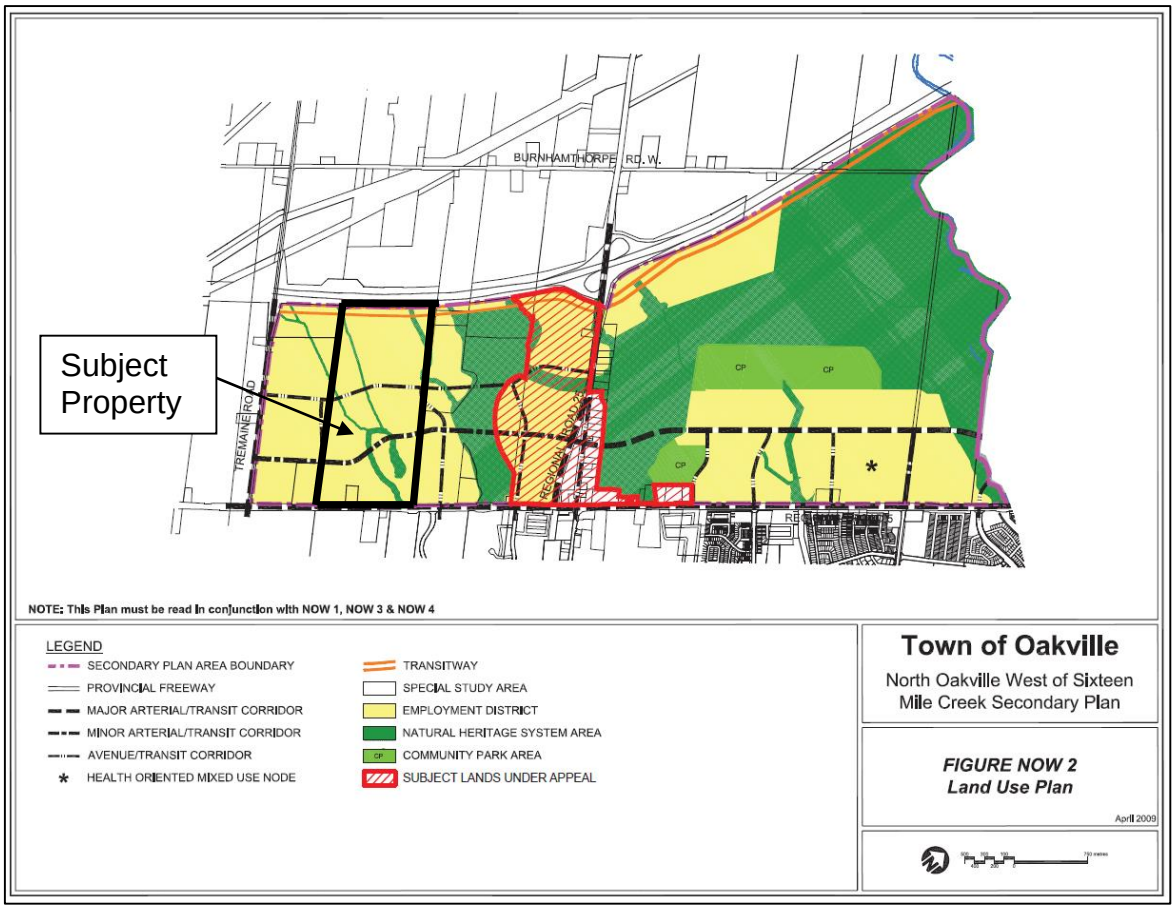


Figure 4 – NOW2 – Land Use Plan

<u>Conformity with NOWSP</u>

The primary focus of the *Employment District* designation is to establish a range of development opportunities that would generate industrial, office and service employment uses.

Sections 8.6.5.2 outlines a number of permitted uses in the *Employment District* designation including locational restrictions for certain uses related to the Health Oriented Mixed Use Node, major arterial roads and Hwy. 407. In addition, Section 8.6.5.3 discusses retail and service commercial uses and their locational criteria.

The applicant is proposing to develop an employment business subdivision as follows:

- Blocks 1, 3b and Block 6 have the ability to develop for employment uses including a variety of service employment uses.
- Blocks 2, 3a, 3b, 4, 5, 7 and 8 are proposed for light and general employment uses.

- Blocks 9 to 11 are required for stormwater management purposes. Block 10 reflects the re-purposing of the existing man-made farm pond.
- Blocks 12 to 15 are proposed to reflect the Natural Heritage System associated with the Fourteen Mile Creek system;
- Block 26 (Park) captures the cultural heritage interest in the property; and,
- Block 27 relates to the expansion of Highway 407.

The road pattern, while slightly modified from that of the NOWSP, maintains the grid pattern intent for development in North Oakville.

Technical matters related to the NOWSP, such as the creation of the NHS, transportation and servicing, are discussed below in the Technical /Public Comments section of this report.

Considering the above and the discussion further below, staff consider the proposal, as presented, to conform to the NOWSP.

<u>Official Plan Amendments 34, 37 and 38 for the North West Area and Palermo</u>

Planning and Development Council has adopted a series of Official Plan Amendments (OPA) that repealed the 1984 Oakville Official Plan as it applies to the North Oakville West Secondary Plan Area (excluding the Hospital District) and amended the Livable Oakville Plan to incorporate new policies for that same area and an expanded Palermo including OPA 34 (April 12, 2021) and OPA 37 and 38 (July 5, 2021).

Halton Region is the approval authority for these OPAs. On March 13, 2023, the region issued the notice of decision approving OPAs 34, 37 and 37 with modifications. Those decisions by the region were subsequently appealed to the Ontario Land Tribunal.

The subject applications have been reviewed in the context of both the NOWSP and the emerging policy of OPAs 34, 37, and 38, and deemed to conform to all.

Zoning By-law (By-law 2009-189)

The North Oakville Zoning By-law sets out the zoning standards with the establishment of general regulations and zones reflecting the North Oakville East and West Secondary Plans. Town Council approved the North Oakville Zoning By-law (By-law 2009-189) on November 23, 2009.

The subject property is currently zoned *Future Development (FD)*, which necessitates a zoning amendment to implement the intent of the Official Plan.

Proposed Zoning By-law Amendment

Proposed By-law 2023-014 (attached as Appendix C) reflects the permissions and regulations as follows:

- Revises the zoning schedule to reflect the various zoning categories (NHS, LE, GE, SA, SMF, FD, and P) with special provisions.
- Identifies additional permitted uses to support the development of the employment area. As an example, cafes are permitted within the *Light Employment* and *General Employment* zones. Additionally, gas bars would be permitted in the Service Area – Employment (SA) SP88 zone.
- Introduces LE zoning regulations for the area abutting the Highway 407 transitway. This is similar to regulations that the town employs along the QEW.
- Within the GE and LE zones, a minimum 7.5 metre yard abutting the proposed NHS zones is being introduced to reflect the need for infiltration trenches and access to the infiltration trenches. This is required as per the EIR/FSS to address water balance, infiltration deficiencies, supplementing base flows and cooling water to the Redside Dace habitat.
- Within the GE SP 86 zone, a 10 metre landscaped strip is being introduced where the zone abuts the P zone. The intent of this landscaped strip is to buffer the heritage component of the site from the future employment development.
- Excludes retail stores within the Service Area - Employment (SA) zone. The intent of the employment district is not to promote commercially focussed retail stores such as large format stores.
- Permits water and sanitary services to traverse a very small section of the NHS zone associated with the area of the existing gravel driveway to support the development of the Phase 1b lands. These temporary services will be decommissioned with the future extension of Colonel William Parkway and connection to Avenue 3.
- The Future Development (FD) zoning category will remain on Block 27-Transitway as the zoning regulations allow for infrastructure where an Environmental Assessment has been completed or as part of a planning approvals process. Extensive discussions on the detailed block limits have occurred between the applicant and the Ministry of Transportation – 407 Corridor Department and are reflected on the draft plan of subdivision.

In addition, the proposed zoning by-law amendment introduces a number of holding provisions that related to the overall development phasing. The holding provisions are as follows:

1. Holding Provision 39 - Phase 1a - relates to water and wastewater services and an update to the Functional Servicing Report. These were requested by Halton Region.
2. Holding Provision 40 - Phase 1b – relates to the requirement for the crossing of the tributary of the Fourteen Mile Creek (Arterial One), temporary water and wastewater services, provision of a temporary fire prevention access in the area of the existing gravel driveway and the same holding provisions of H39.
3. Holding Provision 41 – Phase 2 - relates to the extension of Colonel William Parkway northward to connect to Avenue Three and the same holding provisions of H39.

Staff evaluated the proposed development in the context of the NOWSP and recommend approval of the proposed Zoning By-law Amendment for the reasons outlined in this report.

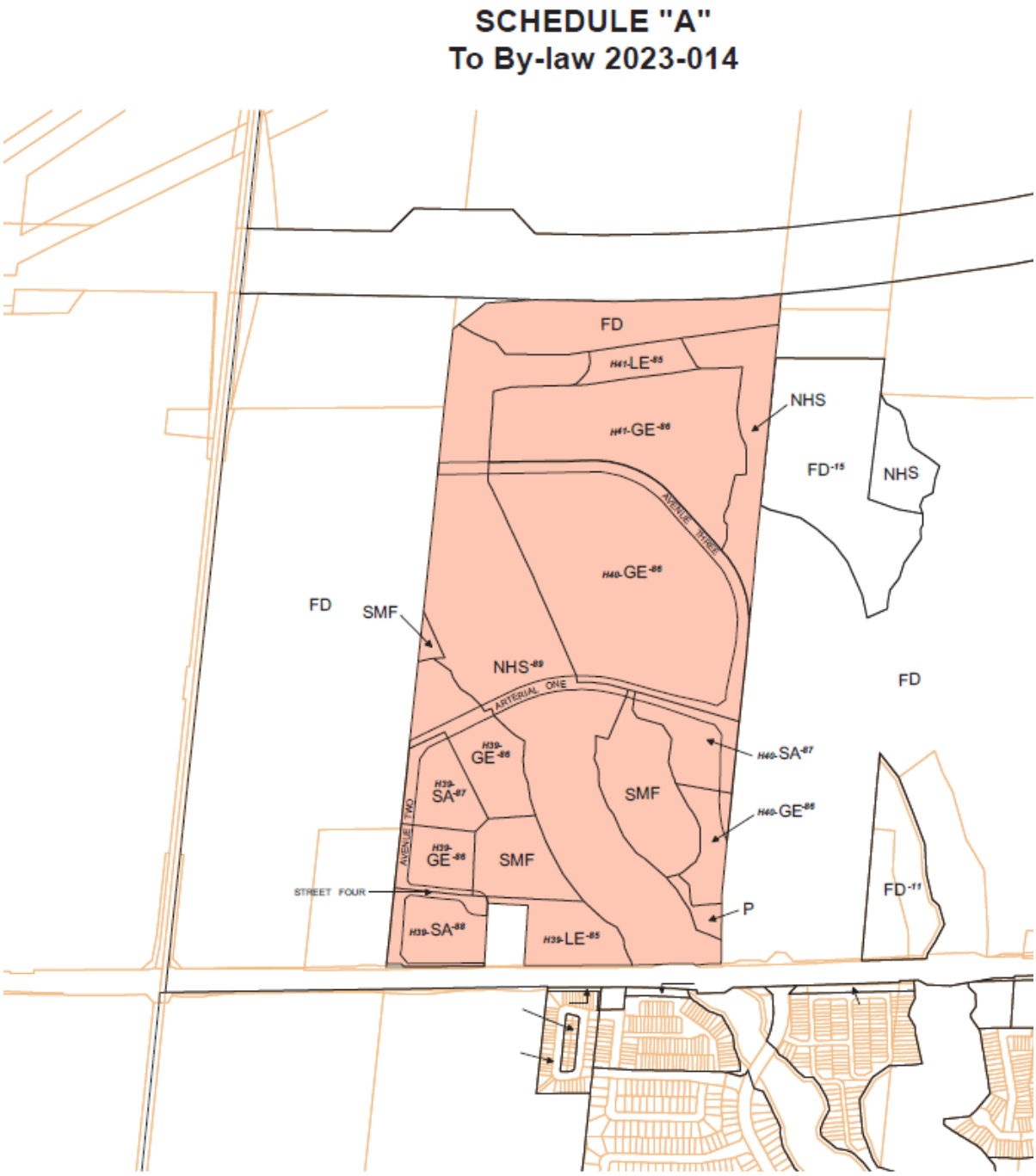


Figure 5 – Excerpt of Proposed ZBA schedule

Draft Plan of Subdivision

As seen on Figure 1b, the draft plan of subdivision reflects a number of future employment blocks, several blocks associated with the Natural Heritage System,

three blocks for stormwater management facilities, one block related to the protection of the site's cultural heritage resources and a block related to the expansion of the Highway 407 for bus rapid transit purposes. There are additional blocks related to road widenings and road reserves.

Initially access will only be from Dundas Street West, but ultimately this site and the abutting sites will gain access from Dundas Street, Tremaine Road and Regional Road 25.

The various NHS blocks together with the various SWM blocks and the Park block will be conveyed to the town upon the registrations of the various phases of the plan of subdivision. In addition, the block associated with the expansion of Highway 407 is to be conveyed to the Province.

For development of the Phase 2 lands, the extension of Colonel William Parkway from Dundas Street West across the easterly abutting lands is required. This is captured within Holding Provision 41.

TECHNICAL & PUBLIC COMMENTS

Transportation & Mobility

Transportation Impact Study (TIS)

A Transportation Impact Assessment (TIS) was submitted with the original application.

As a result of the extensive EIR/FSS work related to the Natural Heritage System and more so, related to MNRF's concern about the number of creek crossings, and the evolution of the Evergreen project on the west side of Tremaine Road in the City of Burlington, town staff requested an update to the TIS.

An updated TIS was reviewed by town staff and deemed acceptable. This work reconfirmed that the road width for the Arterial One at 26 metres, save and except at intersection locations is appropriate. In addition, it confirmed that development of the area could occur with the one future crossing of the Main Fourteen Mile Creek (extension of Arterial One to Regional Road 25), should concerns still arise with the additional crossing of the main Fourteen Mile Creek, just south of the original Zenon building.

Roads

The road pattern has been slightly modified from that of the NOWSP. Arterial One shown on the draft plan is to be a minor arterial town road. It reflects the extension

of William Halton Parkway, west of Regional Road 25. This roadway has been shifted slightly to the north to mitigate any impacts to the High Constraint Corridor section of the west tributary of the Fourteen Mile Creek, as contained within the NOWSP or NOCSS.

With this shift, Avenue Three, north of Arterial One was shifted accordingly.

Three culs-de-sac are shown on the draft plan, two associated with Avenue Three abutting the westerly and easterly lands and one abutting the west side of the NHS for Arterial One. These culs-de-sac will be removed through development of subsequent phases and development of abutting properties.

Arterial One maintains the ability for future connections to Tremaine Road and Regional Road 25 across adjacent parcels of land.

Through the development review process, Ministry of Natural Resources (MNRF) raised a concern related to the number of crossings of the Main Fourteen Mile Creek valley and the impacts on red side dace habitat to the east of the subject property. The crossings of the main Fourteen Mile Creek, as illustrated in the NOWSP, were previously accepted by MNRF as part of the North Oakville planning exercise and support the grid pattern design to the overall road system. Notwithstanding this and the discussion above related to the road system, staff will re-examine this crossing matter further during the future development of the easterly adjacent lands. No development applications have been submitted for the abutting easterly lands. There would be no need to alter the road pattern on the subject application lands because of any further assessment of development applications on adjacent lands.

Avenue Three has been shifted westward from that shown in the NOWSP, to the easterly property limit of the subject property. It reflects the road extension of Colonel William Parkway from the signalized Dundas Street West intersection. The section of the road immediately north of Dundas Street West, as seen on Figure 1b of this report, remains entirely on the lands to the east. The shift in the location of this roadway does not impact the ability to develop the easterly abutting lands. This section of roadway will need to be constructed and operational prior to any development occurring within the proposed Phase 2 lands. Holding provision 41 reflects this matter.

The intersection locations on Dundas Street West have been deemed acceptable by the Region and consistent with the NOWSP.

For fire prevention purposes, two access points are required. To permit development of the Phase 1b lands, the area of the existing driveway from Dundas Street West will need to be upgraded to provide a temporary secondary fire prevention access (see Figure 6 below). Primary fire access to the Phase 1b lands

will remain from Arterial One. This temporary secondary fire access is only necessary should the need arise, such as a blockage of Arterial One. This matter is addressed with Holding Provision 40. The applicant will be required to work with the town's Fire Prevention staff on the appropriate access design.

The proposal maintains the original vision of a grid road pattern. Section 8.7.2 1) b) of the NOWSP states that an amendment to the plan is not required for changes in road alignment provided the general intent and purpose of the Plan is maintained.

407 Transitway

Provision is made for a future provincial transitway along the south side of Highway 407. A strip of land along the Highway 407 (Block 27) has been identified within the draft plan of subdivision, and will be conveyed to MTO as a condition of draft approval. In addition, the proposed zoning bylaw amendment includes regulations requiring a 14-metre building and parking setback from the limits of the highway corridor.

Trails System

As a North Oakville East and West Secondary Plan implementation tool, town staff created the North Oakville Trails Plan, dated May 2013. The document provides further guidance with regard to the trails system within the North Oakville, both within the NHS and on the proposed road system.

Within the subject property, the trails system will reflect a trail within the creek system for the Fourteen Mile Creek subwatershed (NHS) and along the proposed road system.

The trails systems, as proposed, is acceptable to Parks and Open Space staff.

Infrastructure

Area Servicing Plan (ASP)

An ASP report was prepared by the MMM Group (now WSP) for Halton Region to satisfy the secondary plan requirement (Section 8.7.3) for the preparation of a Master Servicing Plan. The ASP provides the overall servicing plan for the ultimate servicing and infrastructure requirements for the 407 West lands (area west of Regional Road 25) of the NOWSP. Halton Region staff deemed the ASP report to be acceptable on June 2, 2014.

Functional Servicing Study (FSS)

A Functional Servicing Study was included as part of the EIR/FSS report. The purpose of the FSS is to identity servicing requirements related to sanitary, water, stormwater, roads and site regrading.

From a wastewater perspective, the subdivision will function by gravity to a future wastewater trunk sewer system on Dundas Street West.

For water servicing, a 1200 mm diameter watermain is located on the south side of Dundas Street West. No crossing stubs/connections were provided for this development at the time of construction and will need to be installed at future intersections of Avenue Two and Avenue Three with Dundas Street West.

In addition, local watermain(s) will be required within the north boulevard of Dundas Street West and to provide for fire protection.

Funding for certain regional infrastructure related to the Dundas Street West reconstruction are not contained with the Region's capital budget at the present time and as such, the timing of the subject development may be affected. To accelerate development, consideration by the developer to front end funding and works may be required.

Development of Phase 1b, as shown in the phasing plan contained within this report, requires the extension of temporary water and wastewater services through a very small section of the proposed NHS to connect to Avenue 3. As can be seen in Figure 6 below, the extension would relate to the area of the existing driveway to 3269/3271 Dundas Street West. As development proceeds to Phase 2, Colonel William Parkway will be constructed with full services. This will then allow these temporary services to be decommissioned. This matter was reviewed as part of the Functional Servicing Report process. The overall intent of the NOWSP for services within the road system is being maintained.

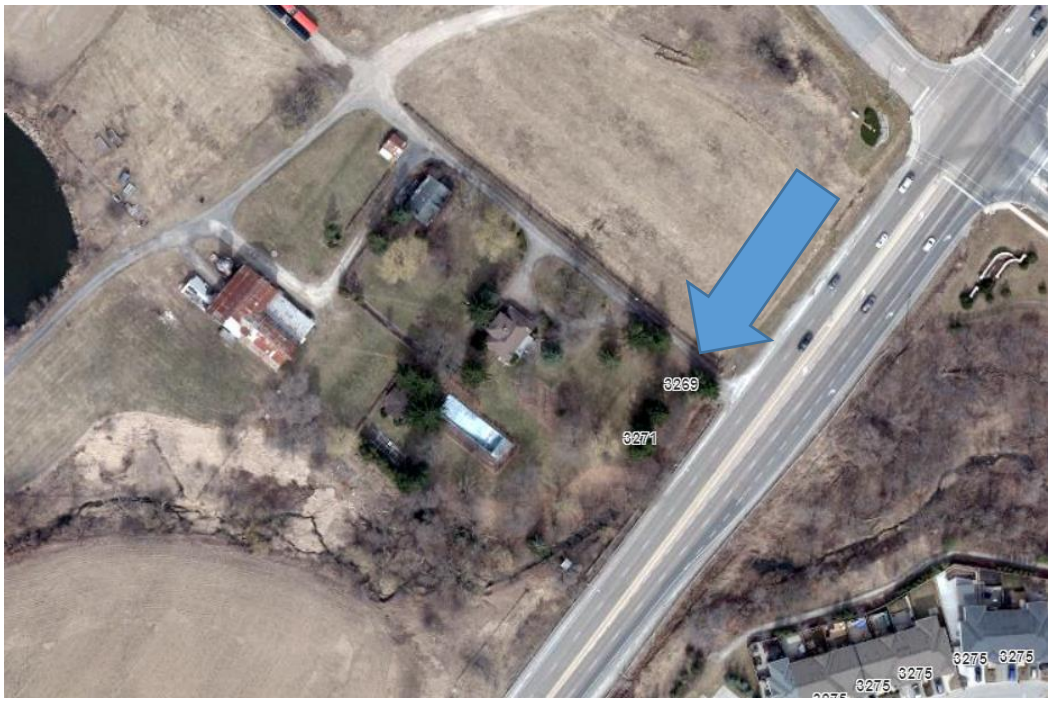


Figure 6 – Plan and Street view of existing entrance to 3269/3271 Dundas Street West

Environmental Impact Report (EIR)

Section 8.8.3 of the NOWSP requires the submission of an Environmental Impact Report/Functional Servicing Study. This study was prepared to demonstrate how the proposal addresses the approved North Oakville Creeks Subwatershed Study.

The purpose of the EIR is to characterize and analyze the natural heritage features and functions and to determine and address the potential impacts of the proposed development application. This document reviews the entire site including both the tributary of the Main Fourteen Mile Creek (northeast corner of the site) and the west tributary of the Main Fourteen Mile Creek, which diagonally bisects the site.

The MNRF has deemed portions of these watercourses as either Occupied Redside Dace habitat (red stream) or having the potential to contribute to Redside Dace habitat. Redside Dace is a fish species at risk.

The EIR/FSS is premised on the protection, relocation, consolidation, and retention of functions of a number of these watercourses, all in an effort to create the natural heritage system. Blocks 12 to 15 have been created for this purpose. As an example, the proposed width of Block 14 (NHS) closest to Dundas Street West is approximately 130 metres wide and widens to approximately 215 metres with the consolidation of several watercourses north of Arterial One.

The existing man-made farm pond will be re-purposed as a stormwater management pond, while replicating some of the existing functions. Blocks 9, 10 and 11 are proposed as stormwater management ponds, which when functional will contribute flows to the tributary of the West Fourteen Mile Creek.

In addition, the development of Blocks 7 and 8, through the future site plan approval process, will need to design a clean water system connecting to the northerly portion of Block 14, commonly known through this process as the “hook”, all to support the existing Red Side Dace habitat.

Watercourse Consolidation, Relocation and Re-purposing

As shown in Figure 7 below, there is a hierarchy of watercourses that traverse the site. The stream reaches, which traverse the subject property, are classified within the NOWSP, Figure NOW3, as follows:

- High Constraint Stream Corridor Areas (red streams) - Reaches 14W-12, 14W- 12A (diagonally bisecting the lower section of the property) and Reach 14W-11. High Constraint Stream Corridors Areas (red) are to be protected in their existing location for hydrological and ecological reasons.

- Medium Constraint Stream Corridor Areas (blue streams) - Reaches 14W-14, 14W-14a (farm pond), 14W-16, 14W-11A. Medium Constraint Stream Corridor Areas (blue) may be deepened and/or relocated and consolidated with other watercourses provided the relocated watercourse maintains the function from hydrological and ecological perspectives.

- Low Constraint Stream Corridor Areas (green streams) – Reach 14W-13. Low Constraint Stream Corridor Areas (green) do not have to be maintained but the function must be addressed.

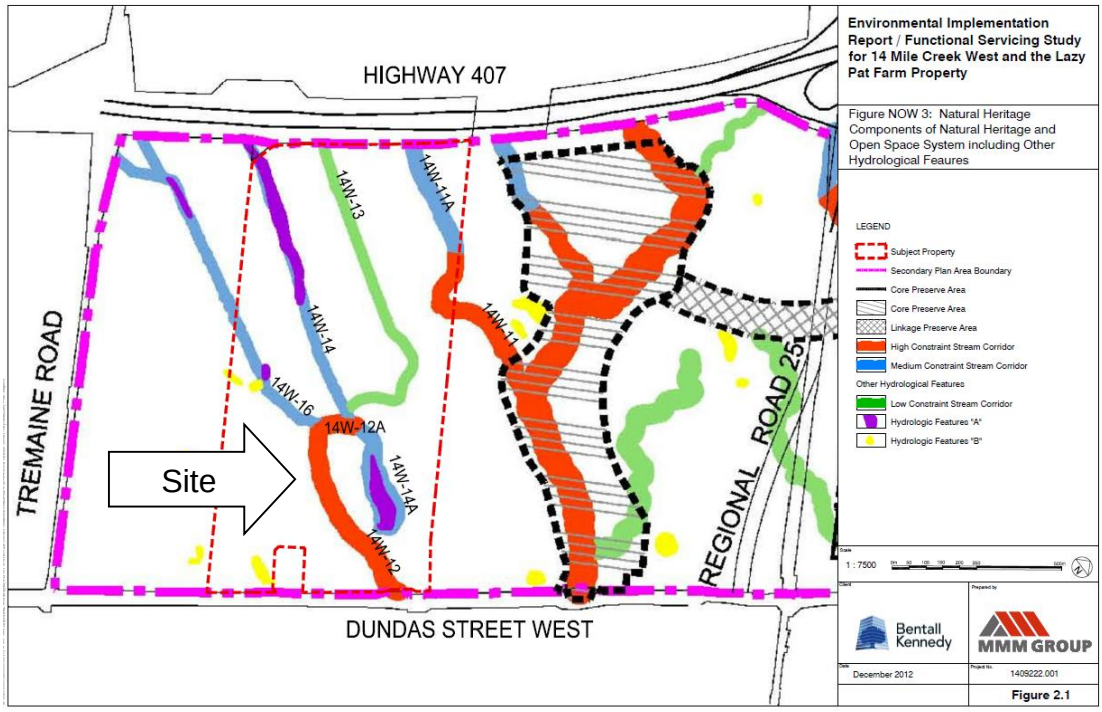


Figure 7 – Watercourse Hierarchy

The High Constraint Stream corridors (red streams) are being maintained within Blocks 14 and 15.

From the Medium Constraint Stream corridor (blue streams) perspective, the functions of 14W-14, 14W-14A and 14W-16 are being consolidated into Blocks 12 and 13 of the draft plan along the west side of the site. A portion of Reach 14W-11A, a blue stream (northeast corner of the site abutting the original Zenon facility), is being relocated into an open channel, Block 15.

The conveyance function of Low Constraint Stream Corridor Area 14W-13 (green stream) is being addressed within the proposed storm sewer system.

The existing man-made farm pond is to be re-purposed into a stormwater management pond within Block 10.

The proposed watercourse consolidation/relocation/re-purposing is consistent with Sections 8.4.7 of the NOWSP and acceptable to Conservation Halton, Halton Region and town staff. Conditions of draft approval have been included to address this matter through detailed design.

Cultural Heritage

Section 8.4.14 of the NOWSP provides policies related to the protection and integration of cultural heritage resources. The overall site, 3269 and 3271 Dundas Street West, is presently a listed heritage property on the town's cultural heritage registry. The property has cultural heritage value as an example of a historic farm complex and for its associations with the agricultural development of Trafalgar Township. Town heritage staff continue to work with the applicant on the protection/development of Block 26.

A Conservation Management Strategy was prepared by the applicant and considered the:

- Demolition of two residential buildings with footprints of each building marked, interpreted as a landscape features and with a plaque;
- Creation of a parks pavilion with the dismantling of the barn complex, timber salvaging;
- Retention of silo with entry access sealed;
- Conservation of the summer house in whole or part;
- Signage on site to utilize, where appropriate, salvaged timbers;
- Retention of driveway pillars and their temporary relocation; and,
- Ultimate vehicular access to the property from Avenue Three from the easterly abutting property.

In September 2015, Heritage Oakville passed the following recommendation, which was endorsed by Council.

1. *That the Conservation Management Strategy dated July 2015, be supported in principle for future implementation with particular attention paid to the possibilities of restoration and adaptive reuse of the original farmhouse, the barn and the summer house; and Heritage Oakville Advisory Committee September 22, 2015.*

2. *That a Notice of Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act be issued for the identified cultural heritage landscape of the property at 3269 Dundas Street West.*

The Notice of Intention to Designate has not yet been issued. With the recent changes to provincial heritage legislation, staff are working on the designation process and will be returning to Heritage Oakville Advisory Committee with the final results.

Land for parks purposes has not been identified within the NOWSP within this section of the NOWSP. The cultural heritage component to this site is identified as Block 26 and is to be zoned Park (P). Block 26 is to be conveyed to the town and shall not constitute a contribution to the required parkland dedication. The required payment-in-lieu of parkland (2% of land area) shall be taken in accordance with By-law 2022-108 on the remaining development blocks, on a block-by-block basis.

Landowners Coordination Meetings

In consideration of the varying interests in the area and following the Statutory Public Meeting on December 12, 2011, staff arranged for a number of landowner coordination meetings with the intent of ensuring that all landowners in the area bound by Dundas Street West, Tremaine Road, Hwy 407 and Regional Road 25 understood the application and the development of the subject property.

Section 8.5, Community Design Strategy, of the NOWSP specifically reflects the need for consultation of all affected landowners in the specific area.

The dates of those meetings were:

- February 21, 2012 – general meeting with 407 West landowners
- April 24, 2012 (Newmark Developments)
- January 17, 2013 – follow-up meeting with 407 West landowners;
- February 11, 2015 – third meeting with 407 West landowners; and,
- March 26, 2015 with representatives of the former GE site.

It is staff's opinion that matters raised at the landowner coordination meetings such as development coordination and interface with abutting properties, the alignment of roads and the shift of the southerly east-west road northward to protect the High Constraint Stream corridor, delineation of the natural heritage system and location of stormwater management features have been satisfactorily addressed.

Public Comments

This section provides a staff response and analysis of additional matters raised by the public.

Access to 3367 Dundas Street West

3367 Dundas Street West is now under new ownership since the approval of the NOWSP and submission of the subject application. The town has held pre-consultation meetings with the new landowner for the redevelopment of 3367 Dundas Street West.

As seen on the Figure 8, there exists an existing easement (shown with the arrow) immediately to the east of 3367 Dundas Street West. The purpose of this existing easement is for vehicular access to the dwelling and barn from Dundas Street West.

Halton Region will only permit one right in / right out access to/from Dundas Street West for 3367 Dundas Street West.

As part of the design of the subject subdivision, the applicant included an additional connection to internal Street Four. The need for the access easement will then not be required and the easement can be abandoned. This matter has been conveyed to the new owner's representative at a pre-consultation meeting.

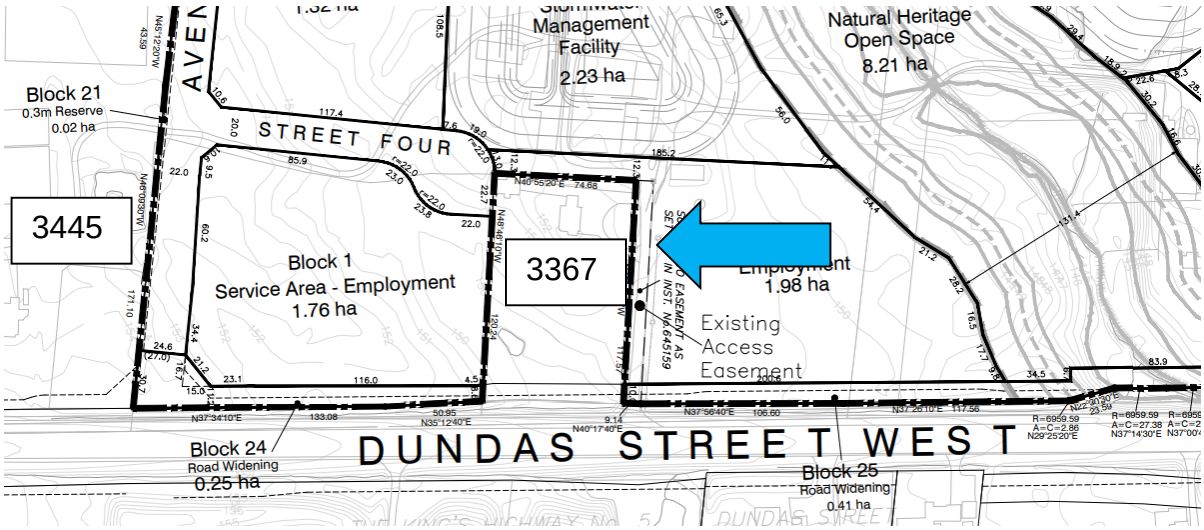


Figure 8 – Draft Plan excerpt related to 3367 Dundas Street West

3367 Dundas Street West is also a listed heritage property. Staff have already held a number of meetings with the owner's planning and architectural consultants.

3445 Dundas Street West (identified on Figure 8, former Bertin Stables)

Staff have had extensive dialogue with this landowner since the original submission and coordination meetings. It is staff's understanding that this landowner is supportive of the proposed development.

3239 Dundas Street West - formerly Suez, GE and Zenon

Staff previously met with representatives of GE on the draft plan. Concerns were raised related to the impacts of the proposed development on the continued operation of the GE site. The subject plan for bcIMC Realty has been designed such that the site's development and in particular the road pattern will not adversely affect any development potential or operation of the adjacent, easterly property.

A number of 0.3 metre reserves have been created to indicate potential/future road connection points. The northerly 0.3 m reserve location on Avenue Three (Block 17) allows for future discussions with MOECP and the easterly abutting property on a potential second road crossing of the Main Fourteen Mile Creek. Should a crossing remain a concern, the ability for alternatives, such as a cul-de-sac road, could be considered.

Avenue Three will be partially built south of Arterial One by the applicant and will temporarily terminate in a cul-de-sac. Future coordination between this applicant and the easterly abutting landowner will be necessary for the extension of Avenue Three (Colonel William Parkway) from Dundas Street West. This extension is highlighted on Figure 1b, the draft plan of subdivision. Staff have been advised that only initial discussions with the easterly abutting landowner have occurred to date. A holding provision has been added to the proposed site-specific zoning by-law amendment to reflect this matter. Phase 2 of the subdivision cannot be developed without Colonel William Parkway being constructed.

Bill 97

On April 6, 2023, the province introduced Bill 97, the *Helping Homebuyers, Protecting Tenants Act*, 2023 (Bill 97), and released a proposed Provincial Planning Statement 2023 (PPS 2023) to replace the current Provincial Policy Statement 2020 and the Growth Plan for the Greater Golden Horseshoe.

Bill 97 proposes to change the definition of "employment areas" in both the proposed PPS 2023 and the *Planning Act*, to focus on heavy industry, manufacturing and large-scale warehousing. Other uses that can locate in mixed use areas, such as retail, commercial and office, would no longer be considered employment. These amendments will come into force on a day to be named by proclamation of the Lieutenant Governor.

The exclusion of institutional uses, commercial uses, including retail and office uses from employment areas will trigger a re-evaluation of the town's employment areas designated in the Official Plan. The town will need to review the Official Plan to ensure conformity with the new PPS, once approved. The subject lands will be part of that future review.

IMPLEMENTATION

The applicant will be required to remove the associated holding provisions, prior to any building construction on the site occurring along with clearing all the conditions of draft approval for the associated phases of development.

There is a need to continue co-ordination with Halton Region to ensure water and sanitary servicing is made available for the subject property as soon as possible, and be identified through the Region's capital budget process.

Following registration of the phases, the land can be further subdivided into individual lots, if necessary, through the Part Lot Control process.

Development on each lot shall be further reviewed through the Site Plan process.

CONCLUSION

Staff is satisfied that the proposed development, as revised, is consistent with the PPS (2020), conforms to the Growth Plan (2019), Regional Official Plan and the general intent and purpose of the NOWSP, as the proposed development protects natural heritage and cultural heritage resources, aids in the achievement of complete communities by providing a range of employment opportunities and is transit supportive.

Staff recommend approval of the Draft Plan of Subdivision subject to the conditions in Appendix D and that By-law 2023-014 be passed as the following additional requirements have been satisfied:

- A full circulation has been undertaken and there are no outstanding financial or planning issues to be resolved. Issues raised by the Conservation Halton and Region of Halton have been addressed through conditions of draft plan approval.
- The proposal implements the vision, development objectives, community design strategy and land use strategy of the North Oakville West Secondary Plan.

- The draft plan of subdivision is necessary to facilitate future land division into individual employment lots and is considered appropriate for the orderly development of the lands.
- The proposed plan of subdivision meets the criteria established in Section 51(24) of the *Planning Act*.
- Comments from Council have been appropriately addressed.

CONSIDERATIONS

(A) PUBLIC

A Public Information Meeting together with a Statutory Public Meeting and Landowner Coordination meetings were held on this application.

Due to the length of time since the initial Statutory Public Meeting, a notice reflecting this combined meeting was mailed out to all properties within 240 metre radius of the site and placed on the sign on the property.

(B) FINANCIAL

Development charges and parkland dedication are applicable to this development and will be payable at building permit.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The various internal departments and external agencies have been part of the technical review of the application and have provided their input into this report. Conditions of approval have been included within Appendix D.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:
• enhance our natural environment
• enhance our economic environment
• be the most livable town in Canada

(E) CLIMATE CHANGE/ACTION

The development proposal furthers the sustainability principles established with the North Oakville West Secondary Plan.The proposal will also be / has also been reviewed in the context of Council declaring a Climate Change Emergency on June 24, 2019 to provide opportunities to reduce the development footprint of the proposal.

APPENDICES

Appendix A - Regional comments dated December 7, 2022
Appendix B - Draft Plan of Subdivision
Appendix C - Proposed Bylaw 2023-014
Appendix D - Conditions of Draft Plan Approval

Prepared by:
Robert H. Thun, MCIP, RPP
Senior Planner, Current Planning – West District

Recommended by:
Paul Barrette, MCIP, RPP
Acting Manager, Current Planning – West District

Submitted by:
Gabe Charles, MCIP, RPP
Director, Planning Services

Appendix A to Staff Report

Regional Comments – December 7, 2022

Re: **Region of Halton Comments - 9th Submission**
Proposed Draft Plan of Subdivision and Application to Amend the Zoning By-law
Part of Lots 33 and 34, Concession 11, NDS
File: 24T-11001/1333, Z.1333.01
Bentall/Kennedy (Canada) LP, c/o bcIMC Corporation
3269, 3271 Dundas St. West

Further to the Region's last comment letter dated August 26, 2022, Regional Staff is in receipt of a revised **9th submission** for the above-noted application and provide the following comments:

The current submission includes the following documents:

- Updated Draft Zoning By-law Amendment, revised October 28, 2022;
- Planning Rationale Report Addendum, dated October 7, 2022; and
- Draft Plan of Subdivision, dated October 3, 2022 (revised March 29, 2022).

The Draft Plan of Subdivision application proposes to facilitate employment and service employment uses and includes blocks for stormwater management, natural heritage system, park, transitway, and road widening.

It appears the main changes over the previous version of the draft plan include:

- Minor block modifications to adjust for the final location of the Transitway (Block 27); and
- Further subdividing Block 3 into Block 3a, 3b and 3c to clarify proposed land uses.

An updated draft Zoning By-law Amendment (ZBA) (revised October 28, 2022) was also submitted for review. The ZBA proposes to rezone lands from the Existing Development 'ED' zone to Light Employment 'LE-1' and 'LE-2', General Employment 'GE-1', Service Area 'SA-1' and 'SA-2', and other zone categories to implement stormwater management (SMF), natural heritage system (NHS), transitway, and park (P) purposes. Site specific provisions are requested to facilitate additional uses (i.e., café, limited retail uses, research and development, and gas bar), as well as to introduce minimum building height along Dundas Street West. Holding Provisions are also proposed on some of the blocks until servicing and transportation requirements are met.

Matters of Provincial & Regional Interest:

Provincial Policy Statement and Growth Plan:

Regional Staff has considered the applications in the context of the Provincial Policy Statement, 2020 (PPS) and Growth Plan, 2020 (GP) and is of the opinion that these applications will assist in achieving the natural heritage, growth management and employment area policy directions of the Policy Statement and Growth Plan once the technical matters outlined below have been addressed, and subject to the conditions of Draft Approval as provided in Schedule "A"

Region of Halton Official Plan (pre-ROPA 48):

The subject lands are designated as 'Urban Area' and 'Regional Natural Heritage System' within the 2009 Official Plan (ROP). The subject lands are also identified as forming part of the 'Employment Area – Overlay'. Dundas Street is designated a "Higher Order Transit Corridor" on Map 3: Functional Plan of Major Transportation Facilities.

Urban Area/Employment Area Policies

The policies of the Urban Area designation support a range of uses and the development of vibrant and healthy mixed use communities which afford maximum choices for residence, work and leisure. Policy 76 states that the range of permitted uses and the creation of new lots in the Urban Area will be in accordance with Local Official Plans and Zoning By-laws. All *development*, however, shall be subject to the *policies* of this Plan.

The Employment Area policies provide for the planning, protection and development of Employment Areas for employment purposes. In addition, the ROP provides for promotion of intensification and increased densities of Employment Areas, where appropriate.

Higher Order Transit/Intensification Policies:

Higher Order Transit corridors are outlined in support of Plan objectives to establish a balanced transportation system that reduces dependency on automobile use and provides for a safe, convenient, accessible, affordable and efficient public transit system. Intensification Areas are a component of the overall urban structure and are identified as locations where intensification and mixed-uses are to be directed such that they develop into transit-supportive areas with integrated active transportation facilities. Accordingly, the Plan directs Area Municipalities to set out specific policies related to densities, active transportation, transit-supportive urban design and integration with higher order transit, among other matters. It also requires Area Municipalities to

promote development densities that support existing or planned transit facilities. (Section 81(7)(d).

Zoning By-law Amendment:

Section 77.4(1) of the ROP prohibits residential and other non-employment uses including major retail uses in the Employment Area.

Section 77.4(2) sets out that it is the policy of the Region to plan for, protect and preserve the Employment Areas for current and future use.

Section 81(7)(c) of the ROP requires Local Municipalities to prohibit site-specific Official Plan or Zoning By-law Amendments to reduce development density within an Intensification Area unless it is part of municipal comprehensive review of the Official Plan or a review of the Area-Specific Plan for the Intensification area. The subject lands are located within a Higher Order Transit Corridor as identified in the ROP. Furthermore, through Regional Official Plan Amendment 49 (ROPA 49), the subject lands are identified as within a "Regional Intensification Corridor". It is, however, acknowledged that the applications were submitted in 2011 and that the 2009 ROP (pre-ROPA 49) relied on Local Official Plans to identify Intensification Corridors.

Regional staff have reviewed the draft ZBA (as revised October 28, 2022) and the Planning Rationale Addendum submitted through this current re-submission. While staff's concerns with respect to potential employment land conversion and density have been addressed, the Town should satisfy themselves that it has been demonstrated the proposal will not impact the ability to achieve density related targets in the Local Official Plan, and that sufficient regard for Official Plan Amendment (OPA) 34 has been made. The Region would support and encourage higher density employment uses along Dundas Street.

Regional Natural Heritage System:

Portions of the site are designated as Regional Natural Heritage System (RNHS). Policy 116.3 states that within the North Oakville West Secondary Plan Area, the RNHS will be delineated and implemented in accordance with the decision of the Ontario Municipal Board with respect to Town of Oakville Official Plan Amendment No. 289.

Conservation Halton (CH) staff provides environmental advisory services to the Region and Town in relation to the protection of certain natural heritage features and area and natural hazard land management.

Per CH's last comment letter, dated January 22, 2021, additional information was requested to address outstanding comments and to support finalization of the Environmental Implementation Report/Functional Servicing Study (EIR/FSS). Through additional correspondence from CH dated November 23, 2022, it is Regional staff's

understanding that CH is in a position to issue draft plan conditions and that outstanding comments will be addressed through draft plan conditions.

Site Contamination:

Section 147(17) of the ROP requires that prior to the Region considering any development application proposals, the proponent must identify whether there is any potential for soils on the site to be contaminated. **Regional Staff note that the Phase 1 Environmental Site Assessment (ESA) that was provided as part of a previous submission is out of date and will require updating based upon O.Reg. 153/04 standards and requirements. Further, among other recommendations, it recommends a limited Phase 2 ESA be undertaken. The author of the ESAs must also provide a letter of reliance, extending third party reliance to Halton Region**.

A condition of draft approval will be required for the submission of satisfactory ESAs (prior to any site alteration) and to ensure the recommendations are implemented.

Archaeological Resources:

Our previous comments dated April 7, 2020 indicated that our concerns related to archaeological resources had been addressed.

The proponent, however, is cautioned that during development activities, should archaeological materials be found on the property, the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (MCM) should be notified immediately (archaeology@ontario.ca). In the event that human remains are encountered during construction or development activities, the owner shall immediately notify the police or coroner, the Registrar, the Ontario Ministry of Public and Business Service Delivery (who administers provisions of the Funeral, Burial and Cremation Services Act), and the MCM. All soil disturbance must stop to allow for the authorities to investigate.

Other Matters of Regional Interest:

Water/Wastewater Servicing:

The original application was received in June 2011. Previous revised draft plans were received in December 2014, October 2015, July 2017, September 2018, October 2020 and February 2022. Given the minor revisions to the draft plan provided with the current re-submission (revised March 29, 2022), the following servicing comments remain applicable from the Region's comment letter dated August 26, 2022:

Please note that a Functional Servicing Study (FSS) was submitted as part of the Environmental Implementation Report (EIR) prepared by MMM Group and WSP. This report was revised numerous times and these submissions can be summarized as follows:

May 2011
December 2012
November 2014
June 2017
August 2018 (Addendum)
May 2019
September 2020

It is noted that the September 2020 FSS was revised to include a response matrix with the report.

These servicing comments are based on the review of the latest FSS dated September 2020. Please note that the FSS addresses the servicing of lands well outside the limits of this development and reiterates the concepts and methodology used to service the entire secondary plan area as noted in the Area Servicing Plan.

The servicing for the western portion of the North Oakville West Secondary Plan (NOWSP) is addressed in the 407 West Employment Area - Area Servicing Plan (ASP). The ASP provides the overall servicing plan for the ultimate servicing and infrastructure requirements for this part of the NOWSP.

Existing Services:

The existing services in the area of the site include:

<u>Watermain:</u>

- A 1200mm diameter trunk watermain located on Dundas Street West adjacent to the property.

<u>Sanitary Sewer:</u>

- There are no existing sanitary sewers located adjacent to the property.

Wastewater Servicing:

The FSS notes that the wastewater servicing of this subdivision will be by an internal gravity sewer system that will convey flows to a proposed Regional trunk sanitary sewer that is to be located on Dundas Street West. The flows from this trunk sewer flow eastward to the existing trunk sewer located on Colonel William Parkway.

The Dundas Street sanitary trunk sewer is a development charges project (ID #6911) and it is currently being designed as part of the Region's Dundas Street road reconstruction project. Funding for the construction of this sewer still has to be secured in a Regional budget. The trunk sewer is required to service this development. The status of the funding may impact the timing of this development. In order to have the trunk sewer designed and constructed in advance of the Region funding being available, the developer may have to accelerate this project and front end the financing of this project. The developer would then be reimbursed for the cost of this sewer once Regional funding becomes available. The timing of the construction of the trunk sewer in relation to the timing of the proposed development could be a factor in the development proceeding.

Water Servicing:

The FSS proposes to service the development by providing a watermain network to be located within the proposed road network within the subdivision. As part of this network, a 600mm diameter trunk watermain is proposed on Avenue One and local watermains are to be provided on Avenue Two and Avenue Three. This network will be connected to the existing external 1200mm diameter trunk watermain on Dundas Street where Avenue Two and Avenue Three intersect Dundas Street. This proposed water system is in accordance with the ASP.

Please note that the existing 1200mm diameter trunk watermain is located within the south boulevard of Dundas Street. When this watermain was constructed, no crossing stubs/connections were provided for or constructed across Dundas Street at the future intersections of Avenue Two and Avenue Three. Valve chambers were provided in the general vicinity of these intersections in order to accommodate these future connections. The developer should consider funding these watermain crossings, and have the Region design, and construct the crossings as part of the Region's Dundas Street road construction project. The viability of this option, however, is dependent on how far the Dundas Street road construction project has already advanced, and may no longer be an option.

The proposed 600mm diameter watermain on Avenue One is a DC reimbursable project (ID #5627). The project is not currently included in a current Regional budget. Should the funding not be available at the time of proceeding with the design and construction of this section of watermain, then the developer will have to front end the funding of the design and construction of the watermain and be reimbursed in the future once funding becomes available in a Regional budget.

The looping of the watermain system within this subdivision is contingent on watermains that are to be located on the adjacent lands that are both east and west of this subdivision. Avenue Two is located on both the lands of this subdivision and also on the adjacent lands to the west. Avenue Three is located on the lands of this subdivision and also the adjacent lands to the east. The FSS does not address how the watermain system/loop is to be completed by providing the external connections on these adjoining

lands. The timing of the development of the adjacent lands could also be problematic in terms of providing proper watermain looping since it could result in temporary looping connections within the subdivision and/or possible long term temporary dead end watermains.

An external local watermain will be required to be constructed within the north boulevard of Dundas Street in order to service the blocks fronting on this street and also to provide fire protection for these blocks.

The subdivision is located within the Zone 3 pressure zone. The FSS notes that the proposed water system was modeled using the Region's existing hydraulic model. The results show that there are parts of the subdivision that will be located in the lower end of the pressure range in this zone. Consideration may have to be given to providing pressure booster units in the buildings that are located on the lower end of the pressure range.

Water Pressure Zone Realignment:

The Region is currently undergoing a program to realign the water pressure zones in the Region. As part of this program, it is proposed to implement both an interim zone condition and an ultimate zone condition within the Region's water distribution system. The timing of implementing the new pressure zone boundaries may take several years to complete. It is possible that the proposed development may be impacted by the changes to the pressure zones in both the interim and ultimate conditions depending on the timing of the implementation of these changes. Please note that minimum service levels for both water pressure and flow will be maintained throughout the Region during this process. Occupants may notice changes to their water pressure when the zones are changed over from the existing zone to the interim zone and also when the interim zone is changed to the ultimate zone.

The Region requires that the FSS be revised prior to engineering drawing submission to include water modelling of the development. It should address watermain sizing, flows, pressures, dead-end watermains and the proposed water pressure zone realignment. This will be included as a condition of draft plan approval.

Phasing of the Development:

The FSS notes that this development will be phased in Phase 1A, Phase 1B and Phase 2. Due to this, the servicing of the development will also be phased. Further, it appears that this draft plan of subdivision will proceed prior to the adjacent lands being developed. This is problematic from a servicing perspective since full road connections throughout the entire secondary plan area will not occur at the same time. This will impact the watermain system in the area since it will result in temporary dead-end watermains. The FSS notes that temporary and/or interim watermains may be required

for looping. Servicing Plans for the different phases were included in the FSS. The interim watermain proposed can be summarized as follows:

Phase 1A:

- A local watermain is proposed on Avenue Two and a short section of watermain is proposed on Burnhamthorpe Road.
- A temporary watermain is proposed through Block 3 and Block 1 and connects to the existing 1200mm dia. watermain on Dundas Street. This main would eventually be decommissioned and abandoned. This watermain would have to be in a temporary Regional easement.
- This results in a dead end watermain on Burnhamthorpe Road.

Phase 1B:

- A local watermain would be constructed on the remaining portion of Burnhamthorpe Road that is within the limits of this subdivision. A small portion of local watermain would also be constructed on Avenue Three.
- A temporary local watermain would be constructed southward along the eastern limit of the property and connect to the existing 1200mm dia. watermain on Dundas Street. This watermain would have to be in a temporary Regional easement.
- The temporary watermain that was constructed in Phase 1A within Blocks 3 and 1 would be decommissioned, removed and/or abandoned in this phase.

Phase 2:

- A local watermain would be constructed on a portion of Avenue Three that is north of Burnhamthorpe Road.
- A 600mm dia. trunk watermain would be constructed on the eastern portion of Avenue One.
- A temporary local watermain would be constructed along the eastern limit of the property just south of Avenue One. This watermain would have to be in a temporary Regional easement.
- The temporary watermain that was constructed in Phase 1B along the eastern limit would be decommissioned, removed and/or abandoned in this phase.
- This results in a dead end watermain on Avenue One.
- A temporary watermain is proposed through Block 7 and would connect to what would be then an existing local watermain on Burnhamthorpe Road. This main would eventually be decommissioned and abandoned. This watermain would have to be in a temporary Regional easement.

The FSS provided no further phases that showed when and how the remaining portion of the proposed 600mm diameter trunk watermain would be constructed and when the remaining temporary watermains constructed in Phase 2 would be decommissioned.

The FSS notes that where temporary looping cannot be provided, that a regular flushing program will be required at these dead ends. Temporary flushing hydrants would have to be installed at these dead-ends. This is problematic to the Region since these dead-

ends, although temporary, may be in place for long extended periods. The FSS did not address how such a flushing program would be funded and what forces would provide this flushing service. Further, the assumption of the subdivision by the Region could be affected by these temporary dead-ends and hydrants since the Region would not assume these works until the proper and ultimate watermain system is installed according to the ASP.

The response matrix that was included in the FSS for this latest submission notes that the flushing of dead-end watermains can be addressed at the detailed design stage. The response matrix further notes that either the Region can undertake the flushing program with developer funding or the developer can undertake the flushing program. Please note that the Region has no policy and/or program in place to undertake watermain flushing on behalf of a developer nor is there a policy to allow for a developer to undertake a flushing program. In order for the Region to consider what is suggested in the response matrix, such a flushing policy would have to be established prior to detailed design and the appropriate approvals put in place at the Region to implement such a policy.

The FSS is required to be revised to address the temporary looping, dead-end watermains and to demonstrate how the ultimate watermain system is to be constructed. This will be included as a condition of draft plan approval.

Reconstruction of Dundas Street:

The Region is planning to reconstruct Dundas Street from Appleby Line to Bronte Road under Project PR-2671B/2672B. The project is currently under design; however, the scope of work for the reconstruction of Dundas Street does not include the design of the local watermain crossings required along Dundas Street. It was noted in the Region's previous comment letter that there is a possibility that the trunk sanitary sewer may be added to the scope of work for this project. The viability of this option will be dependent on how far the Dundas Street construction project has advanced, and may no longer be a viable option. If the funding for the trunk sewer is delayed, then consideration should be given to having the developers in the area provide the front-end financing for these projects in order that they can be included in scope of work for the road reconstruction project.

The local watermain crossings required at Avenue Two and Avenue Three are considered local watermains and are not eligible as DC infrastructure. For these crossings to be included in the scope of work for the reconstruction of Dundas Street, the developer would have to provide the funding to the Region and the Region would construct the crossings on their behalf.

Existing Private Water Well & Septic System Decommissioning:

The FSS did not indicate in detail where private wells and/or septic systems located on the property from former use of these lands. Any existing private wells and/or septic

systems are to be decommissioned prior to construction commencing on the site. Both existing wells and septic systems, if present on the site are to be decommissioned and removed from the site according to the proper MOE guidelines.

Storm Water Drainage on Regional Roads:

Dundas Street West is adjacent to this subdivision and it is slated for reconstruction and urbanization by the Region. Section 7.8.2 addresses storm drainage from the reconstructed Dundas Street being accommodated in SWM Pond 2 that is located in this subdivision and this pond is to be constructed in the first phase of the subdivision (Phase 1A). The FSS indicates that a small section 2.24 ha) of Dundas Street is proposed to drain to Pond 2 in the subdivision. This pond and some of the internal storm sewers in the subdivision will have to be designed to accommodate the storm water drainage from this section of roadway.

Please note that the Region previously had the EIR/FSS peered reviewed in regards to impacts of storm drainage from this development on Dundas Street. In particular, the Region retained MMM Group to review an interim EIR/FSS (date unknown) and they provided their comments to the Region in a memo dated on Dec 14, 2015. In this memo it was noted that there is potential for parts of Dundas Street to be in an vertopping condition for a Regional Storm Event in the post development period. The location that this could occur is at Culvert FM-D2 using the existing culvert at this location. This culvert is slated for replacement and upsizing when Dundas Street is reconstructed which is to remove the overtopping issue.

The FSS should be revised to address the potential overtopping issues on Dundas Street. This will be included as a condition of draft plan approval.

Holding Provision in Zoning By-law:

<u>We request that the Holding provision related to provision of water and wastewater services be applied to all the development blocks in the plan.</u>

Regional Transportation:

Section 173(8) of the ROP states that the Region and the Local municipalities will work together to control access to Arterial Roads in accordance with Council adopted access management policies. On Map 3 of the ROP, Regional Road 5 (Dundas Street) is defined as a Major Arterial road.

In considering development applications, the ROP further requires that the proponent for any development considered to have a transportation impact prepare a detailed transportation study to assess the impact of the proposal and to recommend necessary improvements is required. In addition, the ROP provides direction to restrict access to Major Arterial Roads, and require land dedication for road widening and daylight triangle

purposes as defined by the ROP. The following comments are provided in relation to the materials provided as part of the above noted development resubmission.

Transportation Impact Study:

It is the Region's understanding that no changes have been made to the draft plan through this current re-submission that affects the previously proposed Road Widening Blocks 22 and 23, including daylight triangle.

Please be advised the below transportation comments remain valid and applicable. <u>However, the applicant is advised that through the progression of the Dundas Street Detailed Design Project, additional lands may be required for the purposes of road widening (current estimate is approximately 4.5 metres) which may ultimately affect the draft plan.</u> Confirmation on detailed dimensions will be provided to the applicant as soon as possible. Conditions of draft approval will be included to verify any required widenings in conjunction with registration of the plan.

The transportation impact study and all addendums previously submitted by WSP (2020, 2021) have resolved all outstanding issues. The overall study is acceptable.

Halton Region will be widening Dundas Street to 6 lanes and designing/constructing the area intersections.

Updated transportation studies or transportation addendum letters may be required on future site plan applications, depending on the timing of each application and if there are changes from the approved draft plan transportation study (including but not limited to: land use, trip generation/distribution).

Halton's Capital Implementation Plan (2018 – 2031):

The updated timing of Halton's capital works, is as follows:

- *Dundas Street Widening - 4 to 6 lanes from Tremaine Road to Bronte Road – Q2 2023 to Q4 2025*
- *Dundas Street Widening - 4 to 6 lanes from Tremaine Road to Appleby Line – Q2 2021 to Q3 2025*
- *Bronte Road - Widening - 4 to 6 lanes from Speers Road to Derry Road -- 2027 to 2029*
- *William Halton Parkway - 2 to 4 Lanes Widening from Old Bronte Road to Hospital Gate – Construction completion by Q4 2024*
- *William Halton Parkway -- 4 lanes from Third Line to Neyagawa Boulevard -- Construction completion by Q4 2024*
- *Tremaine Road -- 2 to 4 lane widening from Dundas Street to Lower Base Line -- start of construction 2024*

(all timing subject to change and an approved financial plan by Regional Council)

Official Plan/Transportation Master Plan Right-of-Way Requirements:

Any lands within 25 metres of the centre line of the original right-of-way of Dundas Street (Regional Road 5) that are part of the subject property shall be gratuitously dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements.

Daylight triangles measuring 15 metres along Dundas Street (Regional Road 5) and 15 metres along Street "Avenue Two" shall be gratuitously dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements.

Municipal Class Environmental Assessment Study/Environmental Study Report (Transportation Planning) Right-of-Way Requirements – Dundas Street:

Any additional lands that are part of the subject property and have been identified as required for the future widening and of Dundas Street (Regional Road 5), as identified in the Dundas Street Corridor Improvements Brant Street (Regional Road 18) to Bronte Road (Regional Road 25) Municipal Class Environmental Assessment Study/Environmental Study Report, shall be dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements.

Detailed Design Project (Engineering & Construction) Right-of-Way Requirements – Dundas Street:

Any additional lands that are part of the subject property and have been identified as required for the future widening and of Dundas Street (Regional Road 5), as identified in the Dundas Street from Bronte Road (Regional Road 25) to Appleby Line (Regional Road 20) Detailed Design Project, shall be dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements.

All lands to be dedicated to Halton Region shall be dedicated with clear title (free and clear of encumbrances) and a Certificate of title shall be provided, in a form satisfactory to the Director of Legal Services or their designate.

Any proposed signage, plantings etc., for the site must be placed outside of the new Regional right-of-way (on private property).

Agreements/Permits:

The owner may be required to enter into a Servicing Agreement at the Site Plan stage (through the Development Project Manager) for the completion of required works for all development associated road improvements along Dundas Street and/or at any new intersections (north leg intersection connections, etc.,). The owner is responsible for all costs associated with the improvements detailed as part of the works and must submit for approval detail design drawings and cost estimates.

Finance:

The Owner will be required to pay all applicable Regional Development Charges in accordance with the Region of Halton Development Charge By-law(s), as amended. Please visit our website at *https://www.halton.ca/The-Region/Finance-and-Transparency/Financing-Growth/Development-Charges-Front-ending-Recovery-Payment* to obtain the most current Development Charge and Front-ending Recovery Payment information, which is subject to change.

Conclusion:

Based upon the comments provided herein, it is the opinion of Regional staff that the subject draft plan of subdivision and rezoning applications will be consistent with the Provincial Policy Statement, Growth Plan, and Halton's Regional Official Plan once the above noted matters have been addressed and subject to the conditions of Draft Approval as provided in Schedule "A".

Halton Region has no objection to the Town of Oakville granting draft plan approval for the subdivision.

As it pertains to the implementing zoning by-law, we request that the Holding provision related to provision of water and wastewater services and transportation be applied to all the development blocks in the plan.

I trust these comments are of assistance to you. Should you have any questions or require additional information, please do not hesitate to contact me directly at (905) 825-6057, extension 7060.

Sincerely,

Bernie Steiger, MCIP RPP
Acting Manager-South

c: Ron MacKenzie, Development Project Manager, Halton Region (via email)
Matt Krusto, Transportation Coordinator, Halton Region (via email)
Tarek Abul-Fotouh, Project Manager III, Halton Region (via email)
Sean Stewart, Conservation Halton (via email)

Rebecca Tannahill, Project Manager, WSP (via email)

Schedule 'A'

CONDITIONS OF DRAFT APPROVAL

The following Halton Region Conditions of Draft Plan Approval must be fulfilled to Halton Region's satisfaction and included in any registration of draft plan/subdivision agreement.

Applicant: 3269 & 3271 Dundas Street West, Oakville
Part Lot 33 and 34, Concession1 (NDS)
bcIMC Realty Corp. c/o QuadReal Property Group
Plan of Subdivision, prepared by WSP Canada Group Limited, dated March 29, 2022

General

1. That prior to registration, the Owner is required to provide digital copies of the registered plan of subdivision in AutoCAD 2012 or later version with the following coordinate system NAD 83 / UTM Zone 17 to the Regional Municipality of Halton and the Town of Oakville.

2. That prior to registration, the Owner shall submit a digital copy of the final draft plan of subdivision along with the applicable Land Registry Office Appendix D form for review and sign off. Prior to submission to the Region, the draft final plan shall be submitted and reviewed by the Town for acceptance.

Phasing

3. The Owner agrees that should the development be phased, a phasing plan shall be submitted prior to registration of the first phase. The phasing plan will indicate the sequence of development, the land area in hectares, the number of lots and blocks for each phase and the proposed use of all blocks including the proposed number of units, the specific lots to be developed, site access to each phase, grading and the construction of public services. The phasing must be reflected in all engineering reports.

Environmental Site Contamination

4. The Owner is required to comply with Ontario Regulation 153/04 and Halton Region's Protocol for Reviewing Development Applications with respect to Contaminated or Potentially Contaminated Sites, to the satisfaction of Halton Region. Prior to the registration of any portion of draft plan of subdivision and prior to any servicing or grading of the site, the Phase 1 Environmental Site

Assessment (ESA) prepared for the subject lands shall be revised to the satisfaction of Halton Region. The Owner is also required to submit all supporting environmental documentation such as a Phase 2 ESA, Record of Site Condition (RSC), and remediation reports, etc. (as necessary) to Halton Region for their review. The ESA(s) must be prepared and certified by a qualified person as defined in Ontario Regulation 153/04 and indicate that the environmental condition of the site is suitable for its proposed land use. The author of the environmental reports and Record of Site Condition (if secured) must also extend third party reliance to Halton Region.

Regional Natural Heritage System

5. That prior to final approval, confirmation is provided to the Region indicating that all Conservation Halton comments/conditions (required prior to registration) have been met to their satisfaction, and that there are no concerns with the registration of the plan of subdivision.

Water and Wastewater Servicing

6. The Owner shall prepare a detailed engineering submission to be submitted to the Regional Development Project Manager for review and approval prior to the preparation of the Regional subdivision agreement.

7. That the owner acknowledges, in writing, that registration of all or part of this plan of subdivision may not take place until notified by the Region's Development Project Manager that sufficient water capacity exists to accommodate this development to the satisfaction of Halton Region.

8. The Owner acknowledges, in writing, that registration of all or part of this plan of subdivision may not take place until notification by the Region's Development Project Manager that sufficient Wastewater Plant capacity exists to accommodate this development to the satisfaction of Halton Region.

9. That the Owner acknowledges, in writing, that registration of all or part of this plan of subdivision may not take place until notification by the Region's Development Project Manager that sufficient storage and pumping facilities and associated infrastructure relating to both water and wastewater are in place to the satisfaction of Halton Region.

10. All works which are the responsibility of the Owner to complete shall be supervised during construction by a licensed Professional Engineer of the Province of Ontario with all professional engineering fees paid by the Owner. The Owner's engineer must provide competent full time inspection staff on site during construction activities to obtain the required "as constructed" field information, and to ensure compliance with the approved drawings and the Region's Current Construction and Design Standards.

11. The Owner agrees to conduct a survey of the static water level and quality of all wells within 500 metres of the plan. The Owner further agrees to resolve any claims of well interruption due to the construction of municipal services to the satisfaction of the Region's Development Project Manager.

12. The Owner agrees to conduct a survey of the property to identify all existing wells related to the former use of the lands. The Owner further agrees to decommission any existing wells in accordance with Ministry of the Environment, Conservation and Parks (MECP) guidelines prior to commencing the development of these lands to the satisfaction of the Region's Development Project Manager.

13. The Owner agrees to conduct a survey of the property to identify all existing private septic systems related to the former use of the lands. The Owner further agrees to decommission any existing private septic systems in accordance with Ministry of the Environment, Conservation and Parks (MECP) guidelines prior to commencing the development of these lands to the satisfaction of the Region's Development Project Manager.

14. The development shall be subject to full municipal water and sanitary sewer services to the satisfaction of the Region of Halton.

15. The Owner shall enter into a subdivision agreement and satisfy all requirements, financial and otherwise, of The Regional Municipality of Halton, including but not limited to, the phasing of the plan for registration, investigation of soil contamination and soil restoration, the provision of roads and the installation of water and sanitary sewer services, utilities and drainage works. This agreement is to be registered on title to the lands.

16. That temporary easements be provided for watermain looping that are internal and/or external to the site that are not located in an existing road right-of-way and that these easements be dedicated to the Region of Halton for the purpose of watermain protection; these easements shall be dedicated with clear title (free & clear of encumbrances) and a certificate of Title shall be provided, in a form satisfactory to the Director of Legal Services and Corporate Counsel.

17. That the Owner agrees that warning clauses shall be included in a registered portion of the Regional Subdivision Agreement, and in subsequent offers of purchase and sale on all units within this development and, registered on title regarding potential lower water pressures within the subdivision.

18. That the Owner is required to submit a revised Functional Servicing Study outlining in detail the proposed servicing of this property. The study must address temporary watermain looping, dead-end watermains, watermain sizing, flows, and pressures, and demonstrate how the ultimate watermain system is to be

constructed. Updated water system modelling and analysis for the existing, interim and ultimate zone pressure conditions proposed under the Region's zone boundary realignment program must be included. The study must address potential overtopping of Regional roads due to post development storm drainage from the development and be completed to the satisfaction of Halton Region.

19. That the Owner be required to design and construct a 600mm diameter trunk sanitary sewer external to of this subdivision on Dundas Street (ID #6911) as required by the Area Servicing Plan for the 407 Employment Area and as also required as per the Region of Halton's policy for the Design and Construction of Development Charges Projects by the Development Industry. The applicant will be responsible for paying all costs associated with these works. The Region will make reimbursement for the cost of designing and constructing the works when the appropriate funding is in place as per the policy.

20. That the Owner be required to design and construct a 600mm diameter trunk watermain internal to of this subdivision on Avenue One (ID #5627) as required by the Area Servicing Plan for the 407 Employment Area and as also required as per the Region of Halton's policy for the Design and Construction of Development Charges Projects by the Development Industry. The Owner will be responsible for paying all costs associated with these works. The Region will make reimbursement for the cost of designing and constructing the works when the appropriate funding is in place as per the policy.

21. That the Owner is required to design and construct at their sole expense a minimum 300mm diameter local watermain on Dundas Street West (Regional Road No. 5) to provide servicing, watermain looping and fire protection to the lands adjacent to Dundas Street West to the satisfaction of Halton Region's Development Project Manager.

22. That the Owner is required to decommission, remove and or abandon any temporary watermains installed in this subdivision for the purpose of interim watermain looping to the satisfaction of Halton Region's Development Project Manager.

23. That the Owner is required to size and construct the storm water management facility located within this subdivision, including all associated storm sewer works necessary to convey this drainage to this facility, to accommodate storm water drainage from the future reconstruction of Dundas Street (Regional Road No. 5) to the satisfaction of Halton Region's Development Project Manager.

24. That the Owner is required to fund and undertake all infrastructure works required for storm water drainage improvements and upgrades to Dundas Street (Regional Road No. 5) that are required to accommodate any post development storm water flows that are generated from this subdivision that exceed pre-development flow rates. All costs for any drainage improvements, including

culvert extensions are to include design, construction and implementation for these upgrades.

25. That the owner agrees that warning clauses shall be included in a registered portion of the Regional Subdivision Agreement, and in subsequent offers of purchase and sale on all units and buildings within this development and, registered on title regarding potential water pressures changes within the subdivision resulting from the realignment of the Region's water pressure zones from the existing zone condition to the interim and ultimate zone pressure conditions.

Transportation/ Land Dedication:

Official Plan/Transportation Master Plan Right-of-Way Requirements:

26. Any lands within 25m of the centre line of the original right-of-way of Dundas Street (Regional Road 5) that are part of the subject property shall be dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements.

27. Daylight triangles measuring a minimum of 15m along Dundas Street (Regional Road 5) and a minimum of 15m along Street "Avenue Two" shall be dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements.

Municipal Class Environmental Assessment Study/Environmental Study Report (Transportation Planning) Right-of-Way Requirements – Dundas Street:

28. Any additional lands that are part of the subject property and have been identified as required for the future widening and of Dundas Street (Regional Road 5), as identified in the Dundas Street Corridor Improvements Brant Street (Regional Road 18) to Bronte Road (Regional Road 25) Municipal Class Environmental Assessment Study/Environmental Study Report, shall be dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements.

Detail Design Project (Engineering & Construction) Right-of-Way Requirements – Dundas Street:

29. Any additional lands that are part of the subject property and have been identified as required for the future widening and of Dundas Street (Regional Road 5), as identified in the Dundas Street from Bronte Road (Regional Road 25) to Appleby Line (Regional Road 20) Detailed Design Project, shall be dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements.

Other-Transportation

30. The Owner agrees that all lands to be dedicated to Halton Region shall be dedicated with clear title (free and clear of encumbrances) and a Certificate of title shall be provided, in a form satisfactory to the Director of Legal Services or their designate.

31. The Owner agrees that any proposed signage, plantings etc., for the site must be placed outside of the new Regional right-of-way (on private property).

32. The owner agrees they may be required to enter into a Servicing Agreement at the Site Plan stage (through the Development Project Manager) for the completion of required works for all development associated road improvements along Dundas Street and/or at any new intersections (north leg intersection connections, etc.,). The owner is responsible for all costs associated with the improvements detailed as part of the works and must submit for approval detail design drawings and cost estimates.

33. That the location of the future intersection to Dundas Street be as per the approved North Oakville West Secondary Plan.

Closing Condition:

34. Prior to signing the final plan, the Director of Planning Services shall be advised by Halton Region that Halton's conditions have been carried out to the satisfaction of Halton Region with a brief but complete statement detailing how each condition has been satisfied.

Notes:

The following Regional Notes must be added to the draft approval.

Archaeology

1. During development activities, should archaeological materials be found on the property, the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (MCM) should be notified immediately (archaeology@ontario.ca). In the event that human remains are encountered during construction or development activities, the owner shall immediately notify the police or coroner, the Registrar, the Ontario Ministry of Public and Business Service Delivery (who administers provisions of the Funeral, Burial and Cremation Services Act), and the MCM. All soil disturbance must stop to allow for the authorities to investigate.

Finance

2. The Owner will be required to pay all applicable Regional Development Charges in accordance with the Region of Halton Development Charge By-law(s), as amended. Please visit our website at *https://www.halton.ca/The-Region/Finance-and-Transparency/Financing-Growth/Development-Charges-Front-ending-Recovery-Payment* to obtain the most current Development Charge and Front-ending Recovery Payment information, which is subject to change.

3. Fees are required by Halton Region for each extension to draft plan approval and for major revisions to the draft plan or conditions.

4. Please note the Owner should be made aware that Halton Region will have the following requirements at the time of registration of the subdivision:
   - Final draft M plans signed and dated by the Owner, Surveyor and initialled by the Town's Planner
   - Regional Registration fee
   - Registry Office review form

DRAFT PLAN OF SUBDIVISION
PART OF LOTS 33 AND 34, CONCESSION 1 NORTH OF DUNDAS STREET
GEOGRAPHIC TOWNSHIP OF TRAFALGAR
NOW IN THE TOWN OF OAKVILLE
REGIONAL MUNICIPALITY OF HALTON
24T-11001
December 14, 2022
KEY PLAN
NTS
ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51 (17) OF THE PLANNING ACT, R.S.O., 1990
SCHEDULE OF LAND USE
Development Limits from EIR/FSS - May 2020
Scale 1 : 1500
OWNER'S AUTHORIZATION
PLANNER'S CERTIFICATE
SURVEYOR'S CERTIFICATE
AGRICULTURAL/OPEN SPACE
HIGHWAY 407
Block 27 Temporary 4.48 ha
Block 15 Natural Heritage Open Space 3.31 ha
Block 12 Natural Heritage Open Space 3.20 ha
Block 8 Employment 10.02 ha
AGRICULTURAL (FUTURE EMPLOYMENT)
Temporary Right-of-way 0.06 ha
EXISTING INDUSTRIAL
Block 18
AVENUE THREE
Lot 33
Lot 34
Block 7 Employment 13.05 ha
Block 13 Natural Heritage Open Space 7.53 ha
Block 11 Stormwater Management Facility 6.23 ha
Alignment to be determined
Block 17
Block 16
AGRICULTURAL (FUTURE EMPLOYMENT)
Temporary Right-of-way 0.06 ha
Block 4 Employment 1.09 ha
ARTERIAL ONE
Block 19
Block 3c Employment 1.94 ha
Block 6 Service Area Employment 1.37 ha
Block 23
Block 20
Block 3b Service Area Employment 1.60 ha
Block 10 Stormwater Management Facility 3.88 ha
AGRICULTURAL (FUTURE EMPLOYMENT)
Block 22
Temporary Right-of-way
AVENUE TWO
Block 3a Employment 1.32 ha
Block 9 Stormwater Management Facility 2.25 ha
Block 14 Natural Heritage Open Space 6.21 ha
Block 5 Employment 1.23 ha
Existing Shared Access Easement
Block 21
STREET FOUR
Block 26 Park 0.44 ha
Block 1 Service Area - Employment 1.76 ha
Block 2 Employment 1.98 ha
Existing Access Easement
Block 24
DUNDAS STREET WEST
OPEN SPACE (Bronte Creek Provincial Park)
EXISTING RESIDENTIAL

OAKVILLE

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2023-014

A by-law to amend the North Oakville Zoning By-law 2009-189 to permit the use of lands described as 3269 and 3271 Dundas Street West (bcIMC Realty Corporation c/o QuadReal Property Group, Z.1333.01, 24T-11001)

COUNCIL ENACTS AS FOLLOWS:

1. Map 12(1) of By-law 2009-189, as amended, is further amended by rezoning the lands as depicted on Schedule 'A' to this By-law.

2. Part 8, Special Provisions, of By-law 2009-189, as amended, is further amended by adding a new Section 8.85, 8.86, 8.87, 8.88 and 8.89 as follows:

85	**3269 and 3271 Dundas Street West** (Part of Lot 33 and 34, Concession 1, NDS)	Parent Zone: LE
Map 12(1)		(2023-014)
8.85.1 Additional Permitted Uses		
The following additional *uses* are permitted:		
a)	*Café*	
8.85.2 Additional Zone Provisions		
The following regulations apply to all lands identified as subject to this special provision:		
a)	Notwithstanding any other provision of this By-law, all above and below grade *buildings* and *structures* and the following features shall be set back a minimum of 14.0 metres from the *lot line* abutting the boundary of the highway corridor/407 Transitway ROW: i) Any minimum required *parking space*, including a barrier-free *parking space*, *bicycle parking space*, or stacking lane; ii) Any *loading dock*; iii) Any *aisle* leading to any of the features listed in subsections (i) and (ii) above.	
b)	The *lot line* abutting Dundas Street West shall be deemed the *front lot line*.	

c)	Minimum *building height* for any portion of a *building* located within 60.0 m of the *lot line* abutting Dundas Street West	9 m
d)	Minimum *yard* abutting the NHS *zone*	7.5 m

86	**3269 and 3271 Dundas Street West** (Part of Lot 33 and 34, Concession 1, NDS)	Parent Zone: GE
Map 12(1)		(2023-014)
8.86.1 Additional Permitted Uses		
The following additional *uses* are permitted:		
a)	*Café*	
8.86.2 Additional Zone Provisions		
The following regulations apply to all lands identified as subject to this special provision:		
a)	Minimum width of *landscape strip* abutting the P *zone*	10.0 m
b)	Notwithstanding section 8.86.2 a), an access for emergency purposes is permitted to cross the required *landscape strip.*	
c)	Minimum *yard* abutting the NHS *zone*	7.5 m

87	**3269 and 3271 Dundas Street West** (Part of Lot 33 and 34, Concession 1, NDS)	Parent Zone: SA
Map 12(1)		(2023-014)
8.87.1 Additional Permitted Uses		
The following additional *uses* are permitted:		
a)	*Limited Retail*, subject to the regulations of section 7.9.1.1	
b)	*Research and Development*	
8.87.2 Prohibited Uses		
The following *uses* are prohibited:		
a)	*Retail Store*	

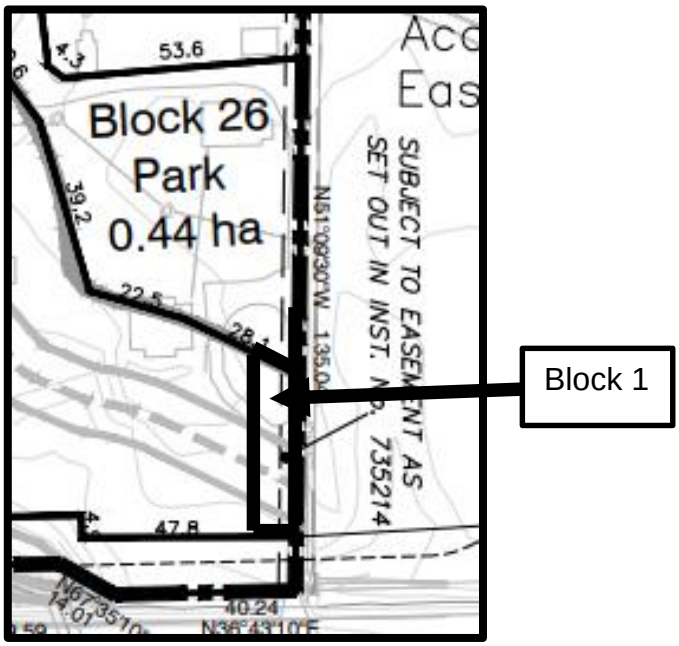
88	3269 and 3271 Dundas Street West (Part of Lot 33 and 34, Concession 1, NDS)	Parent Zone: SA
Map 12(1)		(2023-014)

8.88.1	Additional Permitted Uses	
The following additional *uses are* permitted:		
a)	*Limited Retail*, subject to the regulations of section 7.9.1.1	
b)	*Research and Development*	
c)	*Gas Bar*	
8.88.2	**Prohibited Uses**	
The following *uses* are prohibited:		
a)	*Retail Store*	
8.88.3	**Additional Zone Provisions**	
The following regulations apply to all lands identified as subject to this special provision:		
a)	Minimum *building height* for any portion of a *building* located within 60.0 m of the *lot line* abutting Dundas Street West	9 m
b)	Notwithstanding 8.88.3 a), minimum *building height* for a *gas bar*	5.0 m

89	3269 and 3271 Dundas Street West (Part of Lot 33 and 34, Concession 1, NDS)	Parent Zone: NHS
Map 12(1)		(2023-014)

8.89.1	Additional Permitted Uses
The following additional *uses are* permitted:	
a)	Water and wastewater services in Block 1 identified in Special Site Figure 8.89.1.

8.89.2 Special Site Figure
Figure 8.89.1



3. Part 9, Holding Provisions, of By-law 2009-189, as amended, is further amended by adding a new Section 9.3.39, 9.3.40 and 9.3.41 as follows:

H39	3269 and 3271 Dundas Street West	Parent Zone: LE, GE, SA
Map 12(1)	(Part of Lot 33 and 34, Concession 1, NDS)	(2023-014)

9.3.39.1 Only Permitted Uses Prior to Removal of the "H"	
For such time as the "H" symbol is in place, these lands shall only be *used* for the following:	
a)	Legal *uses*, *buildings* and *structures* existing on the *lot*.
9.3.39.2 Conditions for Removal of the "H"	
The "H" symbol shall, upon application by the landowner, be removed by *Town* Council passing a By-law under Section 36 of the Planning Act. The following condition(s) shall first be completed to the satisfaction of the *Town of Oakville and Region of Halton*:	
a)	That sufficient water and wastewater services are available to the satisfaction of the Region of Halton.

b)	That an updated FSR be approved by Halton Region.

H40	3269 and 3271 Dundas Street West (Part of Lot 33 and 34, Concession 1, NDS)	Parent Zone: LE, GE, SA
Map 12(1)		(2023-014)
9.3.40.1 Only Permitted Uses Prior to Removal of the "H"		
For such time as the "H" symbol is in place, these lands shall only be *used* for the following:		
a)	Legal *uses*, *buildings* and *structures* existing on the *lot*.	
9.3.40.2 Conditions for Removal of the "H"		
The "H" symbol shall, upon application by the landowner, be removed by *Town* Council passing a By-law under Section 36 of the Planning Act. The following condition(s) shall first be completed to the satisfaction of the *Town of Oakville and Region of Halton*:		
a)	That the crossing of the West Fourteen Mile Creek tributary associated with the Arterial One extension has been constructed and operational, providing appropriate primary access for fire protection purposes.	
b)	Confirmation that temporary water and wastewater services proposed along the easterly property limit commencing at Dundas Street West and extending to Avenue Three are available.	
c)	Confirmation that the temporary fire prevention access along the easterly property limit commencing at Dundas Street West and extending to Avenue Three is available.	
d)	That sufficient water and wastewater services are available to the satisfaction of the Region of Halton.	
e)	That an updated FSR be approved by Halton Region.	

H41	3269 and 3271 Dundas Street West (Part of Lot 33 and 34, Concession 1, NDS)	Parent Zone: LE, GE
Map 12(1)		(2023-014)
9.3.41.1 Only Permitted Uses Prior to Removal of the "H"		
For such time as the "H" symbol is in place, these lands shall only be *used* for the following:		
a)	Legal *uses*, *buildings* and *structures* existing on the *lot*.	

9.3.41.2 Conditions for Removal of the "H"	
The "H" symbol shall, upon application by the landowner, be removed by *Town* Council passing a By-law under Section 36 of the Planning Act. The following condition(s) shall first be completed to the satisfaction of the *Town of Oakville and Region of Halton*:	
a)	That the extension of Colonel William Parkway and associated municipal servicing infrastructure have been constructed and operational through the easterly abutting lands and connects into proposed Avenue Three.
b)	That sufficient water and wastewater services are available to the satisfaction of the Region of Halton.
c)	That an updated FSR be approved by Halton Region.

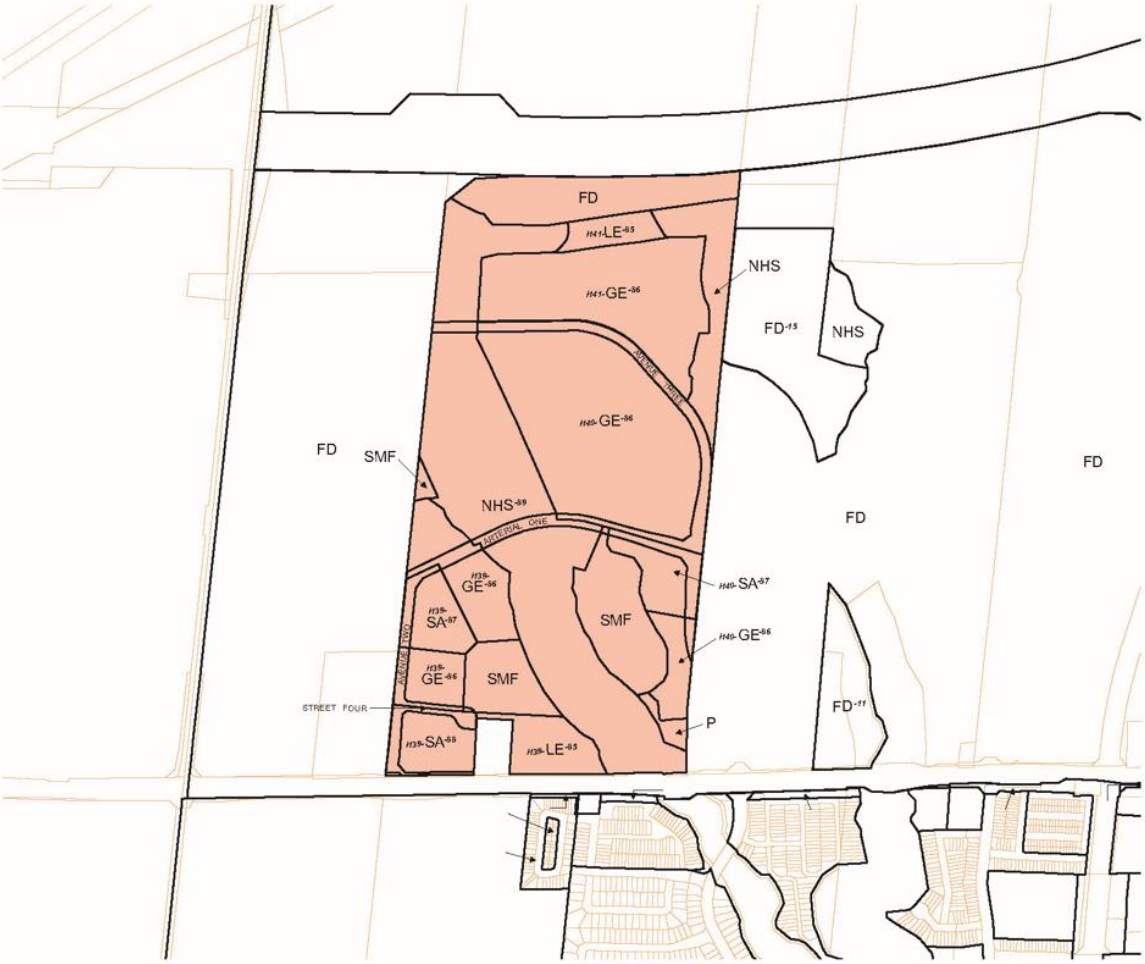
4. This By-law comes into force in accordance with Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

PASSED this _____ day of _____, 2023

_____ MAYOR

_____ CLERK

SCHEDULE "A"
To By-law 2023-014



AMENDMENT TO BY-LAW 2009-189

Rezoned from Future Development (FD)
to Light Employment (H41-LE sp:85);
Future Development (FD);
General Employment (H40-GE sp:86);
Natural Heritage System (NHS);
General Employment (H41-GE sp:86);
Service Area - Employment (H40-SA sp:87);
Stormwater Management Facility (SMF);
General Employment (H39-GE sp:86);
Service Area - Employment (H39-SA sp:87);
Service Area - Employment (H39-SA sp:88);
Park (P);
Light Employment (H39-LE sp:85); and
Natural Heritage System (NHS sp:89);

EXCERPT FROM MAP 12 (1)

SCALE: 1:12,000

Appendix D to Staff Report

CONDITIONS OF DRAFT PLAN APPROVAL

Town File No.'s: Z.1333.01 and 24T-11001
Draft Plan dated
December 14, 2022

TOWN OF OAKVILLE CONDITIONS FOR FINAL APPROVAL AND FOR THE REGISTRATION OF THE DRAFT PLAN OF SUBDIVISION BY bcIMC REALTY CORPORATION c/o QUADREAL PROPERTY GROUP AT 3269 AND 3271 DUNDAS STREET WEST

This approval applies to the draft plan of subdivision (24T-11001 prepared by WSP dated December 14, 2022) illustrating 27 blocks. The conditions applying to the approval of the final plan for registration are as follows:

	CONDITIONS TO BE MET PRIOR TO PRE-GRADING OR PRE-SERVICING	***CLEARANCE AGENCY***
1.	That the Owner shall have an **Environmental Audit** undertaken by a qualified professional engineer to ensure that the land is suitable for the proposed use. If in the opinion of the professional engineer, the Environmental Audit indicates the land may not be suitable for the proposed uses, the engineer must so advise the Town of Oakville and Regional Municipality of Halton. The Owner undertakes to do further investigative studies and to do all work required to make the lands suitable for the proposed use and any land to be conveyed to the Town including roads, stormwater management facilities, parks and the natural heritage system.	OAK(TE) RMH(LPS)
2.	The Owner is required to comply with Ontario Regulation 153/04 and Halton Region's Protocol for Reviewing Development Applications with respect to Contaminated or Potentially Contaminated Sites, to the satisfaction of Halton Region. Prior to the registration of any portion of draft plan of subdivision and prior to any servicing or grading of the site, the Phase 1 Environmental Site Assessment (ESA) prepared for the subject lands shall be revised to the satisfaction of Halton Region. The Owner is also required to submit all supporting environmental documentation such as a Phase 2 ESA, Record of Site Condition (RSC), and remediation reports, etc. (as necessary) to Halton Region for their review. The ESA(s) must be prepared and certified by a qualified person as defined in Ontario Regulation 153/04 and indicate that the environmental condition of the site is suitable for its proposed land use. The author of the environmental reports and Record of Site Condition (if secured) must also extend third party reliance to Halton Region.	OAK(TE) RMH(LPS)
3.	That the Owner shall conduct a survey of the property to identify all existing wells related to the former use of the lands. The Owner further agrees to **decommission any existing wells** in accordance with Ministry of Environment Guidelines prior to commencing the development of these lands to the satisfaction of the Region's Development Project Manager.	RMH(LPS)
4.	That the Owner prepares and implements a **Tree Inventory/Preservation Plan**, for any tree removal required within the boundaries of the Natural Heritage System (NHS), as per Conservation Halton's Landscaping and Tree Preservation Plan Guidelines to the satisfaction of Conservation Halton, Region of Halton and the Town of Oakville. The same inventory/preservation plan shall also include those lands proposed for open space/heritage blocks.	OAK(TE) (POS) CH RMH(LPS)
5.	That the Owner submits **grading plans** for all lots and blocks that back onto the Natural Heritage System and stormwater management blocks (Blocks 2 – 8, 25, 26, Arterial One, Avenue Three, and Street Four) to the satisfaction of Conservation Halton and the Town of Oakville.	OAK(TE) CH

6.	That the Owner prepares and implements a report outlining **erosion and siltation controls measures** required prior to and during the construction of the subdivision to the satisfaction of Conservation Halton and the Town of Oakville. A separate sediment and erosion control plan will be required in conjunction with each phase of the development and at the site plan/block level with each plan addressing every relevant stage of construction (i.e. earthworks, servicing/roadworks and building construction). The owner agrees to implement in accordance with the approved plans and demonstrate permission to implement ESC measures on lands not owned by the proponent as needed.	OAK(TE) CH
7.	That the Owner erects a suitable **temporary barrier or work fence** prior to engaging in any construction or regrading along the rear of blocks adjacent to the Natural Heritage System and stormwater management blocks. The Owner shall maintain this barrier until the adjoining construction/regrading work is complete.	OAK(TE) CH
8.	That the Owner submits the required **monitoring plans** and **completes baseline monitoring** in accordance with the approved Environmental Implementation Report/Functional Servicing Study – 14 Mile Creek West and the Lazy Pat Farm Property (EIR/FSS) to the satisfaction of Conservation Halton and the Town of Oakville prior to any site alteration.	OAK(TE) CH
9.	That the Owner obtains a Permit from Conservation Halton, pursuant **to Ontario Regulation 162/06**, for any site alteration within the regulated area associated with pre-grading or pre-servicing.	CH
10.	That the Owner revises/updates the **EIR/FSS** to reflect all comments from the Town of Oakville, Conservation Halton and the Regional Municipality of Halton and agrees to implement all final recommendations contained within the approved EIR/FSS including any addendums and commitment letter to the satisfaction of the Town of Oakville, Regional Municipality of Halton and Conservation Halton. The final EIR/FSS shall be provided to the satisfaction of the Town of Oakville and Conservation Halton prior to making the first engineering submission.	OAK(TE) CH RMH(LPS)
11.	That the Owner prepares and submits a **Stormwater Management Plan** in accordance with the approved EIR/FSS to the satisfaction of Conservation Halton and the Town of Oakville.	OAK(TE) CH
12.	That the Owner shall not install any municipal services on the site until the Owner has entered into a **Preservicing Agreement** or Subdivision Agreement with the Town. Pre-servicing may occur in accordance with the Town's pre-servicing policy.	OAK(TE)
13.	That the owner provides the detailed design of infiltration systems in accordance with the approved EIR/FSS and letter of commitment table to the satisfaction of the Town and Conservation Halton prior to pre-servicing. The infiltration systems including accesses to the infiltration systems shall be constructed by the owner through the pre-servicing stage as required in conjunction with each phase of the development. Blanket easements in favour of the Town for access to the infiltration systems will be provided through site plan approval of each block.	OAK(TE) CH
14.	That the owner provides the detailed design for the stormwater system to supplement 14W-12A through Phase 1b and Phase 2, prior to pre-servicing. A servicing block or a town-accepted alternative approach for the stormwater system to supplement 14W-12A shall be provided during the detailed design through Phases 1B and 2, in accordance with the letter of commitment and to the satisfaction of the Town.	OAK(TE) CH

15.	That the Owner consider further opportunities to enhance thermal mitigation through detailed design, prior to pre-servicing.	OAK(TE)
16.	That the Owner update the GAWSER model and Stormwater Management Plan to reflect changes through detailed design of Phase 1a. Updates to the GAWSER model and revisiting of the Stormwater Management Plan are required as needed, through each phase of development.	OAK(TE)
	CONDITIONS TO BE MET PRIOR TO MARKETING AND SALES	
17.	That the Owner finalize and submit for approval a revised **Urban Design Brief** reflecting the latest draft plan of subdivision design.	OAK(PS)
	CONDITIONS TO BE MET PRIOR TO FINAL APPROVAL / REGISTRATION	
18.	That the Owner shall enter into a Heritage Easement Agreement with the town to ensure the conservation of the cultural heritage landscape, including the historic barn in its new configuration, as approved through a future heritage permit. The Heritage Easement Agreement will include the Conservation Management Plan dated July 2015. The Heritage Easement Agreement will be registered against the entirety of Block 26 until the works are completed the satisfaction of the Director of Planning Services and the Director of Parks and Open Space.	OAK(PS) OAK(POS)
19.	That the Owner agrees that all reasonable efforts will be made to retain the laneway trees. Should any tree(s) be damaged, the owner agrees to replant the affected area with trees following the completion of the work.	OAK(PS)
20.	That the Owner is to provide financial securities in the form of a Letter of Credit, which shall only be released by the town to the owner upon the completion of the work outlined in the Heritage Easement Agreement.	OAK(PS) OAK(POS)
21.	That the Owner provide a Reference Plan for the cultural heritage landscape, to the satisfaction of the Director of Planning Services and the Director of Parks and Open Space, that will be used as the Legal Description for the designation of the cultural heritage landscape under the Ontario Heritage Act.	OAK(PS) OAK(POS)
22.	That the Owner work with Heritage Planning staff to create the Statement of Cultural Heritage Value or Interest and List of Heritage Attributes that will be used for the designation of the cultural heritage landscape under the Ontario Heritage Act. The Owner agrees not object to the Notice of Intention to Designate under the Ontario Heritage Act when it is issued by the Town.	OAK(PS) OAK(POS)
23.	That, following the designation of the cultural heritage landscape under the Ontario Heritage Act, the Owner will prepare a Conservation Plan for a Cultural Heritage Landscape, in accordance with By-law 2018-019, for Council's review and adoption. This Conservation Plan will be used to manage future changes to the cultural heritage landscape, outside of the changes approved in the Conservation Management Plan dated July 2015.	OAK(PS) OAK(POS)
24.	That matters such as the following are to be completed to the satisfaction of Town of Oakville Planning and Parks and Open Space staff. • Demolition of two residential buildings with footprints of each building marked, interpreted as a landscape features and with a plaque • Creation of a parks pavilion including the dismantling of the barn complex, timber salvaging • Retention of silo with entry access sealed • Conservation of the summer house in whole or part, as approved through a future heritage permit • Signage on site to utilize, where appropriate, salvaged timbers from barn complex dismantling • Retention of driveway pillars and their temporary relocation.	OAK(PS) OAK(POS)

25.	That the Owner submit engineering details related to the temporary secondary access to the Phase 1b lands which confirms that the temporary secondary access has been designed to the satisfaction of the town's Fire Prevention Department	OAK(FD)
26.	That Owner shall provide vehicle and pedestrian access to Block 26 from Dundas Street West (through the NHS – Block lands) to the satisfaction of the Planning Services, Parks and Open Space and Transportation and Engineering Departments.	OAK(PS) OAK(POS) OAK(TE)
27.	That the Owner shall provide confirmation to the satisfaction of the Town's Finance Department that **all outstanding property taxes** and outstanding debts have been paid prior to plan registration.	OAK(F)
28.	That the Owner enter into a standard form **subdivision agreement** to the satisfaction of the Town to address all matters related to the financial and construction obligations and build out of the subdivision, including but not limited to, development charge reimbursements, works to be completed on behalf of the Town, subdivision assumption and maintenance and monitoring of stormwater management facilities, etc.	OAK(PS) OAK(TE)
29.	That the Owner shall provide a **certificate signed by the surveyor** and the Owner stating that the plan proposed to be submitted for registration is the same as the latest (most recent) draft approved plan and, if the plans are not the same, that any differences between the proposed registered plan and the latest draft plan are accepted by the Town.	OAK(TE)
30.	That the owner provides further design details for 14W-21 at the appropriate phase through detailed design process to the satisfaction of the town.	OAK(TE)
31.	That the Owner demonstrates through detailed design that all town owned blocks for the stormwater major systems have been sized to contain flows for the 100 year storm event within town-owned lands.	OAK(TE)
32.	That the owner design, construct, and have in operation all **stormwater management facilities and stormwater outfalls** required for each respective phase of the development, or appropriate alternative measures, in accordance with the approved EIR / FSS and stormwater management plan, to the satisfaction of the Transportation and Engineering Department. The Owner is responsible for planting all required vegetation within 12 months of draft plan registration for each respective phase of the development per the approved landscape drawings.	OAK(TE) CH
33.	That the Owner designs, constructs, stabilizes and has in operation all **creek realignments and alterations** as well as any other alterations to natural hazards at the appropriate phase of the development to the satisfaction of the Conservation Halton and the Town of Oakville.	OAK(TE) CH
34.	That the Owner agrees **to phase the development** of the subject lands to the satisfaction of Conservation Halton and the Town of Oakville.	OAK(TE) CH
35.	That the Owner agrees to provide **as-built drawings** for creek realignment and wetland construction work. Surveys undertaken to delineate any hazard shall be provided to Conservation Halton in the following mapping coordinate system: UTM Zone 17 NAD 83 datum. Surveys referencing elevations (e.g., floodplains) shall be referenced to appropriate vertical benchmarks. The datum must be specified as one of Canadian Geodetic Vertical Datum of 1928 (CGVD28) with 1978 adjustment, or Canadian Geodetic Vertical Datum of 2013 (CGVD2013). Submissions of surveys tied to Canadian Geodetic Vertical Datum of 1928 (CGVD28) - without 1978 adjustment-may be acceptable for works within the Town of Oakville but are subject to the approval of Conservation Halton Engineering. Vertical datums must be clearly identified in the survey documentation. Questions can be directed to Conservation Halton GIS staff.	CH

36.	That the Owner agrees that, should it be determined through detailed design that **grade changes** are required in order to accommodate development of lots/blocks adjacent to the NHS block, any grade changes must be accommodated outside of the NHS block to the satisfaction of Conservation Halton, Region of Halton and Town of Oakville.	OAK(TE) CH RMH(LPS)
37.	That the Owner agrees that a **temporary turnaround** located at the end of Arterial One abutting the west side of the NHS, Avenue 3 abutting Block 5 and the end of Avenue 3 abutting the NHS are required until such time that these streets are extended across the adjacent lands to the west and east.	OAK(TE)
38.	That the owner agrees to construct the crossing of tributary of 14 Mile Creek at the end of Avenue 3 (west portion) as part of the Phase 1b creek realignment works.	OAK(PS) OAK(TE)
39.	That the Owner shall **dedicate all lands to be conveyed to the Town, Regional Municipality of Halton or other authorities** free of charge and with clear title (free and clear of encumbrances) and any necessary easements. A Certificate of Title shall be provided, in a form satisfactory to the Town, Region or other authority. <u>Halton Region</u> a. Any lands within <u>25m</u> of the centre line of the <u>original</u> right-of-way of Dundas Street (Regional Road 5) that are part of the subject property shall be dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements. b. Daylight triangles measuring a minimum of 15m along Dundas Street (Regional Road 5) and a minimum of 15m along Street "Avenue Two" shall be dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements. c. Any additional lands that are part of the subject property and have been identified as required for the future widening and of Dundas Street (Regional Road 5), as identified in the Dundas Street Corridor Improvements Brant Street (Regional Road 18) to Bronte Road (Regional Road 25) Municipal Class Environmental Assessment Study/Environmental Study Report, shall be dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements. d. Any additional lands that are part of the subject property and have been identified as required for the future widening and of Dundas Street (Regional Road 5), as identified in the Dundas Street from Bronte Road (Regional Road 25) to Appleby Line (Regional Road 20) Detailed Design Project, shall be dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements. e. The Owner agrees that any proposed private signage, plantings etc., for the site must be placed outside of the new Regional right-of-way (on private property). f. That the location of the future intersection to Dundas Street be as per the approved North Oakville West Secondary Plan.	OAK(PS) OAK(TE) RMH(LPS) MTO
40.	That the Owner shall provide a **construction phasing and sequencing plan** to the satisfaction of the Town (and Region where applicable) for the purpose of ensuring an appropriate sequence of development from initial construction to assumption and which reflects all applicable studies including the EIR/FSS and Transit Facilities Plan. The Phasing Plan should identify how transit service will operate within the plan, including provisions for safe pedestrian access to designated bus stop locations, such that: • a contiguous transit service area will be maintained that does not result in lengthy transit routes or "leapfrogging" • interim and/or permanent transit streets are to be built first • roadways to be upgraded where required to accommodate transit vehicles during initial or interim phases	OAK(TE) OAK((T)

	• permanent or temporary pedestrian facilities to be constructed early and maintained during development for access and routing to bus stop locations. Where mutually agreed upon between the Owner and the Town, a contribution may be made by the Owner to the Town's early implementation initiative relating to Transit service delivery.	
41.	That the owner prepare and agree to **implement the following studies** to the satisfaction of the Town (and the Regional Municipality of Halton where applicable): • Transit Facilities Plan • Street Signage and Pavement Marking Plan • Composite Utility Plan • Erosion, Sediment, Dust Mitigation Plan	OAK(TE) OAK(T) RMH(LPS)
42.	That the Owner shall provide **digital discs of the registered plan of subdivision** with the following coordinate system UTM NAD 83 Zone 17 to the Regional Municipality of Halton and the Town of Oakville, and approved wetland delineation/stable top of bank delineation/flood plain/meander belt to Conservation Halton, prior to registration of the plan. Surveys undertaken to delineate any hazard shall be provided to Conservation Halton in the following mapping coordinate system: UTM Zone 17 NAD 83 datum. Surveys referencing elevations (e.g., floodplains) shall be referenced to appropriate vertical benchmarks. The datum must be specified as one of Canadian Geodetic Vertical Datum of 1928 (CGVD28) with 1978 adjustment, or Canadian Geodetic Vertical Datum of 2013 (CGVD2013). Submissions of surveys tied to Canadian Geodetic Vertical Datum of 1928 (CGVD28) - without 1978 adjustment-may be acceptable for works within the Town of Oakville but are subject to the approval of Conservation Halton Engineering. Vertical datums must be clearly identified in the survey documentation. Questions can be directed to Conservation Halton GIS staff. Flood plain models used in the delineation of flood hazards must be provided to Conservation Halton and referenced to the above mapping standards.	OAK(TE) RMH(LPS) CH
43.	That the Owner shall **install information signs**, not less than 2 metres by 3 metres or alternative, on all Natural Heritage, SWM and park blocks clearly advising of the future use and function of these blocks and the facilities / amenities to be constructed within the Natural Heritage System or park block prior to registration. The Owner agrees to install signs on all frontages of the Natural Heritage or park blocks at locations to be determined by the Town. The Owners is to maintain these signs in good, readable condition until such time as the land is developed.	OAK(POS) OAK(TE)
44.	That the Owner shall provide the Town, together with the final plan, a list of **lot and block widths, depths and areas** prepared by an Ontario Land Surveyor, to ensure all lot and blocks meet or exceed the minimum requirements of the approved Zoning By-law. The Owner shall agree to revise the draft plan as required in order to comply with all provisions of the approved Zoning By-law.	OAK(Z)
45.	That all **public streets** within the subdivision be named to the satisfaction of the Engineering and Construction Department and in accordance with **Street Names for Public Roads** procedure.	OAK(EC)
46.	That prior to registration of the plan, the Owner's surveyor shall submit to the Town **horizontal co-ordinates of all boundary monuments**. These co-ordinates are to be based on 6 degree UTM Projection, NAD83 Datum. Exemptions and alternatives to this can only be granted by the Engineering and Construction Department.	OAK(EC)
47.	That the owner obtains a **permit from Conservation Halton, pursuant to Ontario Regulation 162/06**, for any development or site alteration within the regulated area including, but not necessarily limited to, placement or excavation of fill, grading, stormwater outfalls, watercourse alterations or realignments, and watercourse crossings.	CH

48.	That the Owner address any outstanding issues relating to future development or site alteration within a regulated area (pursuant to **Ontario Regulation 162/06**) including, but not limited to, dumping of fill, grading, stormwater outfalls, and watercourse crossings, to the satisfaction of Conservation Halton.	CH
49.	That the Owner pays any **outstanding review fees** to Conservation Halton, if it is determined that a balance is outstanding. Conservation Halton reserves the right to adjust the fees owing based on the current plan review schedule, if time has lapsed since the initial application.	CH
50.	That the Owner submits the **final clearance fee** to Conservation Halton, pursuant to the Halton Region's Memorandum of Understanding, immediately prior to registration of the draft plan. If the development is phased, each phase will require a separate clearance fee. This request for clearance is to be accompanied by a fully executed copy of the Subdivision Agreement and a detailed response as to how each Conservation Halton condition has been fulfilled.	CH
51.	That prior to final approval, confirmation is provided to the Region indicating that all Conservation Halton comments/conditions (required prior to registration) have been met to their satisfaction, and that there are no concerns with the registration of the plan of subdivision.	RMH(LPS)
52.	The owner agrees they may be required to enter into a Servicing Agreement at the Site Plan stage (through the Development Project Manager) for the completion of required works for all development associated road improvements along Dundas Street and/or at any new intersections (north leg intersection connections, etc.,). The owner is responsible for all costs associated with the improvements detailed as part of the works and must submit for approval detail design drawings and cost estimates.	RMH(LPS)
53.	That the Owner shall enter into a **subdivision agreement** and satisfy all requirements, financial and otherwise, of the Regional Municipality of Halton, including but not limited to, the phasing of the plan for registration, investigation of soil contamination and soil restoration, the provision of roads and the installation of water and sanitary sewer services, utilities and drainage works. This agreement is to be registered on title to the lands.	RMH(LPS)
54.	That the Owner agrees that warning clauses shall be included in a registered portion of the **Regional Subdivision Agreement**, and in subsequent offers of purchase and sale on all units within this development and, registered on title regarding potential lower water pressures within the subdivision.	RMH(LPS)
55.	That the owner agrees that warning clauses shall be included in a registered portion of the Regional Subdivision Agreement, and in subsequent offers of purchase and sale on all units and buildings within this development and, registered on title regarding potential water pressures changes within the subdivision resulting from the realignment of the Region's water pressure zones from the existing zone condition to the interim and ultimate zone pressure conditions.	RMH(LPS)
56.	That the Owner is required to submit a revised Functional Servicing Study outlining in detail the proposed servicing of this property. The study must address temporary watermain looping, dead-end watermains, watermain sizing, flows, and pressures, and demonstrate how the ultimate watermain system is to be constructed. Updated water system modelling and analysis for the existing, interim and ultimate zone pressure conditions proposed under the Region's zone boundary realignment program must be included. The study must address potential overtopping of Regional roads due to post development storm drainage from the development and be completed to the satisfaction of Halton Region.	RMH(LPS)
57.	That the Owner be required to design and construct a 600mm diameter trunk sanitary sewer external to of this subdivision on Dundas Street (ID #6911) as required by the Area Servicing Plan for the 407 Employment Area and as also required as per the Region of Halton's policy for the Design and Construction of Development Charges Projects by the Development Industry. The applicant will be responsible for paying all costs associated with these works. The	RMH(LPS)

	Region will make reimbursement for the cost of designing and constructing the works when the appropriate funding is in place as per the policy.	
58.	That the Owner be required to design and construct a 600mm diameter trunk watermain internal to of this subdivision on Avenue One (ID #5627) as required by the Area Servicing Plan for the 407 Employment Area and as also required as per the Region of Halton's policy for the Design and Construction of Development Charges Projects by the Development Industry. The Owner will be responsible for paying all costs associated with these works. The Region will make reimbursement for the cost of designing and constructing the works when the appropriate funding is in place as per the policy.	RMH(LPS)
59.	That the Owner is required to design and construct at their sole expense a minimum 300mm diameter local watermain on Dundas Street West (Regional Road No. 5) to provide servicing, watermain looping and fire protection to the lands adjacent to Dundas Street West to the satisfaction of Halton Region's Development Project Manager.	RMH(LPS)
60.	That the Owner is required to decommission, remove and or abandon any temporary watermains installed in this subdivision for the purpose of interim watermain looping to the satisfaction of Halton Region's Development Project Manager.	RMH(LPS)
61.	That the Owner is required to size and construct the storm water management facility located within this subdivision, including all associated storm sewer works necessary to convey this drainage to this facility, to accommodate storm water drainage from the future reconstruction of Dundas Street (Regional Road No. 5) to the satisfaction of Halton Region's Development Project Manager.	RMH(LPS)
62.	That the Owner is required to fund and undertake all infrastructure works required for storm water drainage improvements and upgrades to Dundas Street (Regional Road No. 5) that are required to accommodate any post development storm water flows that are generated from this subdivision that exceed predevelopment flow rates. All costs for any drainage improvements, including culvert extensions are to include design, construction and implementation for these upgrades.	RMH(LPS)
63.	That the Owner shall prepare a **detailed engineering submission** to be submitted to the Region's Development Project Manager for review and approval prior to the preparation of the Regional subdivision agreement.	RMH(LPS)
64.	That the Owner acknowledges, in writing, that registration of all or part of this plan of subdivision may not take place until notified by the Region's Development Project Manager that: a) sufficient **Water and Wastewater Plant** capacity exists to accommodate this development; and, b) sufficient **storage and pumping facilities** and associated infrastructure relating to both water and wastewater are in place.	RMH(LPS)
65.	That temporary easements be provided for watermain looping that are internal and/or external to the site that are not located in an existing road right-of-way and that these easements be dedicated to the Region of Halton for the purpose of watermain protection; these easements shall be dedicated with clear title (free & clear of encumbrances) and a certificate of Title shall be provided, in a form satisfactory to the Director of Legal Services and Corporate Counsel.	RMH(LPS)
66.	The Owner shall submit to the Planning Services Department six (6) folded copies of the final draft plan of subdivision along with applicable Land Registry Office J form for sign off. Upon acceptance, the town will forward these materials to the Region of Halton for final sign off.	RMH(LPS) OAK(PS)
67.	That the Owner shall provide the Town with evidence that satisfactory arrangements, financial and otherwise, have been made with Canada Post Corporation for the installation of **Community Mail Boxes** as required by Canada Post Corporation, prior to registration of the plan.	CP

68.	That the Owner shall provide Union Gas/Enbridge Gas the **necessary easements and/or agreements required by Union Gas/Enbridge Gas** for the provision of local gas services for this project, in a form satisfactory to Union Gas Limited.	UG/Enbridge
69.	The Owner shall confirm that **sufficient wire-line communication / telecommunication infrastructure** is currently available within the proposed development to provide communication / telecommunication service to the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the developer may be required to pay for the connection to and/or extension of the existing communication / telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the communication / telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative communication / telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e. 911 Emergency Services).	BC Cogeco Rogers
70.	That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval, a stormwater management report indicating the intended treatment of the calculated runoff.	MTO
71.	That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval, a traffic impact study to assess the impacts on Highway 407 and identify any related highway improvements.	MTO
72.	That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval, a Draft M-Plan that includes a block that represents the land required for the 407 Transitway. Please note that the designation limits of the 407 Transitway are currently being registered, and the description for the M-Plan may need to be changed once the registration process has been completed.	MTO
73.	That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval, detailed grading, servicing and internal road construction plans.	MTO
	CONDITIONS TO BE INSERTED INTO SUBDIVISION AGREEMENTS **(Town and/or Regional Municipality of Halton)**	
74.	The Owner acknowledges that the Town may require **redline revisions** to the draft plan to ensure property alignment with existing or proposed lots, blocks, streets, and/or facilities on lands adjacent to this draft plan.	OAK(PS)
75.	That the Owner agrees to submit a revised **Planning Statistics Spreadsheet** to the satisfaction of Planning Services based upon the registration of M-Plans.	OAK(PS)
76.	That the owner agrees that Block 26 shall be conveyed to the town and said conveyance shall <u>not</u> be considered all, or any part, of the required parkland contributions.	OAK(PS) OAK(POS)
77.	That the Owner agrees to implement the Conservation Management Plan dated July 2015, subject to: a) The submission of detailed plans and drawings for the adaptive reuse of the historic barn, working with staff from Heritage Planning and Parks and Open Space to ensure that all applicable town requirements are being met. These plans would form part of a submission to the town which would also include additional details on the interpretation of the entire cultural heritage landscape based on the general descriptions in the Conservation Management Plan.	OAK(PS) OAK(POS)
78.	That the Owner acknowledges that any eligible **Development Charge** reimbursements will be in accordance with the Town's Development Charge By-law. The Owner agrees to submit progress reports for any **Development Charge reimbursable** items identified to be reimbursed through Development Charge credits, whether repaid through Development Charge	OAK(F)

	credits or other means, in a form satisfactory to the Town's Finance Department. The Owner further agrees to abide by the Town's requirements for matters dealing with Development Charge credits.	
79.	The Owner acknowledges that **work completed on behalf of the Town** shall not exceed the estimated values contained within the subdivision agreement and that the Town will not accept any further progress certificates relating to the Schedule 'K' works and will not consider the payment of said progress certificates received after the assumption of the subdivision by the Town. The Owner further acknowledges that work done on behalf of the Town may not be reimbursed until funded in the Town's approved capital budget.	OAK(TE) OAK(F)
80.	The Owner agrees to provide notice to prospective purchasers upon the completion and approval of the **Composite Utility Plan** showing the location of all community facilities (any community mail boxes, bus shelter and stops, street trees, sidewalks, street light poles, hydrants, cable boxes, transformers or any other above grade facilities) to the satisfaction of staff and that this plan be displayed in any sales office.	OAK(TE)
81.	That the Owner's engineer provide certification that all **Erosion and Sediment Controls** are in a state of good repair and Stormwater outfalls are operational to the satisfaction of the Transportation and Engineering Department prior to building permit issuance.	OAK(TE)
82.	That the Owner agrees to construct **stormwater management facilities** according to the approved plans and reports for this subdivision. Additionally the Owner agrees to monitor and maintain the facilities until they are accepted by the town. The Owner shall provide a monitoring procedure and schedule for all stormwater management facilities / works immediately after all stormwater management facilities / works become operational. All monitoring shall be in accordance with the requirements of the approved EIR / FSS, Transportation and Engineering Procedures and Guidelines Manual and North Oakville Monitoring Guidelines. Monitoring and maintenance is to be undertaken by the Owner for a minimum period of 2 years once all stormwater management works become operational and stabilized or at the Town's discretion for a minimum period of 2 years following construction of the majority of the contributing drainage area in accordance with the approved Operations Maintenance and Monitoring Program. The determination of full built out conditions within the pond's catchment areas, will consider the development of external lands and the potential to use cash in lieu as an alternative to account for future maintenance requirements for undeveloped portions of the area. Should the monitoring results fail to demonstrate to the satisfaction of the Town of Oakville, acting reasonably, that the performance of the stormwater management facilities / works is in accordance with acceptable engineering practices, the Owner shall take immediate remedial action.	OAK(TE)
83.	That storm sewerage, lot grading and street grading must be in conformity with the Town of Oakville's **Storm Drainage Policies and Criteria Manual** and to the satisfaction of the Transportation and Engineering Department, in accordance with the Transportation and Engineering Procedures and Guidelines Manual.	OAK(TE)
84.	The Owner agrees to pay for **electricity supplied to light the streets** in the development until first occupancy. This will include the supply of power to the streetlights, the commodity cost, transmission and independent electricity marketing operator charges, distribution charges and administration fees, details of which will be outlined in the subdivision agreement.	OAK(TE)
85.	The Owner shall agree to **deposit mylars and digital discs** (.dwg file format) of the registered plan of subdivision to the satisfaction of the Town.	OAK(TE)
86.	That the Owner agrees to pay for and install all required **temporary signage** as per the approved Traffic and Parking Management Plan prior to the issuance of any building permits and agrees to ensure that these temporary signs are	OAK(TE)

	maintained throughout the construction phase or until the permanent signage is installed.	
87.	That the Owner agrees to pay for and install all **permanent signage** within six (6) months of the first building occupancy as per the approved Traffic and Parking Management Plan. In the event that the Owner fails to install the permanent signage in the required timeframe the Town may carry out the work on behalf of the Owner, and will charge the Owner a 100% administration surcharge for all costs incurred by the Town in carrying out this work	OAK(TE)
88.	That the Owner shall place **public and educational signage** within the stormwater management blocks to identify the general operation of the stormwater management facilities and list public restrictions for recreational use all to the satisfaction of the Engineering and Construction Department.	OAK(TE)
89.	That the Owner agrees within the subdivision agreement to deliver to the Town the following materials to accommodate **PSAB requirements** (hereinafter in this section referred to as the "Materials") within the times herein provided: a) Prior to registration of the Plan, a table in form and content acceptable to the Town and certified accurate by an Ontario Land Surveyor, setting out the area of all lands to be dedicated to the Town pursuant to this agreement, including rights of way (herein after referred to as the "Dedicated Lands"); b) Prior to acceptance of Maintenance, a table in form and content acceptable to the Town, and certified by the Owner's Engineer, setting out all materials used in the Town's Work, the dates of their respective installation, together with certification of their fair market value at installation; and c) Prior to assumption of the Plan, updated certification by the aforementioned Ontario Land Surveyor, Owner's Engineer or Appraiser as applicable, of the Materials and their current fair market value in form and content acceptable to the Town, together with certification in the manner and by the persons set out herein of any works to be assumed by the Town and not previously certified.	OAK(TE)
90.	That the Owner agrees that all **roadways** are to be designed to Town of Oakville standards and partial roads within the draft plans are not permitted, unless other suitable arrangements are made with the Director of Transportation and Engineering.	OAK(TE)
91.	In the event that required subdivision land use and **notice signage** becomes damaged and/or missing from their original approved locations, the Town may re-install signage on the Owner's behalf and the Owner shall reimburse the Town for such works.	OAK(TE)
92.	That the Owner satisfies the **telecommunications** provider with respect to their land requirements and agrees to permit all electrical and telecommunication providers who have signed the Town's access agreement to locate on the roads within the plan and that the Owner allow these services to connect to the buildings, all to the satisfaction of the Town.	OAK(TE)
93.	That the Owner shall provide in any sales offices a **large coloured map**, not less than 1.5 metres by 2 metres, of the approved land use plans to date and/or where applicable, the land use plans approved in the Official Plan for the overall community together with a copy of the Town of Oakville Official Plan and a prominent note indicating that further information can be obtained from the Oakville Planning Services Department.	OAK(TE)
94.	a) That the Owner acknowledges that during the active construction process it is anticipated that **sediment accumulation** in the stormwater management pond will occur at an above average rate compared to the rate for a stabilised condition. Based on this assumption, the Owner agrees to monitor the sediment accumulation level and clean the pond periodically to ensure its operational efficiency is maintained. Prior to assumption a condition and monitoring report is to be prepared by the	OAK(TE)

	Owner's Engineer which is to outline the monitored performance of the pond as documented over time and the current state of sediment level within the pond. The Engineers report will make recommendations with respect to any maintenance required at the time of the requested assumption and itemise such items, which the Owner will be required to remediate prior to the assumption. b) That the Owner agrees, at the time of the requested assumption, to provide an up-to-date **bathymetric survey** to determine the sediment level within the storm water management pond. If the accumulated sediment level is less than 25% of the design sediment storage volume within the fore-bay and/or main bay area of the pond, the Owner will provide a cash-in-lieu payment to the town for future clean-out based on an amount to be determined. Notwithstanding the above, should the sediment accumulation exceed 25% of the design sediment storage volume, the Owner agrees to clean out the pond. c) That the Owner agrees that the Town shall retain **securities for any Stormwater Management Facility** for at least a minimum two year maintenance period after the construction and stabilization of the stormwater management pond, or at the Town's discretion, for a minimum 2 year period following the assumption the majority of contributing development plans. The value of this security will be determined by the Town based on the size of any pond as well as the number of contributing plans.	
95.	That the owner construct, operate and maintain the infiltration systems in accordance with the approved EIR/FSS and to the satisfaction of the Town and Conservation Halton. Blanket easements in favour of the Town for access to the infiltration systems will be provided through site plan approval of each block.	OAK(TE) CH
96.	That the Owner designs, substantially completes, stabilizes and certifies all necessary **flood control structures and stormwater outfall structures** for each respective phase prior to the issuance of any building permits to the satisfaction of the Conservation Halton and Transportation and Engineering Department.	OAK(TE) CH
97.	That the owner construct the stormwater system to supplement 14W-12A through Phase 1b and Phase 2. A servicing block or a town-accepted alternative approach for the stormwater system to supplement 14W-12A shall be provided during the detailed design through Phases 1B and 2, in accordance with the letter of commitment and to the satisfaction of the Town.	OAK(TE)
98.	That the Owner install a 1.2 metre high black vinyl coated **chain link fence**, or equivalent barrier as approved by the Town, along the common boundary line, setback 0.15 metres on Town property, between the Natural Heritage System / parkland / stormwater management facility (where applicable) and the abutting lots and/or blocks. The fence must be installed prior to Building Permit issuance on adjacent lots in order to ensure there is no encroachment by the builder or homeowner into the natural heritage system / parkland / stormwater management facility (where applicable) to the satisfaction of the Planning Services Department, Transportation and Engineering Department, Conservation Halton and Parks and Open Space Department. And further that the Owner provide a legal survey, prepared and signed by an OLS), confirming the location of all fencing installed in 100% on public property and also confirming that there are no known encroachments at the time of assumption.	OAK(PS) OAK(POS) OAK(TE) CH
99.	That the Owner retain the services of a landscape architect in good standing with the OALA, and agrees to provide for the preparation and submission of landscape plans including planting, grading, sodding, fencing and the design of park facilities together with cost estimates for the open space system	OAK(PS) OAK(POS) OAK(TE) CH

	including walkways, valley land / natural heritage system buffer areas and stormwater management facilities; and further, that the applicant finance the provision of the park facilities and the implementation of the landscape plans to the satisfaction of the Planning Department, Parks and Open Space Department and Transportation and Engineering Department and in accordance with the Town's Development Charges By-law. Native non-invasive species shall be planted for lands adjacent to Natural Heritage System (Blocks 9 – 15, 26), including swales and stormwater management facilities, and within Conservation Halton's regulated area. And further, that the Owner prepare a facility fit plan for any neighbourhood park blocks confirming that the expected program elements may be incorporated. This will include any and all active sports fields, their associated buffer requirements and all supporting amenities.	
100.	That the Owner agrees to **plant all vegetation** (which is not required for stabilization) within 12 months of draft plan registration as per the approved landscape drawings.	OAK(TE) CH
101.	That the Owner ensures that there are **no in-water works** undertaken during the fisheries window as defined by the Ministry of the Environment, Conservation and Parks and Conservation Halton, unless an exemption from the Ministry is obtained	CH
102.	That the Owner agrees at their cost to implement a **municipal tree planting program** for all public roads in accordance with the approved Composite Utility Plan and/or Tree Planting Plan. The selection of species, caliper and timing of work shall be undertaken to the satisfaction of the Transportation and Engineering Department and in accordance with the latest Town standards and specifications within the final and approved North Oakville Urban Forest Strategic Management Plan, where applicable.	OAK(TE)
103.	That the Owner agrees to submit **prior to Assumption** an inventory of all boulevard trees planted by species, size, and x/y coordinates in a digital format acceptable to the Transportation and Engineering Department.	OAK(TE)
104.	That the Owner warranty all **boulevard street trees** and trees planted in open space areas for a period of 2 years from the date of planting and agrees to maintain in a healthy condition all trees until Assumption or to the end of the warranty period, where the warranty extends beyond assumption.	OAK(TE)
105.	That the Owner agrees to place **topsoil** on lots, boulevards and parkland in accordance with approved Town standards.	OAK(POS) OAK(TE)
106.	That the Owner implements a **monitoring program** to the satisfaction of the Town and Conservation Halton for Erosion and Sediment control, stormwater management facilities, modified streams and stormwater management works, municipal services and trails with the Natural Heritage System, in accordance with the Water Resources Final Mediation Reports (Ontario Municipal Board) dated 30 August, 2007. That the Owner agrees to submit monthly (or after significant rainfall equal or greater than 10mm or snowmelt events) **sediment and erosion control reports** during construction to the satisfaction of Conservation Halton and the Town of Oakville. Monitoring and maintenance is to be undertaken by the Owner from construction until a minimum of 2 years after SWM pond cleanout and certification of the SWM works. Should the monitoring results fail to demonstrate to the satisfaction of the Town of Oakville, acting reasonably, that the performance of the stormwater management facilities/works are in accordance with the EIR/FSS Stormwater Management Report, and acceptable engineering practices, the Owner shall take immediate remedial action and the maintenance and monitoring requirements may be extended for a period of 2 years following certification of the remedial action.	OAK (TE) CH
107.	That the Owner agrees to **post acceptable securities** with the Town of Oakville as part of the subdivision agreement, for the purpose of ensuring the construction and completion of all works identified on the approved engineering plans including the rehabilitation of any Natural Heritage System	OAK(TE) CH

	block or open space areas which may be disturbed during the development of the subdivision.	
108.	That the Owner shall prepare and implement at no cost to the Town, a **landscape, restoration and enhancement plan for the stormwater management facility** to the satisfaction of the Transportation and Engineering Department, Parks and Open Space and Conservation Halton in accordance with the Town's stormwater management Landscaping Standards. The Owner shall be entirely responsible for the implementation of these features including all financial costs.	OAK(TE), OAK(POS) CH
109.	That the Owner agrees to not store **construction materials** on vacant lots and/or open space blocks that abut lots which are occupied by homeowners.	OAK(TE) OAK(POS)
110.	That the Owner agrees to implement **cycling and trails plans** in accordance with the North Oakville Trails Plan, when finalized, and the enacted Development Charges By-law to the satisfaction of the Town.	OAK(POS)
111.	That the Owner provides confirmation that all fire prevention matters have been addressed to the satisfaction of the Town of Oakville, where necessary.	OAK(FD)
112.	That the owner agree that any exposed soil within CH regulated area, either as a result of realignment or rehabilitation works, will be seeded or otherwise stabilized within 72 hours of exposure and prior to any significant runoff event to minimize the transport of sediment downstream, or as alternatively approved through a CH permit.	CH
113.	That the owner agree that **no fill from the site may be dumped on or off-site** in an area regulated by Conservation Halton without the prior written permission of Conservation Halton.	CH
114.	That the Owner agrees to not **stockpile fill** within 50 metres of a watercourse without prior written approval by Conservation Halton.	CH
115.	That the Owner acknowledges that all works which are the responsibility of the Owner to complete, shall be subject to general construction observation by a **licensed Professional Engineer** of the Province of Ontario with all professional engineering fees paid by the Owner. The Owner's engineer must provide competent full time staff on site during construction activities to obtain the required "as constructed" field information, and to ensure general compliance to the best of his/her professional knowledge with the approved drawings and the Town and Region's Current Construction and Design Standards.	RMH(LPS) OAK(TE)
116.	That the Owner agrees that **pre and post development storm water flows** from the site to the existing drainage system are maintained both during and after construction, such that there are no adverse impacts to the existing storm drainage system to the satisfaction of Halton Region's Development Project Manager.	RMH(LPS)
117.	That the Owner agrees to conduct a **survey of the static water level** and quality of all wells within 500 metres of the plan. The Owner further agrees to resolve any claims of well interruption due to the construction of municipal services to the satisfaction of the Region's Development Project Manager.	RMH(LPS)
118.	The Owner agrees to conduct a survey of the property to identify all existing private septic systems related to the former use of the lands. The owner further agrees to decommission any existing private septic systems in accordance with MOE guidelines prior to commencing the development of these lands to the satisfaction of the Region's Development Project Manager.	RMH(LPS)
119.	That the Owner acknowledges that development shall be subject to full **municipal water and sanitary sewer services** to the satisfaction of the Regional Municipality of Halton.	RMH(LPS)
120.	The Owner agrees that until notice from Halton Region's Commissioner of Public Works is given to the Owner that development of these lands is able to proceed by the issuance of a building permit with residential water/wastewater capacity or that units under the Region's Allocation Program will be	RMH(LPS)

	operational within 12 months, that the Owner shall not seek the issuance of building permits for any development in this phase and: • shall not sell or offer for sale any lot or block or any part thereof within this phase if such sale obligates the Owner or permits the purchaser to construct a residential building on such lot or block; and, • shall not seek final approval for registration of such lots or blocks or any part thereof.	
121.	The Owner agrees that should the development be phased, the Owner shall submit a **phasing plan** prior to final approval of the first phase. The phasing plan will indicate the sequence of development, the land area in hectares, the number of lots and blocks for each phase and the proposed use of all blocks including, the proposed number of units, the specific lots to be developed, site access to each phase, grading and the construction of public services. The phasing must be reflected in all engineering reports. The phasing shall be to the satisfaction of the Regional Municipality of Halton, Conservation Halton and the Town of Oakville.	RMH(LPS) OAK(TE) CH
122.	That the owner agrees that: • the timing of the registration of Block 26 shall coincide with the ability to provide appropriate frontage and access to Block 26 from Dundas Street, to the satisfaction of the Town. • that appropriate emergency access as necessary is provided for each phase.	OAK(PS) OAK(POS) OAK(F)
123.	That the Owner agrees that all Canada Post matters have been satisfactorily addressed.	CP
124.	That the Owner acknowledges that where multi-unit or commercial, office or similar buildings are located, one or more conduit or conduits of sufficient size will be provided from each unit to the room(s) in which the **telecommunication facilities** are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line.	BC Cogeco Rogers
125.	The Owner agrees that it will grant Bell Canada any easements that may be required, which may include a blanket easement, for communications/telecommunications infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the owner shall be responsible for the location of such facilities or easements.	BC
126.	That the Owner acknowledge its responsibility to up-front the cost of any extension to the **electrical distribution system**.	OH
127.	That the Owner agrees to place the following **notification in all offers of purchase and sale** for all lots and/or units and in the Town's subdivision agreement to be registered on title: a) "Purchasers and/or tenants are advised that Blocks 12 – 15 are advised that these blocks are **regulated by Conservation Halton**. Conservation Halton must be contacted prior to any development occurring on the property." b) "Purchasers and/or tenants for all blocks/lots adjacent to the **Natural Heritage System**, a statement which advises that the Town reserves the right to install a public trail connection within these blocks. Further purchasers are advised that individual gate access to these blocks from their property is prohibited. In addition, dumping of yard waste or other household materials is also prohibited." c) "Purchasers of lot/blocks abutting areas regulated by Conservation Halton are advised that **no encroachment is permitted**, and that **vegetation shall not be manicured** in accordance with Ontario Regulation 162/06. d) "Purchasers are advised that the Town of Oakville's current **street tree planting standards**, which are subject to change, are intended to have an average of one tree for every 12 metres of frontage to be considered for planting in order to accommodate future tree growth."	OAK(PS) OAK(TE) OAK(POS) CH

	e) "Purchasers are advised that **winter maintenance** and snow plowing from public streets will be done in accordance with the Council approved protocol and policies for snow removal." f) "Purchasers and/or tenants are advised that the builder is responsible for the timing and coordination of **rectifying lot grading** matters which occur prior to assumption." g) "Purchasers and/or tenants are advised that prior to the placement of any **structures in side and rear yards**, the Zoning By-law should be reviewed to determine compliance and that a Site Alteration Permit may be required prior to proceeding to do any site work." h) "Purchasers and/or tenants are advised that **private landscaping** is not permitted to encroach within the Town's road allowance, parks, or Natural Heritage System area. Any unauthorized encroachments are to be removed by the owner." i) "Purchasers and/or tenants are advised that an overall grade control plan has been approved for this Plan and further some blocks/lots may incorporate the drainage of adjoining lots through the design of **swales and rear lot catch basins**." j) "Purchasers are advised that any **unauthorized alteration of the established lot grading** and drainage patterns may result in negative drainage impacts to their lot and/or adjoining lots." k) "Purchasers are advised that the following street(s) in the area may be designated as **interim or permanent bus routes**, and that bus stops and shelters may be installed along the street(s): Dundas Street West, Arterial One, Avenue Two, Avenue Three" l) "Purchasers are advised that Town **Stormwater Management Ponds** will be subject to scheduled maintenance and periodic cleanout in accordance with Town requirements." m) "Purchasers are advised that **driveway entrance widenings** or modifications will not be permitted where they impact on the availability of any on-street parking space." n) "Purchasers are advised that North Oakville is founded on the principle of public transit as a priority and as such buses with varying frequencies of services are expected to operate throughout the neighbourhoods. Transit infrastructure including **bus stops and bus shelters** may be located on municipal streets within subdivisions either as temporary and/or permanent features." o) "Purchasers are advised that Public roads are expected to accommodate pedestrians, cyclists and vehicles of all types. Temporary and/or permanent **public parking along municipal roads** adjacent to any property can be made available for on-street parking by the public and is not reserved for use by the property Owner. p) "Purchasers are advised that there is the potential for high water pressures within the subdivision" In cases where offers of purchase and sale have already been executed, the Owner shall send a letter to all purchasers which includes the above statements.	
	CLOSING CONDITIONS	
1.	Prior to signing the final plan the **Director of Planning Services** shall be advised that all conditions have been carried out to the satisfaction of the relevant agencies, and that a brief but complete statement detailing how each condition has been satisfied has been provided.	OAK(PS)
2.	Prior to signing the final plan the Director of Planning Services shall be advised by the **Regional Municipality of Halton** that all applicable	OAK(PS) RMH(LPS)

	conditions have been carried out to their satisfaction with a brief but complete statement detailing how each condition has been satisfied.	
3.	Prior to the signing of the final plan the Director of Planning Services shall be advised by the **Conservation Halton** that all applicable conditions have been carried out to their satisfaction with a brief but complete statement detailing how each condition has been satisfied.	OAK(PS) CH
4.	Prior to signing the final plan, the Director of Planning Services shall be advised by the **telecommunications provider** that all applicable conditions have been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.	OAK(PS) BC Cogeco Rogers
5.	Prior to signing the final plan the Director of Planning Services shall be advised by **Canada Post** that all applicable conditions have been carried out to their satisfaction with a brief but complete statement detailing how each condition has been satisfied.	OAK(PS) CP
6.	Prior to signing the final plan, the Director of Planning Services shall be advised by **Oakville Hydro** that all applicable conditions have been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.	OH
7.	Prior to signing the final plan, the Director of Planning Services shall be advised by **Union Gas/Enbridge Gas** that all applicable conditions have been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.	UG/Enbridge
8.	Prior to signing the final plan, the Director of Planning Services shall be advised by **MTO** that all applicable conditions have been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.	MTO
	All of the above conditions shall be satisfied within 3 years of the granting of draft approval, being _____, _____, *2023*.	OAK(PS)

LEGEND – CLEARANCE AGENCIES

BC	Bell Canada
Cogeco	Cogeco Cable
CP	Canada Post
HCDSB	Halton Catholic District School Board
HDSB	Halton District School Board
CH	Conservation Halton
MTCS	Ministry of Tourism, Culture and Sport
MTO	Ministry of Transportation, Highway Corridor Management Section – Central Region
OAK (A)	Town of Oakville – Planning Administration
OAK (F)	Town of Oakville – Finance
OAK (L)	Town of Oakville – Legal
OAK (TE)	Town of Oakville – Transportation and Engineering Department (formerly DE)
OAK (PS)	Town of Oakville – Current Planning Services
OAK (LR)	Town of Oakville – Long Range Planning
OAK (Z)	Town of Oakville – Building Services Department, Zoning Section
OAK (FD)	Town of Oakville – Fire Department
OAK (POS)	Town of Oakville – Parks and Open Space Department
OAK (EC)	Town of Oakville – Engineering and Construction Department
OAK (T)	Town of Oakville – Transit

OH	Oakville Hydro
RMH (LPS)	Regional Municipality of Halton – Legislative and Planning Services
UG/Enbridge	Union Gas/Enbridge Gas

NOTES:

1. That the Owner shall obtain a Permit from Conservation Halton, pursuant to Ontario Regulation 162/06, for any development or site alteration within the regulated area including, but not necessarily limited to, dumping of fill, grading, stormwater outfalls, and watercourse crossings.

2. The Owner should obtain authorization from the Department of Fisheries and Oceans (DFO) for the Harmful Alteration, Disruption or Destruction of Fish Habitat, pursuant to the **Fisheries Act**, where necessary.

3. The Owner should obtain the written approval of the Ministry of the Environment, Conservation and Parks for any work within significant habitat of endangered and threatened species, as per the **Endangered Species Act**, where necessary.

4. The Owner should ensure that any vegetation removal take place outside of the nesting season, pursuant to the **Migratory Bird Convention Act**, where necessary.

5. The Owner should obtain the written approval of the Ministry of Natural Resources and Forestry (MNRF) for any work pursuant to **the Lakes and Rivers Improvement Act**, where necessary.

6. The Owner should prepare and implement a **Soil Management Plan** (to be used for sites generating soil/fill material) and/or a **Fill Management Plan** (to be used for sites receiving fill material) in accordance with the document '*Management of Excess Soil – A Guide for Best Management Practices*' as prepared by the Ministry of the Environment, dated January 2014, and post securities with the Town of Oakville to ensure effective implementation of the plan.

7. That the Owner shall obtain a site alteration permit under By-law 2008-124, as it may be amended from time to time or any successor thereto, prior to any earth moving activities. Matters to be addressed as part of the site alteration permit shall include but not be limited to confirmation of construction access, installation and maintenance of erosion and sediment controls, mud tracking, stabilisation, grading and seeding of non-development blocks.

8. The owner is to enter into satisfactory arrangements with the Town related to the payment of Parkland / Cash in Lieu in accordance Section 42 of the Planning Act and the Town's By-law 2022-108 and the payment of a Community Benefit Charge (if applicable) in accordance with By-law 2022-069. The owner is to contact the Towns Manager of Realty Services no later than 90 days prior to their intended date to draw the first building permit for the proposed development or redevelopment, to arrange coordination of the necessary appraisal.

9. During development activities, should archaeological materials be found on the property, the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (MCM) should be notified immediately (archaeology@ontario.ca). In the event that human remains are encountered during construction or development activities, the owner shall immediately notify the police or coroner, the Registrar, the Ontario Ministry of Public and Business Service Delivery (who administers provisions of the Funeral, Burial and Cremation Services Act), and the MCM. All soil disturbance must stop to allow for the authorities to investigate.

10. The Owner will be required to pay all applicable Regional Development Charges in accordance with the Region of Halton Development Charge By-law(s), as amended. Please visit our website at https://www.halton.ca/The-Region/Finance-and-Transparency/Financing-Growth/Development-ChargesFront-ending-Recovery-Payment to obtain the most current Development Charge and Front-ending Recovery Payment information, which is subject to change.

11. Fees are required by Halton Region for each extension to draft approval and for major revisions to the draft plan or conditions.

12. Please note the Owner should be made aware that Halton Region will have the following requirements at the time of registration of the subdivision:
    - Final draft M plans signed and dated by the Owner, Surveyor and initialled by the Town's Planner
    - Regional Registration fee
    - Registry Office review form

13. Education Development Charges are payable in accordance with the applicable Education Development Charge By-law and are required at the issuance of a building permit. Any building permits that are additional to the maximum yield that is specified by the Subdivision Agreement are subject to Education Development Charges prior to the issuance of a building permit, at the rate in effect at the date of issuance.

Ministry of Transportation General Notes

1. Stormwater Management Reports must adhere to accepted Ministry policies/standards and must be signed and stamped by the Drainage Engineer. Stormwater submissions must be provided in electronic form.

2. Traffic Impact Studies must adhere to accepted Ministry practices/standards and must encompass the full build-out of the entire development (e.g. all phases if any).

3. Any identified highway improvements will require the owner to enter into a legal agreement with Ministry of Transportation whereby the owner agrees to assume financial responsibility for all necessary associated highway improvements.

4. The limits of the 407 Transitway, as has been designated, must be shown and labelled on all plans.

REPORT

Planning and Development Council

Meeting Date: June 12, 2023

FROM:	Planning Services Department
DATE:	May 30, 2023
SUBJECT:	**Information Report – Warehousing and Distribution Industries Review (File No. 42.15.61)**
LOCATION:	Town-wide
WARD:	Town-wide Page 1

RECOMMENDATION:

1. That staff amend Zoning By-law 2014-014 and Zoning By-law 2009-189 to introduce a new definition of “Warehousing and Distribution Centre” as outlined in this report.

2. That this report be used to inform the ongoing Official Plan Review and future comprehensive Zoning By-law Review.

KEY FACTS:

- Town Council endorsed a motion seeking a review of warehousing and distribution industries, noting concerns the current zoning definition of “warehouse” does not adequately reflect current practices of the industry.

- Town staff retained a consultant to complete a Warehousing and Distribution Industries Review. The consultant report is appended to this staff report.

- The consultant report highlights that the town’s Official Plan policies and zoning regulations for warehousing and distribution industries generally reflect municipal best practices.

- The consultant report provides recommendations to be considered as part of the ongoing Official Plan Review and future comprehensive Zoning By-law Review that could, if implemented, strengthen land use compatibility

considerations and provide a harmonized regulatory zoning approach town-wide.

- The consultant's recommendations regarding definitions, being a key concern expressed by Council, provided that:

  - ***Official Plan*** – The town continue to recognize warehousing and distribution centres as a use within Employment Areas, but do not define them more specifically within the Official Plan. It is not recommended that a distinction be made between warehousing uses and distribution uses at the Official Plan level.

  - ***Zoning By-law*** – The existing definitions in the town's two zoning by-laws, which do not differentiate between warehousing and/or distribution centres, is consistent with municipal best practices. A new hybrid definition, as used by some case study municipalities, could be considered:

    Warehousing and Distribution Centre - *Means a premises used for the indoor storage and freight distribution of goods, wares, merchandise, substances, articles, or products but shall not include a commercial self-storage use, wholesale or retail outlet, transportation terminal, storage of fuel, storage or transfer of waste, or any other use or establishment as may otherwise be defined herein.*

- Since the consultant's report was prepared, on April 6, 2023, the province introduced Bill 97, the *Helping Homebuyers, Protecting Tenants Act, 2023*, and released a proposed Provincial Planning Statement 2023 to replace the current Provincial Policy Statement 2020 and the Growth Plan for the Greater Golden Horseshoe. The proposed policy changes, if approved, would dramatically alter planning for employment areas across the province.

- The consultant has reviewed Bill 97 and have confirmed that the proposed changes to the *Planning Act* and the newly proposed Provincial Planning Statement 2023 would not change the recommendations and conclusions within their report. However, minor modifications to the recommendation regarding the Service Area Employment (SA) Zone in Zoning By-law 2009-189 (North Oakville Zoning By-law) would be proposed.

BACKGROUND:

On May 25, 2021, Town Council carried a motion seeking the review of warehousing and distribution industries. The Council motion read:

Zoning By-law Review – Warehousing and Distribution Industries

WHEREAS the shift to online retail has transformed the warehousing and distribution industries;

WHEREAS concerns have been raised that the current zoning definition of "warehouse" does not adequately reflect the current practices of the industry;

WHEREAS a review of the Comprehensive Zoning By-law is required following an Official Plan Review; and

WHEREAS the Town of Oakville is currently reviewing its Official Plan;

THEREFORE BE IT RESOLVED that staff undertake a review of the employment and industrial uses, such as warehousing and distribution industries, with the Zoning By-law review following the completion of the Official Plan Review.

In October 2022, Planning Staff hired a consultant to complete a Warehousing and Distribution Industries Review to address Council's motion. The consultant report is attached to this staff report and provides recommendations for town staff to consider as part of the ongoing Official Plan Review and future Comprehensive Zoning By-law Review.

Purpose and Objective

The purpose of the Warehousing and Distribution Industries Review was to provide information and analysis on warehousing and distribution industries, and to recommended policy and regulatory approaches, as applicable, for guiding the development of warehousing and distribution industries in Oakville.

It was an objective of the review to provide recommendations that inform and direct the development of future zoning by-law regulations, other regulatory approaches, and, if required, updates to official plan policies, to guide the appropriate and compatible development of warehousing and distribution facilities within Oakville.

Town staff asked the consultant team to consider the following key questions as part of the review:

1) How have warehousing and distribution industries evolved?

2) What are the current and future trends for warehousing and distribution industries and facilities?

3) What locational criteria are required for warehousing and distribution facilities?

4) What operational and logistical considerations must be considered when planning for warehousing and distribution facilities?

5) Are land use compatibility considerations such as noise, traffic, air quality and light pollution, factors that influence the permitted location of warehousing and distribution facilities? Do these factors inform zoning regulations in other jurisdictions?

6) How are warehousing and distribution facilities defined in other municipal Official Plans and Zoning By-laws? Is there a classification of warehousing or distribution facilities based on the size or operational aspects of facility? (e.g. facilities with a primary purpose of logistics / cross docking / and truck terminal activities)

7) What are other municipalities doing to accommodate and regulate warehousing and distribution facilities, including policy, regulation, or by other means (e.g. nuisance or noise by-laws)?

8) How do the Town's policies and regulatory approaches and by-laws compare to other municipal jurisdictions?

PLANNING POLICY & ANALYSIS:

The consultant report, attached as **Appendix A**, provides an overview of:

- the evolution of warehousing facilities and growth of e-commerce;
- the economics of warehousing and distribution centres; and,
- current trends, including operational and logistics considerations.

The report also provides a policy review of the Provincial Policy Statement, Growth Plan, Halton Region Official Plan, and the town's Official Plans and Zoning By-laws, focused on planning for employment areas and employment uses including warehousing and distribution centres.

A detailed review of municipal best practices comparing Official Plan policy frameworks, zoning by-law frameworks and regulatory mechanisms, is also examined.

TECHNICAL & PUBLIC COMMENTS:

The consultant report provides key findings and recommendations in relation to the town's Official Plan policy framework, applicable zoning regulations and additional regulatory mechanisms that may be used to regulate the siting of warehousing and distribution centres. Key findings and recommendations are also provided to address matters of land use compatibility more broadly. A full summary of key findings and recommendations is provided in the executive summary of the consultant report. For ease of reference, some of the recommendations for zoning are highlighted below.

Key Zoning Recommendations

- The scale of warehousing and distribution uses could more effectively be regulated through the application of minimum and/or maximum ground floor area (GFA) requirements based on zone or geography and which may better respond to the characteristics of the Town's varied employment areas.

- It is recommended that the locational and setback requirements for loading facilities be harmonized across the By-laws as part of the Comprehensive Zoning By-law Review. In doing so, attention must be given to the appropriate harmonized setback, the extent of any legal nonconformity that may or may not be created, and any policy direction of the Official Plan and/or Secondary Plans as it relates to loading facilities in particular.

- It is recommended that any Parking Study undertaken to inform the Comprehensive Zoning Bylaw Review also specifically address parking requirements for warehouse and distribution uses. The Parking Study should also ensure that any more specific Official Plan or Secondary Plan policies relevant to parking are addressed.

- It is recommended that a more detailed mapping exercise and review of the Town's employment areas is needed to identify where employment areas and Residential Zones are adjacent to each other or in very near proximity. This mapping exercise would assist in determining where added locational and setback regulations may be required generally. This includes whether such regulatory controls should be applied based on geography, universally across all Employment Zones, to regulate redevelopment of existing uses, or only to vacant/future employment areas.

- It is recommended that as part of the Comprehensive Zoning By-law Review that additional consideration be given to landscape buffers in regards to both the mitigative properties of such buffers (primarily visual screening versus noise attenuation) but also within the larger context of the Town's

environmental and sustainability objectives as expressed in the Official Plan or Secondary Plans.

Town staff will consider the key findings, recommendations, and accompanying Council discussion at the Planning and Development Council meeting, to inform next steps and the development of future official plan policies and/or zoning regulations. Of note the consultant report includes commentary regarding definitions.

Definitions

Official Plan

To provide continued flexibility for the long-term evolution of the Town's Employment Areas, it is recommended that warehousing and distribution centres continue to be recognized as a use within Employment Areas but not be more specifically defined within the Official Plan. It is not recommended that a distinction be made between warehousing uses and distribution uses at the Official Plan level.

Zoning By-laws

Consistent terminology across the town's two Zoning By-laws and a new definition applied across both Zoning By-laws is proposed. There is no policy impediment to revising the zoning terminology and definition:

> ***Warehousing and Distribution Centre*** - Means a premises used for the indoor storage and freight distribution of goods, wares, merchandise, substances, articles, or products but shall not include a commercial self-storage use, wholesale or retail outlet, transportation terminal, storage of fuel, storage or transfer of waste, or any other use or establishment as may otherwise be defined herein.

Ongoing Provincial Legislation Changes

Bill 23, More Homes Built Faster Act, 2022

Bill 23 removed of the town's ability to review the exterior building design of the built form of development, including matters relating to the character, scale, appearance and design features of buildings. The changes also exempt the consideration of the appearance of elements, facilities and works through site plan review, except to the extent that the appearance impacts are a matter of health, safety, accessibility or the protection of adjoining lands.

With the ability to guide the detailed design of buildings and landscape treatments removed from the town's purview, it will restrict the implementation of urban design

policies directed at achieving 'innovative and diverse urban form and excellence in architectural design'. Assessing and driving matters of design that can create compatibility with existing and planned community character and establish a positive relationship to the public realm will be limited and voluntary.

Staff from numerous departments have been working to refine the process changes required by Bill 23, including grading, drainage and tree protection matters. The ongoing adjustments and implementation of Bill 23 will be provided to Council in the near future.

Bill 97, Helping Homebuyers, Protecting Tenants Act, 2023

Since the time the consultant's report was prepared, on April 6, 2023, the province introduced Bill 97, the *Helping Homebuyers, Protecting Tenants Act, 2023*, and released a proposed Provincial Planning Statement 2023 to replace the current Provincial Policy Statement 2020 and the Growth Plan for the Greater Golden Horseshoe. The proposed policy changes through Bill 97 dramatically alter planning for employment areas across the province.

On May 15, 2023, staff brought forward an Information and Update Report on Provincial Initiatives, which discussed recent proposed legislation through Bill 97.

Bill 97 proposes to amend the *Planning Act* definition of "area of employment" to align with the proposed Provincial Planning Statement 2023 that would consolidate the Provincial Policy Statement with the Growth Plan.

Based on the proposed definition, the scope of what constitutes an "area of employment" would be narrowed with a focus on industrial activities only. Other areas that generate employment opportunities outside of an identified "area of employment" would have less protections to be maintained as employment lands over the long-term.

The proposed policies shift toward allowing the consideration of employment land conversions on an application-by-application basis and moves away from the comprehensive planning approach currently taken. The policies also consider a shift toward allowing a greater mix of uses, including the introduction of sensitive land uses into areas with existing employment uses but that would no longer be considered an "area of employment".

The proposed changes would trigger the need to re-evaluate the town's employment areas designated in the Official Plan. The implications for existing and planned warehousing and distribution facilities, as well as land use compatibility, will be reviewed and considered through that future study.

The consultant has reviewed Bill 97 and has confirmed that the proposed changes to the *Planning Act* and the newly proposed Provincial Planning Statement 2023 do not change the recommendations and conclusions within their report. However, regarding the recommendation that "the Town consider removal of permissions for warehousing uses from the Service Area Employment (SA) Zone of By-law 2009-189," the consultant further recommends that a review of the SA zone be conducted to provide a rationale to remove warehousing as a permitted use. The review should include a mapping analysis and study of land use compatibility to identify the relative locations of warehousing/distribution facilities and sensitive land uses and the potential for negative impacts. The review should also consider both existing and potential locations for such uses.

IMPLEMENTATION:

The Warehousing and Distribution Industries Review provides background information to inform next steps toward future official plan policy formulation and zoning regulations, as necessary, to guide the future development of warehousing and distribution centres.

Staff recommend that the town's Zoning By-laws be updated in two steps. Firstly, it is recommended that the definition for warehousing in both town's Zoning By-laws be updated to provide consistent terminology, as outlined in this report. Secondly, town staff should, as part of the comprehensive Zoning By-law Review process, determine which zones should include "warehousing and distribution centres" as a permitted use, and review the associated regulations regarding warehousing and distribution centres.

Changes proposed through Bill 97 will also need to be considered. Given the foundational nature of the proposed changes to the policies which may influence "areas of employment" throughout the town, including land use compatibility policies, the town will need to evaluate how it plans and protects for employment lands. Considerations may include:

1) Which areas of the town, under the new definition of "area of employment", would still be considered an employment area in the town's context? How will employment areas be delineated on a go-forward basis?

2) If there are employment generating areas which are no longer defined and protected as "areas of employment," and thus being susceptible to potential conversion requests, what land uses are appropriate and how will land use compatibility be considered?

3) What are the mechanisms available to ensure the town maintains an appropriate employment land supply (both to maintain current employment areas, and protecting for future employment areas in a greenfield context)?

4) How would changes in the delineation of “areas of employment” impact goods movement?

CONSIDERATIONS:

(A) PUBLIC
This is an information report. No public notification was required.

(B) FINANCIAL
There are no financial impacts resulting from this report.

(C) IMPACT ON OTHER DEPARTMENTS & USERS
There are no impacts on other departments and users resulting from this report. In future phases of implementation, such as town-initiated official plan and/or zoning amendments, relevant departments will be engaged.

(D) CORPORATE STRATEGIC GOALS
This report addresses the corporate strategic goal of an accountable government, inspiring public confidence through open, accountable and efficient delivery of government services.

(E) CLIMATE CHANGE/ACTION
This report does not impact matters affecting climate change or actions necessary for climate change mitigation.

CONCLUSION:

The Warehousing and Distribution Industries Review will be used to inform the ongoing Official Plan Review and the future Comprehensive Zoning By-law Review.

APPENDICES:

Appendix A Warehousing and Distribution Industries Review – Prepared by Meridian Planning, March 16, 2023

Prepared by:

Brad Sunderland, MCIP, RPP
Senior Planner, Policy Planning and Heritage

Recommended by:
Kirk Biggar, MCIP, RPP
Manager, Policy Planning and Heritage

Submitted by:
Gabe Charles, MCIP, RPP
Director, Planning Services

APPENDIX A

TOWN OF OAKVILLE

ZONING BY-LAW REVIEW

WAREHOUSING AND DISTRIBUTION INDUSTRIES

Prepared for the Town of Oakville by:

MERIDIAN PLANNING

March 16, 2023

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Executive Summary

Warehousing and distribution centres have long been recognized as a common land use within employment areas. Over recent years, this land use has evolved at a rapid pace in response to changing commerce patterns and quicker on-demand delivery requirements for goods.

As a result of various logistics and supply chain innovations including automated warehousing systems, the demand for warehousing and distribution centres with ample vertical storage space and extra expandability has risen significantly. In contrast to traditional warehouses that hold high inventory levels, this new generation of warehousing and distribution centres, especially e-commerce-oriented ones, usually serves as an intermediate center and maintains a relatively low inventory of goods. This trend has been reflected in a number of recent planning applications for warehouse and distribution centres within the Town's employment areas.

This study provides an overview of the current trends and characteristics of warehousing and distribution industries as well as the policy structures that provide guidance to the siting of such land uses within employment areas. This study further reports on the existing Oakville zoning framework that regulates the siting of warehousing and distribution centres in comparison to a number of similar case study municipalities from across the Greater Toronto Area. One of the key objectives of this study is to recommend policy and regulatory approaches for guiding the development of warehousing and distribution centre uses within the Town of Oakville.

Alongside the need to ensure that employment areas may provide for the requirements of warehousing and distribution uses is the need to address land use compatibility issues between the employment areas that accommodate these uses and surrounding sensitive land uses. This is particularly true within the Oakville context. The findings of this study may further be used to inform the development of policy and zoning approaches to address matters of compatibility between warehousing/distribution uses and surrounding non-employment lands and/or sensitive land uses.

The consideration of case studies offers insights into how other jurisdictions within the Province have provided policy guidance to warehousing uses within current land use planning practices. The case studies referenced in this report provide examples that may assist with policy development and regulatory amendments within the Town of Oakville.

Distinctions Between Warehouses and Distribution Centres

A warehouse can be described as a location used to store finished goods, raw materials, semi-finished goods, or imported/exported goods. The products are stored at each point of any product's value chain and are made accessible to end customers. Warehouses allow the organization, whenever there is sufficient demand, to continue its manufacturing throughout the year and sell its products.

A distribution centre or fulfillment centre is a logistics hub that handles a range of retail and e-commerce fulfillment services on behalf of retailers and brands. This includes inventory management and storage, picking and packing orders, and shipping services. Most fulfillment centers are run by third party fulfillment companies who lease space to businesses that have outsourced fulfillment to save time and money. A fulfillment center will either fulfill customer orders placed through direct selling channels or wholesale orders for brick-and-mortar retailer partnerships, or a mixture of both.

The biggest difference between distribution/fulfillment centers and warehouses is that distribution/fulfillment centers are not designed for long-term storage. The goal of a distribution/fulfillment center is to store inventory in preparation to fulfill wholesale or customer orders quickly, meaning fulfillment centers generally provide in-season or popular items that have high inventory turnover.

As evidenced through a review of the applicable policy frameworks for the Province, Region of Halton and the case studies examined, no distinction is made between a warehouse and distribution centre within municipal Official Plan policies or zoning regulations. In this regard, the policy and zoning approach of the Town of Oakville is consistent with the upper level policy frameworks and that taken by other municipalities in the Greater Toronto Area.

Land Use Compatibility

Warehousing and distribution uses are considered to be employment uses and are permitted within employment areas as designated in the Region of Halton and Town of Oakville Official Plans. In accordance with the policy requirements of the Province and the Region of Halton, employment areas are to be protected from the encroachment of non-employment uses that may restrict the operation or expansion of employment uses within designated employment areas. Accordingly, matters of land use compatibility must be considered both in respect of the siting and viability of employment uses as well as in the establishment of new sensitive land uses that may be impacted by existing or planned employment lands. Land use compatibility between employment areas and surrounding non-employment lands is best served by development practices that avoid adverse impacts or where avoidance is not possible, by minimizing and mitigating impacts to within acceptable levels.

Both the Province and the Region of Halton provide policy guidance to address land use compatibility between employment uses and surrounding non-employment uses. The policies of the Provincial Policy Statement are very clear in establishing the importance of protecting and preserving employment areas for current and future uses. This is particularly true for employment areas located in proximity to major transportation corridors such as a 400-series highway. This is not only a matter of avoiding adverse impacts on surrounding sensitive land uses but also provides for the long term operational and economic viability of the individual uses and function of the employment area as a whole.

Key Findings

This report provides a number of key findings and recommendations in relation to the Official Plan policy framework, applicable zoning regulations and additional regulatory mechanisms that may be used to regulate the siting of warehousing and distribution centres but also to address matters of land use compatibility between employment uses and non-employment uses more broadly. A summary of the findings and recommendations of this report is provided below.

1) Official Plan

   Key policy recommendations for the Official Plan include:

   - In order to provide continued flexibility for the long term evolution of the Town's Employment Areas, it is recommended that warehousing and distribution centres continue to be recognized

as a use within Employment Areas but not be more specifically defined within the Official Plan. It is not recommended that a distinction be made between warehousing uses and distribution uses at the Official Plan level.

- The existing policy framework in Oakville is consistent with Provincial policy, the Region of Halton Official Plan and the policy approaches taken within the case study municipalities however, various elements of the Oakville framework could be strengthened.

- Land use compatibility policies addressing both employment areas and sensitive land uses could be strengthened to provide policy metrics for the avoidance of encroachment between employment lands and other sensitive land uses as well as establishing an interface between incompatible uses.

- Locational policies for employment areas could be strengthened to place a greater emphasis on the integration of transportation and land use planning to protect employment lands.

2) Zoning

Key recommendations for zoning include:

- There are some elements of Zoning By-law 2014-014 and Zoning By-law 2009-189 that would benefit from a more standard approach to regulating warehousing and distribution uses across the two Zoning By-laws. This would provide for a more consistent approach to regulating warehouse and distribution uses across the Town.

- Consistent terminology across the two By-laws and a new definition applied across both By-laws is proposed. There is no policy impediment to revising the zoning terminology and definition:

  Warehousing and Distribution Centre - Means a premises used for the indoor storage and freight distribution of goods, wares, merchandise, substances, articles, or products but shall not include a commercial self-storage use, wholesale or retail outlet, transportation terminal, storage of fuel, storage or transfer of waste, or any other use or establishment as may otherwise be defined herein.

- The scale of warehousing and distribution uses could more effectively be regulated through the application of minimum and/or maximum GFA requirements based on zone or geography and which may better respond to the characteristics of the Town's varied employment areas.

- It is recommended that the Town consider removal of permissions for warehousing uses from the Service Area Employment (SA) Zone of By-law 2009-189.

- While Zoning By-law setbacks for employment uses are one means to assist in achieving distance separation, it is equally imperative that new or expanded sensitive land uses not be permitted to establish in proximity of lands that have or are planned to accommodate employment/industrial uses.

- There are additional opportunities for harmonization across the Zoning By-laws which may be realized pending additional study as identified below.

- It is recommended that the locational and setback requirements for loading facilities be harmonized across the By-laws as part of the Comprehensive Zoning By-law Review. In doing so, attention must be given to the appropriate harmonized setback, the extent of any legal non-conformity that may or may not be created, and any policy direction of the Official Plan and/or Secondary Plans as it relates to loading facilities in particular.

- It is recommended that any Parking Study undertaken to inform the Comprehensive Zoning By-law Review also specifically address parking requirements for warehouse and distribution uses. The Parking Study should also ensure that any more specific Official Plan or Secondary Plan policies relevant to parking are addressed.

- It is recommended that a more detailed mapping exercise and review of the Town's employment areas is needed to identify where employment areas and Residential Zones are adjacent to each other or in very near proximity. This mapping exercise would assist in determining where added locational and setback regulations may be required generally. This includes whether such regulatory controls should be applied based on geography, universally across all Employment Zones, to regulate redevelopment of existing uses, or only to vacant/future employment areas.

- It is recommended that as part of the Comprehensive Zoning By-law Review that additional consideration be given to landscape buffers in regards to both the mitigative properties of such buffers (primarily visual screening versus noise attenuation) but also within the larger context of the Town's environmental and sustainability objectives as expressed in the Official Plan or Secondary Plans.

3) Additional Regulatory Mechanisms

There are a number of additional mechanisms that may be used to regulate and mitigate the impacts of warehousing and distribution uses as well as to facilitate land use compatibility with other surrounding non-employment lands. These include:

- Addressing Land Use Compatibility Matters Through the Development Process – Land use compatibility, particularly as it relates to the interface between employment and non-employment uses, can be addressed through various studies required as part of the development application process. The requirement for such studies is determined on a site-by-site or application-by-application basis and may address matters such as:

  - Engineering considerations such as a noise and vibration study;
  - Urban design considerations such as a landscape plan;
  - Environmental considerations such as an air quality report;
  - Transportation considerations; or,
  - Other health and safety matters.

- Urban Design Guidelines - Urban Design Guidelines may be used in conjunction with Official Plan policy directives and zoning regulations and may be used to address matters of built form and compatibility between uses at the site level.

- Integrating Transportation and Land Use Planning - The linking of transportation and land use planning will be vital to the success of the Town's future urban structure. In February 2022, Oakville Council endorsed the *"Oakville Urban Mobility and Transportation Strategy"*. The Strategy includes a focus on the efficient movement of goods and freight as a component and user of the transportation network. As planning for land use and transportation should be integrated, so too should the planning for warehousing and distribution centres be planned to work within the larger transportation network on which it relies.

- Municipal Act By-laws - In considering warehousing and distribution uses, the Municipal Act provides for a number of municipal By-laws that may be used in conjunction with zoning and site plan to further facilitate compatibility between warehousing/distribution uses and nearby sensitive land uses. Examples include: Fence By-law, Tree Protection By-law, Health Protection and Air Quality By-law, Public Nuisance By-law and Anti-Idling By-law. These By-laws may be used to regulate or mitigate various aspects of a warehousing or other employment use and to provide for compatibility and mitigation of impacts between employment uses and surrounding non-employment land uses.

- Provincial Land Use Compatibility Guideline Issued Under the Ontario Environmental Protection Act - Regardless of land use permissions provided through the Planning Act, all land uses must comply with the Environmental Protection Act unless otherwise stated. The Guideline establishes three categories of industrial land uses and associated impacts, identifies potential influence areas for each of these categories and provides recommended minimum separation distances between industrial land uses and surrounding sensitive land uses.

  Warehousing and distribution centres do not neatly fit within any one of the land use categories identified in the Guideline. Rather, the frequency of truck traffic, size of facilities, hours of operation and frequency of outputs (primarily noise but other possible outputs as well) result in warehousing and distribution centres being a hybrid between a Class I and Class II industrial facility.

  In accordance with the Guideline, warehousing and distribution uses may have a potential influence area that ranges between 70 metres to 300 metres depending on the characteristics of the individual facility. while the potential influence areas range, so too do the recommended separation distances. In accordance with the Guide, the recommended separation distances range from 20 metres to 70 metres depending on the characteristics of the individual facility.

  In practice, the Guideline is administered jointly by the Ministry of Environment, Conservation and Parks (as per the Environmental Protection Act) and by municipalities which function as the approval authority for various land use and Planning Act approvals.

1.0 Introduction

Warehousing and distribution centres have long been recognized as a common land use within employment areas. However over recent years, this land use has evolved at a rapid pace in response to changing commerce patterns and quicker on-demand delivery requirements for goods. This trend has been reflected in a number of recent and current planning applications for warehouse and distribution uses within the Town's employment areas.

In 2018, the Town of Oakville undertook a detailed Employment and Commercial Review as part of a larger planning exercise to update the Town's Official Plan (2009). Ultimately, the Employment and Commercial Review resulted in policy modifications incorporated into the Official Plan by Official Plan Amendment 26 (OPA 26). However, the 2018 review of employment and commercial policies pre-dates the recent transformation of the warehousing and distribution industry as well as the increased demand for such uses.

In response to the transformation and increased demand for warehousing and distribution centres, the Town initiated this study to address 3 key objectives:

(1) To provide an overview of the current trends and characteristics of warehousing and distribution industries;

(2) To address compatibility matters between these employment land uses and surrounding land uses; and,

(3) To recommend policy and regulatory approaches for guiding the development of warehousing and distribution centre land uses within the Town of Oakville.

The findings of this study may be used to inform the development of future Zoning By-law regulations or other regulatory approaches, and if required, additional Official Plan policy modifications to guide the appropriate and compatible development of warehousing and distribution centre land uses within the Town of Oakville.

2.0 Background and Context

In order to better plan for warehouse and distribution centres, it is essential to first understand how this industry has evolved over the recent past. This includes identifying current and future trends, locational needs and operational considerations of this industry as well as the impacts and land use compatibility matters that must be addressed.

2.1 The Evolution Of Warehouse Facilities

In the 1980s, the warehouse industry started to evolve in response to the rising consumer-based economy. This was fueled by the globalization of production networks, competition over delivery timeliness, customized demand, and e-commerce growth. To accommodate the new competitive environment, logistics service providers have strived to optimize logistics supply chains.[1]

[1] https://www.sciencedirect.com/science/article/pii/S259019822100004X

Supply chain management has become a central component in manufacturing and commerce because of the growing importance of managing the interrelationship between different suppliers and customers. Logistics companies began to reorganize facilities to streamline and speed up the movement of goods along the supply chain, especially in the context of e-commerce.

These factors resulted in the rise of new-generation warehouse facilities. As a result of various logistics and supply chain innovations such as automated warehousing systems, the demand for facilities with ample vertical storage space and extra expandability has risen significantly. Accordingly, logistics companies seek large parcels of land to build high-capacity warehouse facilities. In contrast to traditional warehouses that hold high inventory levels, modern warehouse facilities, especially e-commerce-oriented ones, usually serve as an intermediate center and maintain a relatively low inventory of each commodity. A just-in-time delivery system provides an agile response to customer demand.

Historically, warehouses have been part of a supply chain that caters to brick-and-mortar retail stores. Warehouses used to receive goods in bulk, which then got repackaged and shipped out to stores. The stores broke it down into individual packages and put it on the shelves. Now, warehouses are becoming the last stop before products are delivered to the consumer. The warehouse has shifted in its place along the supply chain. Bulk shipments are no longer leaving as bulk but are being broken down into individual pieces that then get packaged and shipped out individually.

Across Canada, increased outsourcing of manufacturing production to emerging global markets continues to drive the need for new consolidated, land-extensive warehousing facilities to store and manage the distribution of goods produced locally as well as goods imported abroad. As a result, transportation and warehousing are continuously evolving at a rapid pace responding to growing consumer demands as well as increased expectations with respect to speed of delivery. E-commerce and technological improvements represent the biggest drivers of change in these industries, driven by the rapid growth of mobile technology.

2.2 The Growth Of E-Commerce

E-commerce is the buying and selling of goods or services via the internet, typically with the online transfer of money and data to complete the sale. It can be business to consumer, direct to consumer, business to business, and consumer to consumer. Although it's been around since the invention of the modem, e-commerce has grown rapidly over the last ten years. Leaps in mobile technology, wireless networks, order tracking, online financial transactions, and logistics have all contributed to e-commerce's rise.

The e-commerce industry is one of the main driving forces of the warehousing evolution. The industry is facing the challenge of meeting customer expectations of cheaper and faster delivery and shipping. One of the strategies to address this demand is to automate. The evolution of distribution centres includes just-in-time delivery, advanced warehouse logistics software, automation, and increased building heights to provide for greater distribution centre volume.[2]

E-commerce is modifying the way supply chains have generally operated by shifting from more of a centralized system to a decentralized one. A centralized system sees large amounts of goods - determined by retailer demand - move between ports, warehouses, distribution centers and retail outlets. A

[2] https://www.globaltrademag.com/how-warehousing-has-evolved-over-the-years/

decentralized system sees a diversity of goods - determined by individual consumer demand - move between ports, warehouses, fulfillment centers, and individual residences.

This shift, along with the ever-increasing demand for a greater number of products in a faster amount of time, has reverberated across the supply chain leading to changes in the amount, size, and location of warehouses and fulfillment centers and the means by which goods are delivered. The pandemic-driven lockdowns and caution around public gatherings throughout 2020 and 2021 are largely thought to have driven more people to e-commerce, further solidifying changes to the supply chain.[3]

In Canada, there is strong growth in the warehousing market with all major cities seeing all-time highs in leasing activity over the past 12 months. E-commerce is proving a major driver of demand with destinations such as Vancouver, London, Waterloo Region and Toronto having availability rates of less than one percent.[4]

2.3 Distinctions Between Warehouses and Distribution Centres

Warehouse development comes in many shapes and sizes, each serving a specific role depending on the nature of the operations, and constraints of the supply chain being supported.

Warehouse typologies include transload (or cross-dock) facilities where in bound shipments are sorted and loaded directly into a second truck header to an individual store or store chain. Sortable high cube warehouses are where several different items are packaged together in a single shipment. These facilities are typically larger and have more employees than non-sortable warehouses, which handle large items. High cube warehousing refers to a facility with over 100,000 square feet and ceiling heights greater than 24 feet.

A warehouse can be described as a location used to store finished goods, raw materials, semi-finished goods, or imported/exported goods. The products are stored at each point of any product's value chain and are made accessible to end customers. Warehouses allow the organization, whenever there is sufficient demand, to continue its manufacturing throughout the year and sell its products.

A distribution centre or fulfillment center is a logistics hub that handles a range of retail and e-commerce fulfillment services on behalf of retailers and brands. This includes inventory management and storage, picking and packing orders, and shipping services. Most fulfillment centers are run by third party fulfillment companies who lease space to businesses that have outsourced fulfillment to save time and money. A fulfillment center will either fulfill customer orders placed through direct selling channels or wholesale orders for brick-and-mortar retailer partnerships, or a mixture of both.

The biggest difference between distribution/fulfillment centers and warehouses is that distribution/fulfillment centers are not designed for long-term storage. The goal of a distribution/fulfillment center is to store inventory in preparation to fulfill wholesale or customer orders quickly, meaning fulfillment centers generally provide in-season or popular items that have high inventory turnover.

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[3] https://rpa.org/work/reports/e-commerce-at-a-crossroads

[4] https://www.turnerandtownsend.com/en/perspectives/warehouse-cost-index-2021/warehousing-across-north-america/

To differentiate between distribution/fulfillment centres and last-mile facilities, some US cities have defined fulfillment centres as buildings with a minimum of 100,000 square feet (+/- 9,300 square metres), minimum of 24 feet (+/- 7.5 metres) in height, and where e-commerce products are stored and distributed either to consumers or through a last-mile facility.

Last-mile facilities in urban areas may range from 10,000 square feet to 40,000 square feet (approximately +/- 930 square metres to +/-37,000 square metres). The primary function of a last mile facility is moving a shipment from one mode of transport to vehicles with rated capacities less than 10,000 pounds (approximately +/- 4,500 kilograms), for delivery directly to consumers or end users primarily within a local area. Table 1 below provides a review of fulfillment centre developments across Ontario.

Table 1: Examples of Fulfillment Centres in Ontario

Company	Municipality	Square Footage	Description
DSV Warehouse	Milton	1,100,000	Multi-client logistics facility
UPS	Caledon	850,000	Advanced scanning and sortation facility
Amazon	Scarborough	1,023,000	Fulfillment centre
Amazon	Windsor	200,000	Fulfillment centre
Amazon	Ajax	1,100,000	Fulfillment centre
Amazon	Hamilton	855,000	Fulfillment centre
Amazon	Ottawa – East	1,000,000	Fulfillment centre
Amazon	Ottawa - South	Total Building: 2,700,000 Amazon: 450,000	Fulfillment centre
Amazon	Scarborough	650,000	Last-mile facility
Amazon	Scarborough	295,000	Last-mile facility
Amazon	Vaughan	193,000	Last-mile facility
Amazon	Vaughan	209,000	Last-mile facility
QuadReal	Etobicoke	400,000	Last-mile facility
Walmart	Vaughan	550,000	Distribution Centre
Sobeys	Vaughan	250,000	Distribution Centre

2.4 The Economics of Warehousing and Distribution Centres

Warehousing assists in managing a large amount of inventory for a business. It allows for the matching of supply with the demand of a rapidly changing environment. Since all the goods are stored in a central location, it becomes easier to receive, store and distribute the products. The accumulation of the goods allows a warehouse to act as a buffer and keep a balance between the demand and supply of the goods, profiting the business.

The North America warehousing and storage market reached a value of US$ 71.9 billion in 2018.[5] The demand for outsourcing warehousing services has been growing from manufacturing companies expanding production and operations. This has led to an increase in logistics needs in terms of the storage of raw materials and finished goods for retailers and distributors. Shipping companies are also increasingly outsourcing the logistics to warehouse service suppliers. This allows businesses to concentrate on core competencies.

2.5 Trends

Canadian online shopping has steadily increased over the past several years. Figure 1 illustrates the growing trend of retail e-commerce in Canada from 2017 projected to 2025.[6]

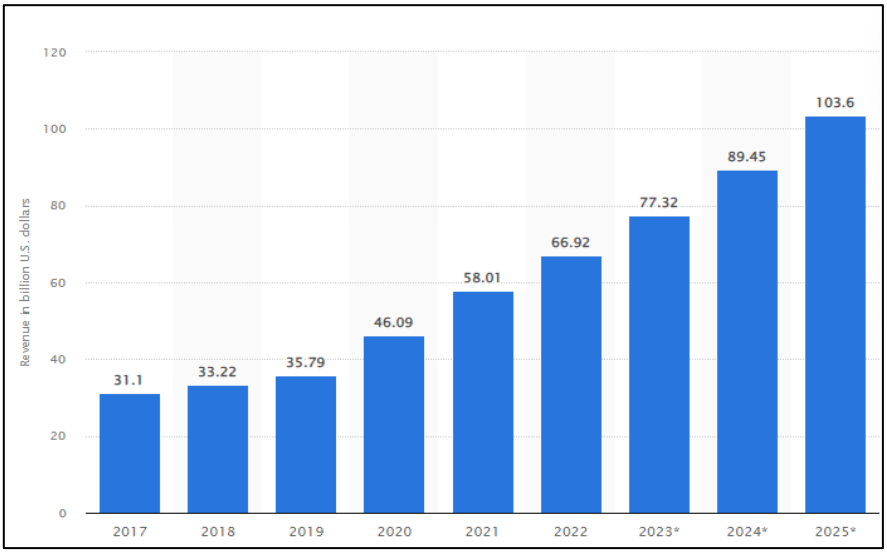

Figure 1: Retail Commerce 2017 Projected to 2025

Correspondingly, delivery trends have evolved and now increasingly rely on rapid shipping and delivery timeframes. Freight volumes are expected to increase significantly by 2050. As such, municipal and business leaders will need to collaborate to develop smart logistics infrastructure, manage transportation needs and address the resultant impacts.[7] Several examples of smart logistics infrastructure and methods include the utilization of shopping malls as logistics hubs, the establishment of off-hour delivery times, allowing autonomous or low-emission urban delivery vehicles, and facilitating curbside deliveries with sensors. Smart cities can also share traffic data with logistics personnel to manage traffic volumes/flows.

While 2-day shipping was considered a luxury in North America just a few years ago, it has now become an industry standard. Boosted by aggressive investment in shipping infrastructure by the likes of Amazon and Walmart, delivery timelines for online orders have been shrinking rapidly, ranging from a couple of days to even just a few hours in some cases.[8]

Amazon and Walmart are at the forefront of developing new fulfillment centres along with UPS, Sobeys and a variety of other international logistics companies. Amazon is expected to open 250 additional

[5] https://www.researchandmarkets.com/reports/4894068/north-america-warehousing-and-storage-market?utm_source=dynamic&utm_medium=BW&utm_code=jmvz6z&utm_campaign=1342304+-+North+America+Warehousing+and+Storage+Market+Expected+to+be+Valued+at+US+%2486.41+Billion+in+2024&utm_exec=anwr281bwd
[6] https://www.statista.com/statistics/289741/canada-retail-e-commerce-sales/
[7] https://www.supplychaindive.com/news/warehouse-cities-next-generation-shopping-ecommece/440705/
[8] https://www.cbinsights.com/research/micro-fulfillment-tech-shipping-retail/

facilities of various sizes in 2022 and is allocating 40% of its spending capital to support warehouse and transportation capacity.[9]

Just-in-time delivery will continue to be the industry norm, placing increasing emphasis on more frequent and smaller deliveries by truck transport, typically during the last mile. As the e-commerce market continues to expand, this component of the supply chain is becoming increasingly important to businesses. In addition to the need to provide timely, accurate service delivery, it is also critical for industry to ensure cost efficiency associated with this component of the supply chain.

2.6 Operations and Logistics

Operational and logistical considerations for the siting of warehousing and distribution centres include all facets of the requirements needed for the facility to operate. This includes matters such as locational criteria, site design, building requirements and demand for municipal servicing.

2.6.1 Location

To ensure high efficiency, modern warehouse facilities need to conveniently access transport networks. Improved transport accessibility and lowered transport costs enable each facility to enlarge the potential market coverage and capitalize on the economy of scale. Considering all these factors, suburban areas with low land rent are more attractive for warehouse facility operators than urban centers. In Ontario, these trends are anticipated to fuel further growth for distribution/logistics centres particularly in locations which are located along, or in proximity to major trade corridors such as Highway 401 as well as other 400-series highways. Ottawa is expected to see continued demand for fulfillment centres as it is located within 400 kilometres of 20 million people compared to only 15 million people within a 400 kilometre radius of the GTA.[10] Key requirements include improvements to accessibility to the labour force (public transportation) and buildings with a range of design options.

2.6.2 Truck Circulation and Employee Parking

A traditional large warehouse usually featured a double-loaded dock, with inbound truck traffic on one side and outbound on the other. With fulfillment centers, more area is needed for storage so that only one side of the warehouse is used for incoming and outgoing product. Fulfillment centers require more staff compared to a traditional warehouse thus there are increased parking requirements associated with such facilities.

2.6.3 Size & Height

The new generation of warehouses occupy larger floor plates and are higher than have historically been the case. This change reflects the typical distributor's need for massive amounts of inventory in an efficient space. The increased use of height has meant a shift in focus in industrial use builds from square footage to cubic footage.

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[9] https://www.planetizen.com/news/2022/08/118093-amazon-plans-more-massive-warehouses

[10] https://www.theglobeandmail.com/business/industry-news/property-report/article-ottawas-second-amazon-distribution-centre-set-to-open-next-year/

2.6.4 Climate

Historically, warehouses operated with a limited crew, and it made little sense to heat or cool an entire warehouse. However, with fulfillment centres, there may be 1,000 or more employees working all shifts, and they expect to work in a comfortable environment. Therefore, it is not uncommon for fulfillment centers to include climate control.

2.6.5 Other Considerations

A traditional warehouse with fewer employees does not have the same impact on municipal servicing as a fulfillment centre or distribution centre which may have a larger number of employees working across a number of shifts throughout the day. Additional office space and employees has likewise increased in fulfillment centers as additional team members are needed to support the increased number of employees and further add to the increased impact on municipal services.

3.0 Policy Review

In Ontario, land use is governed by a cascading framework of policy that ranges from upper level Provincial policy requirements to zoning and site level planning requirements that are implemented at the municipal level. Collectively, all such levels of policy influence land use permissions on a given property. As of the date of this report, the following planning documents provide the policy context that would be applicable to the development of warehouses and distribution centres within the Town of Oakville:

- Provincial Policy Statement (2020)
- A Place To Grow: Growth Plan for the Greater Golden Horseshoe (2020)
- Provincial Land Use Compatibility Guidelines (1995)
- Region of Halton Official Plan (Consolidated to November 2022)
- Town of Oakville Livable Oakville Official Plan (2009 Consolidated to August 2021)
- Town of Oakville Official Plan (1984) – North Oakville East Secondary Plan (2008)
- Town of Oakville Official Plan (1984) – North Oakville West Secondary Plan (2009)
- Town of Oakville Comprehensive Zoning By-law 2014-014 (Consolidated to September 2022)
- Town of Oakville Comprehensive Zoning By-law 2009-189 (Consolidated to September 2022)

3.1 Provincial Policies

3.1.1 Provincial Policy Statement (2020)

The Provincial Policy Statement 2020 (herein referred to as the 'PPS'), provides the broad over-arching policy direction on matters of Provincial interest and is the foundational policy document for regulating land use and development across Ontario. Although 'warehousing' is not specifically defined, the PPS identifies 'warehousing' as an employment use as follows:

> *"Employment Area: means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities."* (PPS, Page 43)

Section 2 of the Planning Act identifies the *'adequate provision of employment opportunities'* as a matter of Provincial interest. Accordingly, the policies of the PPS address the need for land use compatibility and the need to protect employment lands. In this regard, the key excerpts of the PPS are as follows:

> *"1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*
> *g) are freight-supportive.*
>
> *1.3.1 Planning authorities shall promote economic development and competitiveness by:*
> *a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;*
> *b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*
>
> *1.3.2.1 Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.*
>
> *1.3.2.6 Planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations."*

In regards to Policy 1.1.3.2 noted above, 'freight-supportive' is defined as:

> *"Freight-supportive: in regard to land use patterns, means transportation systems and facilities that facilitate the movement of goods. This includes policies or programs intended to support efficient freight movement through the planning, design and operation of land use and transportation systems. Approaches may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives."* (PPS, Page 44)

The above policies are of particular relevance as the Province has characterized 'warehousing' as an employment use. The Province does not distinguish between alternate forms of warehousing such as a more traditional warehouse or a distribution centre.

In addition to the adequate provision of employment opportunities, the Planning Act also identifies a number of other matters of Provincial interest including *'the orderly development of safe and healthy communities'*. Accordingly, the PPS addresses matters of compatibility that are applied to instances where employment uses and sensitive land uses occur in proximity of each other. In this regard, the PPS defines a sensitive land use to include residential uses, amongst other identified land uses, as follows:

> ***"****Sensitive land uses: means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are*

not limited to: residences, day care centres, and educational and health facilities." (PPS, Page 51)

The following policies of the PPS address matters of compatibility between differing land uses:

"1.1.1 Healthy, liveable and safe communities are sustained by:

c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

c) minimize negative impacts to air quality and climate change, and promote energy efficiency;

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:

a) there is an identified need for the proposed use;

b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;

c) adverse effects to the proposed sensitive land use are minimized and mitigated; and

d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

1.3.2.2 … Employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses to maintain the long-term operational and economic viability of the planned uses and function of these areas.

1.3.2.3 Within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility.

Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas."

In Policy 1.2.6.1 noted above, the PPS defines a 'major facility' as facilities that require separation from sensitive land uses and includes as an example a manufacturing use. Although 'warehousing' as a stand-

alone use does not involve manufacturing, the PPS does similarly direct such a use to employment areas. A 'major facility' is defined as follows:

> *"Major facilities: means facilities which may require separation from sensitive land uses, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities."* (PPS, Page 46)

In considering the PPS policies above, 'warehousing' is considered an employment use and such employment uses are to be provided for in employment areas. Employment areas are to be protected such that other land uses in proximity of the employment area do not restrict the establishment or continuance of such land uses. However, matters of land use compatibility must be considered both in respect of the siting of new employment uses and in the siting of new sensitive land uses.

The PPS provides clarity to the matter of land use compatibility in accordance with Policies 1.2.6.1 and 1.2.6.2 above. Land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects. However, where avoidance of any adverse impacts is not possible, the PPS directs that planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment.

3.1.2 Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan for the Greater Golden Horseshoe 2020 (herein referred to as 'the Growth Plan') builds on the policy foundation of the PPS and provides targeted, more detailed policies that apply within the Growth Plan Area. The Town of Oakville is within the Provincial Growth Plan Area and thus subject to these more detailed policies.

One of the guiding principles of the Growth Plan is to:

- *"Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors."* (Growth Plan, Page 6)

In this regard, the Growth Plan provides the following directives for municipality as it relates to the establishment and protection of employment lands:

> *"2.2.5.5 Municipalities should designate and preserve lands within settlement areas located adjacent to or near major goods movement facilities and corridors, including major highway interchanges, as areas for manufacturing, warehousing and logistics, and appropriate associated uses and ancillary facilities.*
>
> *2.2.5.6 Upper-and single-tier municipalities, in consultation with lower-tier municipalities, will designate all employment areas in official plans and protect them for appropriate employment uses over the long-term.*
>
> *2.2.5.7 Municipalities will plan for all employment areas within settlement areas by:*

a) prohibiting residential uses and prohibiting or limiting other sensitive land uses that are not ancillary to the primary employment use;

b) prohibiting major retail uses or establishing a size or scale threshold for any major retail uses that are permitted and prohibiting any major retail uses that would exceed that threshold; and

c) providing an appropriate interface between employment areas and adjacent non-employment areas to maintain land use compatibility.

2.2.5.8 The development of sensitive land uses, major retail uses or major office uses will, in accordance with provincial guidelines, avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment."

The direction provided by the Growth Plan policies as noted above, primarily addresses three key matters:

a) Locational matters in that employment lands be adjacent to or near goods movement facilities and corridors such as major highway interchanges;

b) That employment uses be protected over the long term; and,

c) That land use compatibility is achieved by maintaining an appropriate interface between employment areas and adjacent non-employment areas including the avoidance or mitigation of land uses that may have an adverse impact on employment lands.

Further, the Growth Plan policies focus on the symbiotic relationship between employment lands, infrastructure and transportation facilities. The Growth Plan policies noted below provide for a coordinated approach to integrated planning. The relevant Growth Plan policies are as follows:

"3.2.1.1 Infrastructure planning, land use planning, and infrastructure investment will be coordinated to implement this Plan.

3.2.2.1 Transportation system planning, land use planning, and transportation investment will be co-ordinated to implement this Plan.

3.2.4.1 Linking major goods movement facilities and corridors, international gateways, and employment areas to facilitate efficient goods movement will be the first priority of highway investment.

3.2.4.2 The Province and municipalities will work with agencies and transportation service providers to: c) promote and better integrate multimodal goods movement and freight-supportive land use and transportation system planning; and

3.2.4.3 Municipalities will provide for the establishment of priority routes for goods movement, where feasible, to facilitate the movement of goods into and out of employment areas and other areas of significant commercial activity and to provide alternate routes connecting to the provincial network."

The Growth Plan adopts the PPS definition for an 'employment area'. Thus, the Growth Plan equally recognizes 'warehousing' as an employment use but does not distinguish between different types of warehousing and distribution centres. The Growth Plan policies for employment uses in general terms provide for the protection, locational requirements and function of employment lands. Growth Plan policies that address matters of compatibility generally focus on the continued viability of employment lands.

3.1.3 Provincially Significant Employment Zones

The Province has identified a number of 'Provincially Significant Employment Zones' throughout the Growth Plan area. The policies of the Growth Plan address Provincially Significant Employment Zones as follows:

> *"2.1 …It is also critical that we understand the importance of provincially significant employment zones and consider opportunities to better co-ordinate our collective efforts across municipalities to support their contribution to economic growth and improve access to transit." (Growth Plan, Page 11)*
>
> *2.2.5.1 To implement this Plan, the Minister will, in collaboration with other Ministers of the Crown where appropriate, identify, establish, or update the following:*
>
> *d) provincially significant employment zones."*

The Growth Plan defines Provincially Significant Employment Zones as:

> *"Provincially Significant Employment Zones: Areas defined by the Minister in consultation with affected municipalities for the purpose of long-term planning for job creation and economic development. Provincially significant employment zones can consist of employment areas as well as mixed-use areas that contain a significant number of jobs."*

The Province has identified a number of Provincially Significant Employment Zones within the Town of Oakville. These Employment Zones are generally located along the major highway corridors and interchanges including along the QEW, Highway 403 and the south side of Highway 407. Such areas are prime locations for warehousing and distribution uses.

3.2 Region of Halton Official Plan (Consolidated to November 2022)

Bill 23 will remove land use planning authority from a number of upper tier municipalities within the Growth Plan area including the Region of Halton. Bill 23 provides that on the date that the upper tier municipality's planning responsibilities cease to exist, any portion of the upper tier municipality's Official Plan is deemed to constitute an Official Plan of the lower tier municipality until the lower tier municipality revokes or amends it. Thus, the policies of the Region of Halton Official Plan (Consolidated to November 2022) (herein referred to as 'the Regional Plan') remain in effect and are summarized in this report.

The Region upholds the policy framework established at the Provincial level. In doing so, the Regional Plan identifies lands within an Employment Area designation to plan for employment needs within the current planning horizon as well as lands identified within a Future Strategic Employment Area overlay

designation to provide for employment need beyond the current planning horizon. These lands are shown on Map 1C and Map 1H to the Regional Official Plan which is included as **Appendix 1** to this report.

Similar to the PPS and Growth Plan, 'warehousing' is not defined in the Regional Plan however, warehousing is identified as an employment use in accordance with the definition for an Employment Area. The Regional Plan simply carries forward the PPS definitions for Employment Area, Major Facilities and Sensitive Land Uses. Also similar to the PPS and Growth Plan, the Regional Plan does not distinguish between alternate forms of warehousing such as a more traditional warehouse or a distribution centre.

The objectives of the Employment Area designation are as follows:

> *"The objectives of the Employment Areas are:*
>
> *(1) To ensure the availability of sufficient land for employment to accommodate forecasted growth to support Halton's and its Local Municipalities' economic competitiveness.*
> *(2) To provide, in conjunction with those employment uses within the residential and mixed use areas of the communities, opportunities for a fully-diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.*
> *(3) To locate Employment Areas in the vicinity of existing major highway interchanges and rail yards, where appropriate, within the Urban Area.*
> *(4) To recognize the changing nature of employment and to recognize the role of Employment Areas in accommodating a diverse range of innovative employment uses and supporting the overall Regional Urban Structure."* (Regional Plan, Section 83)

In general terms, the Employment Area policies of the Regional Plan provide for the following:

a) plan, protect and conserve Employment Areas for current and future use; (Section 83.2(2))
b) ensure the necessary infrastructure is provided to support development the development of Employment Areas; (Section 83.2(3))
c) where appropriate, designate lands in the vicinity of existing or proposed transportation facilities and corridors including highway corridors and/or major highway interchanges; (Section 83.2(8))
d) identify and protect Future Strategic Employment Areas including lands suitable for employment beyond the current planning horizon; (Section 139.6)
e) prohibit incompatible uses including residential and other non-residential uses such as major retail uses; (Section 83.2(1)) and,
f) provide an appropriate interface between Employment Areas and adjacent non-employment areas to maintain land use compatibility. (Section 83.2(7)(b))

Key policy excerpts from the Regional Plan are also included within **Appendix 1.**

3.3 Town of Oakville Official Plans

There are two applicable Official Plans currently in effect in the Town of Oakville:

1) The Town of Oakville Livable Oakville Official Plan (2009 as consolidated to August 2021) applies to all lands north of Highway 407 and south of Dundas Street. The 2009 Official Plan is referred to as the 'Livable Oakville Plan'; and,

2) The 1984 Official Plan as amended to 2006, which remains in effect and applies to the lands between Dundas Street and Highway 407. The 1984 Official Plan is the parent Official Plan to the North Oakville East and West Secondary Plans. The 2006 consolidation of the 1984 Official Plan is referred to as the '2006 Official Plan'.

3.3.1 Livable Oakville Official Plan (2009 Consolidated to August 2021)

Consistent with the policy approach of the Province and the Region of Halton, 'warehousing' is not defined in the Livable Oakville Plan however, warehousing is identified as an employment use in accordance with the definition for an Employment Area. The Livable Oakville Plan simply carries forward the PPS definitions for 'Employment Areas' and 'Sensitive Land Uses'. OPA 41 (approved November 25, 2022) added a definition for 'Major Facilities' to the glossary of the Livable Oakville Plan. OPA 41 simply carried forward the PPS definition into the Livable Oakville Plan.

The Town's Employment Areas are generally located along and in proximity of the three 400-series highways and associated interchanges that traverse the Town. This effectively creates a ring of employment lands that is framed by the QEW to the south, Highway 403 to the east and Highway 407 to the north in accordance with Schedule A1 – Urban Structure of the Oakville Official Plan which is included as **Appendix 2** to this report.

More specifically, warehousing is identified as a permitted use within the following employment land use designations:

- Business Employment;
- Industrial;
- Speers Road Special Policy Area; and,
- Employment District (in Secondary Plans only).

The Livable Oakville Plan characterizes the Business Employment and Industrial land use designations as follows:

> *"14.4 Business Employment - Business Employment areas are intended to provide for a wide range of business and industrial uses. The uses in the Business Employment areas are intended to be predominantly within enclosed buildings and provide for office uses and light and service industrial operations with minimal impacts on the surrounding areas."*
>
> *"14.5 Industrial - Industrial areas are intended to provide for heavy industrial operations and are limited to well screened, highly accessible locations."*

The Speers Road Special Policy Area is characterized as follows:

> *"26.4.5(e)(i) Speers Road Corridor Special Policy Area Land Use Policies - e) On the lands designated Business Commercial within the Speers Road Corridor Special Policy Area the following additional policies apply:*
>
> *i) Light industrial uses such as manufacturing, assembling, processing, fabricating, repairing, warehousing and wholesaling, and arterial commercial uses may be permitted."*

Employment policies within the Town's two northerly Secondary Plan Areas are addressed in Section 3.3.2 below.

In addition to the permissions afforded through the applicable land use designations, the policies of the Oakville Plan address the need for integrated planning that accounts for the land use, transportation and infrastructure needs of Employment Areas as follows:

> *"8.12.1 Integrating Land Use and Transportation - The Town will co-ordinate land use and transportation planning to maximize the efficient use of land.*
>
> *14.1.5 The Town shall place a priority on the early provision of services to employment lands to ensure that development opportunities exist to meet projected demand."*

In general terms, land use compatibility is addressed by the following policies:

> *"14.1.4 Employment Policies - Buffering and landscaping shall be required to ensure visual and physical separation between employment uses and adjacent uses.*
>
> *14.1.9 Sensitive land uses, if proposed within an Employment Area, shall require the completion of a land use compatibility assessment to ensure that the use is appropriate and the location and design of the use can minimize and mitigate any adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment."*

Key policy excerpts from the Livable Oakville Plan are also included within **Appendix 2.**

3.3.2 Town of Oakville Secondary Plans

There are two Secondary Plan Areas within the Town of Oakville. These Secondary Plans amend the 1984 Oakville Official Plan (consolidated to 2006) and provide a more detailed policy framework for lands north of Dundas Street and south of Highway 407. The Secondary Plans are as follows:

- North Oakville East (2008); and
- North Oakville West (2009).

Maps depicting the more detailed land use designations as established within the Secondary Plan Areas are included within **Appendix 2**. Both the North Oakville East Secondary Plan and the North Oakville West Secondary Plan establish an Employment District land use designation to provide for employment uses in

North Oakville. These employment areas are located along the south side of Highway 407 and in proximity of the Highway 407 interchanges at Neyagawa Boulevard and Bronte Road/Regional Road 25.

It is the objective of both Secondary Plans to:

> *"…create employment districts that provide for a range of employment opportunities with access to major freeways, arterial road and transit systems."* (North Oakville East Section 7.2.3.3(a) and North Oakville West Section 8.2.3.2(a))

Further, there are a number of similarities between the employment policy frameworks of the two Secondary Plans. The purpose and range of uses anticipated for these areas are generally consistent as follows:

> *"Employment Districts refer to land designed to accommodate development of predominantly employment generating uses including a wide range of industrial and office development. Limited retail and service commercial uses designed to serve the businesses and employees will also be permitted within the Employment Districts."* (North Oakville East Section 7.3.4, North Oakville West Section 8.3.2)
>
> *The Employment District will permit a full range of employment uses. In addition, limited retail and service commercial uses serving the employment area shall be clustered at the intersections with Arterial, Avenue and Connector roads. These sites and uses will be zoned in a separate zone in the implementing Zoning By-law."* (North Oakville East Section 7.5.17, North Oakville West Section 8.5.12)

The two Secondary Plans deviate slightly in the stated focus of the respective Employment Districts as noted below:

North Oakville East Secondary Plan: *"The primary focus of the Employment District designation on Figure NOE2 is to protect for, and establish a range of development opportunities for employment generating industrial, office and service employment uses. Where applicable, the range and scale of uses are to be designed to be sensitive to the adjacency and compatibility with residential neighbourhoods, or to reflect a visible location on and exposure to highway corridors and major roads."* (Section 7.6.8.1)

North Oakville West Secondary Plan: *"The primary focus of the Employment District designation on Figure NOW2 is to protect for, and establish a range of development opportunities for employment generating industrial, office and service employment uses. It will also include a Health Oriented Mixed Use Node on the north side of Dundas St. at Third Line. Where applicable, the range and scale of uses are to be designed to be sensitive to the adjacency and compatibility with development in the Health Oriented Mixed Use Node, or to reflect a visible location on and exposure to highway corridors and major roads."* (Section 8.6.5.1)

Regardless, warehousing is permitted within these areas as follows:

> "*Permitted uses may include: (a) light industrial operations, including light manufacturing, assembling, processing, fabricating, repairing, warehousing, distribution and wholesaling*;" (North Oakville East Section 7.6.8.2, North Oakville West Section 8.6.5.2)

This permission is refined in each of the Secondary Plans:

North Oakville East Secondary Plan: *"In addition, the following uses will be permitted in areas which do not abut residential, Urban Core, Institutional or Transitional Area designations, major arterial roads or Highway 407:*

i) general industrial operations within enclosed buildings including manufacturing, assembling, processing, fabricating, repairing, warehousing, distribution, and wholesaling;" (Section 7.6.8.2)

North Oakville West Secondary Plan: *"The following uses will be permitted in areas which do not abut the Health Oriented Mixed Use Node, major arterial roads or Highway 407:*

i) general industrial operations within enclosed buildings including manufacturing, assembling, processing, fabricating, repairing, warehousing, distribution, and wholesaling;" (Section 8.6.5.2)

The North Oakville East Secondary Plan addresses matters of land use compatibility with residential and other sensitive land uses:

> *"…The Urban Design and Open Space Guidelines and Zoning By-law will also apply standards designed to enhance the compatibility of permitted employment uses with residential and other sensitive development located within nearby Transitional, Residential or Institutional designations including prohibition of outdoor storage adjacent to such uses…."* (Section 7.5.17)

Key policy excerpts from the North Oakville East Secondary Plan and North Oakville West Secondary Plan are also included within **Appendix 2.**

3.4 Town of Oakville Zoning By-laws

As there are two Official Plans in effect within the Town of Oakville, there are also two primary Comprehensive Zoning By-laws in effect within the Town's boundaries as follows:

- Zoning By-law 2014-014 which applies to lands south of Dundas Street and north of Highway 407; and,

- Zoning By-law 2009-189 which applies to lands north of Dundas Street and south of Highway 407.

Each of the Zoning By-laws regulate warehousing uses however, the standards between the two Zoning By-laws vary significantly. Table 2 provides comparison of the two Zoning By-laws based on the following criteria as it relates to warehousing uses:

- Terminology for warehousing use – not consistent;
- Definitions – not consistent;
- Zones where warehousing uses are permitted – approach to permissions not consistent;
- Parking requirements – not consistent;
- Loading space setback requirements from Residential Zones – loading space terminology and standards not consistent;
- Minimum setbacks from Residential Zones - similar;
- Minimum Landscaping Requirements – same (10%)
- Minimum width of landscaping requirements in any Employment Zone – not consistent.

Table 2: Comparison of Warehouse Related Zoning Requirements for ZBL 2014-014 and 2009-189

Zoning Requirement	ZBL 2014-014	ZBL 2009-189
Terminology	Warehousing	Industrial Warehousing
Definition	Means a *premises* for the indoor storage and freight distribution of goods, wares, merchandise, substances, articles, or products. No related definitions	Means a *building* used primarily for the storage and distribution of goods and materials, but shall not include a wholesale or *retail* outlet; a *transportation terminal*; the storage of fuel; or a *commercial self-storage use*. Related Definitions: Light Industrial Operation: Means light manufacturing, fabricating, processing, assembly, repair, servicing, packaging, *industrial warehousing* of products or materials and *wholesaling* excluding *wholesale* accessible to the general public. General Industrial Operation: Means: i. heavy manufacturing, refining, repair, fabricating, processing operations, servicing, packaging and *industrial warehousing*; and

Zoning Requirement	ZBL 2014-014	ZBL 2009-189
		ii. bulk storage of fuels and aggregates.
Zones Permitted	○ Office Employment (E1) Zone (existing uses only) ○ Business Employment (E2) Zone ○ Industrial (E3) Zone	○ 'Industrial Warehousing' is not a permitted use in any Employment Zone. ○ 'Light Industrial' is identified as a permitted use in the Light Employment (LE) Zone, General Employment (GE) Zone and Service Area Employment (SA) Zone. ○ 'General Industrial' is identified as a permitted use in the General Employment (GE) Zone.
Parking Requirements	Parking Rate for 'Warehousing'– a) 1.0 per 100.0 m^2 *net floor area* for the first 7,500.0 m^2 *net floor area*; plus, b) 1.0 per 200.0 m^2 *net floor area* for any additional *net floor area* (Section 5.2.1)	○ Parking Rate for 'Industrial Warehouse' – a. with a *leasable floor area* of less than 5,000 m^2 - 1 *parking space* per 100 square metres of *leasable floor area* minimum. b. with a *leasable floor area* of 5,000 sq. m. or greater - 1 *parking space* per 200 m^2 of *leasable floor area* minimum (Table 5.1B(18)) ○ Parking of Heavy Vehicles – The parking of heavy vehicles is not permitted between any building and the front lot line or any yard abutting a Residential Zone. (Sections 7.9.5.2, 7.10.6.2, 7.11.5.3)

Zoning Requirement	ZBL 2014-014	ZBL 2009-189
Loading Space Setbacks from Residential Zone	○ A loading space shall be setback 7.5 metres from any Residential Zone, except if it is located entirely within a structure. (Section 5.6(c)) ○ A loading space is not permitted: i) In any minimum yard; ii) Between the main wall closest to the flankage lot line and the flankage lot line in the flankage yard; iii) In any front yard. (Section 5.6(d))	○ No minimum required setback from a Residential Zone or residential uses. ○ … However, where *loading docks* are located in any *yard* abutting a *residential zone* or a *street*, they must be screened from view by an opaque screen with a minimum height of 1.5 metres. (Section 5.6.3) ○ Note inconsistency in terminology between 'loading space' and 'loading dock'.
Minimum Setback Requirements From Residential Zones	○ Minimum interior side yard abutting a lot in any Residential Zone, Institutional Zone, or Community Use Zone – 15 metres (applies to both E2 and E3 Zones) ○ Minimum rear yard abutting a lot in any Residential Zone, Institutional Zone, or Community Use Zone – 15 metres (applies to both E2 and E3 Zones) (Table 10.3)	○ Notwithstanding the minimum required setbacks of the appliable Employment Zone, for a yard abutting a Residential Zone, the minimum setback shall be: LE Zone – 10 metres GE Zone – 15 metres SA Zone – n/a unless the lot with the employment use is separated from the developable area in the Residential Zone by a street. (Sections 7.9.2 and 7.10.2)
Minimum Landscaping	10% (Table 10.3)	10% (Sections 7.9.4, 7.10.5, 7.11.4)
Minimum Required Width of Landscaping in Any Employment Zone	○ From any Residential Zone, Community Use (CU) Zone, any residential use in an Institutional (I) Zone or any residential	No additional requirements beyond the setback from a Residential Zone as noted

Zoning Requirement	ZBL 2014-014	ZBL 2009-189
Abutting a Residential Zone or Residential Uses	use in a Mixed Use (MU) Zone – 7.5 metres ○ From an Institutional (I) Zone excluding any residential use – 3.0 metres ○ From any surface parking area within an Employment Zone to any interior side lot line – 3.0 metres ○ From any surface parking area to any lot line with a residential use – 4.5 metres	above. The setback is not required to be landscaped.

Oakville has a number of employment areas, many of which differ in terms of the types of warehousing uses, vintage of the uses, size and configuration of parcel fabric, access points, and access to higher level transportation corridors. Further, the North Oakville Secondary Plan Employment Areas are governed by different policy and zoning frameworks as compared to employment lands located elsewhere in the Town.

Notwithstanding, there are some elements of the existing zoning regime as regulated by Zoning By-law 2014-014 and Zoning By-law 2009-189, that would benefit from a more standard approach across the two Zoning By-laws. A harmonization of the existing zoning provisions would provide for a more consistent approach to regulating warehouse and distribution uses across the Town. In this respect, the policies of the Livable Oakville Official Plan and North Oakville Secondary Plans pose no policy impediment to having consistent terminology and definitions as well as to apply a more consistent convention in the permitted use tables (tied to consistent use terminology – warehousing versus light industrial uses).

There are additional opportunities for harmonization across the Zoning By-laws which may be realized pending additional study. It is recommended that a more detailed study of the following zoning elements be undertaken as part of the Comprehensive Zoning By-law Review in order to identify further opportunities to develop standard zoning requirements that may be applied to warehouse uses:

- Parking standards;
- Loading space setbacks from Residential Zones;
- Minimum setback requirements from Residential Zones; and,
- Minimum width of landscaping in proximity of a Residential Zone or residential uses.

4.0 Case Studies

Consideration of a number of case studies offer insights into how other jurisdictions within the Province have framed and regulated warehousing uses into current land use planning practices. Municipalities chosen as comparative case studies were chosen based on a number of criteria. It should be noted that not all case study municipalities satisfy all criteria. The case studies were chosen based on the following criteria:

- Providing examples of both lower tier and single tier municipalities;
- Municipalities within a similar range in regards to the size/population of Oakville;
- Geographic location being within the western portion of the GTA and being within the Growth Plan Area;
- Municipalities with access to one or multiple 400-series highways; and,
- Municipalities with reasonably updated planning documents or up-to-date consolidations of Official Plans and/or Zoning By-laws.

The case studies relied upon for this study are as follows:

Single Tier Cities:	City of Hamilton City of Brantford
Region of Halton:	City of Burlington Town of Milton
Region of Peel:	City of Mississauga City of Brampton
Region of York:	City of Vaughan
Region of Durham:	Town of Ajax

The Official Plan and applicable Zoning By-law was reviewed for each of the case study municipalities. The comparison case studies focused on the following elements:

4.1 Comparing Official Plan Policy Frameworks

As is consistent with both Provincial policy and the Town of Oakville Official Plan, warehousing is identified as an employment use within all of the case studies examined. None of the case studies provided any specific policy direction for warehousing uses in particular, however, such uses are subject to the broader employment policies. Most of the case study municipalities included a definition for 'Employment Areas' within the Official Plan. Generally, the employment areas definition included within the case study Official Plans simply carried forward the definition contained within the PPS. Table 3 summarizes the characterization of warehousing within Employment Areas across the case study municipalities.

Table 3: Defining Warehousing as an Employment Use

Official Plan – Definitions Related to Warehousing	
Municipality	**Definition**
Town of Oakville (Consolidated August 2021)	'Employment Areas' means areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, **warehousing**, offices, and associated retail and ancillary facilities.

Official Plan – Definitions Related to Warehousing	
City of Hamilton (Consolidated November 2022)	Yes – 'Employment Area' - Areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, **warehousing**, offices, and associated retail and ancillary facilities.
City of Brantford (Consolidated September 2021)	No - For the purpose of interpreting this Plan, the definitions in the *Planning Act*, the *Ontario Heritage Act*, the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe and other applicable Provincial legislation, plans and guidelines shall apply. In all other instances, terms shall be defined in accordance with their common usage and, if necessary, reference to the Canadian Oxford Dictionary.
City of Burlington (Consolidated February 2021)	Yes – 'Employment Area' – Areas for clusters of business and economic activities including, but not limited to, manufacturing, **warehousing**, offices and associated retail and ancillary facilities. The employment area refers to the Region of Halton Employment Area as identified in Schedule B: Urban Area – Land Use Plan. 'Employment' – The use of lands for business and economic activities, including, but not limited to, manufacturing, **warehousing**, offices and *ancillary employment uses*, but does not include retail and *service commercial* uses unless they are an *ancillary employment use*. 'Industrial' – Assembling, fabricating, manufacturing, processing, **warehousing and distribution uses**, repair activities, communications, *utilities,* transportation, storage, service trades and construction uses.
Town of Milton (Unofficial Consolidation May 2018)	Yes – 'Employment Area' means areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, **warehousing**, offices and associated retail and ancillary facilities.

Official Plan – Definitions Related to Warehousing	
City of Mississauga (Consolidated August 2022)	No relevant definitions
City of Brampton (Consolidated September 2020)	Yes – 'Employment Area' means lands within the Industrial and Office designations on Schedule "A" of this Plan as well as lands within the Business Corridor and Central Area designations that are designated in Secondary Plans for clusters of business and economic activities including, but not limited to, manufacturing **warehousing**, offices and associated retail and ancillary uses.
City of Vaughan (Consolidated July 2022)	No relevant definitions
Town of Ajax (Consolidated October 2022)	No relevant definitions

Land use designations within Employment Areas generally provide for a range of more specific employment designations that effectively cluster similar or complementary uses in considering the nature and potential impacts of such uses. Generally, this range of employment designations includes four categories being:

(1) An Office/Business Park or similar designation;

(2) A Prestige Employment designation that provides for employment uses contained within buildings, that have no associated outdoor storage, minimal impact and high quality urban design;

(3) A General Employment or Industrial designation that provides for industrial uses that require outdoor operations or outdoor storage, and which may generate contaminant discharges of cause adverse effects (such as noise, vibration or odour); and

(4) Service Employment designation that permits some commercial uses that are supportive of the broader employment area and which generally have very specific constraints such as maximum gross floor areas or a prohibition on drive-throughs in order to preserve the overall integrity of the employment area.

The case study municipalities provided maximum flexibility in terms of those designations where warehousing and distribution centres may be located. In general terms, warehousing uses are permitted in Prestige Employment and General Employment land use designations. Such uses are not typically permitted in Service Employment designations. Table 4 identifies the Employment designations where warehousing uses are permitted by the case study municipalities.

Table 4: Employment Designations Permitting Warehousing Uses

Official Plan – Employment Designations Permitting Warehousing Uses	
Municipality	**Official Plan Designations**
Town of Oakville (Consolidated August 2021)	○ Business Employment; ○ Industrial; ○ Speers Road Special Policy Area; and, ○ Employment District (in Secondary Plans only).
City of Hamilton (Consolidated November 2022)	○ Business Park ○ Industrial ○ Airport Employment Growth District (AEGD) Secondary Plan - Airport Prestige Business - Airport Light Industrial - Airside Industrial
City of Brantford (Consolidated September 2021)	○ Prestige Employment ○ General Employment
City of Burlington (Consolidated February 2021)	○ Uptown Business Employment (Mixed Use Intensification Areas) ○ Employment Commercial Centre ○ General Employment ○ Business Corridor
Town of Milton (Unofficial Consolidation May 2018)	○ Warehousing and/or distribution centres not addressed in Official Plan or relevant Secondary Plans. Closest is as follows: - Business Park Designation – permits light industrial uses - Industrial Designation – permits full range of light and general industrial uses
City of Mississauga (Consolidated August 2022)	○ Business Employment ○ Industrial
City of Brampton (Consolidated September 2020)	○ Parent OP – Industrial ○ Hwy 427 Industrial Secondary Plan – Business Park - Prestige Industrial ○ Airport Intermodal Secondary Plan – Prestige Employment

Official Plan – Employment Designations Permitting Warehousing Uses	
	- General Employment - Mixed Employment Commercial ○ 410/Steeles Secondary Plan – General Employment - Mixed Employment Commercial ○ Bram West (a)(b)(c)(d) Secondary Plan – Prestige Industrial
City of Vaughan (Consolidated July 2022)	○ Prestige Employment ○ General Employment
Town of Ajax (Consolidated October 2022)	○ Prestige Employment ○ General Employment

In all instances, the case study Official Plans provided policy support identifying the importance of locating employment areas in proximity of transportation corridors, and specifically the Provincial network of 400 series highways, in order to facilitate the movement goods. Official Plan polices from the City of Hamilton, City of Brampton and City of Vaughan provide particularly good examples of such policies:

"5.2.7.1 The following provisions apply to all [Employment] *land use designations, as specified:*

g) Freight-intensive land uses shall be located in areas well served by major highways, airports, rail facilities and marine facilities.

h) New development, including expansion to existing development, shall be planned with regard to existing and planned transportation and servicing infrastructure.

i) All development shall be designed and developed to be easily accessible by various types of transportation modes, such as roads, transit, active transportation and goods movement vehicles." (City of Hamilton Official Plan)

"3.2.7 Employment Areas - The City's major employment districts are strategically located in relation to the major transportation infrastructure and facilities including the Lester B. Pearson International Airport, CP & CN intermodal terminals, rail, transit, major roads and Provincial freeways i.e., Highways 410, 407, and 427. These elements set the stage for a range of employment and business opportunities to meet existing and forecasted demand. …Schedule 1 shows conceptually the general location of employment areas in Brampton. These include primarily the Industrial and Office designations as shown on Schedule "A" as well as lands within the Business Corridor and Central Area designations that are designated in secondary plans for clusters of business and economic activities including, but not limited to, manufacturing warehousing, offices and associated retail and ancillary uses." (City of Brampton)

"4.4.2.7 The City shall promote the development of Industrial uses in locations accessible to existing and proposed transportation terminal facilities, public transit and major components of the regional, provincial and national transportation system, including airport, road and rail facilities." (City of Brampton)

"5.1.2 …Employment Areas accommodate uses that are not appropriate in Intensification Areas or Community Areas, and are best located near Provincial highways and rail infrastructure to support efficient goods movement. To remain viable, Employment Areas should be maintained as large, un-fragmented areas that allow flexibility for growth and change, offer protection from more sensitive land uses and provide for a range of ancillary uses that primarily support the businesses and employees of the employment area." (City of Vaughan)

The City of Vaughan policy further references the need for employment areas to not only have accessibility to key transportation corridors but also provides that in order to remain viable over the long term, employment areas that provide for a variety of uses including warehousing, must be maintained as large, un-fragmented areas. This provides for the clustering of compatible employment uses. The clustering of compatible employment uses affords such uses both the flexibility to evolve and grow but also protects the broader employment area from the encroachment and potential impacts of less compatible uses that serve to constrain employment operations.

One of the key considerations for any municipality is how to maintain the integrity of employment lands while at the same time providing for land use compatibility with surrounding land uses. This is particularly true where various land uses have diametrically differing needs such as is the case with employment lands and sensitive land uses. In this sense, sensitive land uses include uses such as residences, daycare centres, educational and other institutional uses.

As a foundational policy in an Official Plan, there is a need to manage potential land use conflicts by protecting employment areas from encroachment of sensitive land uses and to protect sensitive land uses from any potential adverse impacts that may be generated by employment uses. As provided for by Section 1.2.6 of the PPS (reference Section 3.1.1 of this report), land use compatibility is best served by development practices that avoid adverse impacts or where this is not possible, to minimize and mitigate any potential impacts. Such an approach is key to providing for the protection of employment areas and the uses located in such areas. A number of the case studies provide good examples of policies designed to achieve this objective:

"5.4.2(d) Business operations within the General Employment Designation are to be protected from intrusions of sensitive land uses that may restrict the operations of existing or planned industrial land users." (City of Brantford)

"10.3.4 Within Employment Areas, Mississauga will support the continued operation of existing industrial uses and discourage employment uses and sensitive land uses in the vicinity of existing industrial land uses that would:

a. require industrial uses to significantly modify their operations;

b. cause industrial uses to be in non-compliance with pertinent standards; and

c. inhibit the development of designated industrial lands for the purposes permitted by this Plan." (City of Mississauga)

"2.2.4 …In order to continue Vaughan's success at attracting the kind of economic activity that requires a location in Employment Areas, the City's Employment Areas must be protected from encroaching non-employment uses that would serve to destabilize their planned function, including residential and major retail uses." (City of Vaughan)

The Official Plans for the City of Hamilton and the City of Burlington offer more detailed policy examples. The policy from the City of Burlington is provided below:

"4.6.2 a) 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 vibration, noise, dust, odour or other contaminants and 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.

b) Where avoidance is not possible in accordance with policy 4.6.2(a), of this Plan, the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment shall be protected 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:

(i) there is an identified need for the proposed use;
(ii) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
(iii) adverse effects to the proposed sensitive land use are minimized and mitigated; and
(iv) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

c) Proponents may be required to submit studies and undertake necessary actions to mitigate adverse effects to the satisfaction of the City and the Region of Halton. Provincial guidelines and Regional Land Use Compatibility and Air Quality Guidelines shall be referred to for direction in land use planning decisions.

d) Where noise abatement is required along roads, design features such as the orientation of buildings, vegetated areas and other innovative methods shall be preferred over the use of acoustical walls. The Region of Halton's Noise Abatement Guidelines shall be referred to." (City of Burlington)

Land use compatibility and the mitigation of impacts can be achieved through a number of means. This includes:

- Separation of uses (residential/employment – urban structure)
- No encroachment from sensitive land uses
- Screening/buffers/fencing - development screened from nearby residential uses;
- Integrate natural features into landscaping and buffering to minimize impacts on adjoining areas;
- Incorporate utility corridors as continuous buffers;

- Site design
- Increase setbacks from lot lines;
- Limited access points to employment lots;
- Orient parking and loading spaces away from adjacent residential uses (other portions of lot – side or rear yards)

The Official Plans for the case study municipalities each address land use compatibility and mitigation of impacts to some degree – particularly in reference to the interface between employment uses and any surrounding sensitive land uses. The methods range from separation of uses through community structure, to screening and buffering of uses, to site design at a parcel level. Some examples of such studies include:

Separation of Uses:

> *"5.1.2.3 To support the long-term flexibility, vitality and competitiveness of Employment Areas by:*
>
> *b) requiring that sensitive land-uses outside of Employment Areas, as defined by the Ministry of Environment Guidelines for Land-Use Compatibility, are designed and located so as not to create adverse impacts on businesses within Employment Areas and that such compatibility, including any required mitigation, be addressed in an Employment Area Compatibility Assessment report;"* (City of Vaughan)

> *"3.2.3.5(g) GO Transit Station Mixed Use Area - Ensure that new residential uses are compatible with existing employment uses, including the establishment of appropriate separation distances and/or noise attenuation from employment uses to address noise, vibration and odours as part of site plan approval."* (Town of Ajax)

Screening/Buffering:

> *"5.5.8 All development in the Airport Employment Growth District shall be adequately separated, screened and buffered from existing residential and institutional uses in or abutting the Airport Employment Growth District."* (City of Hamilton)

> *"3.3.4(g) Where a proposed Prestige Employment use abuts or is in proximity to an existing or planned residential use, land use impacts will be mitigated through the use of fencing, landscaping, berming or a combination of these features to ensure that there is adequate screening between the uses. The regulations of the Province, as amended from time to time, shall apply."*

Site Design:

> *"7.3.2(3) Employment Growth Areas - …additional considerations such as, but not limited to, the following:*
>
> *(ii) maximizing the placement of buildings along the frontage of lots facing public streets;*
>
> *(iii) locating off-street parking away from adjacent sensitive land uses;*

(iv) limiting the number and location of vehicular access points to minimize disruption to traffic flows and the impact on pedestrian travel along sidewalks or cyclists' travel along bikeways;

(v) locating loading areas to avoid conflict between pedestrian and vehicular traffic away from adjacent residential areas and adjoining streets;

(vi) incorporating fencing and/or screening of outdoor storage areas;

(viii) screening and landscaping off-street parking areas, loading areas and site service areas;" (City of Burlington)

"8.8.1(3.4)(c) …Mitigation measures could include but are not limited to a range of site layout and building design strategies, including such as building setbacks, orientation, landscaping and materiality, as well as acoustic barriers intended to attenuate noise, such as fencing, landscaping or vegetation. If required, environmental warning clauses can be issued and included in Offers of Purchase and Sale, lease/rental agreements or condominium declarations. Specific mitigation measures that may be required will be finalized through the site plan stage." (City of Burlington)

Many of the Official Plans also identified various mechanisms such as Provincial standards under the Environmental Protection Act as well as the requirement for studies through the development approval process as a means to achieving compatibility. As identified in the 'Implementation' section of an Official Plan, there are a host of studies that a municipality may request as part of a complete development application. In addition to this list, many of the municipalities required specific studies to be completed in regards to development within or in proximity of employment areas. Some of these studies included a Land Use Compatibility Assessment, Noise and Vibration Study, Air Quality Impact Assessment, or development standards as reflected in Council-adopted Urban Design Guidelines.

The City of Hamilton and the City of Brantford provide examples of Official Plan policies that address the mitigation of impacts and the requirement to uphold Provincial standards:

"5.2.7.1(d) Industrial uses, including expansions, shall comply with all provincial standards respecting noise, vibration, air contaminants, water, wastewater, storm water and other environmental issues." (City of Hamilton)

"5.4.2 (c) All permitted development within the General Employment Designation identified on Schedule 3: Land Use Plan shall be conducted in a manner that adequately mitigates pollution from noise, vibration, odours, smoke, dust or any other forms of pollution, and shall be in compliance with all applicable municipal and Provincial policies, standards and guidelines. (City of Brantford)

"8.4.5.8(o) The City of Hamilton, in accordance with the recommendations in the Province of Ontario Ministry of Environment Guideline D-6, may require an agreement and/or financial assurance from the developer regarding mitigation measures required in the findings of the special studies. " (City of Hamilton)

4.2 Comparing Regulatory Zoning Frameworks

While at an Official Plan level, warehousing or distribution centres are simply identified as being an employment use and are not actually defined, the Comprehensive Zoning By-law(s) for each of the case study municipalities do identify 'warehousing' or a 'warehouse/distribution centre' as a permitted use. The Zoning By-laws do not however, make any distinction between a warehouse and a distribution centre and essentially address these as a singular use. Based on the examples provided through the case studies, the key characteristics for the definition of 'Warehousing/Distribution Centre':

- Indoor storage
- Freight distribution of goods
- Temporary storage
- No public access
- Excludes a retail warehouse or store, transportation terminal, commercial and/or self storage, waste management facility, salvage yard, towing establishment, storage of fuel.

Table 5 summarizes the definitions for warehousing or warehouse/distribution centre across the case study municipalities.

Table 5: Zoning By-law Definitions for Warehouse Uses

Zoning – Definitions for Warehousing	
Municipality	**Definition**
Town of Oakville ZBL 2014-014 (Consolidated September 2022)	Warehousing: Means a *premises* for the indoor storage and freight distribution of goods, wares, merchandise, substances, articles, or products.
Town of Oakville ZBL 2009-189 (Consolidated September 2022)	Industrial Warehousing: Means a *building* used primarily for the storage and distribution of goods and materials, but shall not include a wholesale or *retail* outlet; a *transportation terminal*; the storage of fuel; or a *commercial self-storage use*.
City of Hamilton Urban ZBL 05-200 (Consolidated November 2021)	Warehouse: Shall mean the use of building or structure, or part thereof, for the bulk storage or distribution of goods to industrial, commercial or institutional business users or other wholesalers, but shall not include the retailing of goods to the general public. A Warehouse may include a Mini Storage Facility but shall not include a Waste Management Facility, Salvage Yard or Towing Establishment.

Zoning – Definitions for Warehousing	
City of Brantford ZBL 160-90 (Main) (Consolidation Date Unknown)	Warehouse or Warehouse Use: shall mean an industry whose primary activity consists of the storage and distribution or wholesaling of goods or materials.
Brantford ZBL #2 County of Brant ZBL 61-16 (Consolidated December 2021)	Means a *building* or *structure used* for the storage and distribution of goods, merchandise, substances, or materials which will be sold elsewhere or, subsequently, transported to another location for sale or consumption. The retail or wholesale sale of products may only be permitted as an *accessory use*.
City of Burlington ZBL 2020 (Consolidated August 2022)	Warehouse and Logistics: Premises used for keeping or storing goods or commodities, to which the general public does not have access, and which may also be used for the distribution of the goods or commodities.
Town of Milton ZBL 016-2014 (Consolidated January 2021)	Warehouse/Distribution Centre: Means a premises used for the storage and/or distribution of goods, wares, merchandise, substances, articles or things, within a *building* and may include a *commercial storage facility* or facilities for an *accessory* wholesale or retail outlet, but does not include a transportation terminal.
City of Mississauga ZBL 0225-2007 (Consolidated September 2022)	Warehouse/Distribution centre: means a building, structure or part thereof, used for the storage and/or distribution of goods and may include the temporary on-site storage of commercial motor vehicles for freight handling of goods directly related to the permitted use(s).
City of Brampton ZBL 270-2004 (Consolidation Date Unknown)	Warehouse: shall mean a building or part thereof, of which the principal use is the storage of goods and materials; excluding waste.
City of Vaughan ZBL 01-2021 (Consolidated October 2022)	Warehousing and Distribution centre: Means a building or part of a building used for the indoor storage of goods, wares, merchandise, materials or articles as a principal use, but does not include a retail store.

Zoning – Definitions for Warehousing	
Town of Ajax ZBL 95-2003 (Consolidated March 2014)	Warehouse/ Distribution Centre: Shall mean a *building* or part of a *building* used for the storage and distribution of goods, wares, merchandise, substances, articles or things.

Similar to the approach taken in Official Plans, Comprehensive Zoning By-laws provide for a range of employment zones that effectively cluster and regulate similar or complementary employment uses. Since it is the role of a Zoning By-law to implement Official Plan policy, the zone structure of the Zoning By-law generally corresponds to the land use designations identified in the Official Plan. Accordingly, warehousing or a warehouse/distribution centre are permitted across a number of employment zones in the case study municipalities.

The case study municipalities also provide maximum flexibility in terms of those zones where warehousing and distribution centres may be permitted. In general terms, warehousing uses are permitted in Prestige Employment Zones and General Employment Zones. Such uses are not typically permitted in Service Employment Zones although there are a few exceptions to this. Table 6 identifies the employment zones where warehousing uses are permitted by the case study municipalities.

Table 6: Zones Permitting Warehouse Uses

Zoning – Employment Zones Permitting Warehousing Uses	
Municipality	**Zones**
Town of Oakville ZBL 2014-014 (Consolidated September 2022)	○ Office Employment (E1) Zone (existing uses only) ○ Business Employment (E2) Zone Industrial (E3) Zone
Town of Oakville ZBL 2009-189 (Consolidated September 2022)	○ Light Employment (LE) Zone ○ General Employment (GE) Zone ○ Service Area Employment (SA) Zone
City of Hamilton Urban ZBL 05-200 (Consolidated November 2021)	○ Research and Development (M1) Zone ○ General Business Park (M2) Zone ○ Prestige Business Park (M3) Zone ○ Business Park Support (M4) Zone ○ General Industrial (M5) Zone ○ Light Industrial (M6) Zone ○ Airside Industrial (M7) Zone ○ Airport Light Industrial (M10) Zone ○ Airport Prestige Business (M11) Zone ○ Shipping and Navigation (Port Lands)(M13) Zone ○ Shipping and Navigation (East Port) (M14) Zone

Zoning – Employment Zones Permitting Warehousing Uses	
City of Brantford ZBL 160-90 (Consolidation Date Unknown)	○ Industrial Commercial (M1) Zone ○ General Industrial (M2) Zone ○ Business Park Industrial (M3) Zone
Brantford ZBL #2 County of Brant ZBL 61-16 (Consolidated December 2021)	○ Light Industrial (M2) Zone ○ Heavy Industrial (M3) Zone
City of Burlington ZBL 2020 (Consolidated August 2022)	○ Business Corridor One (BC1) Zone ○ Business Corridor Two (BC2) Zone ○ General Employment One (GE1) Zone ○ General Employment Two (GE2) Zone
Town of Milton ZBL 016-2014 (Consolidated January 2021)	○ Employment (EMP-2) Zone ○ Business Park (M1) Zone ○ General Industrial (M2) Zone
City of Mississauga ZBL 0225-2007 (Consolidated September 2022)	○ Employment Nodes (E1) Zone ○ Employment (E2) Zone ○ Industrial (E3) Zone
City of Brampton ZBL 270-2004 (Consolidation Date Unknown)	○ Industrial One (M1) ○ Industrial One A (M1A) ○ Industrial Two (M2) ○ Industrial Three (M3) ○ Industrial Three A (M3A) ○ Industrial Four (M4) ○ Industrial Four A (M4A)
City of Vaughan ZBL 01-2021 (Consolidated October 2022)	○ Prestige Employment (EM1) Zone ○ General Employment (EM2) Zone
Town of Ajax ZBL 95-2003 (Consolidated March 2014)	○ Prestige Employment (PE) Zone ○ General Employment (GE) Zone ○ Heavy Employment (HE) Zone

In addition to community structure, being where warehousing and distribution centres are permitted, there are a number of other zoning regulations that can be used to address land use compatibility matters associated with warehousing uses and how such uses are established on a lot. These include parking and loading requirements, special setbacks from residential and other sensitive uses as well as landscaping requirements. Each of these zoning regulations is addressed below.

Parking and Loading Facilities: The Planning Act provides that the municipality may require parking and loading facilities to be provided and maintained in association with uses permitted. A review of the parking standards applied to warehouse uses across the case study municipalities indicates that the rate of parking and the means through which parking requirements are calculated varies significantly. Table 7 summarizes the parking requirements for each of the case study municipalities.

Table 7: Parking Requirements

Zoning – Parking Requirements	
Municipality	**Parking Requirement**
Town of Oakville ZBL 2014-014 (Consolidated September 2022)	Parking Rate for 'Warehousing'– a) 1.0 per 100.0 m^2 *net floor area* for the first 7,500.0 m^2 *net floor area*; plus, b) 1.0 per 200.0 m^2 *net floor area* for any additional *net floor area* (Section 5.2.1)
Town of Oakville ZBL 2009-189 (Consolidated September 2022)	Parking Rate for 'Industrial Warehouse' – a) with a *leasable floor area* of less than 5,000 m^2 - 1 *parking space* per 100 square metres of *leasable floor area* minimum. b) with a *leasable floor area* of 5,000 sq. m. or greater - 1 *parking space* per 200 m^2 of *leasable floor area* minimum (Table 5.1B(18)) Parking of Heavy Vehicles – The parking of heavy vehicles is not permitted between any building and the front lot line or any yard abutting a Residential Zone. (Sections 7.9.5.2, 7.10.6.2, 7.11.5.3)
City of Hamilton Urban ZBL 05-200 (Consolidated November 2021)	5.6(c) Parking Standards Warehouse – For each 30.0 m^2 of gross floor area, which accommodates the Office component of the use.
City of Brantford ZBL 160-90 (Consolidation Date Unknown)	2 spaces + 1 space/1000 m^2 GFA
Brantford ZBL #2 County of Brant ZBL 61-16 (Consolidated December 2021)	1 space / 100m^2 GFA

Zoning – Parking Requirements	
City of Burlington ZBL 2020 (Consolidated August 2022)	Warehouse and Logistics: 1.5 spaces per 100 m2 of gross floor area Parking of trucks and vehicles is not permitted within 15 m of a residential zone when the truck or vehicle exceeds any one of the following: • a registered gross vehicle weight of 3000 kg; • an overall length of 6 m; • an overall height of 2.6 m.
Town of Milton ZBL 016-2014 (Consolidated January 2021)	For the first 1000 m2, 1 *parking space* per 30m2 of *gross floor area* shall be provided. Any additional *gross floor area* shall be calculated in addition to the above provision and provided in accordance with the following rates: • For *gross floor areas* between 1001m2 to 5000m2 shall provide 1 *parking space* per 100m2 of *gross floor area*. • *Gross floor areas* greater than 5000m2 shall provide 1 *parking space* per 200m2 of *gross floor area*. Notwithstanding any provisions of the By-law to the contrary, accessory retail uses associated with the industrial or warehouse/ distribution use shall be included within the above noted calculations provided that the retail area does not exceed the lesser of 5% or 232.2 m2 of the total gross floor area.
City of Mississauga ZBL 0225-2007 (Consolidated September 2022)	1.1 spaces per 100 m^2 GFA up to 6975 m^2 GFA -and- 0.6 spaces per 100 m^2 GFA over 6975 m^2 GFA

City of Brampton ZBL 270-2004
(Consolidation Date Unknown)
	a. If the associated office, retail, and educational gross floor areas are 15% or less of the total gross floor area:
	  ○ Up to 7,000 square metres: 1 parking space per 90 square metres gross floor area or portion thereof;
	  ○ 7,000 to 20,000 square metres: 78 parking spaces plus 1 parking space per 145 square metres gross floor area or portion thereof that is over 7,000 square metres;

Zoning – Parking Requirements	
	○ over 20,000 square metres: 168 parking spaces plus 1 parking space per 170 square metres gross floor area or portion thereof that is over 20,000 square metres b. If the associated office, retail, and educational gross floor areas are more than 15% of the total gross floor area In addition to the above, the applicable gross floor areas exceeding 15% shall be subject to the applicable office, retail, or educational parking requirements.
City of Vaughan ZBL 01-2021 (Consolidated October 2022)	0.5 spaces per 100m^2 GFA
Town of Ajax ZBL 95-2003 (Consolidated March 2014)	1 space per 500.0 m2

Warehousing and distribution centres by the very nature of the use, require loading facilities that generally far exceed the minimum loading space requirements of a Zoning By-law. Thus, the matter of interest is not so much in canvassing the minimum loading requirements but where loading facilities are located on a lot and other zoning provisions to regulate compatibility matters with nearby residential and sensitive land uses. In general terms, loading facilities are not permitted in the front yard of the lot. In some cases, loading facilities are restricted to only the interior side yard or rear yard of the lot. The City of Burlington, Town of Milton and Town of Ajax further require additional setbacks for loading facilities from lots in adjacent Residential Zones as follows: (1) City of Burlington – 20 metres; (2) Town of Milton – 18 metres; and (3) Town of Ajax – 10 metres. The City of Hamilton requires that where adjacent to a Residential Zone, loading facilities be screened by a visual barrier in accordance with the following:

> *"Section 4.19 - Where this By-law requires a visual barrier to be provided and maintained, such barrier shall act as a screen between uses and be constructed to a minimum height of 1.8 metres, and to a maximum height of 2.5 metres where a visual barrier consists of a fence or wall and shall not be located within 3.0 metres of a street line. A visual barrier shall consist of the following:*
> *a) A wall, fence;*
> *b) A continuous planting of suitable trees or shrubs, together with a reserved width of planting area appropriate for healthy plant growth;*
> *c) Earth berms; or,*
> *d) Any combination of the above."* (City of Hamilton Urban ZBL 05-200)

Table 8 summarizes the loading requirements for each of the case study municipalities.

Table 8: Loading Requirements

Zoning – Loading Requirements	
Municipality	**Loading Requirement**
Town of Oakville ZBL 2014-014 (Consolidated September 2022)	○ A loading space shall be setback 7.5 metres from any Residential Zone, except if it is located entirely within a structure. (Section 5.6(c)) ○ A loading space is not permitted: iv) In any minimum yard; v) Between the main wall closest to the flankage lot line and the flankage lot line in the flankage yard; vi) In any front yard. (Section 5.6(d))
Town of Oakville ZBL 2009-189 (Consolidated September 2022)	○ No minimum required setback from a Residential Zone or residential uses. ○ … However, where *loading docks* are located in any *yard* abutting a *residential zone* or a *street*, they must be screened from view by an opaque screen with a minimum height of 1.5 metres. (Section 5.6.3) ○ Note inconsistency in terminology between 'loading space' and 'loading dock'.
City of Hamilton Urban ZBL 05-200 (Consolidated November 2021)	The location of loading doors and associated loading facilities shall be subject to the following: a) Shall not be permitted within a Front Yard; b) Shall not be permitted in any yard abutting a street, except where screened from view by a Visual Barrier in accordance with Section 4.19 of this By-law; and, c) Shall not be permitted in a required yard abutting a Residential Zone or an Institutional Zone and shall be screened from view by a Visual Barrier in accordance with Section 4.19 of this By-law.
City of Brantford ZBL 160-90 (Consolidation Date Unknown)	No loading space shall be located in any front yard unless the front yard is a minimum of 20.0 metres (Section
Brantford ZBL #2 County of Brant ZBL 61-16 (Consolidated December 2021)	Location of required *loading spaces*: (i) The *loading space* shall be provided in front of the loading and unloading areas, bays or doors or docks etc.

Zoning – Loading Requirements	
	(ii) *The loading space* shall not be permitted in required *front yard setback* and required *exterior side yard setback*. (iii) No part of any *loading space* shall be closer than 3 metres to any *lot line*.
City of Burlington ZBL 2020 (Consolidated August 2022)	(a) Loading/unloading docks are not permitted in building elevations facing a street. (b) Loading/unloading activities are not permitted in a yard abutting a street. GE1 and GE2 Zone (a) and (b) plus: (c) Minimum setback from a residential zone: 20 m (d) Notwithstanding (c) above, where loading and unloading activities are fully enclosed by a permanent structure, that structure may be set back 9 m from a residential zone. (e) Loading/unloading docks and activities shall be screened from view from a residential zone.
Town of Milton ZBL 016-2014 (Consolidated January 2021)	Loading spaces only permitted in the Interior Side Yard and Rear Yard (applicable zones: EMP-2 and M1). In M2 Zone, loading spaces permitted in all yards. Loading spaces and areas shall be located no closer than 18.0 m from any abutting residential zone, excluding the CBD-A, CBD-B, C3 and I-A Zones
City of Mississauga ZBL 0225-2007 (Consolidated September 2022)	Required as calculated in accordance with ZBL.
City of Brampton ZBL 270-2004 (Consolidation Date Unknown)	Required as calculated in accordance with ZBL.
City of Vaughan ZBL 01-2021 (Consolidated October 2022)	Required as calculated in accordance with ZBL.
Town of Ajax ZBL 95-2003 (Consolidated March 2014)	Loading spaces are permitted in the rear yard or interior side yard only. Where a lot is located adjacent to Highway 401 no

Zoning – Loading Requirements	
	loading spaces are permitted in the area between the building face and Highway 401. In any Commercial or Employment Zone, or where any development site in a Downtown Central Area Zone or Village Core Mixed Use Zone features a loading area, no loading space shall be located closer than 10 metres to any interior side lot line or rear lot line that abuts a Residential Zone or single-use/mixed-use residential development site in a Downtown Central Area Zone or Village Core Mixed Use Zone.

In conjunction with the location and hierarchy of zone structure, separation distances are one of the most effective mechanisms for managing conflicting land uses and creating an interface between them. In this regard, all of the Zoning By-laws for the case study municipalities require special setbacks in addition to the standard zone setbacks between Employment Zones and Residential Zones and/or residential uses. This range of additional setbacks varies from 6 metres to 30 metres based on the type of Employment Zone and the yard adjacent to the Residential Zone/use. Table 9 summarizes the additional setbacks for Residential Zones for each of the case study municipalities.

Table 9: Additional Setbacks From Residential Zones

Zoning – Additional Setbacks From Residential Zones	
Municipality	**Setbacks**
Town of Oakville ZBL 2014-014 (Consolidated September 2022)	○ Minimum interior side yard abutting a lot in any Residential Zone, Institutional Zone, or Community Use Zone – 15 metres (applies to both E2 and E3 Zones) ○ Minimum rear yard abutting a lot in any Residential Zone, Institutional Zone, or Community Use Zone – 15 metres (applies to both E2 and E3 Zones) (Table 10.3)
Town of Oakville ZBL 2009-189 (Consolidated September 2022)	○ Notwithstanding the minimum required setbacks of the appliable Employment Zone, for a yard abutting a Residential Zone, the minimum setback shall be: LE Zone – 10 metres GE Zone – 15 metres SA Zone – n/a

Zoning – Additional Setbacks From Residential Zones	
	unless the lot with the employment use is separated from the developable area in the Residential Zone by a street. (Sections 7.9.2 and 7.10.2)
City of Hamilton Urban ZBL 05-200 (Consolidated November 2021)	Minimum yard abutting a Residential Zone or Institutional Zone – 6.0 metres from any portion of a property lot line abutting a property lot line within a Residential or Institutional Zone (applies to M3, M4 and M6 Zones) Minimum Side Yard and Minimum Rear Yard – 6 metres from any portion of a property lot line abutting a property lot line within a Residential or Institutional Zone (M11 Zone)
City of Brantford ZBL 160-90 (Consolidation Date Unknown)	Minimum Side Yard and Minimum Rear Yard Abutting a Residential Zone – 9 metres
Brantford ZBL #2 County of Brant ZBL 61-16 (Consolidated December 2021)	n/a
City of Burlington ZBL 2020 (Consolidated August 2022)	Yard Abutting a Residential Zone – 15 metres (BC1 Zone) Yard Abutting a Residential Zone – 30 metres (GE1 and GE2 Zones)
Town of Milton ZBL 016-2014 (Consolidated January 2021)	EMP-2 Zone: where any Employment Zone abuts a Residential Zone the minimum setback required shall be 9.0m. (Applies to interior side yard and rear yard) M1 and M2 Zone: where any Employment Zone abuts a Residential Zone the minimum setback required shall be 18.0m. (Applies to interior side yard and rear yard)
City of Mississauga ZBL 0225-2007 (Consolidated September 2022)	Front Yard where the opposite side of the street on which the lot fronts is a Residential Zone – 30 metres (applies to E2 and E3 Zones) Exterior Side Yard - where the opposite side of the street on which the lot fronts is a Residential Zone – 15 metres (applies to E2 and E3 Zones) Interior Side Yard and/or Rear Yard abutting a Residential Zone: E1 – 4.5 metres E2 – 15 metres

Zoning – Additional Setbacks From Residential Zones	
	E3 – 15 metres Section 2.1.2.1.1 of the ZBL identifies Minimum Separation Distances from Residential Zones for specific uses. A warehouse is NOT included in this list.
City of Brampton ZBL 270-2004 (Consolidation Date Unknown)	Interior Side Yard where the lot abuts a property zoned Residential or Institutional – 9 metres (applies to all Employment Zones) Rear Yard where the lot abuts a property zoned Residential or Institutional – 12 metres (applies to M1 and M4 Zones) Rear Yard where the lot abuts a property zoned Residential or Institutional – 15 metres (applies to M2 and M3 Zones)
City of Vaughan ZBL 01-2021 (Consolidated October 2022)	Minimum setback of any building, structure or outside storage to any Residential Zone or Open Space Zone: EM1 Zone: 20 metres EM2 Zone: 30 metres
Town of Ajax ZBL 95-2003 (Consolidated March 2014)	Where an Employment Zone is located adjacent to a Residential Zone or a Downtown Central Area Zone that permits residential *uses*, the minimum setback from the *interior side lot line* and *rear lot line* shall be 9.0 metres.

Landscaping requirements are used by municipalities as a means of creating a buffer between uses. Generally this is in the form of a vegetative planting strip although may also include requirements for fencing. All of the Zoning By-laws for the case study municipalities establish minimum landscaping requirements for various of the Employment Zones. In most cases, this is expressed as a percentage of the lot area, although in some cases this requirement is expressed as an absolute minimum linear width in combination with locational criteria (for example, a 3 metre wide planting strip is required along a lot line adjacent to a Residential Zone). Across the case study municipalities, the minimum requirement for landscaping ranges from 5% to 15% of the lot area depending on the type of Employment Zone. The minimum required width of a landscape area/planting strip where an Employment Zone abuts a Residential Zone ranges from 3 metres to 15 metres, again depending on the type of Employment Zone. The City of Hamilton further requires provision of a visual buffer in accordance with specified criteria and the City of Burlington requires that:

> *"On lands abutting a residential zone fencing shall be installed along the common boundary with the residential zone and shall have a minimum height of 1.8 m, which may be a solid screen fence or a combination of chain-link fence and landscape planting to form a dense year-round screen."* (Sections 4.13, 5.10, and 6.12, City of Burlington ZBL 2020)

Table 10 summarizes the minimum landscaping requirements for Employment Zones in each of the case study municipalities.

Table 10: Landscaping Requirements

Zoning – Landscaping Requirements	
Municipality	**Landscaping Requirement**
Town of Oakville ZBL 2014-014 (Consolidated September 2022)	○ 10% ○ Minimum Required Width of Landscaping in Any Employment Zone Abutting a Residential Zone or Residential Uses: - From any Residential Zone, Community Use (CU) Zone, any residential use in an Institutional (I) Zone or any residential use in a Mixed Use (MU) Zone – 7.5 metres - From an Institutional (I) Zone excluding any residential use – 3.0 metres - From any surface parking area within an Employment Zone to any interior side lot line – 3.0 metres - From any surface parking area to any lot line with a residential use – 4.5 metres
Town of Oakville ZBL 2009-189 (Consolidated September 2022)	○ 10% ○ No additional requirements beyond the setback from a Residential Zone as noted above. The setback is not required to be landscaped.
City of Hamilton Urban ZBL 05-200 (Consolidated November 2021)	M7 Zone – 10%, M11 Zone – 15% 3 metre to 6 metre wide planting/landscape strip required depending on location on the lot (applicable zones: M2, M3, M4, M5, M6, M7, M10, M11, M13 and M14) - Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone, a minimum 3.0 metre wide planting strip shall be provided and maintained. (applicable zones: M3, M4, M6 and M11) A Visual Barrier shall be provided along that portion of a property line abutting a property lot line within a Residential

Zoning – Landscaping Requirements	
	Zone or an Institutional Zone in accordance with Section 4.19. (applicable zones: M3, M4 and M6) Section 4.19 - Where this By-law requires a visual barrier to be provided and maintained, such barrier shall act as a screen between uses and be constructed to a minimum height of 1.8 metres, and to a maximum height of 2.5 metres where a visual barrier consists of a fence or wall and shall not be located within 3.0 metres of a street line. A visual barrier shall consist of the following: a) A wall, fence; b) A continuous planting of suitable trees or shrubs, together with a reserved width of planting area appropriate for healthy plant growth; c) Earth berms; or, d) Any combination of the above. 5.2a) Where a parking lot is situated on a lot which abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown (D5), or Downtown (D6) Zone, the following shall be provided and maintained along that portion of the lot line that abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown (D5) Zone, or Downtown (D6) Zone: i) A minimum 1.5 metre wide landscape strip which shall contain a visual barrier in accordance with Section 4.19 of this By-law.
City of Brantford ZBL 160-90 (Consolidation Date Unknown)	M1 and M2 – 10%; M3 – 15% A 15 metre buffer is required where a lot in an Industrial Zone abuts a lot in a Residential Zone, Open Space Zone or a residential use in an Institutional Zone.
Brantford ZBL #2 County of Brant ZBL 61-16 (Consolidated December 2021)	All Employment Zones – 10% Where a *lot* in a Commercial *Zone* or Employment *Zone* abuts any *lot line* of any Residential *Zone* or Institutional *Zone* or abuts a *street* the opposite side of which is any Residential *Zone* or Institutional *Zone*, then a minimum of a 3 metres strip of land on that *lot* shall be *used* only for the purpose of a *planting strip* at least 1.8 metres in *height*.
City of Burlington ZBL 2020 (Consolidated August 2022)	Landscape buffer abutting a Residential Zone – 9 metres

Zoning – Landscaping Requirements	
	On lands abutting a residential zone fencing shall be installed along the common boundary with the residential zone and shall have a minimum height of 1.8 m, which may be a solid screen fence or a combination of chain-link fence and landscape planting to form a dense year-round screen.
Town of Milton ZBL 016-2014 (Consolidated January 2021)	EMP-2 Zone: 15% Landscape Buffer Abutting a Residential Zone – 6 m Landscape Buffer Abutting a Provincial Highway – 6 m M1 Zone: 10% Landscape Buffer Abutting a Residential Zone – 6 m Landscape Buffer Abutting a Provincial Highway – 4.5 m M2 Zone: 5% Landscape Buffer Abutting a Residential Zone – 6 m Landscape Buffer Abutting a Provincial Highway – 4.5 m
City of Mississauga ZBL 0225-2007 (Consolidated September 2022)	Minimum depth of landscape buffer measured from a lot line that abuts a Residential Zone – 7.0 metres (E1, E2 and E3 Zones) Minimum depth of landscape buffer measured from a lot line that is a street line: 4.5 metres (E1, E2 and E3 Zones)
City of Brampton ZBL 270-2004 (Consolidation Date Unknown)	(i) Except at approved driveway locations, a minimum 3 metre wide strip shall be provided along any lot line abutting a street or an Institutional Zone. (ii) A minimum 6 metre wide strip shall be provided along any lot line abutting a Residential Zone. (applies to all Employment Zones)
City of Vaughan ZBL 01-2021 (Consolidated October 2022)	Landscaped Open Space: 5% (EM1 and EM2 Zones) Required landscape strip on any interior side lot line or rear lot line abutting a Residential Zone or Open Space Zone: 4.5 metres (EM1 and EM2 Zones) Required landscape strip abutting a street line: 3.0 metres (EM1 and EM2 Zones)
Town of Ajax ZBL 95-2003 (Consolidated March 2014)	Notwithstanding any other provision of this By-law, where a Village Core Mixed *Use* Two Zone, a Village Core Mixed *Use*

Zoning – Landscaping Requirements	
	Four Zone, a Commercial Zone, or an Employment Zone abuts a Residential or Open Space Zone, a *landscaped buffer* of a minimum width of 3 metres, in the case of a Village Core Mixed *Use* Two Zone or Village Core Mixed *Use* Four Zone, or a minimum width of 4.5 metres, in the case of a Commercial or Employment Zone, shall be required within the Village Core Mixed *Use* Two Zone, the Village Core Mixed *Use* Four Zone, the Commercial Zone, or the Employment Zone and located adjacent to the Residential or Open Space Zone. Landscape buffers ranging from 3 to 15 metres required adjacent to streets depending on the classification of street.

In combination, the regulatory elements of a Zoning By-law, specifically zone hierarchies and permitted uses, zone standards, parking, loading, setbacks/separation distances and landscaping requirements effectively form the zoning framework that regulates the establishment of warehouse uses and addresses matters of compatibility. Such zoning regulations can be applied either as:

- General provisions which can be applied to all lands, specified zones or specified uses within the municipality;
- Zone standards applied to a specific zone category;
- Overlay Zones that are layered over top of the parent zone category and which either add or provide relief from a specified zoning requirement over a specific geographic area irrespective of the underlying zone category; or,
- Holding Zones that may be applied to suspend the underlying zoning permissions until such time as conditions for removing the "H" are met and it has been removed by by-law. This mechanism may be used to ensure or confirm the necessary measures to mitigate the impact of development. The Holding Zone may be applied to any zone category.

Site plan is most direct means of refining zoning requirements at a site level and afford the municipality the ability to enter into agreements with the landowner and to collect securities to ensure that the conditions of the site plan approval are executed. However, there are other mechanisms that can be used in conjunction with zoning to manage impacts and address matters of compatibility.

4.3 Additional Regulatory Mechanisms

In addition to Zoning and Site Plan Control, there are a number of other mechanisms available to a municipality to both regulate employment uses and to facilitate compatibility between employment uses and other less compatible uses. A brief overview of such uses is provided below.

(1) Conforming to the Policy Structures of the PPS

The policies of Section 1.3.2 (Employment Areas) of the PPS are very clear in establishing the importance of protecting and preserving employment areas for current and future uses. This is particularly true for employment areas located in proximity to major transportation corridors such as a 400-series highway.

The policies of the PPS very clearly address compatibility issues between employment areas and surrounding sensitive land uses. The PPS requires that in developing employment areas, such areas provide for separation or mitigation of impacts on surrounding sensitive land uses including providing a land use transition to adjacent non-employment areas. In conjunction with this, municipalities must ensure that the development of surrounding areas with sensitive land uses are not permitted to encroach or constrain the function of the employment area and associated uses. This is not only a matter of avoiding adverse impacts on surrounding sensitive land uses but also provides for the long term operational and economic viability of the uses and function of the employment area.

(2) Addressing Land Use Compatibility Matters Through the Development Process -

The implementation section of an Official Plan identified a range of studies that may be required to address land use compatibility matters as part of a complete development application. Such studies may be required for a development application for an employment use such as a warehousing/distribution use or for a residential development application in proximity of an employment area. The applicability of the various studies is determined on a site-by-site or application-by-application basis and may address matters such as:

- Engineering considerations such as a noise and vibration study;
- Urban design considerations such as a landscape plan;
- Environmental considerations such as an air quality report;
- Transportation considerations; or,
- Other health and safety matters.

These studies range across a broad spectrum of matters and may be required in association with a development application to identify and address the potential impact of a proposed development for any type of employment or non-employment land use.

(3) Urban Design Guidelines

Most mid and larger size municipalities have developed Urban Design Guidelines that may be used to address compatibility issues between land uses. Urban Design Guidelines are not a statutory mechanism under the Planning Act and generally require policy support in the Official Plan. Urban Design Guidelines may be used in conjunction with Official Plan policy directives and zoning regulations and may be used to address matters of built form and compatibility between uses at the site level.

(4) Integrating Transportation and Land Use Planning

In February 2022, Oakville Council endorsed the *"Oakville Urban Mobility and Transportation Strategy"* (herein referred to as 'the Strategy'). The Strategy is intended to function as a lens through which staff and Council will evaluate options and make decisions on the prioritization, design, operation and maintenance of the Town's transportation infrastructure. Key to this is the integration of transportation and land use planning. The linking of transportation and land use planning will be vital to the success of the Town's future urban structure.

The Strategy seeks to provide a unified direction for the Town's transportation systems. This includes a focus on the efficient movement of goods and freight as a component and user of the transportation network. In this regard, the key findings of the Strategy are as follows:

- Freight movement is an inevitable part of urban life. People consume and collect physical goods of all kinds, and all those goods must move from producers to people. As a result, transportation planning in Oakville must consider the needs of goods movement as well the needs of people movement. (Page 53)

- The municipal and regional road networks are used for both goods movement and people movement. Congestion from personal travel causes delivery delays and increased costs to consumers, while increased goods movement causes increased commute times due to more trucks on the road. Therefore, while shifting goods movement trips to other modes is not really feasible in the grand scheme of things, how and when goods are moved does have an indirect impact on how people choose to get around. (Page 53)

- Congestion impacts goods movement and results in higher prices for consumers. This provides further rationale for shifting non-essential trips away from the road network towards other modes. Freight and goods movement are largely done via the arterial/region road networks and highway, both of which are generally out of the Town of Oakville's direct control. Strong collaboration with other levels of government is required. (Page 53)

- Goods movement demand is primarily driven by market forces outside the control of municipalities, but there are several potential measures municipalities can implement to help manage that demand. These include:
  - Promoting colocation of logistics firms;
  - Defining truck routes and intermodal connections;
  - Reserving some on-street parking for commercial vehicles;
  - Providing local businesses information about construction closures/detours;
  - Restricting or coordinating deliveries to downtown cores during peak traffic time;
  - Mandating or encouraging off-peak commercial deliveries in congested areas; and,
  - Supporting / encouraging the use of last-mile delivery with electric cargo bikes or drones (Page 53)

Warehousing and distribution centres are components of the larger freight and goods movement systems. As planning for land use and transportation should be integrated, so too should the planning for warehousing and distribution centres be planned to work within the larger transportation network on which it relies.

(5) Municipal Act By-laws

The Municipal Act affords municipalities the authority to regulate a broad spectrum of matters in the community. In considering warehousing and distribution uses, the Municipal Act provides for a number of municipal By-laws that may be used in conjunction with zoning and site plan to further facilitate compatibility between warehousing/distribution uses and nearby sensitive land uses. Some of the tools available to the municipality through the Municipal Act include:

- Fence By-law – a Fence By-law regulates the location, height, materials and construction of fences and privacy screens that may be used to buffer or screen incompatible land uses;

- Tree Protection By-law – the Town of Oakville has a number of Tree Protection & Removal By-laws that address trees on municipal lands, private lands, and damage to trees during construction. The Tree Protection and Removal By-laws seek to minimize tree removal and preserve tree canopy in the Town. Such By-laws, along with the Region of Halton Tree By-law may also be used to further regulate landscape and vegetative buffers required by the Zoning By-law;

- Health Protection and Air Quality By-law – the purpose of an Air Quality By-law is to prevent or reduce adverse effects to public health due to the emission of fine particulate matter;

- Public Nuisance By-law (may apply to noise, dust, vibration, odour, lighting) – a Public Nuisance By-law prohibits and regulates noise, vibration, odour, dust, and/or illumination that may pose a public nuisance. Matters addressed by a Public Nuisance By-law may also be addressed by a more specific Air Quality By-law, Anti-Idling By-law or Noise By-law. More on the legislated modifications to Noise By-laws is provided below; or,

- Anti-Idling By-law – an Anti-Idling By-law is used to regulate the idling of parked or stopped vehicles.

All of the above By-laws may be used to regulate or mitigate various aspects of a warehousing or other employment use and to provide for compatibility and mitigation of impacts between uses.

Municipal Act Amendment Regulating Noise By-laws – The Province, through the *Municipal Act*, gives municipalities the authority to regulate noise, and specifies what can be regulated. In 2021, the Province amended the Municipal Act to prohibit municipalities from regulating noise that is a result of deliveries to retail businesses, restaurants, bars, cafes, hotels, motels and goods distribution centres. This was initially a statutory response to address the impacts of the COVID epidemic however, this modification remains in the current Municipal Act. A review of the Town's Noise By-law is currently underway. As part of this review, the Noise By-law will be amended to reflect the modified provisions of the Municipal Act. The updated Noise By-law is expected to be presented to Council in Q4 of this year.

(6) Provincial Land Use Compatibility Guideline Issued Under the Ontario Environmental Protection Act

There are a number of Provincial statutes and guidelines that establish standards for health, safety and protection of the natural environment and which may be used to provide for compatibility between uses. Amongst others, two of the more notable such Provincial tools include:

- The Environmental Protection Act which is the key legislation for environmental protection in Ontario and applies to all elements of the natural environment including land, air and water; and

- Ontario Land Use Compatibility Guidelines issued under the legislative authority of the Environmental Protection Act.

Land use compatibility between employment/industrial uses and sensitive land uses is further addressed through the Provincial Land Use Compatibility D-series Guideline (herein referred to as 'the Guideline'). The primary legislative basis for the Guideline is Section 14(1) of the *Environmental Protection Act*, RSO, 1990. This Section states:

> *"Despite any other provision of this Act or the regulations, no person shall discharge a contaminant or cause or permit the discharge of a contaminant into the natural environment that causes or is likely to cause an adverse effect".* (Guideline D-1, Section 1.1)

In this regard, a contaminant is defined as:

> *"Means any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly from human activities that may cause an adverse effect."*

Regardless of land use permissions provided through the Planning Act, all land uses must comply with the Environmental Protection Act unless otherwise stated. Warehousing and distribution uses are not exempt from the requirements of the Environmental Protection Act. In practice, the Guideline is administered jointly by the Ministry of Environment, Conservation and Parks (as per the Environmental Protection Act) and by municipalities which function as the approval authority for various land use and Planning Act approvals.

The objective of the Guideline is to prevent or minimize the encroachment of sensitive land uses upon industrial land uses and vice versa, as these two types of land uses are normally incompatible, due to possible adverse effects on sensitive land uses created by industrial operations. (Guideline D-6, Section 1.1)

The primary mechanism to address land use compatibility are separation distances between incompatible uses and mitigation measures where this is not possible. To this end, the Guideline establishes three categories of industrial land uses and associated impacts, identifies potential influence areas for each of these categories and provides recommended minimum separation distances between industrial land uses and surrounding sensitive land uses.

(1) Industrial Land Use Categories – Warehousing and distribution centres do not neatly fit within any one of the land use categories identified in the Guideline. Rather, the frequency of truck traffic, size of facilities, hours of operation and frequency of outputs (primarily noise but other possible outputs as well) result in warehousing and distribution centres being a hybrid between a Class I and Class II industrial facility. These are described as follows:

> *"Class I Industrial Facility - A place of business for a small scale, self contained plant or building which produces/stores a product which is contained in a package and has low probability of fugitive emissions. Outputs are infrequent, and could be point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration. There are*

daytime operations only, with infrequent movement of products and/or heavy trucks and no outside storage. See Appendix A of this guideline for classification criteria and examples to categorize a specific industry." (Guideline D-6, Section 2.0)

"Class II Industrial Facility - A place of business for medium scale processing and manufacturing with outdoor storage of wastes or materials (i.e. it has an open process) and/or there are periodic outputs of minor annoyance. There are occasional outputs of either point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration, and low probability of fugitive emissions. Shift operations are permitted and there is frequent movement of products and/or heavy trucks during daytime hours. See Appendix A of this guideline for classification criteria and examples to categorize a specific industry." (Guideline D-6, Section 2.0)

(2) Potential Influence Areas – The Guideline identifies the following potential influence areas (i.e. areas within which adverse effects may be experienced) for Class I and Class II industrial land uses:

Class I—70 metres; and,
Class II—300 metres .

Thus, in accordance with the Guideline, warehousing and distribution uses may have a potential influence area that ranges between 70 metres to 300 metres depending on the characteristics of the individual facility. (Guideline D-6, Section 4.1.1)

(3) Recommended Minimum Separation Distances – Separation distances are the most effective mitigation mechanism to address land use compatibility between industrial uses and nearby sensitive land uses. Therefore, adequate separation distances, based on a facility's influence area, is the preferred method of mitigating adverse effects. The Guideline identifies recommended separation distances between industrial uses and sensitive land uses for each of the industrial land use categories. These recommended separation distances are as follows:

Class I—20 metres minimum separation distance
Class II—70 metres minimum separation distance

Thus, while the potential influence areas range, so too do the recommended separation distances. In accordance with the Guide, the recommended separation distances range from 20 metres to 70 metres depending on the characteristics of the individual facility. (Guideline D-6, Section 4.3)

Zoning by-law setbacks for facilities are one means to assist in achieving distance separation. However, it is equally imperative that new or expanded sensitive land uses not be permitted to establish in proximity of lands that have or are planned to accommodate employment/industrial uses.

In addition to separation distance, adverse effects may be minimized by incorporating buffering techniques such as berms, walls, fences, vegetation, and/or location and orientation of buildings and activity areas. However, it should be noted that narrow strips

of plantings, trees or shrubs, and privacy fences have little or no actual effect with regard to the reduction of noise or air pollution. These buffers may provide limited benefit, however, if they screen the source from view, and reduce the perceived impact.

The Province expects planning authorities to identify, separate and/or otherwise protect employment uses/industrial facilities and sensitive land uses through the various legislated means available. (Guideline D-1-1, Section 1.2) In this regard, the Guideline provides that:

"The local municipality or other approving authority is responsible for approving mitigative measures, including design details and specifications, and for ensuring that required mitigation measures are implemented by the proponent." (Guideline D-1-1, Section 1.2.6)

"This guideline [D-6 Guideline] is intended to be applied in the land use planning process to prevent or minimize future land use problems due to the encroachment of sensitive land uses and industrial land uses on one another. The guideline is a direct application of Ministry Guideline D-1, "Land Use Compatibility." (Guideline D-6, Synopsis)

It is the role of the municipality then to consider the requirements and guidance of the Provincial D-Series Land Use Compatibility Guideline in addressing land use compatibility for industrial uses through the planning process.

5.0 Summary and Recommendations

One of the key objectives of this study is to recommend policy and regulatory approaches for guiding the development of warehousing and distribution centre uses within the Town of Oakville. More specifically, the intent is for the findings of this study to inform the development of future Zoning By-law regulations including how to best address matters of compatibility between warehousing/distribution uses and surrounding non-employment lands and/or sensitive land uses.

The consideration of case studies offers insights into how other jurisdictions within the Province have provided policy guidance to warehousing uses within current land use planning practices. The case studies referenced in this report provide examples that may assist with policy development and regulatory amendments within the Town of Oakville.

5.1 Official Plan Policy Framework

The existing policy approach in the Town of Oakville is consistent with the policy frameworks established by the Province and the Region of Halton. It is also consistent with the case studies reviewed. The key elements of this policy framework are as follows:

1) Defining Warehouse Uses

Warehousing is not defined within upper level policy frameworks but rather is identified as an employment use and included with the definition of an employment use. Provincial and Regional Official Plan policies equally do not distinguish between various types and sizes of warehousing facilities including any distinction between more traditional warehousing and/or distribution

centres. In this regard, the definition of an employment use as contained in the PPS and Growth Plan is carried down to the Regional Official Plan and Livable Oakville Official Plan.

Similarly, none of the case study municipalities define a warehouse use nor distinguish between warehouses and distribution centres within the existing Official Plan frameworks. Warehousing is recognized as being an employment use and permitted within that context. The case study municipalities generally permit warehousing uses within Prestige Employment and General Employment or similar land use designations of the Official Plan however, such uses are not typically permitted in Service Employment designations that are characterized by a broader mix of uses and smaller lot fabric

The existing policy approach taken in Oakville is consistent with both that of the Province and the Region of Halton as well as the case studies included in this report. The continuance of the existing policy approach is recommended. It is not recommended that warehousing or distribution uses be defined at the Official Plan level.

2) Locational Requirements

Locational requirements for employment uses are addressed at both at the Provincial level through the policies of the PPS and the Growth Plan as well as within the Region of Halton Official Plan. This includes policies that seek to protect existing and future employment lands, with an emphasis on protecting employment lands in proximity of primary transportation routes such as Provincial 400 series highways. This is also a policy objective of the case studies reviewed.

The existing policy approach taken in Oakville does address this matter although existing policies could be strengthened to place a greater emphasis on the integration of transportation and land use planning to protect the viability of employment lands. This is of particular relevance given that the Province has identified the majority of employment lands within Oakville as being Provincially significant.

3) Land Use Compatibility

Both the Province and the Region of Halton provide policy guidance to address land use compatibility between employment uses and surrounding non-employment uses. This includes policies that seek to protect employment lands from the encroachment of incompatible land uses as well as providing for an interface between such uses. Land use compatibility is best served through the avoidance of adverse impacts generated by some employment uses and where avoidance is not possible, by minimizing and mitigating impacts to within acceptable levels.

The Official Plans for the case study municipalities each address land use compatibility and mitigation of impacts to varying degrees – particularly in reference to the interface between employment uses and any surrounding sensitive land uses. Policy examples from the case studies range from separation of uses through locational considerations and urban structure, to screening and buffering of uses, to site design at a parcel level.

The existing policy framework in Oakville does address land use compatibility to some degree. However, it is recommended that the current policy approach could be strengthened to provide greater direction on land use compatibility. This includes additional Official Plan policies to

provide policy metrics for the avoidance of encroachment between employment lands and other sensitive land uses as well as establishing an interface between incompatible uses. The case studies provide a number of examples of compatibility policies that may provide guidance to the strengthening of such policies in the Oakville Official Plan.

Key policy recommendations for the Official Plan include:

- The existing policy framework in Oakville is consistent with Provincial policy, the Region of Halton Official Plan and the policy approaches taken within the case study municipalities however, various elements of the Oakville framework could be strengthened;

- Locational policies for employment areas could be strengthened to place a greater emphasis on the integration of transportation and land use planning to protect employment lands;

- Land use compatibility policies addressing both employment areas and sensitive land uses could be strengthened to provide policy metrics for the avoidance of encroachment between employment lands and other sensitive land uses as well as establishing an interface between incompatible uses; and,

- In order to provide continued flexibility for the long term evolution of the Town's Employment Areas, it is recommended that warehousing and distribution centres continue to be recognized as a use within Employment Areas but not be more specifically defined within the Official Plan. It is not recommended that a distinction be made between warehousing uses and distribution uses at the Official Plan level.

5.2 Zoning Framework

In combination, the regulatory elements of a Zoning By-law, specifically zone hierarchies and permitted uses, zone standards, parking, loading, setbacks/separation distances and landscaping requirements effectively form the zoning framework that regulates the establishment of warehouse uses and addresses matters of compatibility.

Although there are two distinct Comprehensive Zoning By-laws that regulate land use in Oakville, there are some elements of Zoning By-law 2014-014 and Zoning By-law 2009-189 that would benefit from a more standard approach to regulating warehousing and distribution uses across the two Zoning By-laws. This would provide for a more consistent approach to regulating warehouse and distribution uses across the Town. There are additional opportunities for harmonization across the Zoning By-laws which may be realized pending additional study.

1) Terminology and Definitions

The terminology and definitions relied upon in the existing zoning is as follows:

> *Warehousing: Means a premises for the indoor storage and freight distribution of goods, wares, merchandise, substances, articles, or products.* (ZBL 2014-014); and,
>
> *Industrial Warehousing: Means a building used primarily for the storage and distribution of goods and materials, but shall not include a wholesale or retail outlet; a*

transportation terminal; the storage of fuel; or a commercial self-storage use. (ZBL 2009-189).

Neither of these definitions specifically differentiates between warehouses and/or distribution centres. This is consistent with the approach taken by the case study municipalities. However some of the case study municipalities identify such uses as 'Warehouse/Distribution Centre' (Milton and Ajax) or 'Warehousing and Distribution Centre' (Vaughan).

There is no policy impediment to harmonizing the existing terminology and the associated definition across the two existing Zoning By-laws and further regulating such uses in accordance with gross floor area (GFA requirements). The approach to terminology as taken by Milton, Vaughan and/or Ajax could equally be applied to the Town of Oakville along with a new hybrid definition based on the two existing zoning definitions:

Warehousing and Distribution Centre - Means a premises used for the indoor storage and freight distribution of goods, wares, merchandise, substances, articles, or products but shall not include a commercial self-storage use, wholesale or retail outlet, transportation terminal, storage of fuel, storage or transfer of waste, or any other use or establishment as may otherwise be defined herein.

2) Zone Permissions and Permitted Uses

Across the case study Zoning By-laws, warehousing and distribution uses are primarily permitted within the implementing Prestige Employment and General Employment Zones. The zoning approach in Oakville is relatively consistent with this approach. However as stated above, it is recommended that the Town consider removal of permissions for warehousing uses from the Service Area Employment (SA) Zone of By-law 2009-189.

The scale of warehousing and distribution uses could more effectively be regulated through the application of minimum and/or maximum GFA requirements based on zone or geography and which may better respond to the characteristics of the Town's varied employment areas. This may be achieved through two possible means:

i) A footnote may be added to a 'Warehouse and Distribution Use' in the Employment Zone permitted use table which may apply either a minimum and/or maximum GFA that would be applied to a particular zone category. Minimum and/or maximum GFA could equally be addressed in the Employment Zone regulation table; or,

ii) A map of the Town's Employment Zones on which parcel specific GFA requirements (minimum and/or maximum) could be added to the Zoning By-law as a use specific Schedule and referenced within the Employment Zone General Provisions or within the specific Employment Zone provisions.

These are approaches that are commonly used in other municipalities to regulate specific zoning elements such as floor space index or height (City of Toronto or City of London). Regulating minimum and maximum GFAs is commonly used in commercial zones to regulate the scale and location of retail stores.

The means through which this is regulated to some degree depends on the land use compatibility needs and how prescriptive a zoning approach is deemed to be most appropriate within the Oakville context. A less prescriptive approach would be to place a Holding Zone on employment lands where the removal of the Hold would be based on a Land Use Compatibility Study to determine setback distances and mitigation measures which in turn would inform matters such as scale through the development approvals process. There is no policy impediment to regulating warehouse and distribution uses in accordance with either of the options above.

3) Parking Requirements

Distribution uses have greater parking requirements than traditional warehouse uses. Parking requirements can equally be regulated using standard terminology (Warehouse and Distribution Use) in association with identified ranges of GFA. However, as evidenced in the case studies, the amount and method through which parking is required for this type of land use varies significantly, as is the case between the two Zoning By-laws in Oakville.

It is recommended that any Parking Study undertaken to inform the Comprehensive Zoning By-law Review also specifically address parking requirements for warehouse and distribution uses. The Parking Study should also ensure that any more specific Official Plan or Secondary Plan policies relevant to parking are addressed.

4) Loading Requirements

By the very nature of the use, warehousing and distribution uses will exceed the minimum loading requirements of the Zoning By-law. Thus, the greater focus is with the locational criteria and other zoning provisions to regulate compatibility matters with nearby sensitive uses. There is not a great deal of consistency across the Town's existing By-laws in this regard.

Almost all of the case study municipalities regulate the location and/or setback requirements for loading facilities. The City of Burlington, Town of Milton and Town of Ajax further require additional setbacks for loading facilities in Employment Zones where employment uses are adjacent Residential Zones.

It is recommended that the locational and setback requirements for loading facilities be harmonized across the By-laws as part of the Comprehensive Zoning By-law Review. In doing so, attention must be given to the appropriate harmonized setback, the extent of any legal non-conformity that may or may not be created, and any policy direction of the Official Plan and/or Secondary Plans as it relates to loading facilities in particular.

5) Separation Distances and Additional Setbacks

In conjunction with the location and hierarchy of zone structure, separation distances are one of the most effective mechanisms for managing conflicting land uses and creating an interface between them.

In this regard, all of the Zoning By-laws for the case study municipalities require special setbacks in addition to the standard zone setbacks between Employment Zones and Residential Zones and/or residential uses. This range of additional setbacks varies from 6 metres to 30 metres based

on the type of Employment Zone and the yard adjacent to the Residential Zone/use. The Town of Oakville is within the middle of this range at 15 metres (10 metres in the Light Employment (LE) Zone of By-law 2009-189).

It is recommended that a more detailed mapping exercise and review of the Town's employment areas is needed to identify where employment areas and Residential Zones are adjacent to each other or in very near proximity. This mapping exercise would assist in determining where added locational and setback regulations may be required generally. This includes whether such regulatory controls should be applied based on geography, universally across all Employment Zones, to regulate redevelopment of existing uses, or only to vacant/future employment areas. To this end, the recommended minimum separation distances between industrial land uses and surrounding sensitive land uses as provided for in the Provincial Land Use Compatibility Guideline may provide some additional guidance. Such a review should also ensure that any more specific Official Plan or Secondary Plan policies relevant to land use compatibility are addressed.

While Zoning By-law setbacks for employment uses are one means to assist in achieving distance separation, it is equally imperative that new or expanded sensitive land uses not be permitted to establish in proximity of lands that have or are planned to accommodate employment/industrial uses.

6) Landscape Buffers and Screening

Landscaping requirements are used by municipalities as a means of creating a buffer between uses. Generally this is in the form of a vegetative planting strip although may also include requirements for fencing. All of the Zoning By-laws for the case study municipalities establish minimum landscaping requirements for various of the Employment Zones. Across the case study municipalities, the minimum requirement for landscaping ranges from 5% to 15% of the lot area depending on the type of Employment Zone. The minimum required width of a landscape area/planting strip where an Employment Zone abuts a Residential Zone ranges from 3 metres to 15 metres, again depending on the type of Employment Zone.

Adverse effects generated by employment uses, including warehousing and distribution uses may be minimized by incorporating buffering techniques such as berms, walls, fences, vegetation, and/or location and orientation of buildings and activity areas. However, it should be noted that narrow strips of plantings, trees or shrubs, and privacy fences have little or no actual effect with regard to the reduction of noise or air pollution. These buffers may provide some benefit, however, if the buffers screen the source from view. There are other environmental and sustainability benefits associated with the retention or establishment of vegetation within the urban area that should be considered.

It is recommended that as part of the Comprehensive Zoning By-law Review that additional consideration be given to landscape buffers in regards to both mitigative properties of such buffers (primarily visual screening versus noise attenuation) but also within the larger context of the Town's environmental and sustainability objectives as expressed in the Official Plan or Secondary Plans.

Key recommendations for zoning include:

- There are some elements of Zoning By-law 2014-014 and Zoning By-law 2009-189 that would benefit from a more standard approach to regulating warehousing and distribution uses across the two Zoning By-laws. This would provide for a more consistent approach to regulating warehouse and distribution uses across the Town.

- Consistent terminology across the two By-laws and a new definition applied across both By-laws is proposed. There is no policy impediment to revising the zoning terminology and definition.

  Warehousing and Distribution Centre - Means a premises used for the indoor storage and freight distribution of goods, wares, merchandise, substances, articles, or products but shall not include a commercial self-storage use, wholesale or retail outlet, transportation terminal, storage of fuel, storage or transfer of waste, or any other use or establishment as may otherwise be defined herein.

- It is recommended that the Town consider removal of permissions for warehousing uses from the Service Area Employment (SA) Zone of By-law 2009-189.

- The scale of warehousing and distribution uses could more effectively be regulated through the application of minimum and/or maximum GFA requirements based on zone or geography and which may better respond to the characteristics of the Town's varied employment areas.

- While Zoning By-law setbacks for employment uses are one means to assist in achieving distance separation, it is equally imperative that new or expanded sensitive land uses not be permitted to establish in proximity of lands that have or are planned to accommodate employment/industrial uses.

- There are additional opportunities for harmonization across the Zoning By-laws which may be realized pending additional study as identified below.

- It is recommended that any Parking Study undertaken to inform the Comprehensive Zoning By-law Review also specifically address parking requirements for warehouse and distribution uses. The Parking Study should also ensure that any more specific Official Plan or Secondary Plan policies relevant to parking are addressed.

- It is recommended that the locational and setback requirements for loading facilities be harmonized across the By-laws as part of the Comprehensive Zoning By-law Review. In doing so, attention must be given to the appropriate harmonized setback, the extent of any legal non-conformity that may or may not be created, and any policy direction of the Official Plan and/or Secondary Plans as it relates to loading facilities in particular.

- It is recommended that a more detailed mapping exercise and review of the Town's employment areas is needed to identify where employment areas and Residential Zones are adjacent to each other or in very near proximity. This mapping exercise would assist in determining where added locational and setback regulations may be required generally. This includes whether such regulatory controls should be applied based on geography, universally across all Employment Zones, to regulate redevelopment of existing uses, or only to vacant/future employment areas.

- It is recommended that as part of the Comprehensive Zoning By-law Review that additional consideration be given to landscape buffers in regards to both the mitigative properties of such buffers (primarily visual screening versus noise attenuation) but also within the larger context of the Town's environmental and sustainability objectives as expressed in the Official Plan or Secondary Plans.

5.3 Additional Regulatory Mechanisms

Section 4.3 of the report identifies a number of additional mechanisms that may be used to regulate and mitigate the impacts of warehousing and distribution uses as well as to facilitate land use compatibility with other surrounding non-employment lands. These include:

- Conforming with the Land Use Compatibility Policies of the PPS - The policies of Section 1.3.2 (Employment Areas) of the PPS are very clear in establishing the importance of protecting and preserving employment areas for current and future uses. This is particularly true for employment areas located in proximity to major transportation corridors such as a 400-series highway. This is not only a matter of avoiding adverse impacts on surrounding sensitive land uses but also provides for the long term operational and economic viability of the uses and function of the employment area.

- Addressing Land Use Compatibility Matters Through the Development Process – Land use compatibility, particularly as it relates to the interface between employment and non-employment uses, can be addressed through various studies required as part of the development application process. The requirement for such studies is determined on a site-by-site or application-by-application basis and may address matters such as:

  - Engineering considerations such as a noise and vibration study;
  - Urban design considerations such as a landscape plan;
  - Environmental considerations such as an air quality report;
  - Transportation considerations; or,
  - Other health and safety matters.

- Urban Design Guidelines - Urban Design Guidelines may be used in conjunction with Official Plan policy directives and zoning regulations and may be used to address matters of built form and compatibility between uses at the site level.

- Integrating Transportation and Land Use Planning - The linking of transportation and land use planning will be vital to the success of the Town's future urban structure. In February 2022, Oakville Council endorsed the *"Oakville Urban Mobility and Transportation Strategy"*. The Strategy includes a focus on the efficient movement of goods and freight as a component and user of the transportation network. As planning for land use and transportation should be integrated, so too should the planning for warehousing and distribution centres be planned to work within the larger transportation network on which it relies.

- Municipal Act By-laws - In considering warehousing and distribution uses, the Municipal Act provides for a number of municipal By-laws that may be used in conjunction with zoning and site plan to further facilitate compatibility between warehousing/distribution uses and nearby

sensitive land uses. Examples include: Fence By-law, Tree Protection By-law, Health Protection and Air Quality By-law, Public Nuisance By-law and Anti-Idling By-law. These By-laws may be used to regulate or mitigate various aspects of a warehousing or other employment use and to provide for compatibility and mitigation of impacts between employment uses and surrounding non-employment land uses.

- Provincial Land Use Compatibility Guideline Issued Under the Ontario Environmental Protection Act - Regardless of land use permissions provided through the Planning Act, all land uses must comply with the Environmental Protection Act unless otherwise stated. The Guideline establishes three categories of industrial land uses and associated impacts, identifies potential influence areas for each of these categories and provides recommended minimum separation distances between industrial land uses and surrounding sensitive land uses.

  Warehousing and distribution centres do not neatly fit within any one of the land use categories identified in the Guideline. Rather, the frequency of truck traffic, size of facilities, hours of operation and frequency of outputs (primarily noise but other possible outputs as well) result in warehousing and distribution centres being a hybrid between a Class I and Class II industrial facility.

  In accordance with the Guideline, warehousing and distribution uses may have a potential influence area that ranges between 70 metres to 300 metres depending on the characteristics of the individual facility. while the potential influence areas range, so too do the recommended separation distances. In accordance with the Guide, the recommended separation distances range from 20 metres to 70 metres depending on the characteristics of the individual facility.

  In practice, the Guideline is administered jointly by the Ministry of Environment, Conservation and Parks (as per the Environmental Protection Act) and by municipalities which function as the approval authority for various land use and Planning Act approvals.

APPENDICES

Appendix 1

Region of Halton Official Plan
(November 2022 Consolidation)

Definitions:

211. ABUTTING means a property with a specific feature or attribute that physically touches or shares a common boundary with the subject property.

212.4 ADVERSE EFFECT means, as defined in the Environmental Protection Act, one or more of
(1) impairment of the quality of the natural environment for any use that can be made of it,
(2) injury or damage to property or plant or animal life,
(3) harm or material discomfort to any person
(4) an adverse effect on the health of any person,
(5) impairment of the safety of any person,
(6) rendering any property or plant or animal life unfit for human use,
(7) loss of enjoyment of normal use of property, and
(8) interference with normal conduct of business.

215.1.3 ANCILLARY USE means the use of any land, building or structure that is subordinate to and supportive of uses in the surrounding *Employment Area* and primarily provides its service to the uses, businesses and employees in the surrounding *Employment Area*.

229.1 EMPLOYMENT AREA means areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices and associated retails and ancillary facilities.

256.3 MAJOR FACILITIES means facilities which may require separation from *sensitive land uses*, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

276.2 SENSITIVE LAND USES means buildings, amenity areas or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more *adverse effects* from contaminant discharges, fumes, sound waves or radiation generated by a nearby major facility. *Sensitive land uses* may be part of the natural or built environment and include examples such as: residences, day care centres, hospitals, and schools.

Policies:

Regional Employment Areas – see Maps 6 (a) to (h)

Part II

32. Finally, *Halton* recognizes the importance of a sustainable and prosperous economy and the need for its businesses and employers to compete in a world economy. Towards this end, *Halton* will

actively maintain, develop and expand its economic and assessment base through economic development strategies, timely provision of *infrastructure*, cost-effective delivery of services, strong fiscal management, proactive planning *policies*, and support for *development* opportunities that respond to the vision and *policies* of this Plan.

Part III –

72.1 Urban Area Objectives:

(6) To identify a Regional Urban Structure that directs growth to *Strategic Growth Areas* and protects Regional *Employment Areas*;

(10) To provide for an appropriate range and balance of employment uses including industrial, office and retail and institutional uses to meet long-term needs;

(10.1) To direct where employment uses should be located and to protect areas designated for such uses.

Regional Urban Structure:

78.1 The *objectives* of the Regional Urban Structure are: (4) To identify Regional *Employment Areas* and protect them for long-term employment use, while providing flexibility to address changes in the role and function of these areas in relation to prevailing trends in the economy of the Region.

Strategic Growth Areas:

79.3(12) Ensure the long-term operational and economic viability of existing or planned *major facilities*, and achieve land use compatibility between *major facilities* and *sensitive land uses* within or adjacent to *Strategic Growth Areas* in accordance with Section 143.12 of this Plan.

79.3 (13) Require Local Municipalities to plan for employment uses within *Strategic Growth Areas* by:

(a) establishing development criteria to ensure that, outside of *Employment Areas*, the redevelopment of any employment lands will retain space for a similar number of jobs to remain accommodated on site;

(b) implementing policies and development criteria that support planning to achieve over the long-term, where applicable, a target proportion of residents and jobs in accordance with Section 55.3 and Table 2b of this Plan;

(c) utilizing tools such as Community Improvement Plans, Community Planning Permit Systems, Local Zoning By-laws, and other appropriate implementation tools to support, the development of employment uses; and

(d) monitoring on a regular basis and in conjunction with the *Region*, residential and employment development within *Strategic Growth Areas* to assess progress toward achieving the targets identified in Table 2b and/or an *Area-Specific Plan*, and, if there are significant deficits or deviations from these targets, developing a strategy to redress them as part of a review of the Local Official Plan or applicable *Area-Specific Plan*.

Urban Growth Centres

80 The *objectives* of the *Urban Growth Centres*, as delineated on Map 1H, are: (3) To serve as high density major employment centres that will attract provincially, nationally or internationally significant employment uses;

Employment Areas

83. The objectives of the Employment Areas are:
   (1) To ensure the availability of sufficient land for employment to accommodate forecasted growth to support *Halton*'s and its Local Municipalities' economic competitiveness.
   (2) To provide, in conjunction with those employment uses within the residential and mixed use areas of the communities, opportunities for a fully-diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.
   (3) To locate *Employment Areas* in the vicinity of existing *major highway* interchanges and rail yards, where appropriate, within the Urban Area.
   (4) To recognize the changing nature of employment and to recognize the role of Employment Areas in accommodating a diverse range of innovative employment uses and supporting the overall Regional Urban Structure.

83.1 The *Employment Areas*, are shown as an overlay on top of the Urban Area on Map 1H, and are subject to the *objectives* and *policies* for the Urban Area. Their boundaries are to be interpreted in accordance with Section 52 of this Plan. Additional *Employment Areas* may be introduced within the Urban Area by amendment to this Plan.

83.2 It is the policy of the Region to:

   (1) Plan for *Employment Areas* by:
      a) prohibiting residential uses;
      b) prohibiting *major retail* uses;
      c) permitting a range of employment uses including but not limited to industrial, manufacturing, warehousing, and office uses;
      d) permitting a range of *ancillary uses* that are associated with an employment use or supportive of the overall *Employment Area*, as identified in Local Official Plans in accordance with Section 83.2(6)b) of this Plan;
      e) limiting *sensitive land uses*, including institutional uses, by only permitting such uses where they:
         [i] are an *ancillary use* that is associated with an employment use or that is supportive of the overall *Employment Area*;
         [ii] are located at the periphery of the *Employment Area* and/or identified within an appropriate Local Official Plan designation;
         [iii] address land use compatibility considerations in accordance with Section 143(12) of this Plan;
         [iv] support achieving the employment forecast in Table 1 and the density target for *Employment Areas* in Table 2 of this Plan; and,

[v] do not contain a residential component or function where individuals reside on a temporary or permanent basis, such as long-term care facilities, retirement homes, or boarding schools;

f) recognizing *existing uses.*

(1.1) Notwithstanding Section 83.2(1)b) of this Plan, to recognize *major retail uses* as permitted by specific policies of a Local Official Plan on December 16, 2009.

(2) Plan for, protect and preserve the *Employment Areas* for current and future use. Development in proximity to major facilities are required to meet the Provincial Policy Statement, 2020 requirements for land use compatibility.

(3) Ensure the necessary *infrastructure* is provided to support the *development* of the *Employment Areas* in accordance with *policies* of this Plan.

(4) Prohibit the conversion of lands within the *Employment Areas* to non-employment uses including *major retail* uses unless through a *municipal comprehensive review* where it has been demonstrated that:

a) there is a need for the conversion;

b) the conversion will not compromise the *Region*'s or Local Municipality's ability to meet the employment forecast in Table 1 and Table 2a;

c) the conversion will not adversely affect the overall viability of the *Employment Area*, and achievement of the *intensification* and density targets of Table 2 and other *policies* of this Plan;

d) there are existing or planned *infrastructure* and *public service facilities* to accommodate the proposed conversion;

e) the lands are not required for employment purposes over the long term;

f) cross-jurisdictional issues have been considered; and

g) all Regional *policies* and requirements, financial or otherwise, have been met.

(5) Require development within the *Employment Areas* to support achieving the density target identified in Table 2 of this Plan.

(6) Require Local Municipalities to plan for *Employment Areas* by:

a) delineating and protecting the *Employment Areas* as identified on Map 1H of this Plan;

b) developing policies and land use designations for lands within the *Employment Areas* that:

[i] support accommodating forecast employment growth as identified in Table 1 and achieving the *Employment Area* density targets identified in Table 2 of this Plan;

[ii] identify a range of employment uses, *ancillary uses*, and *sensitive land uses*, as appropriate for the planned function of the specific land use designations and their role within the Regional Urban Structure and *Local Urban Structures*;

[iii] require land use compatibility studies for *sensitive land uses* in accordance with Section 143(12) of this Plan; and

[iv] ensure an appropriate interface is provided between the *Employment Areas* and adjacent non-employment areas and between specific employment designations in the Local Official Plan to maintain land use compatibility.

c) promoting *intensification* and increased densities in both new and existing *Employment Areas* by facilitating compact, transit-supportive built form, development of *active transportation* networks, and minimizing surface parking.

(7) Where *Employment Areas* are located within a *Major Transit Station Area* as delineated on Map 1H, recognize the dual role and function of these *Major Transit Station Areas* as mixed use *Strategic Growth Areas* as well as the location of existing employment uses, and, require the Local Municipalities, when planning for these areas through an *Area-Specific Plan* in accordance with Section 81.2(4) of this Plan, to:

a) recognize the importance of the protection of existing employment uses and the potential for appropriate employment growth and *intensification* within the *Employment Area* and within adjacent non-employment areas;

b) provide an appropriate interface between the *Employment Area* and adjacent non-employment areas to maintain land use compatibility; and

c) only permit *sensitive land uses* within adjacent non-employment areas if land use compatibility can be addressed in a manner that protects existing employment uses in accordance with Sections 79.3(12) and 143(12) of this Plan.

(8) Subject to Section 77(7), designate lands where appropriate in the vicinity of existing or planned *major highway* interchanges, ports, rail yards and airports for employment purposes that rely on this *infrastructure*, once these lands are included in the Urban Area.

Future Strategic Employment Areas:

139.6 The purpose of the Future Strategic Employment Areas, shown as an overlay on Map 1C, is to identify and protect from incompatible uses certain lands that are strategically located with respect to major transportation facilities and existing *Employment Areas* and are best suited for employment beyond the planning horizon of this Plan. The underlying land use designations are shown on Map 1 and are subject to the *policies* of this Plan. Future Strategic Employment Areas are not land use designations and confer no permitted uses.

139.7 It is the *policy* of the *Region* to:

(1) Prohibit the re-designation of lands within the Future Strategic Employment Areas to uses that are incompatible with employment uses in the long term, especially non-farm uses such as institutional and recreational uses.

(2) Require Local Official Plans and Zoning By-laws to include mapping and policies for the Future Strategic Employment Areas in accordance with *policies* of this Plan.

(3) Investigate, as part of the Joint *Infrastructure* Staging Plan, the feasibility and costs to service the Future Strategic Employment Areas but the provision for servicing these lands, including the over-sizing of certain *infrastructure* components, are subject to other *policies* of this Plan.

(4) Consider the inclusion of any land within the Future Strategic Employment Areas into the Urban Area in accordance with Section 77(7).

143.12 It is the policy of the Region to:

(12) Achieve land use compatibility between *sensitive land uses* and *major facilities* by:

a) requiring that such uses are planned and developed to avoid, or if avoidance is not possible, to minimize and mitigate any potential *adverse effects* from odour, noise, vibration, air pollutants, and other contaminants, to 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;

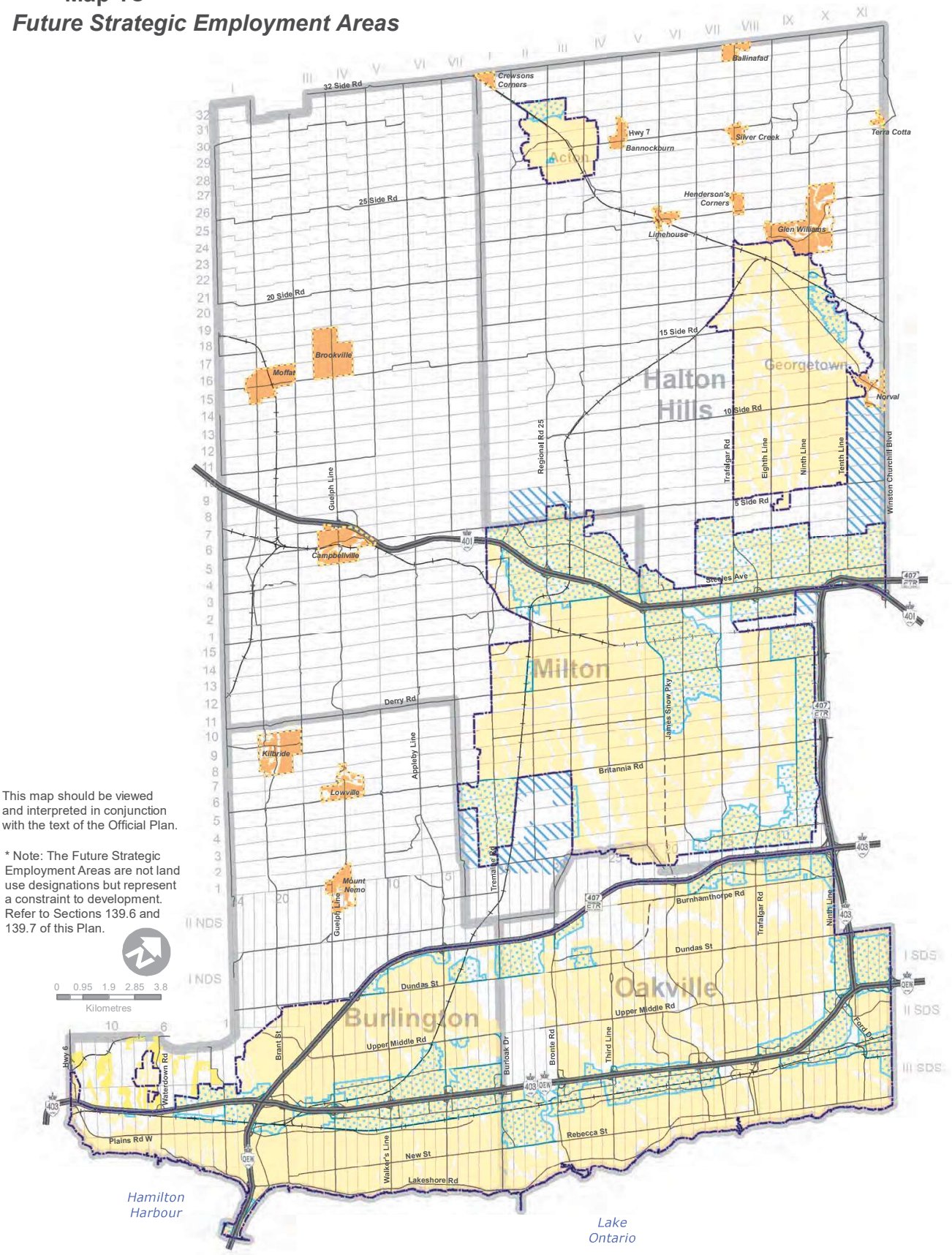
b) where avoidance is not possible, protecting the long-term viability of existing or planned industrial, manufacturing, or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent *sensitive land uses* are only permitted if the following are demonstrated through appropriate studies in accordance with Provincial guidelines, standards and procedures:
   [i] there is an identified need for the proposed use;
   [ii] alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
   [iii] *adverse effects* to the proposed *sensitive land use* are minimized and mitigated; and
   [iv] potential impacts to industrial, manufacturing or other uses are minimized and mitigated; and

c) requiring an air quality study based on guidelines under Section 143(2.1) for *development* proposals with *sensitive land uses* located within 30m of a Major Arterial or Provincial Highway, or 150m of a Provincial Freeway, as defined by Map 3 of this Plan.

Economic Development

170(4.2) Protect employment lands for economic development during the current planning period to 2051 in accordance with Sections 83, and 83.1, of this Plan.

Map 1C
Future Strategic Employment Areas

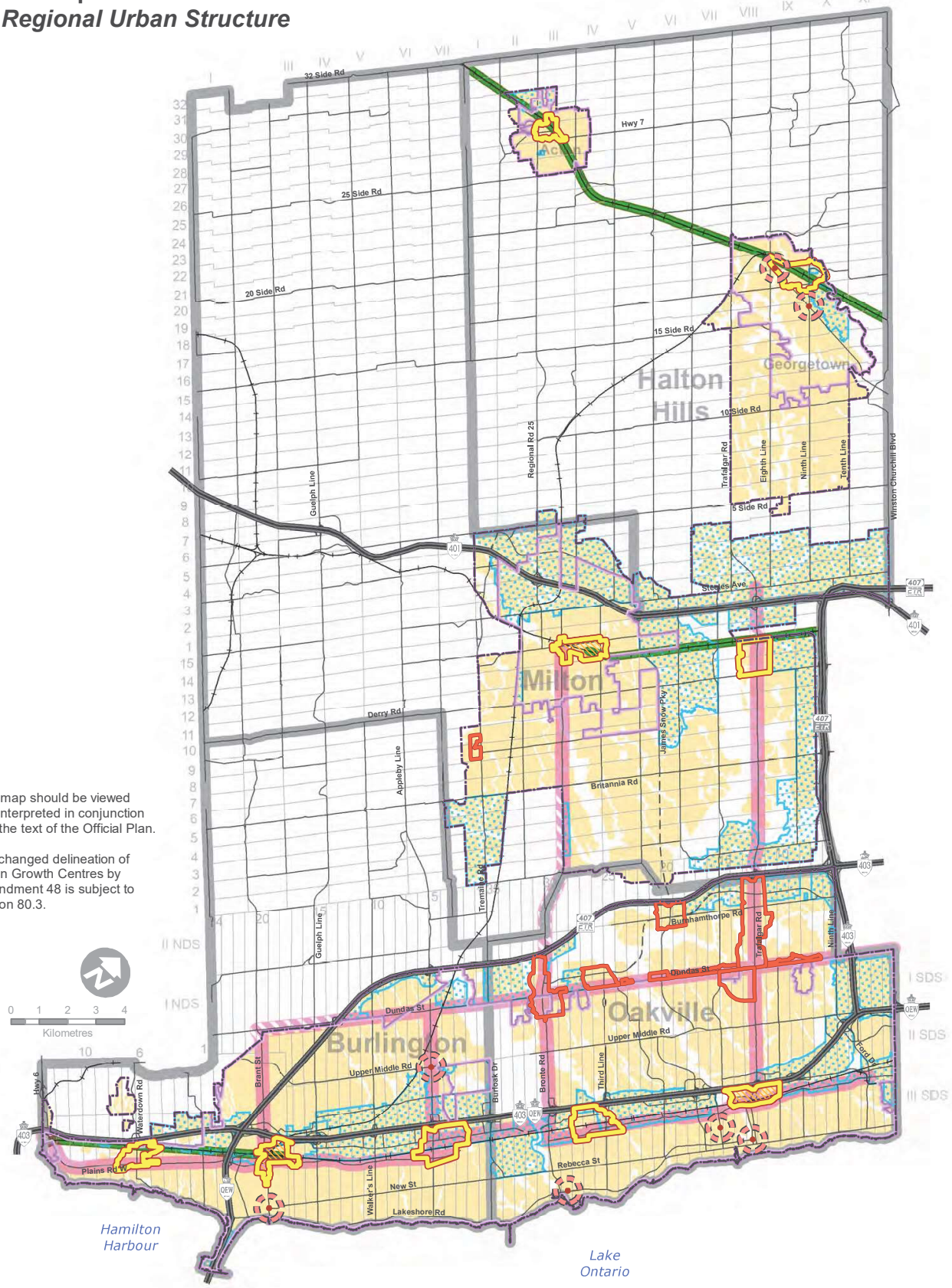


This map should be viewed and interpreted in conjunction with the text of the Official Plan.

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

- Rail Line
- Proposed Major Arterial
- Major Road
- Provincial Freeway
- Lot and Concession Line
- Municipal Boundary
- Urban Area
- Hamlet
- North Aldershot Policy Area
- Future Strategic Employment Areas (Overlay)*
- Employment Area
- Regional Urban Boundary

Map 1h
Regional Urban Structure



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

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

- Rail Line
- Proposed Major Arterial
- Major Road
- Provincial Freeway
- Lot and Concession Line
- Municipal Boundary
- Urban Area
- Built Boundary
- Employment Area
- Regional Urban Boundary
- Commuter Rail Corridor

Strategic Growth Areas

- Urban Growth Centre
- Major Transit Station Area (MTSA)
- Primary Regional Nodes
- Secondary Regional Nodes
- Regional Intensification Corridor in Regional Urban Boundary
- Regional Intensification Corridor outside of Regional Urban Boundary

Appendix 2:

Livable Oakville Plan
(Consolidated August 2021)

Definitions:

Employment Areas means areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

Major Facilities means facilities which may require separation from sensitive land uses, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

Sensitive land use means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.

Policies

3.7 Employment Areas - *Employment Areas* provide for a mix of employment uses including industrial, manufacturing, warehousing, offices, and associated retail and ancillary facilities. The *Employment Areas* are generally located along the Provincial Highways including the QEW, the 403 and the 407. The Employment Mixed Use Corridor along Speers Road and Cornwall Road is identified for its mix of non-traditional employment *development*. An Employment Mixed Use Corridor is an *Employment Area* in which a broader range of employment uses may be permitted in order to support the function of the *Employment Area* as a *strategic growth area*.

It is anticipated that *development* in the *Employment Areas* shall continue to reflect an evolving Town-wide macro-economy premised on decreased industrial and manufacturing growth and increased demand in the office sector. *Employment Areas* shall be planned to accommodate a more compact, *transit-supportive* and pedestrian oriented environment, with a range of employment-supportive amenities.

4.0 Managing Growth and Change - *Employment Areas* support a diverse economic base, including a range and choice of sites for employment uses to support a wide range of economic activities and ancillary uses. *Employment Areas* are to be protected and preserved to meet current and future employment needs.

8.12.1 Integrating Land Use and Transportation - The Town will co-ordinate land use and transportation planning to maximize the efficient use of land.

14.1.4 Employment Policies - Buffering and landscaping shall be required to ensure visual and physical separation between employment uses and adjacent uses.

14.1.5 The Town shall place a priority on the early provision of services to employment lands to ensure that *development* opportunities exist to meet projected demand.

14.1.9 *Sensitive land uses*, if proposed within an *Employment Area*, shall require the completion of a land use compatibility assessment to ensure that the use is appropriate and the location and design of the use can minimize and mitigate any adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment.

14.4 Business Employment - Business Employment areas are intended to provide for a wide range of business and industrial uses. The uses in the Business Employment areas are intended to be predominantly within enclosed buildings and provide for office uses and light and service industrial operations with minimal impacts on the surrounding areas.

14.4.1(a) Permitted Uses

a) Uses permitted within the Business Employment designation may include offices and light industrial uses such as manufacturing, assembling, processing, fabricating, repairing, warehousing and wholesaling. Hotels, public halls, indoor sports facilities, and training facilities and commercial schools may also be permitted.

14.4.3 Business Employment uses shall occur primarily within enclosed buildings.

14.5 Industrial - Industrial areas are intended to provide for heavy industrial operations and are limited to well screened, highly accessible locations.

14.5.1(a) Permitted Uses

a) Uses permitted within the Industrial designation may include light industrial, heavy industrial operations such as manufacturing, assembling, processing, fabricating, refining, repairing, warehousing, and wholesaling. Outdoor storage may be permitted. Training facilities and commercial schools, where they are related to and supportive of an Industrial use may be permitted. A waste processing station, waste transfer station and transportation terminal may also be permitted.

26.4.5(e)(i) Speers Road Corridor Special Policy Area Land Use Policies - e) On the lands designated Business Commercial within the Speers Road Corridor *Special Policy Area* the following additional policies apply:

i) Light industrial uses such as manufacturing, assembling, processing, fabricating, repairing, warehousing and wholesaling, and *arterial commercial* uses may be permitted.

North Oakville East Secondary Plan (OPA 272)
(2008)

Definitions – definitions of the parent 1984 Official Plan (consolidated to 2006) apply. However, neither the parent Official Plan nor the North Oakville East Secondary Plan include definitions for employment areas, major facilities', or sensitive land uses. In this regard, the definitions contained in the PPS prevail.

Policies

7.2.3.3 Employment Objectives-

a) To create employment districts which provide for a range of employment opportunities with access to major freeways, arterial road and transit systems.

d) To reflect the strategic land use objectives as set out within the Halton Urban Structure Plan (April, 1994) especially regarding high quality, prestigious employment type uses along the Provincial Freeways.

7.2.3.4 Employment Urban Design –

k) To create high quality employment areas which are easily accessed by trucks and other vehicular traffic, as well as transit, bicycles and pedestrians.

7.3.4 Employment Districts - Employment Districts refer to land designed to accommodate development of predominantly employment generating uses including a wide range of industrial and office development. Limited retail and service commercial uses designed to serve the businesses and employees will also be permitted within the Employment Districts.

7.5.17 Employment District - The Employment District will permit a full range of employment uses. In addition, limited retail and service commercial uses serving the employment area shall be clustered at the intersections with Arterial, Avenue and Connector roads. These sites and uses will be zoned in a separate zone in the implementing Zoning By-law.

The Urban Design and Open Space Guidelines and Zoning By-law will also apply standards designed to enhance the compatibility of permitted employment uses with residential and other sensitive development located within nearby Transitional, Residential or Institutional designations including prohibition of outdoor storage adjacent to such uses.

The Urban Design and Open Space Guidelines will also apply standards to create enhanced design at entrances to the Town including at highway interchanges, major connector roads and along highway frontages including the restrictions on outdoor storage adjacent to highway and interchange frontages.

7.6.8.1 Employment District Purpose - The primary focus of the Employment District designation on Figure NOE2 is to protect for, and establish a range of development opportunities for employment generating industrial, office and service employment uses. Where applicable, the range and scale of uses are to be designed to be sensitive to the adjacency and compatibility with residential neighbourhoods, or to reflect a visible location on and exposure to highway corridors and major roads.

7.6.8.2 Permitted uses may include:

a) light industrial operations, including light manufacturing, assembling, processing, fabricating, repairing, warehousing, distribution and wholesaling;

h) as part of a distribution use, the ancillary retail sale of the products distributed from an ancillary showroom;

7.6.8.2 In addition, the following uses will be permitted in areas which do not abut residential, Urban Core, Institutional or Transitional Area designations, major arterial roads or Highway 407:

i) general industrial operations within enclosed buildings including manufacturing, assembling, processing, fabricating, repairing, warehousing, distribution, and wholesaling;

North Oakville West Secondary Plan (OPA 289)
(2009)

Definitions – definitions of the parent 1984 Official Plan (consolidated to 2006) apply. However, neither the parent Official Plan nor the North Oakville West Secondary Plan include definitions for employment areas, major facilities', or sensitive land uses. In this regard, the definitions contained in the PPS prevail.

Policies:

8.2.3.2 Employment Objectives –

a) To create employment districts which provide for a range of employment opportunities with access to major freeways, arterial road and transit systems.
b) To reflect the strategic land use objectives as set out within the Halton Urban Structure Plan (April, 1994) especially regarding high quality, prestigious employment type uses along the Provincial Freeways.
c) To create employment districts which complement and integrate the existing built form elements that are intended to remain within the community, and incorporate the best community planning and urban design practices available while integrating the area's natural heritage component of the natural heritage and open space system.

8.2.3.3 Urban Design

i) To create high quality employment areas which are easily accessed by trucks and other vehicular traffic, as well as transit, bicycles and pedestrians.

8.3.2 Employment Districts refer to land designed to accommodate development of predominantly employment generating uses including a wide range of industrial and office development. Limited retail and service commercial uses designed to serve the businesses and employees will also be permitted within the Employment Districts.

8.5.12 Employment District - The Employment District will permit a full range of employment uses. In addition, limited retail and service commercial uses serving the employment area shall be clustered at the intersections with Arterials and Avenues. These sites and uses will be zoned in a separate zone in the implementing Zoning By-law.

The Urban Design and Open Space Guidelines will also apply standards to create enhanced design at entrances to the Town including at highway interchanges, major roads and along highway frontages including the restrictions on outdoor storage adjacent to highway and interchange frontages.

8.6.5.1 Employment Purpose - The primary focus of the Employment District designation on Figure NOW2 is to protect for, and establish a range of development opportunities for employment generating industrial, office and service employment uses. It will also include a Health Oriented Mixed Use Node on the north side of Dundas St. at Third Line. Where applicable, the range and scale of uses are to be designed to be sensitive to the adjacency and compatibility with development in the Health Oriented Mixed Use Node, or to reflect a visible location on and exposure to highway corridors and major roads.

8.6.5.2 (a) light industrial operations, including light manufacturing, assembling, processing, fabricating, repairing, warehousing, distribution and wholesaling;

8.6.5.2 The following uses will be permitted in areas which do not abut the Health Oriented Mixed Use Node, major arterial roads or Highway 407:

i) general industrial operations within enclosed buildings including manufacturing, assembling, processing, fabricating, repairing, warehousing, distribution, and wholesaling;

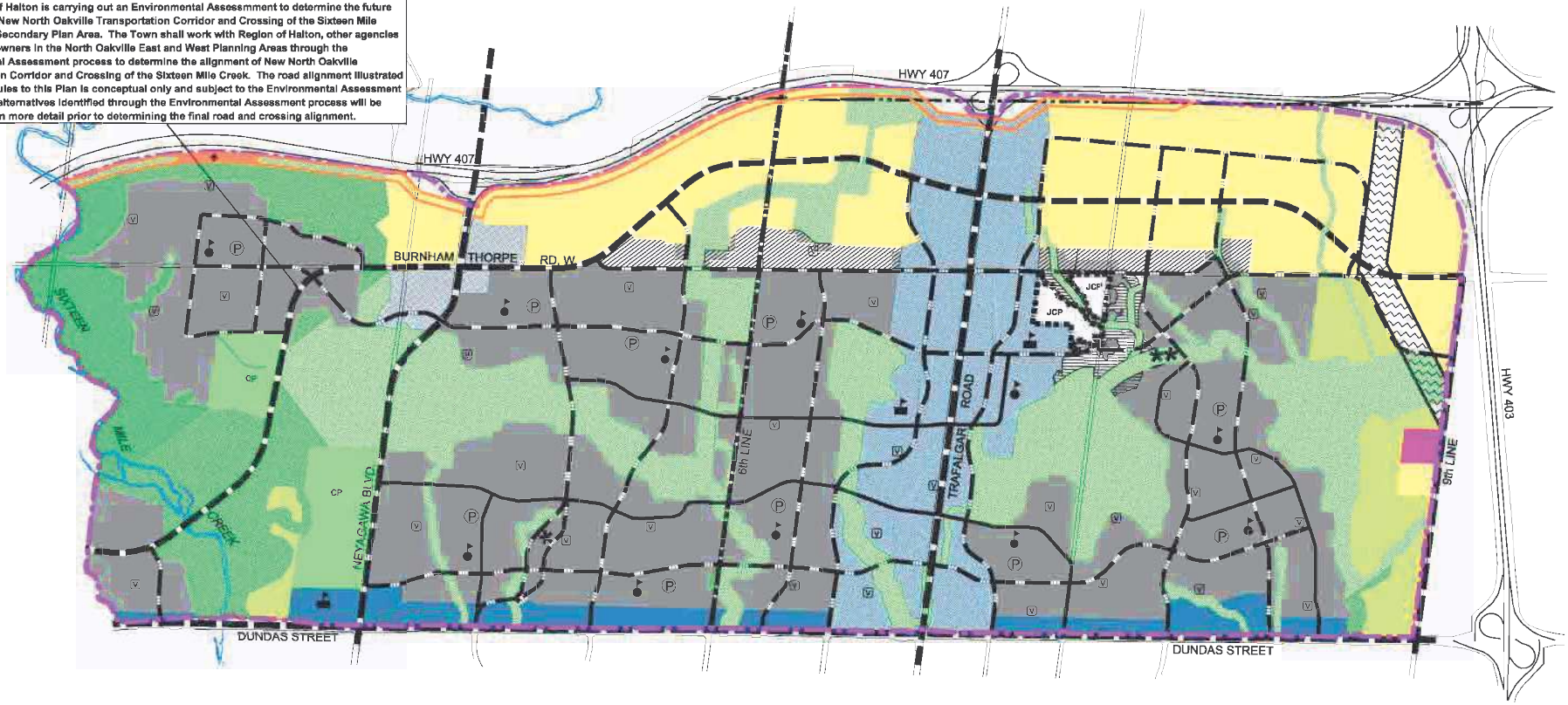
8.6.5.4 It is not intended that the full range of employment uses will be permitted in all locations designated "Employment District". The precise range of uses and density of development shall be stipulated in the zoning by-law.

8.6.5.5(ii) Existing Employment Uses – Notwithstanding any other policies of this Plan: ii) An existing second employment use consisting of an office with associated manufacturing and warehousing will be permitted on a 10.3 hectare parcel of land approximately 800 metres west of Old Bronte Road and approximately 700 metres north of Dundas Street with a driveway access only to Dundas Street.

8.7.2.6 Trucking - The movement of goods by truck is an essential element of the transportation system. The Town shall work with local businesses to ensure the provision of truck routes which meet their needs, while having regard for the need to protect residential neighbourhoods from the impact of truck traffic.

New North Oakville Transportation Corridor and Crossing of the Sixteen Mile Creek

The Region of Halton is carrying out an Environmental Assessmment to determine the future alignment of New North Oakville Transportation Corridor and Crossing of the Sixteen Mile Creek in the Secondary Plan Area. The Town shall work with Region of Halton, other agencies and the landowners in the North Oakville East and West Planning Areas through the Environmental Assessment process to determine the alignment of New North Oakville Transportation Corridor and Crossing of the Sixteen Mile Creek. The road alignment illustrated on the schedules to this Plan is conceptual only and subject to the Environmental Assessment process. All alternatives identified through the Environmental Assessment process will be investigated in more detail prior to determining the final road and crossing alignment.



NOTE: This Plan must be read in conjunction with NOE 1, NOE 3 & NOE 4

LEGEND

- SECONDARY PLAN AREA BOUNDARY
- OAKVILLE / MILTON MUNICIPAL BOUNDARY
- PROVINCIAL FREEWAY
- MAJOR ARTERIAL/TRANSIT CORRIDOR
- MINOR ARTERIAL/TRANSIT CORRIDOR
- AVENUE/TRANSIT CORRIDOR
- CONNECTOR/TRANSIT CORRIDOR
- UTILITY CORRIDOR
- TRANSITWAY
- UNDERLYING LAND USE NOT DETERMINED subject to Section 7.4.7.1(b)(i)
- DUNDAS URBAN CORE AREA
- NEYAGAWA URBAN CORE AREA
- TRAFALGAR URBAN CORE AREA
- TRANSITIONAL AREA
- EMPLOYMENT DISTRICT
- NATURAL HERITAGE SYSTEM AREA
- CP COMMUNITY PARK AREA
- JCP JOSHUA CREEK COMMUNITY PARK AREA
- JOSHUA CREEK FLOODPLAIN AREA subject to Sections 7.4.13.1 & 7.6.17
- NEIGHBOURHOOD AREA
- CEMETERY AREA
- INSTITUTIONAL AREA
- SECONDARY SCHOOL SITE
- ELEMENTARY SCHOOL SITE
- (P) NEIGHBOURHOOD PARK
- (V) VILLAGE SQUARE
- ** SUBJECT TO SECTIONS 7.4.7.3c viii & 7.4.14.3 d)
- * POLICY REFERENCE SEE POLICY SECTION 7.4.7.2

Town of Oakville

North Oakville East of Sixteen Mile Creek Secondary Plan

FIGURE NOE 2
Land Use Plan

February 2008

NOTE: This Plan must be read in conjunction with NOW 1, NOW 3 & NOW 4

LEGEND

- SECONDARY PLAN AREA BOUNDARY
- PROVINCIAL FREEWAY
- MAJOR ARTERIAL/TRANSIT CORRIDOR
- MINOR ARTERIAL/TRANSIT CORRIDOR
- AVENUE/TRANSIT CORRIDOR
- * HEALTH ORIENTED MIXED USE NODE
- TRANSITWAY
- SPECIAL STUDY AREA
- EMPLOYMENT DISTRICT
- NATURAL HERITAGE SYSTEM AREA
- CP COMMUNITY PARK AREA

Town of Oakville

North Oakville West of Sixteen Mile Creek Secondary Plan

FIGURE NOW 2
Land Use Plan

April 2009

REPORT

Planning and Development Council

Meeting Date: June 12, 2023

FROM:	Planning Services Department
DATE:	May 30, 2023
SUBJECT:	**Recommendation Report – Draft Plan of Subdivision (24T-21005/1530) – Part of Lot 30, Concession 2 (SDS), Bronte Green Corporation**
LOCATION:	Part of Lot 30, Concession 2 (SDS)
WARD:	Ward 4

RECOMMENDATION:

1. That Draft Plan of Subdivision application (File No. 24T-21005/1530), submitted by Bronte Green Corporation, be approved on the basis that the application is consistent with the Provincial Policy Statement, conforms or does not conflict with all applicable Provincial plans, conforms with the Region of Halton Official Plan and the Livable Oakville Official Plan, has regard for matters of Provincial interest and Section 51(24) of the *Planning Act*, and represents good planning for the reasons outlined in the report from the Planning Services department dated May 30, 2023.

2. That the Director of Planning Services be authorized to grant draft plan approval to the Draft Plan of Subdivision (24T-21005/1530) submitted by Bronte Green Corporation, prepared by J.D Barnes Limited, dated October 27, 2021, subject to the conditions contained in Appendix “A”.

3. That once 24T-21005/1530 has been draft approved by the Director of Planning Services, the Town enter into a Subdivision Agreement to the satisfaction of the CAO and Town Solicitor or designates.

4. That the Subdivision Agreement be executed in accordance with By-law 2013-057.

5. That notice of Council’s decision reflect that Council has fully considered all the written and oral submissions relating to this matter and that those comments have been appropriately addressed.

KEY FACTS:

The following are key points for consideration with respect to this report:

- This report recommends approval of the proposed draft plan of subdivision submitted by Bronte Green Corporation.
- The subject property is located at the northwest corner of Charles Cornwall Avenue and Queens Plate Road.
- The purpose and effect of this application is to create six lots for detached dwelling units and one block for six townhouse dwelling units, together with two reserve blocks to be merged with abutting subdivision (Registered as Plan 20M-1223).
- The subject property is designated Low Density and Medium Density Residential, and zoned RL6 and RM1 respectively, subject to Special Provision 376 and “H30” Holding Provision.
- The proposed plan of subdivision implements an OMB decision which amended Livable Oakville and rezoned a larger area comprised of the former Saw Whet Golf Course, lands west of Bronte Road, and the subject property.
- A statutory public meeting was held on December 5, 2022. No members of the public spoke to the subject application.

BACKGROUND:

The purpose of this report is to provide a full staff review of the draft plan of subdivision application. A statutory public meeting was hosted by Council on December 5, 2022. No member of the public attended the Public Meeting, and no written submissions have been received as of the date of this report.

The subject property was used as a public works yard by Halton Region, and partially occupied by a stormwater management pond. It was acquired by Bronte Green Corporation, and as a result of an Ontario Municipal Board (“OMB”) decision issued on June 21, 2017 (PL141318) redesignated and rezoned to permit residential land use together with the former Saw Whet Golf Course, and lands to the west of Bronte Road.

Now that the engineering review for the relocation of the stormwater function of the existing stormwater management pond is sufficiently advanced, the applicant has submitted a draft plan of subdivision application to subdivide the subject property to create six lots for detached dwelling units and one block for six townhouse dwelling units, together with two reserve blocks, for the residential land use as approved by the OMB.

Proposal

The applicant proposes to subdivide the subject property into six lots for detached dwellings, one block for six townhouse units, and two reserve blocks to be merged with the abutting lands to the north for additional detached dwelling and townhouse dwelling lots. The proposed draft plan is provided below as Figure 1.

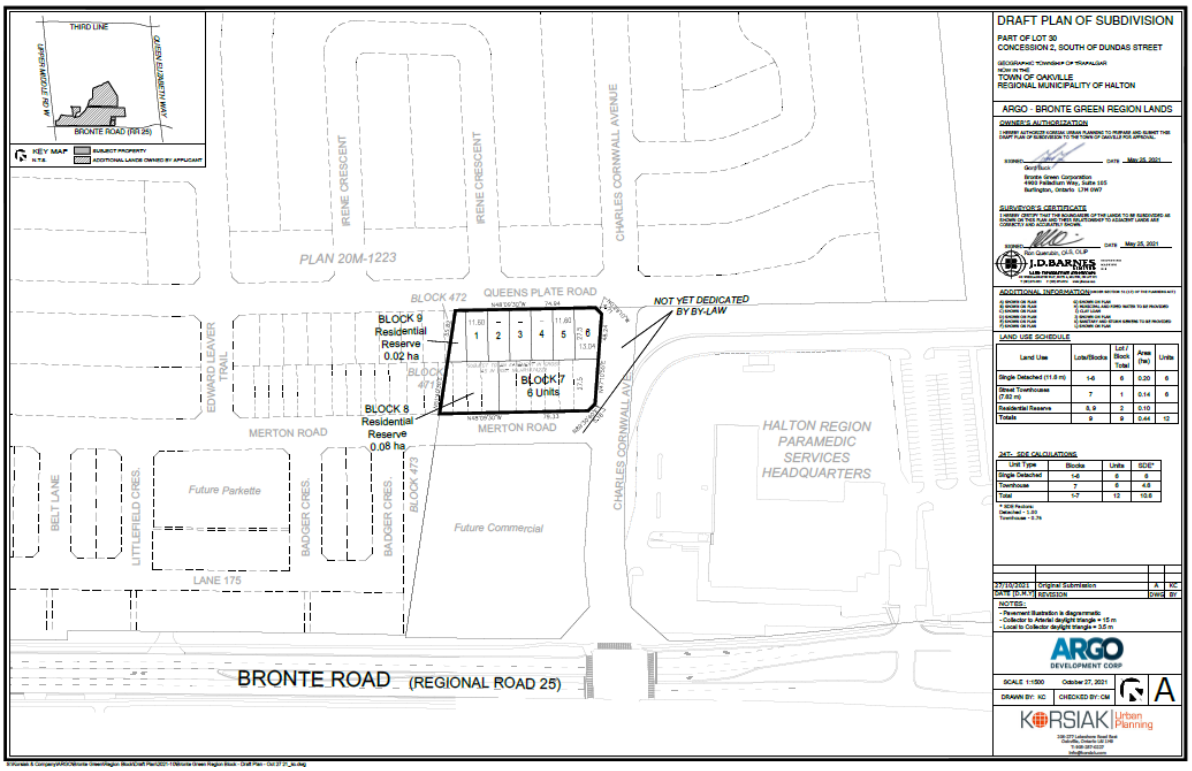


Figure 1 – Proposed Draft Plan of Subdivision

Location & Site Description

The subject property is located at the northwest corner of Charles Cornwall Avenue and Queens Plate Road.as shown in Figure 2 below. The subject lands contain an existing stormwater management facility formerly owned and operated by the Region of Halton.

Figure 2 – Aerial Photo

Surrounding Land Uses

The surrounding land uses are as follows:

North: detached and townhouse dwellings
East: detached dwellings
South: Halton Woodlands Operations Centre
West: vacant land, designated as neighbourhood commercial

PLANNING POLICY & ANALYSIS:

The subject property is subject to the following policy and regulatory framework:

- Provincial Policy Statement (2020)
- Growth Plan for the Greater Golden Horseshoe (2019)
- Halton Region Official Plan
- Livable Oakville Official Plan

Provincial Policy Statement

The Provincial Policy Statement (2020) ('PPS'), which came into effect on May 1, 2020, continues to recognize that there are complex relationships among environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas and encourages Planning authorities to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs for a time horizon of up to 25 years.

The PPS (2020) promotes the integration of land use planning, growth management and transit supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments and standards to minimize land consumption and servicing costs. Specific policies applicable to this application are included in Appendix "B".

The draft plan of subdivision proposes to subdivide the subject property into six lots for detached dwellings, one block for six townhouse units, and two reserve blocks to be merged with the abutting lands to the north for additional detached dwelling and townhouse dwelling lots. As detailed in this report a full review of the application has been completed, and subject to the conditions of approval in Appendix "A", all comments have been addressed.

On this basis, and for the reasons outlined in this report, the proposed draft plan of subdivision is consistent with the PPS (2020).

Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan for the Greater Golden Horseshoe ('Growth Plan') is a long-term plan that intends to manage growth, build complete communities, curb sprawl and protect cultural heritage resources and the natural environment.

The Growth Plan provides policies for where and how to grow, directing population and employment growth to urban areas and rural settlement areas with delineated

built boundaries on full municipal services (policy 2.2.1). The subject lands are located within a "Delineated Built-Up Boundary."

The policies of the Growth Plan are to be applied to support complete communities that feature a diverse mix of land uses with convenient access to local stores, services, and public service facilities, provide a diverse range and mix of housing options, expand convenient access to transportation options. Specific policies applicable to this application are included in Appendix "B".

The draft plan of subdivision proposes to subdivide the subject property into six lots for detached dwellings, one block for six townhouse units, and two reserve blocks to be merged with the abutting lands to the north for additional detached dwelling and townhouse dwelling lots. As detailed in this report a full review of the application has been completed, and subject to the conditions of approval in Appendix "A", all comments have been addressed.

On this basis, and for the reasons outlined in this report, the proposed draft plan of subdivision conforms to the Growth Plan.

Halton Region Official Plan

The subject lands are designated as "Urban Area" on Map 1: Regional Structure of the Plan. Bronte Road is shown on Map 3: Functional Plan of Transportation Facilities as a "Higher Order Transportation Corridor".

The policies of Urban Area designation support a range of uses and the development of vibrant and healthy mixed-use communities which to provide a range of choices for residence, work and leisure. The Region's Official Plan also provides that the range of permitted uses and the creation of new lots in the Urban Area will be in accordance with Local Official Plans and Zoning By-laws.

The Region of Halton has provided the following comments:

> *"Policy 143 (12) requires the proponent of sensitive land uses in proximity to industrial, transportation and utility sources of noise, vibration, odour and air pollutants to complete appropriate studies and undertake necessary mitigating actions, in accordance with the Region's Land Use Compatibility Guidelines, Air Quality Impact Assessment Guidelines, and any applicable Ministry of the Environment guidelines.*
>
> *In this regard, the Halton Regional Centre/Woodlands Centre is identified as has having potential impacts on the proposed residential uses.*

> *The lands are zoned with a Holding provision that includes a requirement for the construction of a noise wall on the Region's lands by the Woodland Centre in order to address noise impacts from the facility on the proposed residential uses.*
>
> *In conjunction with engineering review for the noise wall (Region file DO-1060), alternatives were investigated to the initial proposal for a wing wall to address noise generated from siren testing. A new location was confirmed situated close to the 4.0-metre tall wall in the northeast area of the Woodlands Centre yard. An updated letter report prepared by HGC Engineering and dated February 10, 2022 was submitted which confirmed that the noise wall is sufficient in protecting the subject lots from noise impacts from the revised siren testing location.*

On this basis, the Region has requested warning clauses to be included in the conditions of draft approval in relation to the potential impacts from the operations at the Halton Regional Offices lands.

Further, as stated above, the subject property contains an existing stormwater management pond. This pond is temporary and services the Halton Regional Centre/Woodland Centre lands. To facilitate the development of the subject property the pond will be relocated. As a condition of approval in Appendix 'A', the relocation works will be required to be completed and the new stormwater facility be in operation prior to registration.

On this basis, the Region has no objections to this application subject to the inclusion of the requested conditions of draft plan approval. Accordingly, the proposed draft plan of subdivision conforms to the Halton Plan.

Livable Oakville Official Plan

Urban Structure

The Livable Oakville Plan is currently undergoing a 5-year Official Plan Review to ensure the policies are consistent with the Provincial and Regional policies, support the Town's strategic goals, and reflect the visions and needs of the community. Schedule A1, Urban Structure, of the Livable Oakville Plan provides the basic structural elements for the Town.

The subject lands are identified on Schedule A1 – Urban Structure as being within the Town's Residential Areas.

Livable Oakville Land Use Policies

The subject lands were included in the approvals for the surrounding Bronte Green subdivision in relation to the Official Plan designation. The lands are designated Low Density Residential on the eastern half of the site, and Medium Density Residential on the western half of the site, as shown in Figure 3 below.

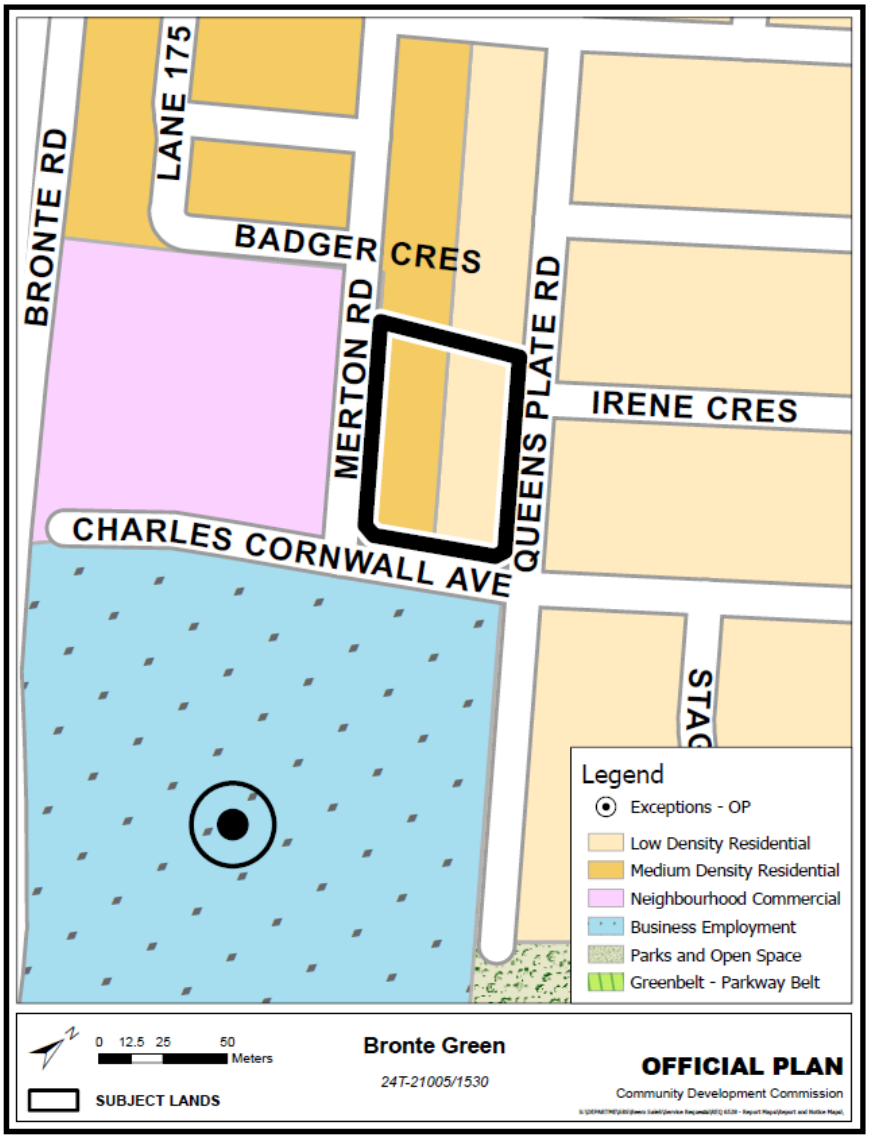


Figure 3 – Official Plan

Site-specific policies apply to the subject property. Policy 27.3.73 states:

> *"b) Low Density Residential*

i) On the lands designated Low Density Residential, a row of townhouses may be permitted on the north side of the southerly section of the proposed collector road shown on Schedule H to buffer from adverse impacts from the Regional lands located to the south. The need for, and design of, the potential townhouse block will be determined through a noise study.

c) Medium Density Residential

i) On the lands designated Medium Density Residential, the minimum building height shall be 3 storeys for development abutting Bronte Road.

ii) On the lands designated Medium Density Residential, permitted residential uses on the north side of the southerly section of the proposed collector road shown on Schedule H may require a buffer to mitigate adverse impacts from the Regional lands located to the south. The need for a buffer and the design of the buildings will be determined through a noise study."

As provided in the comments from Halton Region, noise mitigation measures will be managed on the Halton Regional Centre/Woodlands Centre property. This work is underway, and the Region has secured agreements with the developer to conduct these works. Similarly, appropriate conditions of draft plan approval have been included in Appendix "A". As noted below H30 applies to the subject property which will provide for implementation of a detailed noise study.

On this basis, and for the reasons outlined in this report, the proposed draft plan of subdivision conforms to Livable Oakville.

<u>Zoning By-law</u>

The eastern portion of the subject property is zoned RL6 special provision 376, and subject to the "H30" holding provision. The western portion of the subject property is zoned RM1 special provision 376 and subject to the "H30" holding provision, shown in Figure 4 below.

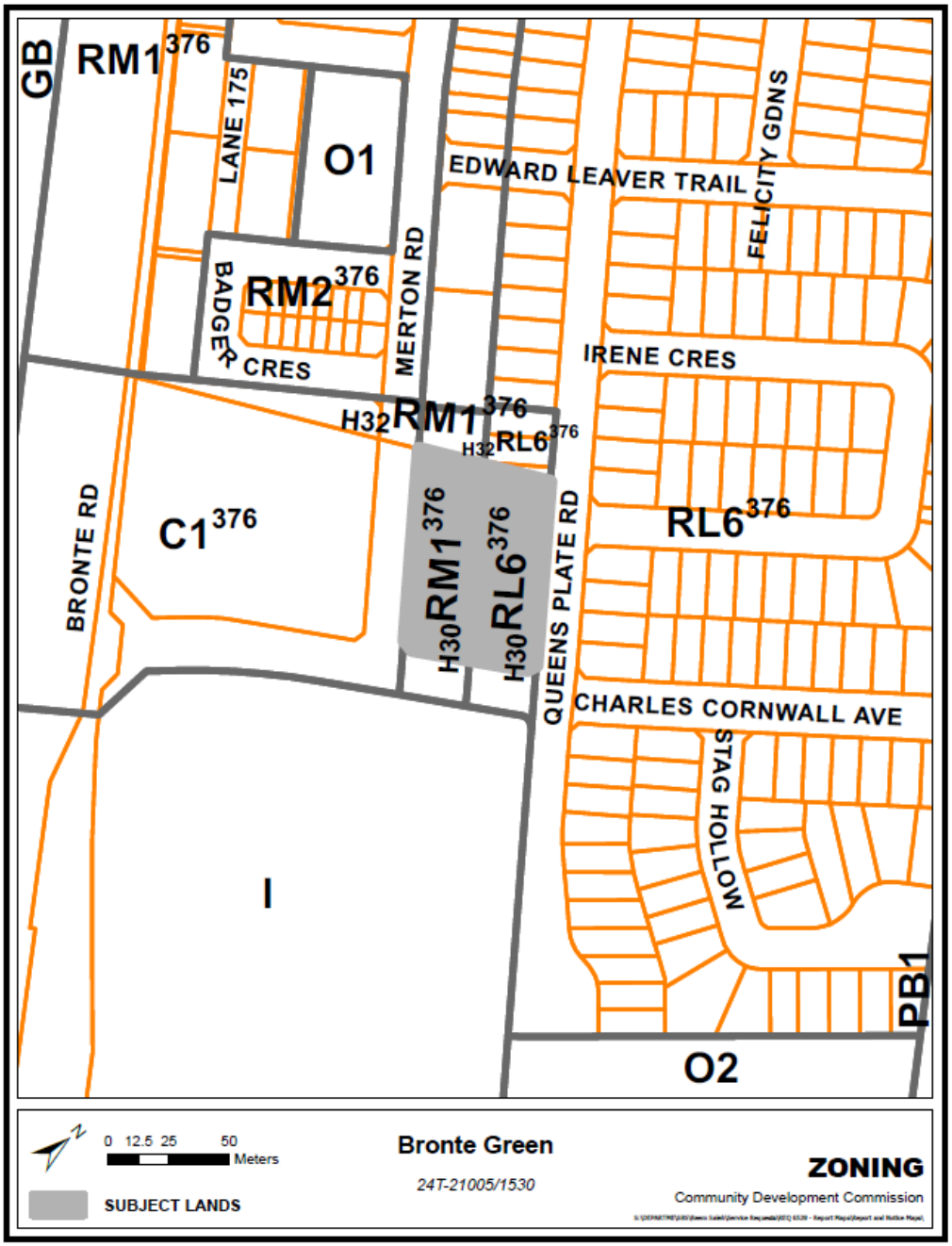


Figure 4 – Zoning Map

Both zones are consistent with the zoning to the north, as the proposed development is intended to be an extension of the Bronte Green subdivision. The proposed lots and blocks comply with the Zoning By-law. Staff note that the “H30” holding provision applies to the subject property and will be required to be lifted prior to registration of the subdivision:

"a) That sufficient water and wastewater services are available to the satisfaction of the Regional Municipality of Halton and the Town of Oakville.

b) A Ministry of Environment acknowledged Record of Site Condition, certified by a Qualified Person as defined in Ontario Regulation 153/04, is provided to the satisfaction of the Regional Municipality of Halton.

c) That a detailed noise study conducted by a qualified Professional Engineer shall be provided which demonstrates compliance with Ministry of Environment sound level limits, to the satisfaction of Halton Region and the Town of Oakville.

d) That an updated functional servicing report be submitted which provides for potential decommissioning of the existing stormwater management pond and all grading, drainage and SWM and implications on the Region's future EMS lands be provided to the satisfaction of Halton Region, Conservation Halton and the Town of Oakville.

e) The required noise walls associated with the noise impacts from the Region's Woodlands Operations Centre and Public Works Yard have been designed, located and installed to the satisfaction of Halton Region."

An application to remove the "H30" holding provision has not been submitted as of the date of this report.

TECHNICAL & PUBLIC COMMENTS:

The applicant has provided plans and studies in support of their application which have been circulated to various public agencies and internal town departments. A full circulation and assessment of the application were undertaken to ensure that all technical matters have been satisfactorily addressed. The following supporting documents, among others are accessible on the town's website (https://www.oakville.ca/business/da-39707.html):

- Air Photo
- Survey
- Draft Plan of Subdivision
- Planning Justification Report
- Functional Servicing Report

- Archaeological Assessment
- Traffic Impact Study
- Arborist Report
- Traffic Noise Feasibility Study Amendment

The proposed plan of subdivision implements the OMB decision which amended the Official Plan and rezoned a larger area comprised of the former Saw Whet Golf Course, lands west of Bronte Road, and the subject property. Since the proposed plan of subdivision is an extension of the registered subdivision to the north (Bronte Green - 20M-1223), many subdivision obligations have already been secured and constructed, including the conveyance, design and construction of the Merton Road and Charles Cornwall Avenue extensions together with street trees and other boulevard works.

However, technical matters related to the decommissioning of the existing pond and relocating the stormwater function off-site are required prior to registration of this plan. The draft plan conditions in Appendix “A” of this report address these matters.

In review of the proposal with respect to Section 51(24) of the *Planning Act,* it is staff’s opinion that the application is not premature and has regard for matters of provincial interest. Further, it has been determined that through the review of preliminary engineering materials, the lands are suitable for the proposed residential uses, and the lands have been adequately accounted for with respect to drainage and full municipal services within the Bronte Green Subdivision (20M-1223).

The draft plan conditions in Appendix ‘A’, together with the “H30” holding provision, provide that development of the subject property will not occur until such time as, noise mitigation measures have been installed to the satisfaction of Halton Region, and suitable stormwater management infrastructure is in place to support the development of the subject property, to the satisfaction of the Town, the Region and Conservation Halton.

Resolution of Issues Raised at the Public Meeting

The statutory public meeting was hosted by Council and held on December 5, 2022. At the meeting, Council passed the following resolution:

1. *That the public meeting report prepared by the Planning Services Department dated November 22, 2022, be received.*
2. *That comments from the public with respect to the proposed draft plan of subdivision submitted by Bronte Green Corporation. (File No.: 24T-21005/1530), be received.*
3. *That analysis of the following matters of interest to Council be included as part of the recommendation report:*

a. *ensure there are warning clauses to note that there is siren testing in the area and the proximity of elementary schools in the area.*

As part of the Bronte Green OMB hearing, H30 was applied to the subject property which requires, in part:

> *c) That a detailed noise study conducted by a qualified Professional Engineer shall be provided which demonstrates compliance with Ministry of Environment sound level limits, to the satisfaction of Halton Region and the Town of Oakville.*
>
> *e) The required noise walls associated with the noise impacts from the Region's Woodlands Operations Centre and Public Works Yard have been designed, located and installed to the satisfaction of Halton Region.*

Noise mitigation will be reviewed in detail and noise mitigation measures will be installed prior to building permits being issued for the proposed 6 detached and 6 townhouse units. In addition, the following warning clauses will be registered on title of the subject property, and included in all agreements of purchase and sale:

> *"a) Purchasers/tenants are advised that due to the operations of the Region of Halton's Regional Operation Centre, that noise, dust, traffic, maintenance, vibration, lighting, electrical transformers, and/or odour may be of concern, sometimes interfering with the activities of the dwelling occupants.*
>
> *b) Purchasers/tenants are advised that despite the inclusion of noise control features, sound levels from the Region of Halton municipal buildings, EMS and public works activities may occasionally be audible, and may cause some interference with some activities of the dwelling occupants.*
>
> *c) Warning: This property is in proximity to the Halton Region facilities including the Woodlands Operation Centre and the Halton Regional Centre. The operations that take place at these facilities include: fleet maintenance (garage activities), refueling, vehicle movements, movements of supplies and material, movements of ambulances, occasional use of policy and ambulance sirens during emergencies, siren testing and the use of back-up beepers. These facilities operate 24 hours a day, 7 days a week. Halton Region may apply to alter or expand these facilities in the future. Sound from these facilities may at times be audible."*

No members of the public spoke at the public meeting, and no written comments have been received as of the date of this report.

CONSIDERATIONS:

(A) PUBLIC

A statutory public meeting was held on December 5, 2022. No concerns were raised by the public at the Public Meeting and no comments have been received as of the date of this report. Notice for this meeting has been provided to those who participated in the process or requested to be notified.

(B) FINANCIAL

Development Charges would be applicable to this development.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The application was circulated to internal and external departments and agencies for review. Subject to the conditions of approval in Appendix “A”, all comments have been addressed. Additional review will be required prior to registration of the subdivision to clear the draft plan conditions in Appendix ‘A.’

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:

• be the most livable town in Canada

(E) CLIMATE CHANGE/ACTION

The developer is encouraged to consider sustainable building and community design. The subject lands form part of a complete community with walking and cycling opportunities, and access to transit to support reduced vehicular use.

CONCLUSION:

Staff recommends approval of the proposed draft plan of subdivision which will subdivide the subject property into six lots for detached dwellings, one block for six townhouse units, and two reserve blocks to be merged with the abutting lands to the north for additional detached dwelling and townhouse dwelling lots. The proposed draft plan of subdivision is appropriate as it would be an extension of the existing Bronte Green registered plan of subdivision (20M-1223) and implement the approved land use Bronte Green OMB decision.

Staff is satisfied that the proposed development is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan (2019) and the Halton Region Official Plan, has regard for matters of Provincial interest and represents good planning. Further, the application is consistent with the principles and overall policy direction of Livable Oakville. On this basis, staff recommend approval of draft plan of subdivision, subject to the draft plan conditions set out in Appendix “A” as the following requirements have been satisfied:

- The proposed development does not conflict with the Provincial Policy Statement and Growth Plan and conforms to the Region of Halton Official Plan.

- The proposed development would assist in achieving healthy, liveable and safe community objectives of the PPS and is consistent with the policies of the PPS.

- The draft plan of subdivision is necessary to create individual residential lots and is appropriate for the orderly development of the lands.

- The proposed development is a planned extension of the surrounding registered plan of subdivision (20M-1223), known as Bronte Green, which was approved by the former Ontario Municipal Board (OMB).

- The proposed plan of subdivision meets the criteria established in Section 51(24) of the *Planning Act*.

- Comments from Council have been appropriately addressed.

APPENDICES:

Appendix “A”: Draft Plan Conditions and Subdivision Agreement Conditions
Appendix “B”: Applicable Policies

Prepared and Recommended by:

Paul Barrette, MCIP, RPP
Acting Manager, Current Planning - West

Submitted by:

Gabe Charles, MCIP, RPP
Director of Planning

APPENDIX A –
CONDITIONS OF DRAFT PLAN APPROVAL

Town File No.'s: 24T-21005/1530
Draft Plan Dated
on October 27, 2021

TOWN OF OAKVILLE CONDITIONS FOR FINAL APPROVAL AND FOR THE REGISTRATION OF THE DRAFT PLAN OF SUBDIVISION BY BRONTE GREEN CORPORATION

This approval applies to the draft plan of subdivision (24T-21005/1530) prepared by J.D. Barnes Ltd. dated October 27, 2021 illustrating 3 blocks and 6 lots. The conditions applying to the approval of the final plan for registration are as follows:

	CONDITIONS TO BE MET PRIOR TO PRE-GRADING OR PRE--SERVICING	***CLEARANCE AGENCY***
1.	Prior to any site alteration, the owner shall prepare a **detailed engineering submission** and shall update any engineering drawings or materials, including but not limited to, erosion and siltation control measures, functional servicing reports, stormwater management reports and drawings, as it relates to the Bronte Green Subdivision (20M-1223) to include the subject lands, to the satisfaction of the Town of Oakville, and Conservation Halton where applicable.	OAK (TE) CH
2.	Prior to final approval, or any site alteration except those mentioned in section 12 of O.REG 153/04, the owner is required to submit a Ministry of the Environment Conservation and Parks (MECP) acknowledged **Record of Site Condition** (RSC) that indicates the environmental condition of the site is suitable for the proposed land use. The Owner is also required to submit all environmental documentation used for filling the RSC to Halton Region. The author of the environmental reports must extend third party reliance to Region of Halton.	RMH (LPS)
3.	Prior to any site alteration or registration of the plan, the **stormwater facility** to service the Halton Regional Centre/Woodlands Centre shall be constructed and operational.	RMH (LPS)
4.	The Owner shall prepare a **detailed engineering submission** to be submitted to the Regional Development Project Manager for review and approval prior to the preparation of the Regional subdivision agreement.	RMH (LPS)
5.	All works which are the responsibility of the Owner to complete shall be supervised during construction by a licensed Professional Engineer of the Province of Ontario with all professional engineering fees paid by the Owner. The Owner's engineer must provide competent full time inspection staff on site during construction activities to obtain the required "as constructed" field information, and to ensure compliance with the approved drawings and the Region's Current Construction and Design Standards.	RMH (LPS)
6.	The Owner agrees to conduct a survey of the **static water level** and quality of all wells within 500 metres of the plan. The owner further agrees to resolve any claims of well interruption due to the construction of municipal services to the satisfaction of the Region's Development Project Manager.	RMH (LPS)
7.	That the Owner prepares and submits a **Functional Servicing Report** to the satisfaction of Conservation Halton and the Town of Oakville.	OAK (TE) CH
8.	That a final **Stormwater Management Plan** be provided that demonstrates appropriate alternative stormwater management controls will be implemented for lands formerly serviced by the Region Pond, to the satisfaction of Conservation Halton and the Town of Oakville.	OAK (TE) CH
9.	That, prior to the **Region Pond** being decommissioned, stormwater management control for lands currently serviced by the Region Pond be replicated and that associated facilities be designed, constructed and stabilized to the satisfaction of Conservation Halton and the Town of Oakville.	OAK (TE) CH

10.	That the owner shall prepare and implement a **tree preservation plan**, or update the **tree preservation plan** for the Bronte Green Subdivision (20M-1223) to include the subject lands, prior to site alteration, to the satisfaction of and the Development Services Department. Further, the owner shall not disturb or remove trees without written permission from the Town.	OAK (TE)
11.	That the Owner shall not install any municipal services on the site until the Owner has entered into a **Preservicing Agreement** or Subdivision Agreement with the Town. Pre-servicing may occur in accordance with the Town's pre-servicing policy.	OAK (TE)
12.	The Owner and/or their engineering consultants, shall arrange and hold a **pre-construction meeting** with the Transportation and Engineering Department and the contractor to review and discuss mitigation measures for all construction related impacts, including mud tracking, dust suppression, truck routes and contractor/trades parking, material storage, stockpile location, working hours, noise mitigation, etc, prior to the commencement of topsoil stripping and earthworks. Prior to the Earthworks Pre-construction Meeting, a Site Alteration Permit from the Town must be secured by the Owner and perimeter erosion and sediment control measures must be installed. A second pre-construction meeting is also required prior to the commencement of any servicing works. Prior to the Servicing Pre-construction Meeting, a complete set of approved Engineering Plans is required, including the Traffic Management Plan and Composite Utility Plan.	OAK(TE)(PS)
13.	Prior to any site alteration, the owner shall **update any engineering drawings** or materials, including but not limited to, erosion and siltation control measures, finalized functional servicing reports, stormwater management reports and drawings, as it relates to the Bronte Green Subdivision to include the subject lands, to the satisfaction of the Town of Oakville.	OAK (TE)
14.	Prior to any site alteration, the owner shall provide a **finalized hydrologic assessment** demonstrating that the proposed development and proposed design scenarios does not result in any impacts to flooding within the Fourteen Mile Creek watershed.	OAK (TE)
15.	That any outstanding **drainage and stormwater management control measures** associated with the external commercial block at the northeast corner of Charles Cornwall Avenue and Bronte Road, and the Region of Halton Woodland Centre lands affecting the removal/decommissioning of the existing SWM facility within the subject lands be resolved to the satisfaction of Conservation Halton (CH) and the Town of Oakville.	OAK (TE)
16.	Prior to any site alteration, the owner shall prepare a **detailed engineering submission** for all internal and external works required for the removal/decommissioning of the existing SWM facility within the subject lands and to service the subdivision. Any and all revisions to the storm sewer servicing works installed through the Bronte Green Subdivision to support the removal/decommissioning of the existing SWM facility are to be approved, constructed and stabilized to the satisfaction of the Town of Oakville.	OAK (TE)
	CONDITIONS TO BE MET PRIOR TO MARKETING AND SALES	
17.	That the Owner agrees to implement the Town approved **Urban Design Brief** [November 21, 2016], which applies to the abutting Bronte Green subdivision (20M-1223), to the satisfaction of the Town.	OAK (PS)
18.	The Owner shall submit **elevation drawings** (all facades), typical floor plans (all levels) and typical lotting plans for all models on lots not subject to Site Plan Approval to Planning Services Urban Design staff for review and approval. Upon acceptance, these drawings shall be added as an Appendix to the Urban Design Brief. The Owner agrees that compliance with this condition is required prior to the Owner marketing or selling any such units.	OAK (PS)

19.	That the Owner shall select a **control architect** who shall ensure all development which is exempt from Site Plan Approval process, proceeds in accordance with the Town-approved Urban Design Brief. The Owner shall submit a letter to the Town from the selected control architect acknowledging the following: i. a control architect has been retained for this subdivision and does not have any perceived or real pecuniary interests or conflicts with performing the required duties; ii. the control architect acknowledges the final Urban Design Brief prepared for this subdivision and agrees to implement the same; iii. the control architect is responsible for ensuring the Town-approved models, as appended to the Urban Design Brief, will be sited in accordance with the Urban Design Brief direction; iv. the control architect will ensure that any sold units meet the design direction and criteria of the Town-approved Urban Design Brief, prior to submitting for building permit review; and, v. the control architect will discuss with Town staff any identified issues vi. the control architect will submit stamped/signed drawings with the building permit application in accordance with the foregoing.	OAK (PS)
	CONDITIONS TO BE MET PRIOR TO INITIATING SALES PROGRAMME **NEIGHBOURHOOD INFORMATION MAPPING**	
20.	The developer shall update the Neighbourhood Information Map prepared for the Bronte Green subdivision 20M-1223 as required to reflect the proposed subdivision. The Map is to be posted in a prominent location in each sales office from where homes in the subdivision are being sold <u>and included within the individual purchase and sale agreements</u>. The developer shall ensure that each builder selling homes within the subdivision: a) provides prospective purchasers with a "Notice to New Home Purchasers" from the Town in the prescribed format that includes all of the notes required on the neighbourhood information maps, and, attaches a copy of the most up-to-date neighbourhood information map to each offer of purchase and sale agreement.	OAK (PS)
	CONDITIONS TO BE MET PRIOR TO FINAL APPROVAL / REGISTRATION	
21.	That the Owner shall provide confirmation to the satisfaction of the Town's Finance Department that **all outstanding property taxes** and outstanding debts have been paid prior to plan registration.	OAK (F)
22.	That the Owner enter into a standard form **subdivision agreement** to the satisfaction of the Town to address all matters related to the financial and construction obligations and build out of the subdivision, including but not limited to, development charge reimbursements, works to be completed on behalf of the Town, subdivision assumption and maintenance and monitoring of stormwater management facilities, requirements, homeowner warning clauses, etc.	OAK(PS) (TE)
23.	That the Owner shall provide a **certificate signed by the surveyor** and the Owner stating that the plan proposed to be submitted for registration is the same as the latest (most recent) draft approved plan and, if the plans are not the same, that any differences between the proposed registered plan and the latest draft plan are accepted by the Town.	OAK (TE)
24.	The Owner shall distribute in a manner satisfactory to the Town a **communication strategy and information package** to be available in the sales office and to be provided to all prospective purchasers. The homeowners' information booklet shall be supplied by the Town and entirely financed by the Owner.	OAK (TE)

25.	That the Owner shall implement the **construction phasing and sequencing plan** as prepared for the Bronte Green Subdivision (20M-1223), as amended to include the subject lands to the satisfaction of the Town (and Region where applicable) for the purpose of ensuring an appropriate sequence of development from initial construction to assumption and which reflects all applicable studies including the EIR/FSS and Transit Facilities Plan. The Phasing Plan should identify how transit service will operate within the plan, including provisions for safe pedestrian access to designated bus stop locations, such that: • a contiguous transit service area will be maintained that does not result in lengthy transit routes or "leapfrogging" • interim and/or permanent transit streets are to be built first • the Owner is encouraged to construct housing on transit streets first, where practicable • roadways to be upgraded where required to accommodate transit vehicles during initial or interim phases • permanent or temporary pedestrian facilities to be constructed early and maintained during development for access and routing to bus stop locations. Where mutually agreed upon between the Owner and the Town, a contribution may be made by the Owner to the Town's early implementation initiative relating to Transit service delivery.	OAK (TE)(T)
26.	That the owner prepare and agree to **implement the following studies** for the Bronte Green Subdivision (20M-1223), amended as required to include the subject lands to the satisfaction of the Town (and the Regional Municipality of Halton where applicable): • Traffic Impact Study including any required updates • Traffic and Parking Management Plan • Transit Facilities Plan • Street Signage and Pavement Marking Plan • Functional Design Study • Composite Utility Plan • Noise Impact Study • Erosion, Sediment, Dust Mitigation Plan • Community Communication Plan	OAK (TE)(T) RMH(LPS)
27.	That the Owner shall provide **digital discs of the registered plan of subdivision** in AutoCAD 2012 or later version with the following coordinate system UTM NAD 83 Zone 17 to the Regional Municipality of Halton and the Town of Oakville, prior to registration of the plan.	OAK (TE) RMH (LPS)
28.	That the Owner shall provide the Town, together with the final plan, a list of **lot and block widths, depths and areas** prepared by an Ontario Land Surveyor, to ensure all lot and blocks meet or exceed the minimum requirements of the approved Zoning By-law. The Owner shall agree to revise the draft plan as required in order to comply with all provisions of the approved Zoning By-law.	OAK (Z)
29.	That prior to registration of the plan, the Owner's surveyor shall submit to the Town **horizontal co-ordinates of all boundary monuments**. These co-ordinates are to be based on 6 degree UTM Projection, NAD83 Datum. Exemptions and alternatives to this can only be granted by the Engineering and Construction Department.	OAK (EC)
30.	That the Owner shall enter into a **subdivision agreement** and satisfy all requirements, financial and otherwise, of the Regional Municipality of Halton, including but not limited to, the phasing of the plan for registration, investigation of soil contamination and soil restoration, the provision of roads and the installation of water and sanitary sewer services, utilities and drainage works. This agreement is to be registered on title to the lands.	RMH (LPS)
31.	The development shall be subject to **full municipal water and sanitary sewer** services to the satisfaction of the Region of Halton.	RMH (LPS)
32.	That the Owner agrees that the following **warning clauses** shall be included in a registered portion of the Regional Subdivision Agreement, applied to the lots and blocks in the subdivision, and included in all Offers to Sell, Agreements of Purchase and Sale, Lease or Reservation Agreements, and any other similar documents registered on title to the Lands the following clauses:	RMH (LPS)

	a) Purchasers/tenants are advised that due to the operations of the Region of Halton's Regional Operation Centre, that noise, dust, traffic, maintenance, vibration, lighting, electrical transformers, and/or odour may be of concern, sometimes interfering with the activities of the dwelling occupants. b) Purchasers/tenants are advised that despite the inclusion of noise control features, sound levels from the Region of Halton municipal buildings, EMS and public works activities may occasionally be audible, and may cause some interference with some activities of the dwelling occupants. c) Warning: This property is in proximity to the Halton Region facilities including the Woodlands Operation Centre and the Halton Regional Centre. The operations that take place at these facilities include: fleet maintenance (garage activities), refueling, vehicle movements, movements of supplies and material, movements of ambulances, occasional use of policy and ambulance sirens during emergencies, siren testing and the use of back-up beepers. These facilities operate 24 hours a day, 7 days a week. Halton Region may apply to alter or expand these facilities in the future. Sound from these facilities may at times be audible.	
33.	The Owner agrees that should the development be phased, a **phasing plan** shall be submitted prior to registration of the first phase. The phasing plan will indicate the sequence of development, the land area in hectares, the number of lots and blocks for each phase and the proposed use of all blocks including the proposed number of units, the specific lots to be developed, site access to each phase, grading and the construction of public services. The phasing must be reflected in all engineering reports.	RMH (LPS)
34.	The Owner shall submit to the Planning Services Department six **(6) folded copies of the final draft plan of subdivision** along with applicable Land Registry Office J form for sign off. Upon acceptance, the town will forward these materials to the Region of Halton for final sign off.	RMH(LPS) OAK (PS)
35.	The Owner agrees that Halton Region will provide full collection curb side in front of the individual homes and collection will not begin collection until development is 90% occupied or **Regional waste collection** trucks can safely access the site. Until Regional collection commences it is the responsibility of the Owner/Developer to provide appropriate private collection to occupied units.	RMH(LPS)
36.	That the Owner agrees that **should the development be phased**, a copy of the phasing plan shall be submitted prior to final approval to the Halton District School Board and the Halton Catholic District School Board. The phasing plan will indicate the sequence of development, the land area, the number of lots and blocks and units for each phase.	HDSB HCDSB
37.	That the Owner shall provide the Town with evidence that satisfactory arrangements, financial and otherwise, have been made with Canada Post Corporation for the installation of **Community Mail Boxes** as required by Canada Post Corporation, prior to registration of the plan.	CP
38.	That the Owner shall provide Union Gas/Enbridge Gas the **necessary easements and/or agreements required by Union Gas/Enbridge Gas** for the provision of local gas services for this project, in a form satisfactory to Union Gas Limited.	UG/Enbridge
39.	The Owner shall confirm that **sufficient wire-line communication / telecommunication infrastructure** is currently available within the proposed development to provide communication / telecommunication service to the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the developer may be required to pay for the connection to and/or extension of the existing communication / telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the communication / telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative communication / telecommunication facilities are	BC, Cogeco, Rogers

	available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e. 911 Emergency Services).	
40.	That the Owner prepares and submits a **Stormwater Management Plan** in accordance with the approved Functional Servicing Report to the satisfaction of Conservation Halton and the Town of Oakville.	OAK (TE) CH
41.	Should any **changes to the proposed design** with potential to impact hydrology be raised during future stages of development (e.g., detailed design) regarding the proposed stormwater management scheme, that the Owner will provide hydrologic modeling demonstrating no increase in peak flow rates for the full range of storm events at key downstream flow nodes on Fourteen Mile Creek. The Owner must implement modifications to the Bronte Green Pond outflow structure if necessary to mitigate any resulting impacts, to the satisfaction of Conservation Halton and the Town of Oakville.	OAK (TE) CH
42.	That the Owner agrees to **phase the development** of the subject lands to the satisfaction of Conservation Halton and the Town of Oakville.	OAK (TE) CH
43.	That the Owner pays any **outstanding review fees** to Conservation Halton, if it is determined that a balance is outstanding. Conservation Halton reserves the right to adjust the fees owing based on the current plan review schedule, if time has lapsed since the initial application.	CH
44.	That the Owner submits the **final clearance fee** to Conservation Halton, prior to registration of the draft plan. If the development is phased, each phase will require a separate clearance fee.	CH
	CONDITIONS TO BE MET PRIOR TO FINAL APPROVAL/ REGISTRATION **NEIGHBOURHOOD INFORMATION MAPPING**	
45.	The developer shall update the **final neighbourhood information map**, as prepared for Bronte Green Subdivision (20M-1223) to include the subject lands, based on the final M-plan for the subject lands, and approved by the Town's Director of Planning Services, to replace the preliminary neighbourhood information map in all affected sales offices. This map shall contain the following information: a) all of the information required on the preliminary map, b) the locations of all sidewalks and walkways, c) the locations of all rear yard catch basins and utilities easements on private property where applicable, d) the proposed locations of all above ground utilities, where known, e) the proposed locations of all bus stops, f) The proposed locations of all temporary mailboxes. The developer shall ensure that each builder selling homes within the subdivision: a) provides prospective purchasers with a "Notice to New Home Purchasers" from the Town in the prescribed format that includes all of the notes required on the neighbourhood information maps, and, attaches a copy of the most up-to-date neighbourhood information map to each offer of purchase and sale agreement.	OAK(PS)
	CONDITIONS TO BE INSERTED INTO SUBDIVISION AGREEMENTS (Town and/or Regional Municipality of Halton)	
46.	The Owner acknowledges that the Town may require **line revisions** to the draft plan to ensure property alignment with existing or proposed lots, blocks, streets, and/or facilities on lands adjacent to this draft plan.	OAK (PS)
47.	That the Owner agrees to submit a revised **Planning Statistics Spreadsheet** to the satisfaction of Planning Services based upon the registration of M-Plans.	OAK (PS)

48.	That the Owner acknowledges that any eligible **Development Charge** reimbursements will be in accordance with the Town's Development Charge By-law. The Owner agrees to submit progress reports for any **Development Charge reimbursable** items identified to be reimbursed through Development Charge credits, whether repaid through Development Charge credits or other means, in a form satisfactory to the Town's Finance Department. The Owner further agrees to abide by the Town's requirements for matters dealing with Development Charge credits.	OAK (F)
49.	The Owner acknowledges that **work completed on behalf of the Town** shall not exceed the estimated values contained within the subdivision agreement and that the Town will not accept any further progress certificates relating to the Schedule 'K' works and will not consider the payment of said progress certificates received after the assumption of the subdivision by the Town. The Owner further acknowledges that work done on behalf of the Town may not be reimbursed until funded in the Town's approved capital budget.	OAK (TE)(F)
50.	The Owner agrees to provide notice to prospective purchasers upon the completion and approval of the **Composite Utility Plan** showing the location of all community facilities (community mail boxes, bus shelter and stops, street trees, sidewalks, street light poles, hydrants, cable boxes, transformers or any other above grade facilities) to the satisfaction of staff and that this plan be displayed in the sales office.	OAK (TE)
51.	That the Owner's engineer provide certification that all **Erosion and Sediment Controls** are in a state of good repair and Stormwater outfalls are operational to the satisfaction of the Development Services Department prior to building permit issuance.	OAK (TE)
52.	That the Owner agrees to construct any **stormwater management facilities** according to the approved plans and reports for this subdivision or as updated for the Bronte Green Subdivision (20M-1223) to include the subject lands. Additionally the Owner agrees to monitor and maintain the facilities until they are accepted by the town. The Owner shall provide a monitoring procedure and schedule for all stormwater management facilities / works immediately after all stormwater management facilities / works become operational. All monitoring shall be in accordance with the requirements of the approved EIR / FSS, Development Services Procedures and Guidelines Manual and North Oakville Monitoring Guidelines. Monitoring and maintenance is to be undertaken by the Owner for a minimum period of 2 years once all stormwater management works become operational and stabilized or at the Town's discretion for a minimum period of 2 years following construction of the majority of the contributing drainage area in accordance with the approved Operations Maintenance and Monitoring Program. Should the monitoring results fail to demonstrate to the satisfaction of the Town of Oakville, acting reasonably, that the performance of the stormwater management facilities / works is in accordance with acceptable engineering practices, the Owner shall take immediate remedial action.	OAK (TE)
53.	That storm sewerage, lot grading and street grading must be in conformity with the Town of Oakville's **Storm Drainage Policies and Criteria Manual** and to the satisfaction of the Development Services Department, in accordance with the Development Services Procedures and Guidelines Manual.	OAK (TE)
54.	The Owner agrees to pay for **electricity supplied to light the streets** in the development until such time as the first homeowners take possession. This will include the supply of power to the street lights, the commodity cost, transmission and independent electricity marketing operator charges, distribution charges and administration fees, details of which will be outlined in the subdivision agreement.	OAK (TE)
55.	The Owner shall agree to **deposit mylars and digital discs** (.dwg file format) of the registered plan of subdivision to the satisfaction of the Town.	OAK (TE)
56.	That the Owner agrees to pay for and install all required **temporary signage** as per the approved Traffic and Parking Management Plan prior to the issuance of any building permits and agrees to ensure that these temporary signs are maintained throughout the construction phase or until the permanent signage is installed.	OAK (TE)

57.	That the Owner agrees to pay for and install all **permanent signage** within six (6) months of the first building occupancy as per the approved Traffic and Parking Management Plan. In the event that the Owner fails to install the permanent signage in the required timeframe the Town may carry out the work on behalf of the Owner, and will charge the Owner a 100% administration surcharge for all costs incurred by the Town in carrying out this work	OAK (TE)
58.	That the Owner shall place **public and educational signage** within the stormwater management Blocks to identify the general operation of the stormwater management facilities and list public restrictions for recreational use all to the satisfaction of the Engineering and Construction Department.	OAK (TE)
59.	That the Owner agrees within the subdivision agreement to deliver to the Town the following materials to accommodate **PSAB requirements** (hereinafter in this section referred to as the "Materials") within the times herein provided: a) Prior to registration of the Plan, a table in form and content acceptable to the Town and certified accurate by an Ontario Land Surveyor, setting out the area of all lands to be dedicated to the Town pursuant to this agreement, including rights of way (herein after referred to as the "Dedicated Lands"); b) Prior to acceptance of Maintenance, a table in form and content acceptable to the Town, and certified by the Owner's Engineer, setting out all materials used in the Town's Work, the dates of their respective installation, together with certification of their fair market value at installation; and c) Prior to assumption of the Plan, updated certification by the aforementioned Ontario Land Surveyor, Owner's Engineer or Appraiser as applicable, of the Materials and their current fair market value in form and content acceptable to the Town, together with certification in the manner and by the persons set out herein of any works to be assumed by the Town and not previously certified.	OAK (TE)
60.	That the Owner agrees that all **roadways** are to be designed to Town of Oakville standards and partial roads within the draft plans are not permitted, unless other suitable arrangements are made with the Director of Development Services, as agreed to through the Bronte Green Subdivision (20M-1223) for the extension of Charles Cornwall Avenue and Merton Road adjacent to the subject lands.	OAK (TE)
61.	In the event that required subdivision land use and **notice signage** becomes damaged and/or missing from their original approved locations, the Town may re-install signage on the Owner's behalf and the Owner shall reimburse the Town for such works.	OAK (TE)
62.	That the Owner satisfies the **telecommunications** provider with respect to their land requirements and agrees to permit all electrical and telecommunication providers who have signed the Town's access agreement to locate on the roads within the plan and that the Owner allow these services to connect to the buildings, all to the satisfaction of the Town.	OAK (TE)
63.	That the Owner shall provide in each of the sales offices a **large coloured map**, not less than 1.5 metres by 2 metres, of the approved land use plans to date and/or where applicable, the land use plans approved in the Official Plan for the overall community together with a copy of the Town of Oakville Official Plan and a prominent note indicating that further information can be obtained from the Oakville Planning Services Department.	OAK (TE)
64.	a) That the Owner acknowledges that during the active construction process it is anticipated that **sediment accumulation** in the stormwater management pond will occur at an above average rate compared to the rate for a stabilised condition. Based on this assumption the Owner agrees to monitor the sediment accumulation level and clean the pond periodically to ensure its operational efficiency is maintained. Prior to assumption a condition and monitoring report is to be prepared by the Owner's Engineer which is to outline the monitored performance of the pond as documented over time and the current state of sediment level within the pond. The Engineers report will make recommendations with respect to any maintenance required at the time	OAK (TE)

	of the requested assumption and itemise such items which the Owner will be required to remediate prior to the assumption. b) That the Owner agrees, at the time of the requested assumption, to provide an up-to-date **bathymetric survey** to determine the sediment level within the storm water management pond. If the accumulated sediment level is less than 25% of the design sediment storage volume within the fore-bay and/or main bay area of the pond, the Owner will provide a cash-in-lieu payment to the town for future clean-out based on an amount to be determined. Notwithstanding the above, should the sediment accumulation exceed 25% of the design sediment storage volume, the Owner agrees to clean out the pond. c) That the Owner agrees that the Town shall retain **securities for any Stormwater Management Facility** for at least a minimum two year maintenance period after the construction and stabilization of the stormwater management pond, or at the Town's discretion, for a minimum 2 year period following the assumption the majority of contributing development plans. The value of this security will be determined by the Town based on the size of any pond as well as the number of contributing plans.	
65.	That the Owner designs, constructs and has in operation all necessary **flood control structures and stormwater outfall structures** prior to the issuance of any building permits to the satisfaction of the Development Services Department and Parks and Open Space Department.	OAK (TE, POS)
66.	That the Owner agrees at their cost to implement the **municipal tree planting program** approved for the Bronte Green Subdivision (20M-1223), as amended for the subject lands for all public roads in accordance with the approved Composite Utility Plan and/or Tree Planting Plan. The selection of species, calliper and timing of work shall be undertaken to the satisfaction of the Development Services Department and in accordance with the latest Town standards and specifications.	OAK (TE, POS)
67.	That the Owner agrees to submit **prior to Assumption** an inventory of all boulevard trees planted by species, size, and x/y coordinates in a digital format acceptable to the Parks and Open Space Department and Development Services.	OAK (POS, TE)
68.	That the Owner warranty all **boulevard street trees** and trees planted in open space areas for a period of 2 years from the date of planting and agrees to maintain in a healthy condition all trees until Assumption or to the end of the warranty period, where the warranty extends beyond assumption, as provided in the Bronte Green Subdivision (20M-1223) as amended to include the subject lands.	OAK (TE, POS)
69.	That the Owner agrees to place **topsoil** on lots, boulevards and parkland in accordance with approved Town standards.	OAK (POS, TE)
70.	That the Owner implements a **monitoring program** to the satisfaction of the Town and Conservation Halton for Erosion and Sediment control, stormwater management facilities, modified streams and stormwater management works, municipal services and trails with the Natural Heritage System, in accordance with the Water Resources Final Mediation Reports (Ontario Municipal Board) dated 30 August, 2007. The Owner shall submit monthly sediment and erosion control reports during construction to the satisfaction of the Town of Oakville.	OAK (TE)
71.	That the Owner agrees to **post acceptable securities** with the Town of Oakville as part of the subdivision agreement, for the purpose of ensuring the construction and completion of all works identified on the approved engineering plans including the rehabilitation of any Natural Heritage System block or open space areas which may be disturbed during the development of the subdivision.	OAK (TE)
72.	That the Owner shall prepare and implement at no cost to the Town, a **landscape, restoration and enhancement plan for the stormwater management facility** approved through the Bronte Green Subdivision (20M-1223) as amended to include the subject lands, to the satisfaction of the Development Services Department, and Parks and Open Space in accordance with the Town's stormwater management Landscaping Standards. The Owner shall be entirely responsible for the implementation of these features including all financial costs.	OAK (TE, POS)

73.	That the Owner agrees to not store **construction materials** on vacant lots and/or open space blocks that abut lots which are occupied by homeowners.	OAK (TE, POS)
74.	That the Owner agrees to implement any **cycling and trails plans** as approved for the Bronte Green Subdivision (20M-1223) as amended to include the subject lands in accordance with the North Oakville Trails Plan, when finalized, and the enacted Development Charges By-law to the satisfaction of the Town.	OAK (POS)
75.	That the Owner provides **a fire break plan** and other fire prevention measures to the satisfaction of the Town of Oakville, where necessary.	OAK (FD)
76.	That the owner agree that **no fill from the site may be dumped on or off-site** in an area regulated by Conservation Halton without the prior written permission of Conservation Halton.	CH
77.	That the Owner acknowledges that all works which are the responsibility of the Owner to complete, shall be subject to general construction observation by a **licensed Professional Engineer** of the Province of Ontario with all professional engineering fees paid by the Owner. The Owner's engineer must provide competent full time staff on site during construction activities to obtain the required "as constructed" field information, and to ensure general compliance to the best of his/her professional knowledge with the approved drawings and the Town and Region's Current Construction and Design Standards.	RMH (LPS) OAK (TE)
78.	That the Owner agrees that **pre and post development storm water flows** from the site to the existing drainage system are maintained both during and after construction, such that there are no adverse impacts to the existing storm drainage system to the satisfaction of Halton Region's Development Project Manager.	RMH (LPS)
79.	That the Owner agrees to conduct a **survey of the static water level** and quality of all wells within 500 metres of the plan. The Owner further agrees to resolve any claims of well interruption due to the construction of municipal services to the satisfaction of the Region's Development Project Manager.	RMH (LPS)
80.	The Owner agrees to conduct a survey of the property to identify all existing private septic systems related to the former use of the lands. The owner further agrees to decommission any existing private septic systems in accordance with MOE guidelines prior to commencing the development of these lands to the satisfaction of the Region's Development Project Manager.	RMH (LPS)
81.	That the Owner acknowledges that development shall be subject to full **municipal water and sanitary sewer services** to the satisfaction of the Regional Municipality of Halton.	RMH (LPS)
82.	The Owner agrees that until notice from Halton Region's Commissioner of Public Works is given to the Owner that development of these lands is able to proceed by the issuance of a building permit with **residential water/wastewater capacity** or that units under the Region's Allocation Program will be operational within 12 months, that the Owner shall not seek the issuance of building permits for any development in this phase and: • shall not sell or offer for sale any lot or block or any part thereof within this phase if such sale obligates the Owner or permits the purchaser to construct a residential building on such lot or block; and, • shall not seek final approval for registration of such lots or blocks or any part thereof.	RMH (LPS)
83.	The Owner agrees that should the development be phased, the Owner shall submit a **phasing plan** prior to final approval of the first phase. The phasing plan will indicate the sequence of development, the land area in hectares, the number of lots and blocks for each phase and the proposed use of all blocks including, the proposed number of units, the specific lots to be developed, site access to each phase, grading and the construction of public services. The phasing must be reflected in all engineering reports. The phasing shall be to the satisfaction of the Regional Municipality of Halton, Conservation Halton and the Town of Oakville.	RMH (LPS) OAK (TE) CH
84.	The Owner agrees that Halton Region will provide full collection curb side in front of the individual homes and collection will not begin collection until development is 90% occupied or Regional **waste collection** trucks can safely access the site. Until Regional collection commences it is the responsibility of	RMH (LPS)

	the Owner/Developer to provide appropriate private collection to occupied units.	
85.	That the Owner shall submit a copy of the **approved sidewalk plan** prepared for the Bronte Green Subdivision (20M-1223) updated to include the subject lands, and prepared to the satisfaction of the Town of Oakville, to the Halton District School Board and Halton Catholic District School Board.	OAK (TE) HDSB HCDSB
86.	That the Owner provides the Halton District School Board a **geo-referenced AutoCAD file** of the draft M-plan once all Lot and Block numbering configuration has been finalised. Should any changes occur after the initial submission to Lot and Block configuration or numbering on the draft M-plan the Owner shall provide a new AutoCAD file and a memo outlining the changes.	HDSB
87.	That the Owner agrees to erect and **maintain signs** at all major entrances into the new development advising prospective purchasers that a permanent school is not available and that alternate accommodation and/or bussing will be provided. The Owner will make these signs to the specifications of the respective School Board and erect them prior to the issuance of building permits.	HDSB HCDSB
88.	That the Owner agrees to ensure that all new home buyers will be officially notified of the exact **Community Mail Box** locations prior to any house sales. Also that the owner shall post in a clear site a copy of the plan indicating the Community Mail Box sites at the sales office. This plan is requested to be completed and approved prior to the start of the House sales for the subdivision. Once the homeowner has closed their home sale, the developer shall notify all new homebuyers of the process to initiate Mail Delivery as well as the address of the local Post office where new homeowners can go and show their warranty documentation as well as a license for identification to begin the process of requesting mail delivery.	CP
89.	The Owner agrees to provide the location of all **Community Mail Boxes** on the approved Composite Utility Plan to the satisfaction of the Town and Canada Post.	CP
90.	The Owner agrees, prior to offering any units for sale, to display and maintain a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all **Community Mail Boxes** within the development, as approved by Canada Post. Further, the Owner agrees to inform all homebuyers of the process to initiate mail delivery for their new home address.	CP
91.	The owner/developer will consult with Canada Post to determine suitable permanent locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans.	CP
92.	The Builder/Owner/Developer will confirm to Canada Post that the final secured permanent locations for the Community Mailboxes will not be in conflict with any other utility; including hydro transformers, bell pedestals, cable pedestals, flush to grade communication vaults, landscaping enhancements (tree planting) and bus pads.	CP
93.	The Owner agrees to provide a suitable and safe temporary site for **Community Mail Box** locations. This temporary mail box pad will be a compacted gravel area with a minimum of a single row of patio stones for mail box placement. Temporary pad specifications will be provided to the Owner during the siting process. This location must be set up a minimum of 30 days prior to first occupancies.	CP
94.	The owner/developer will communicate to Canada Post the excavation date for the first foundation (or first phase) as well as the expected date of first occupancy	CP
95.	That the Owner acknowledges that where multi-unit or commercial, office or similar buildings are located, one or more conduit or conduits of sufficient size will be provided from each unit to the room(s) in which the **telecommunication facilities** are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line.	BC /Cogeco/Rogers
96.	That the Owner acknowledge its responsibility to up-front the cost of any extension to the **electrical distribution system**.	OH
97.	That the Owner agrees to place the following **notification in all offers of purchase and sale**, plus any additional applicable clauses included for the Bronte	OAK (PS, TE)(POS) CH

	Green Subdivision (20M-1223) for all lots and/or units and in the Town's subdivision agreement to be registered on title: a) "Purchasers are advised that the Town of Oakville's current **street tree planting standards**, which are subject to change, are intended to have an average of one tree for every 12 metres of frontage to be considered for planting in order to accommodate future tree growth. This means that not every house is intended to receive a tree. Purchasers are also advised that the ability to accommodate the planting of a street tree within the public rad allowance will be influenced by housing form, development setbacks, utilities, driveway width and location. The Town reserves the right, in its sole discretion, to determine whether a street tree will be planted at any particular location within the subdivision particularly on narrow building lots." b) "Purchasers are advised that **winter maintenance** and snow plowing from public streets and laneways will be done in accordance with the Council approved protocol and policies for snow removal." c) "Purchasers and/or tenants are advised that the homeowner's builder is responsible for the timing and coordination of **rectifying lot grading** matters which occur prior to assumption." d) "Purchasers and/or tenants are advised that prior to the placement of any **structures in side and rear yards**, the Zoning By-law should be reviewed to determine compliance and that a Site Alteration Permit may be required prior to proceeding to do any site work." e) "Purchasers and/or tenants are advised that **private landscaping** is not permitted to encroach within the Town's road allowance, public open space or Natural Heritage System area. Any unauthorised encroachments are to be removed by the homeowner prior to Assumption." f) "Purchasers and/or tenants are advised that an overall grade control plan has been approved for this Plan and further some lots will incorporate the drainage of adjoining lots through the design of **swales and rear lot catch basins**." g) "Purchasers are advised that any **unauthorized alteration of the established lot grading** and drainage patterns by the homeowner may result in negative drainage impacts to their lot and/or adjoining lots." h) "Purchasers are advised that the following street(s) in the area may be designated as **interim or permanent bus routes**, and that bus stops and shelters may be installed along the street(s): Streets Charles Cornwall Avenue and Merton Road" i) "Purchasers and/or tenants are advised that home/business mail delivery will be from designated **Community Mail Boxes** and that purchasers are to be notified by the developer/owner regarding the exact centralized mail box locations prior to the closing of any home sales. " j) "Purchasers are advised that the **schools** on sites designated for the Halton District School Board or Halton Catholic District School Board in the community are not guaranteed. Attendance in the area is not guaranteed. Pupils may be accommodated in temporary facilities and/or be directed to schools outside of the area." k) "Prospective purchasers are advised that the HCDSB will designate pick up points for the children to meet the bus on roads presently in existence or other pick up areas convenient to the Board, and that you are notified that **school buses** will not enter cul-de-sacs and private roads. l) "Purchasers are advised that Town **Stormwater Management Ponds** will be subject to scheduled maintenance and periodic cleanout in accordance with Town requirements."	HDSB HCDSB CP

	m) "Purchasers are advised that **driveway entrance widenings** or modifications will not be permitted where they impact on the availability of on-street parking space. Property Owners must take note of the available parking space on their own private lot and purchase homes with knowledge that additional space for more personal / family vehicles may be limited or unavailable." n) "Purchasers are advised that **Catholic school accommodation** may not be available for students residing in this area, and that you are notified that students may be accommodated in temporary facilities and/or bussed to existing facilities outside the area. Halton Catholic District School Board will designate pick up points for the children to meet the bus on roads presently in existence or other pick up areas convenient to the Board." o) "Purchasers are advised that Public roads are expected to accommodate pedestrians, cyclists and vehicles of all types. Temporary and/or permanent **public parking along municipal roads** except laneways adjacent to any property can be made available for on-street parking by the public and is not reserved for use by the property Owner. This will be most evident in close proximity to parks, schools, laneways and commercial or mixed use districts where visitors to these locations will be encouraged to park on-street in accordance with municipal requirements as on-site parking space will be minimal or non-existent. p) "Purchasers are advised that there is the potential for high water pressures within the subdivision" In cases where offers of purchase and sale have already been executed, the Owner shall send a letter to all purchasers which includes the above statements.	
	CLOSING CONDITIONS	
1	Prior to signing the final plan the **Director of Planning Services** shall be advised that all conditions have been carried out to the satisfaction of the relevant agencies, and that a brief but complete statement detailing how each condition has been satisfied has been provided.	OAK (PS)
2	Prior to signing the final plan the Director of Planning Services shall be advised by the **Regional Municipality of Halton** that their conditions have been carried out to their satisfaction with a brief but complete statement detailing how each condition has been satisfied.	OAK (PS) RMH (LPS)
3	Prior to the signing of the final plan the Director of Planning Services shall be advised by the **Conservation Halton** that their conditions have been carried out to their satisfaction with a brief but complete statement detailing how each condition has been satisfied.	OAK (PS) CH
4.	Prior to signing the final plan the Director of Planning Services shall be advised by the **Halton District School Board** that their conditions have been carried out to their satisfaction with a brief but complete statement detailing how each condition has been satisfied.	OAK (PS) HDSB
5.	Prior to signing the final plan, the Director of Planning Services shall be advised by the **Halton Catholic District School Board** that their conditions have been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.	OAK (PS) HCDSB
6.	Prior to signing the final plan, the Director of Planning Services shall be advised by the **telecommunications provider** that their conditions have been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.	OAK (PS) BC, Cogeco, Rogers
7.	Prior to signing the final plan the Director of Planning Services shall be advised by **Canada Post** that their conditions have been carried out to their satisfaction with a brief but complete statement detailing how each condition has been satisfied.	OAK (PS) CP

8.	Prior to signing the final plan, the Director of Planning Services shall be advised by **Oakville Hydro** that condition 96 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.	OH
9.	Prior to signing the final plan, the Director of Planning Services shall be advised by **Union Gas/Enbridge Gas** that condition 38 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.	UG/Enbridge
	All of the above conditions shall be satisfied within 3 years of the granting of draft approval, being *Day___, Month_____, 20xx*.	OAK (PS)

LEGEND – CLEARANCE AGENCIES

BC	Bell Canada
Cogeco	Cogeco Cable
CP	Canada Post
HCDSB	Halton Catholic District School Board
HDSB	Halton District School Board
CH	Conservation Halton
MTCS	Ministry of Tourism, Culture and Sport
OAK (A)	Town of Oakville – Planning Administration
OAK (F)	Town of Oakville – Finance
OAK (L)	Town of Oakville – Legal
OAK (TE)	Town of Oakville – Transportation and Engineering Department (formerly DE)
OAK (PS)	Town of Oakville – Current Planning Services
OAK (LR)	Town of Oakville – Long Range Planning
OAK (Z)	Town of Oakville – Building Services Department, Zoning Section
OAK (FD)	Town of Oakville – Fire Department
OAK (POS)	Town of Oakville – Parks and Open Space Department
OAK (EC)	Town of Oakville – Engineering and Construction Department
OAK (T)	Town of Oakville – Transit
OH	Oakville Hydro
RMH (LPS)	Regional Municipality of Halton – Legislative and Planning Services
Rogers	Rogers
UG/Enbridge	Union Gas/Enbridge Gas

NOTES:

1. That the Owner shall obtain a Permit from Conservation Halton, pursuant to Ontario Regulation 162/06, for any development or site alteration within the regulated area including, but not necessarily limited to, dumping of fill, grading, stormwater outfalls, and watercourse crossings.

2. The Owner should obtain the written approval of the Ministry of Natural Resources and Forestry (MNRF) for any work within significant habitat of endangered and threatened species, as per the **Endangered Species Act**, where necessary.

3. The Owner should ensure that any vegetation removal take place outside of the nesting season, pursuant to the **Migratory Bird Convention Act**, where necessary.

4. That the Owner shall obtain a site alteration permit under By-law 2008-124, as it may be amended from time to time or any successor thereto, prior to any earth moving activities. Matters to be addressed as part of the site alteration permit shall include but not be limited to confirmation of construction access, installation and maintenance of erosion and sediment controls, mud tracking, stabilisation, grading and seeding of non-development blocks.

5. The owner/applicant is to pay cash-in-lieu of parkland dedication, pursuant to Section 42 of the Planning Act and in accordance with the Towns By-law 2008-105. The owner / applicant is to contact the Town's Manager of Realty Services approximately 120 days and no later than 60 days prior to their intended date to draw the first above grade building permit for the proposed development or redevelopment, to arrange coordination of the necessary appraisal.

6. The required payments and contributions for water, wastewater and roads are payable in accordance with the terms and conditions set out in the applicable allocation program agreement in which the Single-Detached Equivalents are being reserved for the Owner.

7. The Owner will be required to pay all applicable Regional development charges in accordance with the Region of Halton Development Charges By-law(s), as amended. If a subdivision (or other form of development) agreement is required, the water, wastewater and road portions of the Regional development charges are payable upon execution of the agreement or in accordance with the terms and conditions set out in the agreement. In addition, commencing January 1, 2017 every owner of land located in Halton Region intended for residential development will be subject to the Front-ending Recovery payment. Residential developments on lands located in Halton Region that prior to January 1, 2017 are part of a Regional allocation program, or have an executed Regional/Local Subdivision or consent agreement, or have an executed site plan agreement with the Local Municipality, or received a notice in writing from the Local Municipality that all requirements under the Planning Act have been met, or obtained a building permit are not subject to the Front-ending Recovery Payment.

   The above note is for information purpose only. All residential development applicants and every owner of land located in Halton Region assume all of the responsibilities and risks related to the use of the information provided herein.

   Please visit our website at www.halton.ca/developmentcharges to obtain the most current development charge and Front-ending Recovery Payment information, which is subject to change.

8. Fees are required by Halton Region for each extension to draft approval and for major revisions to the draft plan or conditions.

9. Please note the Owner should be made aware that Halton Region will have the following requirements at the time of registration of the subdivision:
   - Final draft M plans signed and dated by the Owner, Surveyor and initialled by the Town's Planner
   - Regional Registration fee
   - Registry Office review form

10. Education Development Charges are payable in accordance with the applicable Education Development Charge By-law and are required at the issuance of a building permit. Any building permits that are additional to the maximum yield that is specified by the Subdivision Agreement are subject to Education Development Charges prior to the issuance of a building permit, at the rate in effect at the date of issuance.

Appendix "B"– Applicable Policies

Provincial Policy Statement - 2020

The Provincial Policy Statement (2020) ('PPS') is intended to promote a policy led system, which recognizes that there are complex relationships among environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas and by promoting a compact development form.

The subject lands are located within a settlement area, which are to be the focus of growth and development (policy 1.1.3.1). The land use patterns within the settlement area based on densities and a mix of land uses that, among other matters, efficiently use land and resources, appropriately use the infrastructure and public service facilities that are planned or available and are transit supportive.

Part V: Policies

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 – Healthy, liveable and safe communities are sustained by:

a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
d) avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;
e) promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification* and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;
g) ensuring that necessary *infrastructure* and *public service facilities* are or will be available to meet current and projected needs;
h) promoting development and land use patterns that conserve biodiversity; and
i) preparing for the regional and local impacts of a changing climate.

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for

specific areas of the Province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area.

Within *settlement areas*, sufficient land shall be made available through *intensification* and *redevelopment* and, if necessary, *designated growth areas.*

Nothing in policy 1.1.2 limits the planning for *infrastructure*, *public service facilities* and *employment areas* beyond a 25-year time horizon.

1.1.3 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.

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

1.1.3.1 *Settlement areas* shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

a) efficiently use land and resources;
b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for unjustified and/or uneconomical expansion;
c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
d) prepare for the *impacts of a changing climate;*
e) support active transportation;
f) are transit-supportive, where transit is planned, exists or may be developed; and
g) are freight-supportive.

Land use patterns within *settlement areas* shall also be based on a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *transit-supportive* development, accommodating a significant supply and range of *housing options* through *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.

1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.

1.1.3.5 Planning authorities shall establish and implement minimum targets for *intensification* and *redevelopment* within built-up areas, based on local conditions. However, where provincial targets are established through *provincial plans*, the provincial target shall represent the minimum target for affected areas.

1.1.3.6 New development taking place in *designated growth areas* should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, *infrastructure* and *public service facilities*.

1.2 Coordination

1.2.1 A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including:

a) managing and/or promoting growth and development that is integrated with *infrastructure* planning;
b) economic development strategies;
c) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;
d) *infrastructure*, *multimodal transportation systems*, *public service facilities* and *waste management systems*;
e) ecosystem, shoreline, watershed, and Great Lakes related issues;
f) natural and human-made hazards;
g) population, housing and employment projections, based on *regional market areas*; and
h) addressing housing needs in accordance with provincial policy statements such as the Policy Statement: Service Manager Housing and Homelessness Plans.

1.4 Housing

1.4.1 To provide for an appropriate range and mix of *housing options* and densities required to meet projected requirements of current and future residents of the *regional market area*, planning authorities shall:

a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through *residential intensification* and *redevelopment* and, if necessary, lands which are *designated and available* for residential development; and

b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.

Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and

redevelopment, and land in draft approved and registered plans.

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:

a) establishing and implementing minimum targets for the provision of housing which is *affordable* to *low and moderate income households* and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;

b) permitting and facilitating:
   1. 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
   2. all types of *residential intensification*, including additional residential units, and *redevelopment* in accordance with policy 1.1.3.3;

c) directing the development of new housing towards locations where appropriate levels of *infrastructure* and *public service facilities* are or will be available to support current and projected needs;

d) promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*, and support the use of *active transportation* and transit in areas where it exists or is to be developed;

e) requiring *transit-supportive* development and prioritizing *intensification,* including potential air rights development, in proximity to transit, including corridors and stations; and

f) establishing development standards for *residential intensification*, *redevelopment* and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

1.5 Public Spaces, Recreation, Parks, Trails and Open Space

1.5.1 Healthy, active communities should be promoted by:

a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity;

b) planning and providing for a full range and equitable distribution of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;

c) providing opportunities for public access to shorelines; and

d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.

1.6 Infrastructure and Public Service Facilities

1.6.1 *Infrastructure and public service facilities* shall be provided in an efficient manner that prepares for the *impacts of a changing climate* while accommodating projected needs.

Planning for *infrastructure* and *public service facilities* shall be coordinated and integrated with land use planning and growth management so that they are:

a) financially viable over their life cycle, which may be demonstrated through asset management planning; and
b) available to meet current and projected needs.

1.6.3 Before consideration is given to developing new *infrastructure* and *public service facilities*:

a) the use of existing *infrastructure* and *public service facilities* should be optimized; and
b) opportunities for adaptive re-use should be considered, wherever feasible.

1.6.4 *Infrastructure* and *public service facilities* should be strategically located to support the effective and efficient delivery of emergency management services, and to ensure the protection of public health and safety in accordance with the policies in Section 3.0: Protecting Public Health and Safety.

1.6.5 *Public service facilities* should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and *active transportation*.

1.6.6 Sewage, Water and Stormwater

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.

1.6.7 Transportation Systems

1.6.7.1 *Transportation systems* should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.

1.6.7.2 Efficient use shall be made of existing and planned *infrastructure*, including through the use of *transportation demand management* strategies, where feasible.

1.6.7.3 As part of a *multimodal transportation system*, connectivity with and among *transportation systems* and modes should be maintained and, where possible, improved including connections which cross jurisdictional boundaries.

1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future uses of transit and *active transportation*.

1.6.8 Transportation and Infrastructure Corridors

1.6.8.1 Planning authorities shall plan for and protect corridors and rights-of-way for *infrastructure*, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs.

1.6.8.2 *Major goods movement facilities and corridors* shall be protected for the long term.

1.6.8.3 Planning authorities shall not permit *development* in *planned corridors* that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

New *development* proposed on *adjacent lands* to existing or *planned corridors* and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.

1.6.8.4 The preservation and reuse of abandoned corridors for purposes that maintain the corridor's integrity and continuous linear characteristics should be encouraged, wherever feasible.

1.6.8.5 The co-location of linear *infrastructure* should be promoted, where appropriate.

1.6.8.6 When planning for corridors and rights-of-way for significant transportation, electricity transmission, and *infrastructure* facilities, consideration will be given to the significant resources in Section 2: Wise Use and Management of Resources.

1.8 Energy Conservation, Air Quality and Climate Change

1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:

a) promote compact form and a structure of nodes and corridors;
b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;
c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;
d) focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities;
e) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;
f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and
g) maximize vegetation within settlement areas, where feasible.

Growth Plan (2020)

The Growth Plan is a long-term plan that intends to manage growth, build complete communities, curb sprawl and protect cultural heritage resources and the natural environment.

The Growth Plan provides policies for where and how to grow, directing population and employment growth to urban areas and rural settlement areas with delineated built boundaries on full municipal services (policy 2.2.1). The policies of the Growth Plan are to be applied to support complete communities that feature a diverse mix of land uses with convenient access to local stores, services, and public service facilities, provide a diverse range and mix of housing options, expand convenient access to transportation options.

Section 1.2.1 – Guiding Principles

- *Support the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime.*
- *Prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability.*
- *Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.*
- *Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.*
- *Improve the integration of land use planning with planning and investment in infrastructure and public service facilities, including integrated service delivery through community hubs, by all levels of government.*
- *Conserve and promote cultural heritage resources to support the social,economic, and cultural well-being of all communities, including FirstNations and Métis communities.*
- *Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the*

impacts of a changing climate – and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions.

Section 2.2 – Policies for Where and How to Grow

2.2.1 – Managing Growth

2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

a. the vast majority of growth will be directed to settlement areas that:
   i. have a *delineated* built boundary;
   ii. have existing or planned *municipal water and wastewater systems*; and
   iii. can support the achievement of *complete communities*;

b. growth will be limited in settlement areas that:
   i. are rural settlements;
   ii. are not serviced by existing or planned municipal water and wastewater systems; or
   iii. are in the Greenbelt Area;

c. within *settlement areas*, growth will be focused in:
   i. *delineated built-up areas*;
   ii. *strategic growth areas*;
   iii. locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and
   iv. areas with existing or planned *public service facilities;*
   d. development will be generally directed away from hazardous lands;

2.2.1.3 Upper- and single-tier municipalities will undertake integrated planning to manage forecasted growth to the horizon of this Plan, which will:

c. provide direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact built form;

d. support the environmental and agricultural protection and conservation objectives of this Plan;

2.2.1.4 Applying the policies of this plan will support the achievement of *complete communities* that:

a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities;*
b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
c) provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes

d) expand convenient access to:
   i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
   ii. public service facilities, co-located and integrated in community hubs;
   iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and
   iv. healthy, local, and affordable food options, including through urban agriculture;
e) ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards;
f) mitigate and adapt to climate change impacts, build resilience, reduce greenhouse gas emissions, and contribute towards the achievement of low-carbon communities; and
g) integrate green infrastructure and low impact development.

2.2.2.3 – Delineated Built-up Areas

All municipalities will develop a strategy to achieve the minimum intensification target and *intensification* throughout *delineated built-up areas*, which will:

a) encourage *intensification* generally to achieve the desired urban structure;
b) identify the appropriate type and scale of development and transition of built form to adjacent areas;
c) identify *strategic growth areas* to support achievement of the intensification target and recognize them as a key focus for development;
d) ensure lands are zoned and development is designed in a manner that supports the achievement of *complete communities*;
e) prioritize planning and investment in *infrastructure* and *public service facilities* that will support *intensification*; and
f) be implemented through official plan policies and designations, updated zoning and other supporting documents.

2.2.6.3 – Housing

To support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.

Section 3.2.7 - Stormwater Management

1. Municipalities will develop stormwater master plans or equivalent for serviced settlement areas that:
   a) are informed by watershed planning or equivalent;
   b) protect the quality and quantity of water by assessing existing stormwater facilities and systems;
   c) characterize existing environmental conditions;
   d) examine the cumulative environmental impacts of stormwater from existing and planned development, including an assessment of how extreme weather events

will exacerbate these impacts and the identification of appropriate adaptation strategies;

e) incorporate appropriate low impact development and green infrastructure;

f) identify the need for stormwater retrofits, where appropriate;

g) identify the full life cycle costs of the stormwater infrastructure, including maintenance costs, and develop options to pay for these costs over the long-term; and

h) include an implementation and maintenance plan.

2. Proposals for large-scale development proceeding by way of a secondary plan, plan of subdivision, vacant land plan of condominium or site plan will be supported by a stormwater management plan or equivalent, that:

a) is informed by a subwatershed plan or equivalent;

b) incorporates an integrated treatment approach to minimize stormwater flows and reliance on stormwater ponds, which includes appropriate low impact development and green infrastructure;

c) establishes planning, design, and construction practices to minimize vegetation removal, grading and soil compaction, sediment erosion, and impervious surfaces; and

d) aligns with the stormwater master plan or equivalent for the settlement area, where applicable.

4.2.10 Climate Change

1. Upper- and single-tier municipalities will develop policies in their official plans to identify actions that will reduce greenhouse gas emissions and address climate change adaptation goals, aligned with other provincial plans and policies for environmental protection, that will include:

a) supporting the achievement of complete communities as well as the minimum intensification and density targets in this Plan;

b) reducing dependence on the automobile and supporting existing and planned transit and active transportation;

c) assessing infrastructure risks and vulnerabilities and identifying actions and investments to address these challenges;

d) undertaking stormwater management planning in a manner that assesses the impacts of extreme weather events and incorporates appropriate green infrastructure and low impact development;

e) recognizing the importance of watershed planning for the protection of the quality and quantity of water and the identification and protection of hydrologic features and areas;

f) protecting the Natural Heritage System for the Growth Plan and water resource systems;

g) promoting local food, food security, and soil health, and protecting the agricultural land base;

h) providing direction that supports a culture of conservation in accordance with the policies in subsection 4.2.9; and

i) any additional policies to reduce greenhouse gas emissions and build resilience, as appropriate, provided they do not conflict with this Plan.

<u>Livable Oakville Official Plan</u>

Section 4 – Managing Growth

4.3 Residential Intensification Outside of the Growth Areas

It is the policy of the Plan that the key focus for *development* and redevelopment to accommodate *intensification* will be the locations identified as Growth Areas. Lands outside of Growth Areas are predominantly stable residential communities which consist of established neighbourhoods. While the Plan encourages *intensification* generally throughout the *built up area*, it also recognizes that some growth and change may occur in these areas provided the *character* of the areas is preserved and the overall urban structure of the Town is upheld. *Intensificatio*n outside of the Growth Areas including additional *intensification* opportunities such as infill, redevelopment and *greyfield* and *brownfield* sites, will be considered in the context of this Plan.

Section 6 – Urban Design

6.4 Streetscape

6.4.2 New *development* should contribute to the creation of a cohesive streetscape by:

a) placing the principal building entrances towards the street and where applicable,towards corner intersections;
b) framing the street and creating a sense of enclosure;
c) providing variation in façade articulation and details;
d) connecting active uses to the public realm to enhance the liveliness and vibrancy of the street, where applicable;
e) incorporating sustainable design elements, such as trees, plantings, f urnishings, lighting, etc.;
f) coordinating improvements in building setback areas to create transitions from the public to private realms; and,
g) improving the visibility and prominence of and access to unique natural, heritage, and built features.

6.9 Built Form

6.9.1 Buildings should be designed to create a sense of identity through massing, form, placement, orientation, scale, architectural features, landscaping and signage.

6.9.2 Building design and placement should be compatible with the existing and planned surrounding context and undertaken in a creative and innovative manner.

6.9.3 To achieve compatibility between different land uses, *development* shall be designed

to accommodate an appropriate transition through landscape buffering, spatial separation, and compatible built form.

6.9.7 Development should be designed with variation in building mass, façade treatment and articulation to avoid sameness.

6.9.8 Buildings located on corner lots shall provide a distinct architectural appearance with a high level of detailing and articulated façades that continue around the corner to address both streets.

6.9.9 New *development* shall ensure that proposed building heights and form are compatible with adjacent existing *development* by employing an appropriate transition of height and form from new to existing *development*, which may include setbacks, façade step backs or terracing in order to reduce adverse impacts on adjacent properties and/or the public realm.

6.9.10 Continuous streetwalls of identical building height are discouraged. Variety in rooflines should be created through subtle variations in roof form and height.

6.9.14 Outdoor amenity areas on buildings should incorporate setbacks and screening elements to ensure compatibility with the local context.

6.9.15 Buildings should be sited to maximize solar energy, ensure adequate sunlight and skyviews, minimize wind conditions on pedestrian spaces and adjacent properties, and avoid excessive shadows.

Section 10 – Sustainability

10.10 Stormwater Management

10.10.1 Stormwater management techniques shall be used in the design of new *developments* to control both the quantity and quality of stormwater runoff. In areas where soil types permit, on-site infiltration shall be encouraged to the maximum extent feasible.

10.10.2 Where existing *watercourses* are sufficiently wide to carry storm flows, there shall be no modification of these areas, except for *erosion* control and water quality maintenance measures to the satisfaction of the Town, the Conservation Authority and the Province.

10.10.3 Where the *watercourse* is not sufficient to accommodate storm flows and to ensure water quality, realignment or deepening of the *watercourse* may be accepted, if the following guidelines are satisfied:

a) The *watercourse* realignment must meet all of the requirements of the Town, the Conservation Authority and the Federal government.

b) *Erosion* control and/or stream bed and bank stabilization techniques shall be implemented to the satisfaction of the Town and the Conservation Authority.

c) All alterations to *watercourses,* floodplains, meander belts, valleylands and fish habitat will require the approval of the Conservation Authority.

10.10.4 Potential recharge and infiltration areas shall require further studies to be conducted at the *development* application stage. The purpose of these studies is to determine whether site specific recharge and/or infiltration is feasible on the subject property and to ensure protection of their function.

10.10.5 The provision of stormwater drainage facilities shall be in accordance with master plans established through subwatershed studies, where applicable, or the Town's engineering standards.

10.10.6 Stormwater management plans and facilities for watersheds that extend beyond the municipal boundary shall be developed in conjunction with the adjacent municipalities.

10.10.7 Existing groundwater recharge rates shall be maintained in all *developments*, where possible.

10.10.8 The use of permeable surfaces and soft landscaping shall be encouraged where possible. q

10.10.9 All *development* shall follow the current Provincial and Federal guidelines for stormwater management (best management practices). The Town also encourages innovative stormwater management strategies, especially within the Growth Areas.

10.10.10 Where permanent facilities are required to service the full watershed, as determined in the subwatershed study, or are to be located outside the area of application for draft plan of subdivision approval, *development* of the subdivision may be delayed until required facilities are built.

10.10.11 Notwithstanding the above, the proponent of an application for draft plan of subdivision approval may provide interim stormwater management for the subdivision on their own property, subject to the approval of the Town and the Conservation Authority. Such handling shall be of a temporary nature and shall not be an alternative to optimum stormwater management as identified in the watershed and subwatershed studies.

10.10.12 The Town may pursue opportunities to implement quantity and quality controls for stormwater management within the Town's developed areas where current controls do not exist or are not adequate.

Section 11 – Residential

The following objectives shall apply to all Residential Areas:

a) maintain, protect and enhance the *character* of existing residential areas;
b) encourage an appropriate mix of housing types, densities, design and tenure throughout the Town;
c) promote housing initiatives to facilitate revitalization, compact urban form and an increased variety of housing alternatives;
d) promote innovative housing types and forms to ensure accessible, affordable, adequate and appropriate housing for all socio-economic groups;

11.1 General

11.1.4 *Development* shall conform with the policies relating to urban design and sustainability set out in Part C.

11.1.8 *Intensification* within the stable residential communities shall be provided as follows:

b) Within the stable residential communities, on lands designated Low Density Residential, there may also be sites at the intersection of arterial and/or collector roads, or sites with existing non-residential uses, that have sufficient frontage and depth to accommodate appropriate intensification through *development* approvals. *Intensification* of these sites may occur with Low Density Residential uses in accordance with section 11.1.9 and all other applicable policies of this Plan; and,
c) Within the stable residential communities, on lands designated Medium Density Residential and High Density Residential, there may be underutilized lands on which additional *development* may be appropriate. *Intensification* of these lands may occur within the existing density permissions for the lands and may be considered subject to the requirements of section 11.1.9 and all other applicable policies of this Plan.

11.1.9 Development within all stable residential communities shall be evaluated using the following criteria to maintain and protect the existing neighbourhood character:

a) The built form of development, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding neighbourhood.
b) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.
c) Where a development represents a transition between different land use designations or housing forms, a gradation in building height shall be used to achieve a transition in height from adjacent development.
e) Roads and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.
f) Surface parking shall be minimized on the site.
h) Impacts on the adjacent properties shall be minimized in relation to grading, drainage, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing.
i) The preservation and integration of heritage buildings, structures and uses within a Heritage Conservation District shall be achieved.
j) Development should maintain access to amenities including neighbourhood commercial facilities, community facilities including schools, parks and community centres, and existing and/or future public transit services.
k) The transportation system should adequately accommodate anticipated traffic volumes.
l) Utilities shall be adequate to provide an appropriate level of service for new and existing residents.

27.3.7 Bronte Green Lands

27.3.7 **Bronte Green Lands**

The Bronte Green Lands comprise the former Saw-Whet Golf Course known municipally as 1401 Bronte Road. The Bronte Green Lands also include a portion of lands owned at the time by the Region of Halton situated north of the southerly section of the proposed Collector Road shown on Schedule H.

The Bronte Green Lands are within a larger area known as the Merton Lands that are generally located north of the QEW and south of Upper Middle Road between Fourteen Mile Creek and Third Line to the east and Bronte Road to the west.

The following policies provide a framework for *development* of the Bronte Green Lands.

27.3.7.1 Development Concept

The Bronte Green Lands consist of a preserved and enhanced natural environment area along Fourteen Mile Creek and its tributaries. These lands provide for environmental protection and linkages with Bronte Creek to the west.

Development of the Bronte Green Lands intends to provide for environmental protection and the redevelopment of existing private open spaces and public institutional lands.

Development of the Bronte Green Lands shall contribute to a *complete community* with a mix of uses including a range of residential uses, commercial uses, recreation and open space areas, convenient access to public transportation and local services, and community facilities such as a school, if required.

Development within 400 metres of Bronte Road, a *higher order transit* corridor with *frequent transit* service, shall be *transit-supportive* with built form oriented toward Bronte Road.

The proposed minor collector road shall be the primary route through the Bronte Green Lands. The proposed minor collector shall support multiple mobility choices and connections and shall link community facilities including a neighbourhood park. The minor collector road shall form a minor gateway location at the northern intersection with Bronte Road. Multiple mobility choices and connections to urban squares and an open space trail network shall also be supported through the local road network to be developed.

27.3.7.2 Functional Policies

In addition to the policies in Part C of this Plan, the following policies apply to the Bronte Green Lands.

a) Urban Design

i) *Development* should be designed to provide a sense of place and neighbourhood *character*.

ii) *Development* shall provide a high quality public realm incorporating focal points such as parks and urban squares featuring gathering spaces, enhanced landscaping, seating and public art.

iii) *Development* shall be designed to provide for a mix of uses and various lot patterns and housing choices.

iv) *Development* shall provide a seamless transition between the public and private realms and promote pedestrian access between the built form and public realm along the street edge.

v) Buildings should be oriented towards higher-order street frontages, open spaces and parks to provide interest and comfort at ground level for pedestrians.

vi) Residential buildings should feature active frontages with living spaces and/or porches to support pedestrian streetscape.

vii) Residential uses shall be designed to reduce the visual appearance of garage doors along the street edge.

viii) To avoid a garage-dominated streetscape where lot frontages are narrow, rear laneways may be permitted.

ix) For *development* adjacent to Bronte Road:

- Buildings should be located close to Bronte Road to provide visual interest to pedestrians and a sense of enclosure to the street.
- Building frontages and main entrances shall address Bronte Road.
- Midblock pedestrian connections from Bronte Road into the interior of the community shall be provided for blocks longer than 200 meters.
- A window street may be permitted with limited frontage along Bronte Road.
- Land uses directly abutting the Natural Area shall be comprised of a combination of residential lots, single loaded vista roads and open space.

x) Views and pedestrian connections from the developed area into the Natural Area and Parks and Open Space areas along the west side of Fourteen Mile Creek valley shall be encouraged.

xi) Gateways

- The northern intersection of Bronte Road with the proposed minor collector road shall be a minor gateway location.Gateway locations should be enhanced by features including prominent buildings, strategic building placement, landscape features and public art.

b) Transportation

i) The proposed public road east of Bronte Road, shown on Schedule H, West Land Use, shall be classified as a minor collector road.

ii) Notwithstanding Table 4 in section 8.4, Rights-of-Way, the right-of-way for:

- The minor collector road shall be a minimum of 19 metres wide.
- The minor collector road where it contains the Region of Halton trunk sewer easement shall be a minimum of 24 metres wide. A portion of the 24 m right-of-way containing part of the Region of Halton trunk sewer easement shall be a boulevard.
- Local roads shall be a minimum of 17 metres wide but may be reduced by one metre in width when a sidewalk is not required on both sides of the road in accordance with section 8.10.7 of this Plan.

iii) *Development* shall provide for modified grid road patterns, coordinated road connections and coordinated intersections. Culs-de-sac shall be discouraged.

iv) Single-loaded roads shall be encouraged abutting portions of the Natural Area.

v) Roadway alignments shall be coordinated with existing infrastructure wherever feasible to minimize impact on the surrounding area.

vi) *Development* shall provide for a complete and connected *active transportation* network including bike routes, trails, pedestrian connections and sidewalks as well as improved connectivity with the existing *active transportation* network.

vii) On-street parking shall be encouraged on the proposed minor collector road.

c) Sensitive Land Uses

i) Sensitive land uses shall not be located within 300 metres of the property line of the Mid-Halton Wastewater Treatment Plant.

ii) Noise from all existing stationary sources of sound emanating from the Woodlands Operation Centre and works yard, Halton Regional Centre, future Emergency Medical Services building, and associated facilities, and the reasonable or planned expansion of such Regional facilities shall be appropriately mitigated by the proponents of the proposed *development* to achieve the MOECC NPC-300 guidelines for all sensitive land uses within the *development*. The costs associated with the required acoustic barriers and all recommended site source controls to achieve MOECC NPC-300 noise criteria shall be borne solely by the proponents of a proposed *development*.

i) The opportunity for an elementary school block shall be provided through the *development* process if required. In determining the location for a potential school block if required, the following criteria shall be considered:

- the site shall be located on the proposed minor collector road;
- the site is located to limit traffic infiltration;
- the site is located adjacent to, or in proximity to a neighbourhood park where practical and where land efficiencies can be achieved through joint programming; and,
- the site is designed to reduce the overall land requirements through means such as incorporation of on-street parking, multiple storeys, and joint use to reduce land requirements.

ii) A neighbourhood park shall be provided. In determining the location for the neighbourhood park, the following criteria shall be considered:

- the site is located along the minor collector road.

iii) Two urban squares shall be provided. In determining the location of the urban squares the following criteria shall be considered:

- the site(s) supports walkability across the balance of the residential areas and are correspondingly distributed;
- the site(s) is located to support the enhancement of Natural Area or identified natural features, where feasible; and,
- the site(s) is located to support and enhance the higher density *development* along Bronte Road, where feasible.

iv) A trail system shall be provided along the west side of Fourteen Mile Creek and its tributaries and may include pedestrian crossings where feasible. The trail system shall support future connections to the planned trail system on the east side of Fourteen Mile Creek.

v) A trail system shall be provided primarily within the buffer and enhancement areas in the Natural Area and adjacent to the land uses directly abutting the Natural Area.

vi) The provision of the trail system adjacent to the land uses directly abutting the Natural Area shall not preclude future connections to the planned trail system on the east side of Fourteen Mile Creek.

vii) A trail system shall be encouraged on the lands designated Parkway Belt containing the transmission corridor in consultation with the owner.

e) Sustainability

i) *Development* of the Bronte Green Lands will provide for the long-term protection, preservation and enhancement of the related features, functions and linkages of the natural heritage system.

ii) *Development* shall provide tree canopy cover in accordance with the North Oakville Urban Forest Strategic Management Plan.

f) Stormwater Management

i) Stormwater management shall not increase risk to downstream flood prone areas.

ii) Stormwater management shall take into consideration the ecological sensitivity of Fourteen Mile Creek and shall adhere to all local, provincial and federal requirements.

iii) Best management practices including low impact *development* shall be required.

27.3.7.3 Land Use Policies

Land use designations for the Bronte Green Lands are provided on Schedule H, West Land Use. In addition to the policies in Part D of this Plan, the following policies apply to the Bronte Green Lands.

a) *Transit-supportive* density targets

i) Residential *development* within 400 m of Bronte Road shall achieve an overall minimum *transit-supportive* density target of 37 units per gross hectare.

b) Low Density Residential

i) On the lands designated Low Density Residential, a row of townhouses may be permitted on the north side of the southerly section of the proposed collector road shown on Schedule H to buffer from adverse impacts from the Regional lands located to the south. The need for, and design of, the potential townhouse block will be determined through a noise study.

c) Medium Density Residential

i) On the lands designated Medium Density Residential, the minimum building height shall be 3 storeys for *development* abutting Bronte Road.

ii) On the lands designated Medium Density Residential, permitted residential uses on the north side of the southerly section of the proposed collector road shown on Schedule H may require a buffer to mitigate adverse impacts from the Regional lands located to the south. The need for a buffer and the design of the buildings will be determined through a noise study.

d) High Density Residential

i) On the lands designated High Density Residential adjacent to Bronte Road, the minimum building height shall be 4 storeys and the maximum building height shall be 6 storeys.

ii) For the lands designated High Density Residential at the south-east corner of Bronte Road and Upper Middle Road the maximum density shall be 200 units per ha.

e) Neighbourhood Commercial

i) On the lands designated Neighbourhood Commercial, the minimum building height shall be 2 storeys. *Development* shall be in the form of two storey buildings while a portion of the second storey shall contain functional office space. The extent of functional office space shall be determined through implementing zoning and site plan design.

REPORT

Planning and Development Council

Meeting Date: June 12, 2023

FROM:	Planning Services Department
DATE:	May 30, 2023
SUBJECT:	**Ontario Heritage Act Alternative Notice Policy**
LOCATION:	Town-wide
WARD:	Town-wide

RECOMMENDATION:
That the *Ontario Heritage Act* Alternative Notice Policy be approved.

KEY FACTS:
The following are key points for consideration with respect to this report:

- The *Ontario Heritage Act* requires notices to be published in a newspaper having general circulation in a municipality.
- The *Ontario Heritage Act* and the *Municipal Act* allow municipalities to adopt policies to publish notices in alternative media, such as a website.
- Staff is recommending that the town adopt the proposed *Ontario Heritage Act* Alternative Notice Policy, attached as Appendix A, to permit the municipality to publish notices required by the *Ontario Heritage Act* on the town's website.

BACKGROUND:
In November 2022, Ontario's Ministry of Municipal Affairs and Housing passed Bill 23, *More Homes Built Faster Act*, 2022. The bill included several amendments to the *Ontario Heritage Act* (OHA), including a new two-year time limit for listed (non-designated) properties on municipal heritage registers. This change means that the 294 listed properties on the Oakville Heritage Register must be removed by January 1, 2025.

In response to this amendment, the staff initiated the Heritage Designation Project 2023-2025 with the goal of designating as many of the town's listed properties as possible, provided they meet the criteria for designation, before January 1, 2025. Given the enormity of the task, staff is looking at ways to streamline the designation

process as much as possible. This includes an alternative process for issuing notices under the OHA.

COMMENT/OPTIONS:

Current Process

The *Ontario Heritage Act* (OHA) requires that public notice be given in a local newspaper for the following actions taken under Part IV and Part V:

- Designation of property under Part IV, including intents to designate, withdrawals, passing of by-laws and any related OLT hearings;
- Amendments to designation by-laws under Part IV, including withdrawals and passing of by-laws;
- Repeals of designation by-laws under Part IV, including intents to repeal, withdrawals and passing of by-laws;
- Decisions on the demolition or removal of a property's heritage attributes or of a building or structure under Part IV; and
- Passing of by-laws designating a study area or area under Part V and adoption of heritage conservation district plan under Part V.

In accordance with these requirements, the town has always published notices required by the OHA in the Oakville Beaver. The OHA also requires additional notification to property owners and the Ontario Heritage Trust by mail. This notification process is not impacted by the proposed policy and the town's existing mailing notification process will remain in place.

As part of the Heritage Designation Project 2023-2025 (Designation Project), the increase in heritage designations will result in a significant increase in the number of published notices. An average designation, that is not appealed or withdrawn, requires two published notices. In an average year, the town designates three to four properties, resulting in about six to eight notices in the newspaper. However, as part of the Designation Project, approximately 160 notices will need to be published for 80 properties over the next two years.

Coordinating these publications in the newspaper takes extra staff time but it also costs a considerable amount of money. To provide consistent and clear information to the public, public notices have become increasingly detailed and lengthy, and therefore more costly when published in a newspaper.

Proposed Alternative Process

Staff is recommending that the town implement an alternative notice procedure to publish *Ontario Heritage Act* (OHA) notices on the town's website rather than the local newspaper. This can be done by adopting the *Ontario Heritage Act* Alternative Notice Policy, attached as Appendix A. This type of policy is permitted by both the *Ontario Heritage Act* (OHA) and the *Municipal Act* (MA) as outlined below.

Sections 26 (4) and 39.1 (3) of the OHA:

> **Publication of Notice**
> Where a municipality is required by this Part to publish a notice in a newspaper having general circulation in the municipality, notice given in accordance with a policy adopted by the municipality under section 270 of the *Municipal Act, 2001* is deemed to satisfy the requirement of this Part to publish notice in a newspaper. 2006, c. 32, Sched. D, s. 13 (1).

Section 270 (1.4) of the *Municipal Act* (MA):

> **Adoption of policies**
> A municipality shall adopt and maintain policies with respect to the following matters:
> 4. The circumstances in which the municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given.

Once a municipality adopts a policy in accordance with MA 270 (1.4), they may then use OHA 26 (4) and 39.1 (3) to provide notices under Part IV and Part V of the OHA through an alternative medium, such as a municipal website. This is the direction recommended by staff in the attached *Ontario Heritage Act* Alternative Notice Policy.

The town's News and Notices webpage is considered by staff to be the most appropriate medium for notices under the OHA for the following reasons:

1) Convenience and availability
   - The town has been publishing public notices for Council decisions on its website for many years and the public has become accustomed to consulting the town's website
   - Not every resident receives the Oakville Beaver, including owners of new buildings where there is often a delay in distribution after a building's construction is complete

2) Reduction in staff time
   - Publishing to the town's website is a fairly quick internal process that does not require interaction and time spent with outside sources

3) Reduction in cost
   - Publishing to the town's website does not have any direct costs compared to the costs for publication in the newspaper
   - Being fiscally sustainable is one of the guiding principles of the town's Public Notice and Engagement Policy

4) Reduction in paper materials
   - Reducing consumption and increasing efficiency in resource and material use is a goal of the town's Environmental Strategic Plan

Best practices

It is becoming increasingly common for municipalities to choose their websites as the alternative medium for publishing statutory public notices. Staff consulted with other Ontario municipalities on this matter and found that most larger municipalities have already passed an alternative notice policy, or are in the process of doing so in response to Bill 23. These municipalities include Brampton, Markham, Mississauga, Ottawa and Toronto. The proposed policy attached as Appendix A has been drafted with consideration of the alternative notice policies that have been passed or are currently being proposed in these municipalities.

To provide good customer service to the town's residents, the proposed policy allows for notices required under the OHA to still be published in the local newspaper, in addition to the website, if considered by staff to be beneficial and appropriate. Staff plans to publish notices in the Oakville Beaver in the following circumstances:

- After the adoption of the *Ontario Heritage Act* Alternative Notice Policy to direct readers to the town's website for future OHA notices
- Occasional reminders of the new process, directing readers to the town website
- All notices related to heritage conservation districts

The Livable Oakville Plan sets out alternative notice procedures for notices required under the *Planning Act* in section 28.20. It may be appropriate to undertake a housekeeping amendment to the Livable Oakville Plan to also include information on alternative notice procedures for notices required under the OHA, referencing the *Ontario Heritage Act* Alternative Notice Policy attached as Appendix A.

Conclusion

Staff is recommending that the *Ontario Heritage Act* Alternative Notice Policy be adopted to provide convenient, efficient, cost-effective and climate-friendly notification to the public.

The attached policy has been reviewed and supported by the town's Policy Review Admin Group. If adopted, the policy will be added to the town's existing Policies and Procedures.

A separate report regarding this matter was presented to the Heritage Oakville Advisory Committee at its meeting on May 30, 2023. The Committee supported the staff recommendation to approve the policy.

CONSIDERATIONS:

(A) PUBLIC

If adopted, the *Ontario Heritage Act* Alternative Notice Policy will impact the way in which the public notices are published under the *Ontario Heritage Act.*

(B) FINANCIAL

If adopted, the *Ontario Heritage Act* Alternative Notice Policy will provide cost savings to the town.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

None

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goals to:

- enhance our cultural environment; and
- be the most livable town in Canada

(E) CLIMATE CHANGE/ACTION

A Climate Emergency was declared by Council in June 2019 for the purposes of strengthening the Oakville community commitment in reducing greenhouse gas emissions. The adoption of the proposed notification process supports the town's climate initiatives by minimizing the amount of paper used to produce public notifications.

APPENDICES:

Appendix A - *Ontario Heritage Act* Alternative Notice Policy

Prepared by:
Carolyn Van Sligtenhorst, MCIP, RPP, CAHP
Supervisor, Heritage Conservation

Recommended by:
Kirk Biggar, MCIP, RPP
Manager, Policy Planning and Heritage

Submitted by:
Gabe Charles, MCIP, RPP
Director, Planning Services

Ontario Heritage Act Alternative Notice Policy

Policy number:	G-COM-004
Section:	Governance
Sub-section:	Planning, development and building
Author:	Planning Services
Authority:	Council
Effective date:	2023-06-12
Review by date:	2023
Last modified:	2023-05-01

Policy statement

The Corporation of the Town of Oakville (town) values and encourages public engagement and is committed to open two-way communication to develop and deliver quality programs and services that meet the needs of the community. The town supports the use of online communications to promote open, inclusive communications in accordance with the town's communication procedure, accessibility policy and any other related policies and procedures. The town shall also promote environmental initiatives advancing Oakville as a sustainable community.

Purpose

The objective of this Policy is to establish an alternative method for the town to provide public notice required under the *Ontario Heritage Act* (OHA) by publishing notices on the town website, whereas currently these public notices are published in the local newspaper.

This Policy follows the guiding principles of the Public Notice and Engagement Policy by providing timely, clear and accessible communication that is fiscally and environmentally sustainable.

This Policy supports the Environmental Sustainability Policy by reducing consumption and increasing efficiency in resources and material use.

Scope

When required under the *Ontario Heritage Act* (OHA), the town shall provide public notice on the town's corporate website, www.oakville.ca

In addition to public notice, the OHA requires notices to be sent to the Ontario Heritage Trust and to owners of property that is subject to a decision made under the OHA. This Policy does not apply to those requirements and they remain in effect.

Public notice required under the OHA may also be given in the local newspaper, in addition to the website, if considered by staff to be beneficial and appropriate.

This Policy applies to all town staff who provide public notice in accordance with the OHA.

All notices published in accordance with the OHA must adhere to all municipal policies including the Public Notice and Engagement Policy and the Online Communications Policy.

References and related documents

Ontario Municipal Act, Section 270 (1)
Ontario Heritage Act, Section 26 (4)
Ontario Heritage Act, Section 39.1 (3)
Public Notice and Engagement Policy
Online Communications Policy
Environmental Sustainability Policy

REPORT

Planning and Development Council

Meeting Date: June 12, 2023

FROM: Planning Services Department

DATE: May 30, 2023

SUBJECT: **Notice of intention to designate – Multiple properties**

LOCATION: Town-wide
WARD: Town-wide

RECOMMENDATION:
That a notice of intention to designate be issued under section 29, Part IV of the *Ontario Heritage Act* for the following properties:

1) Lawrence and Mary Hager House at 2527 Dundas Street West; and
2) Conder House at 159 Trafalgar Road.

KEY FACTS:
The following are key points for consideration with respect to this report:

- As part of the Heritage Designation Project 2023-2025, Heritage Planning staff has evaluated the subject properties and consider them worthy of conservation and heritage designation.
- Staff is recommending that the subject properties be designated under section 29, Part IV of the *Ontario Heritage Act* and that notices of intention to designate be issued by Council for each property.

BACKGROUND:
In October 2022, Ontario's Ministry of Municipal Affairs and Housing introduced Bill 23, *More Homes Built Faster Act*, 2022. The bill included several amendments to the *Ontario Heritage Act*, including a two-year time limit for listed properties to remain on municipal heritage registers. In early 2023, Policy Planning & Heritage initiated the Heritage Designation Project 2023-2025 to designate approximately 80 listed properties prior to their required removal from Oakville's Heritage Register on January 1, 2025. The subject properties were included as priorities within that list.

Location maps for the subject properties are attached as Appendix A. A Cultural Heritage Evaluation Report (CHER) has been prepared by staff for each property.

The CHER for 2527 Dundas Street West is attached as Appendix B and the CHER for 159 Trafalgar Road is attached as Appendix C. These documents provide an overview of each of the property's history, current condition and cultural heritage value. Draft Notices of Intention to Designate have also been prepared by staff for each property and are attached as Appendix C.

COMMENT/OPTIONS:

The Province of Ontario has made a clear commitment to the conservation of significant cultural heritage resources through its legislation and policies, including the *Ontario Heritage Act* (2021), *Planning Act* (1990, as amended) Provincial Policy Statement (2020), the Growth Plan for the Greater Golden Horseshoe (2019).

The PPS (2020) and Growth Plan (2019) function together with the *Ontario Heritage Act* (OHA) by the shared principle that cultural heritage resources shall be conserved. The OHA sets out the procedures for evaluating and protecting heritage resources at the provincial and municipal levels. This includes the use of Ontario Regulation 9/06 as the means for determining if a property has cultural heritage value.

This commitment to heritage conservation continues at the regional and municipal level through supportive objectives and directions outlined in the Region of Halton Official Plan and the town's Livable Oakville Plan and North Oakville East and West Secondary Plans.

In accordance with the OHA, a property must meet at least two criteria of Ontario Regulation 9/06. The subject properties have been evaluated using these criteria. Staff has determined that each property meets at least two or more of these criteria, and therefore each property merits designation under section 29, Part IV of the OHA. The attached Cultural Heritage Evaluation Reports provide more details on the cultural heritage value of each property.

Also attached are draft Notices of Intention to Designate. These provide a clear outline of each property's cultural heritage value and the heritage attributes recommended for protection and conservation through a future designation by-law.

A separate staff report recommending designation of the subject properties was presented to the Heritage Oakville Advisory Committee on May 30, 2023. The Committee supported the recommendation in this report.

CONSIDERATIONS:

(A) PUBLIC

If notice is to be issued for the designation of the property, notice will be given in accordance with the town's *Ontario Heritage Act* Alternative Notice Policy.

(B) FINANCIAL

None

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The Legal Department will be consulted on the designation as necessary.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goals to:

- enhance our cultural environment
- be the most livable town in Canada

(E) CLIMATE CHANGE/ACTION

A Climate Emergency was declared by Council in June 2019 for the purposes of strengthening the Oakville community commitment in reducing carbon footprints. The retention and conservation of these historic buildings through heritage designation contributes to the town's initiatives to reduce carbon footprints.

APPENDICES:

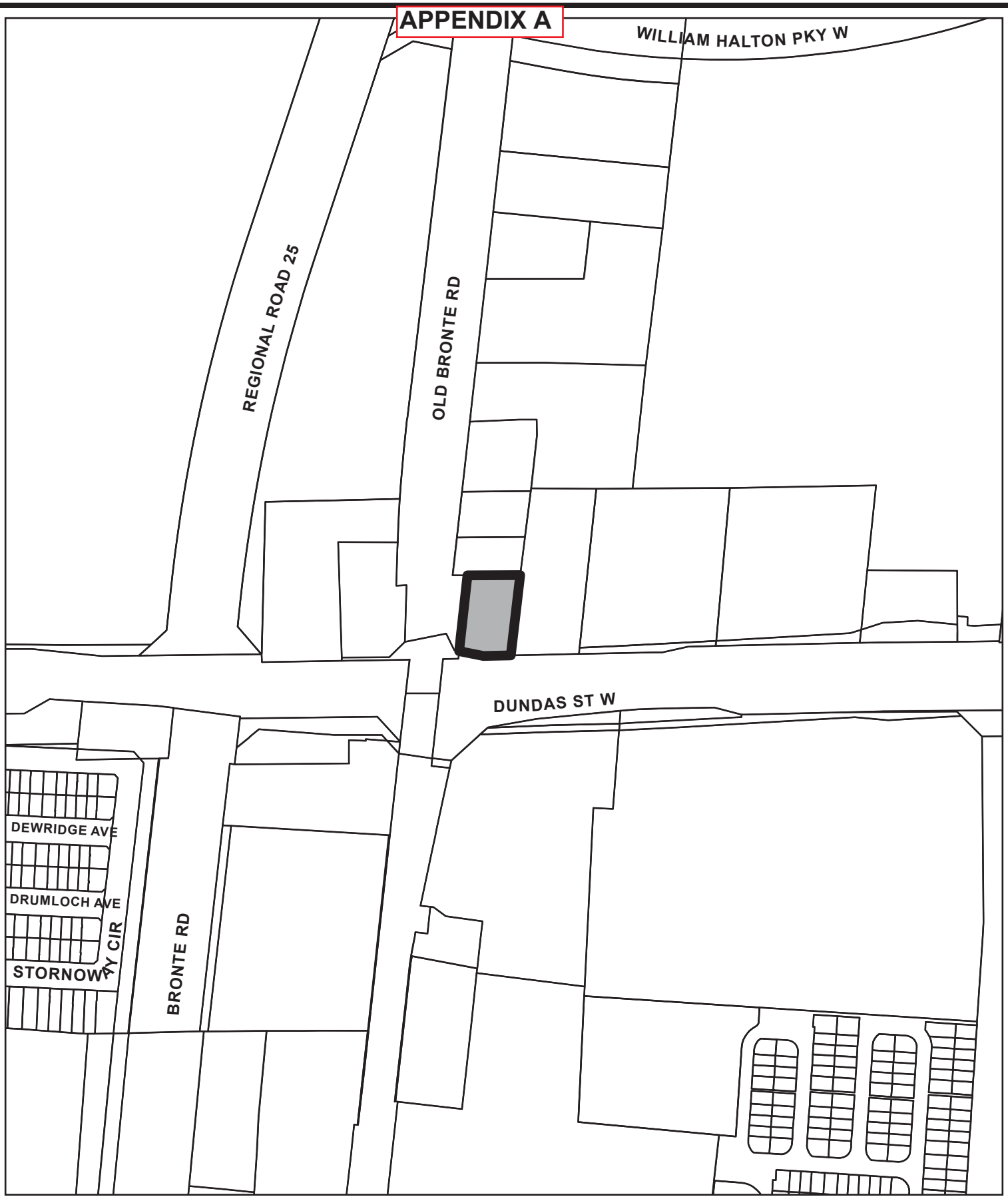
Appendix A – Location Maps
Appendix B – Cultural Heritage Evaluation Report – 2527 Dundas Street West
Appendix C – Cultural Heritage Evaluation Report – 159 Trafalgar Road
Appendix D – Draft Notices of Intention to Designate

Prepared by:
Carolyn Van Sligtenhorst, CAHP, MCIP, RPP
Supervisor, Heritage Conservation

Recommended by:
Kirk Biggar, MCIP, RPP
Manager, Policy Planning and Heritage

Submitted by:
Gabe Charles, MCIP, RPP
Director, Planning Services

APPENDIX A



0 20 40 80 Meters

SUBJECT LANDS

2527 Dundas Street West

LOCATION

Community Development Commission

S:\ServiceRequests\REQ 8040 - Location map of 2527 Dundas Street West and 159 Trafalgar Road\2527 Dundas Street West\

159 Trafalgar Road

LOCATION

Community Development Commission

S:\ServiceRequests\REQ 8040 - Location map of 2527 Dundas Street West and 159 Trafalgar Road\159 Trafalgar Rd\

APPENDIX B

Cultural Heritage Evaluation Report

Lawrence and Mary Hager House

2527 Dundas Street West, Oakville, Ontario

Circa 1910s, rear view of Lawrence and Mary Hager House. *Source: Trafalgar Township Historical Society*

1. Executive Summary

The purpose of this Cultural Heritage Evaluation Report, or CHER, is to determine if the subject property merits designation under Part IV, section 29 of the *Ontario Heritage Act* (OHA). A Cultural Heritage Evaluation Report (CHER) provides an overview of the property based on primary and secondary research and visual inspection of the property. It also includes an evaluation against the prescribed criteria of Ontario Regulation 9/06, including design/physical value, historical/associative value, and contextual value. This CHER also includes a draft Statement of Significance and identification of heritage attributes.

The designation of heritage properties is legislated by the OHA and is supported at a provincial level by the Provincial Policy Statement (2020) and the Growth Plan for the Greater Golden Horseshoe (2019). The conservation of cultural heritage resources is also supported by the Region of Halton Official Plan, the Livable Oakville Plan, the North Oakville East Secondary Plan and the North Oakville West Secondary Plan.

On July 5, 2021, Town of Oakville Planning and Development Council carried a recommendation directing Planning staff to proactively examine listed (non-designated) heritage properties within Palermo Village and, should a property meet the criteria for designation under the *Ontario Heritage Act*, recommend to Council that notice be given to designate the property. This report provides the research and evaluation as the basis for determining if the property at 2527 Dundas Street West has sufficient heritage value to be recommended to Council for designation under Part IV of the *Ontario Heritage Act*, as per the above noted recommendation.

The Lawrence and Mary Hager House is located at 2527 Dundas Street West on the northeast corner of Dundas Street West and Old Bronte Road in Palermo Village. The property is located within the territory covered by the Head of the Lake Treaty, No. 14, which was signed in 1806 by the Mississaugas and the British Crown. In 2009, the property was added as a 'listed' property to Oakville's *Register of Properties of Cultural Heritage Value or Interest (NOT Designated)* for its potential cultural heritage value for its house known as the Third Hagar Family Home, a circa 1890 brick house associated with the development of Palermo.

This CHER has evaluated the property in accordance with the requirements of the OHA and finds that the property meets four of the criteria of Regulation 9/06. It is therefore recommended that the property be designated under Part IV, section 29 of the OHA.

2. Subject Property

The Lawrence and Mary Hager House is located at 2527 Dundas Street West on the northeast corner of Old Bronte Road and Dundas Street West, in the village of Palermo. The property is located within the territory covered by the Head of the Lake Treaty, No. 14, which was signed in 1806 by the Mississaugas and the British Crown. The Crown quickly set about having the land surveyed, and the result was Deputy Provincial Surveyor, Samuel Street Wilmot's June 1806 map called "*Trafalgar, Plan of the Second Township, In the tract of Land lately Purchased from the Mississagna* [sic] *Indians*". Wilmot's survey locates the subject property on part of Lot 30, 1st Concession North of Dundas Street (NDS) in Trafalgar Township.

Location map: The subject property is marked by a black dot, May 2023. *Source: Town of Oakville, GIS*

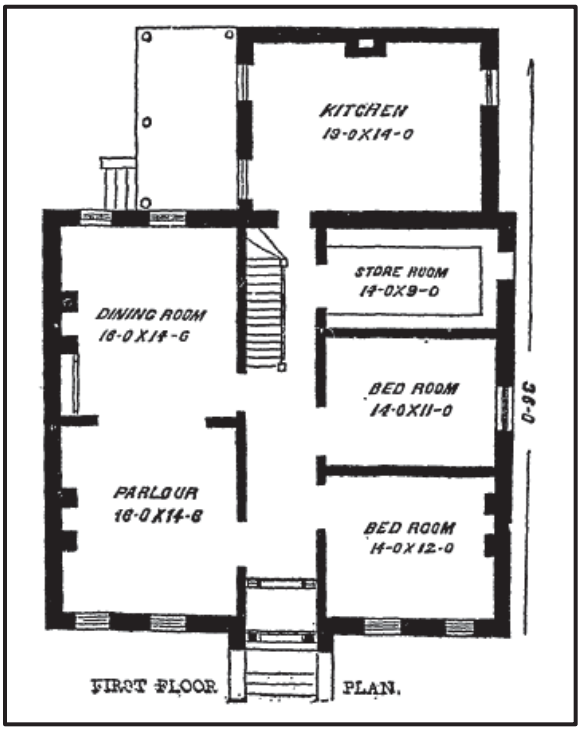
Legal Description: PT LT 30, CON 1 TRAFALGAR, NORTH OF DUNDAS STREET, AS IN 832677; OAKVILLE/TRAFALGAR

3. Background Research

Design and Physical Value

The subject property has design and physical value for its two-storey red brick house built in a vernacular version of the Italianate style.

The vernacular variation of this architectural style was unique to Ontario and was prevalent from around 1850 to 1900.[1] It was celebrated in *The Canada Farmer* journal in 1865 as "simply a straightforward square house".[2] The two-storey house had a square shape with a low-sloped hip roof and a centred frontispiece, retaining the symmetrical and balanced façade from the Georgian era. Each house could be made unique in its details, including arched windows, dichromatic cladding materials with quoins, bay windows, decorative cornices and unique hood moulds.

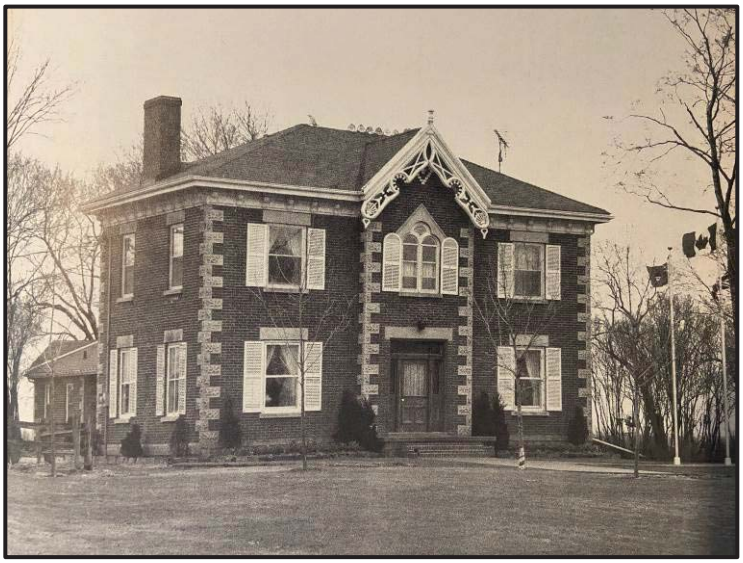


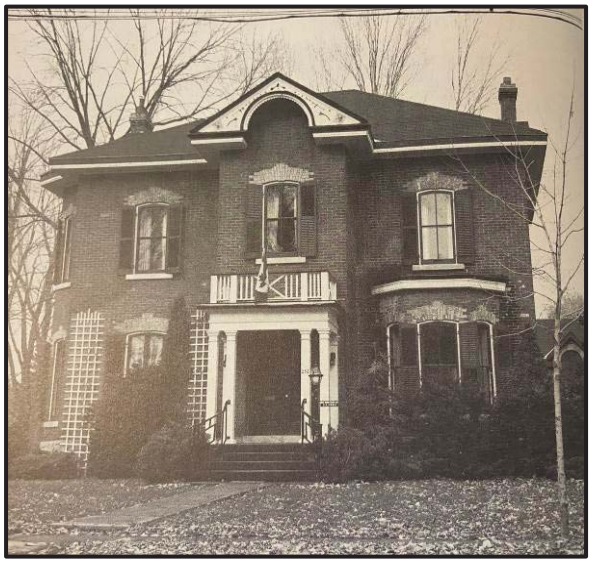
Elevation and floor plan drawings of the model house from *The Canada Farmer*. *Source: Ontario Architecture: A Guide to Styles and Building Terms 1784 to the present.*

More examples of this style are included in John Blumenson's book, *Ontario Architecture: A Guide to Styles and Building Terms 1784 to the present*. The examples below show two-storey symmetrical red brick homes with a prominent projecting frontispiece decorated with detailed vergeboard. Other Italianate features on the buildings include arched windows, dichromatic brickwork with quoins, ornate cornice with brackets, bay windows, and decorative hood moulds with keystones.

[1] Blumenson, John. "Italianate (1850-1900)." *Ontario Architecture: A Guide to Styles and Building Terms 1784 to the present*, Fitzhenry & Whiteside, Canada, 1990, p. 58

[2] Blumenson, John. "Italianate (1850-1900)." *Ontario Architecture: A Guide to Styles and Building Terms 1784 to the present*, Fitzhenry & Whiteside, Canada, 1990, p. 59





Examples of typical vernacular Italianate style homes in Ontario. *Source: Ontario Architecture: A Guide to Styles and Building Terms 1784 to the present.*

The Lawrence and Mary Hager House is a good example of the vernacular Italianate style home popularized by *The Canada Farmer*. The two-storey house has a low-sloped hip roof and a projecting centred frontispiece. The original cornice has decorative brackets and cornice returns, giving the house a quintessential Italianate look. Windows and doorway openings are segmentally arched, and decorative dog-tooth brickwork was used both above and below the windows. A circular attic window is a decorative and practical addition to the frontispiece gable.

April 2014. *Source: Town of Oakville, Planning Services staff*

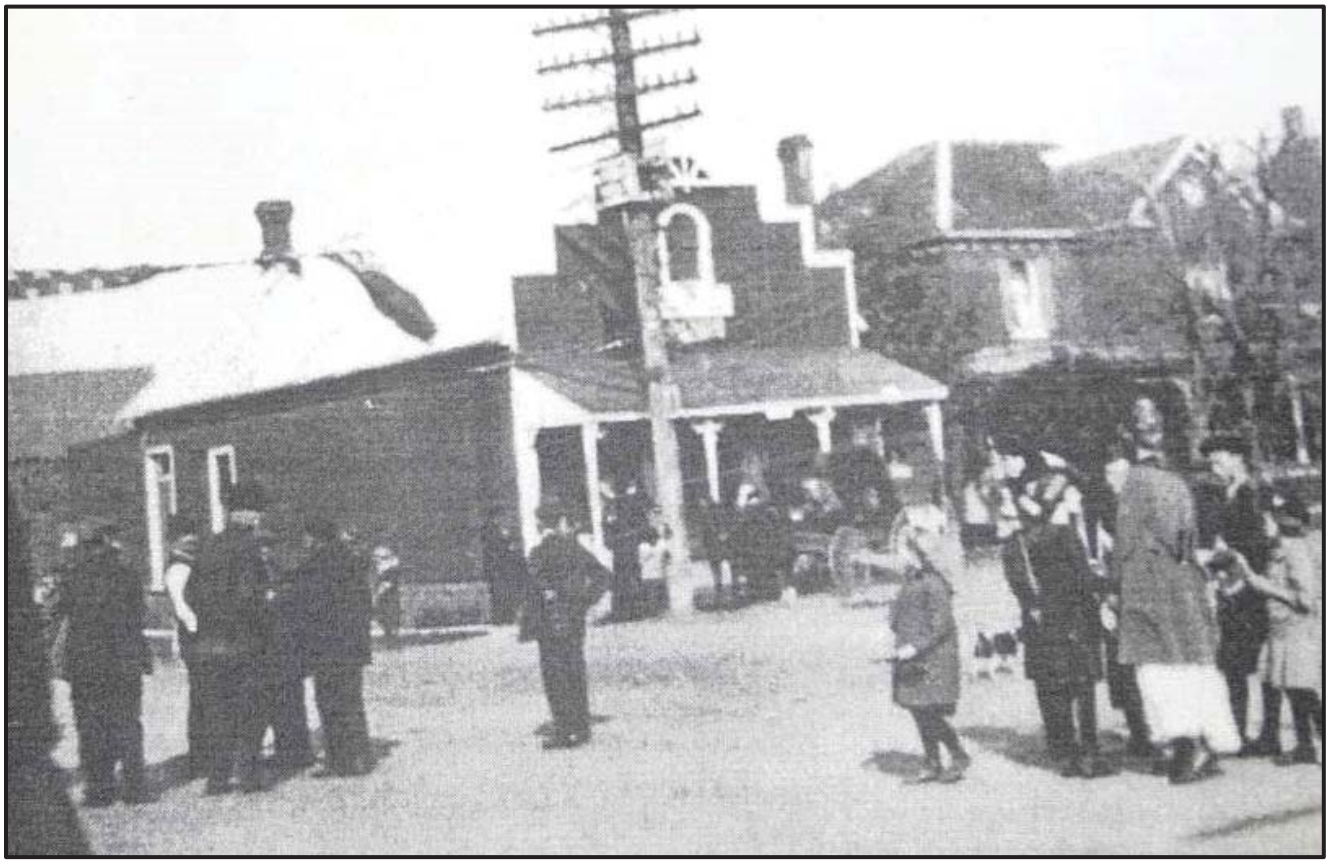
Unique to this house are two front doors on each side of the frontispiece, rather than one central doorway. There are numerous theories as to why this was the case. A house designed with two front doors was often a symbol of status and wealth; one door was typically more formal and used on Sundays and for visitors, while the other was used for more regular activities or by domestic staff.[3] Given that the house was at the main intersection of Palermo Village, this configuration may also have been used to accommodate a separate business within the house. It may also have just been designed to retain symmetry on the front façade.

Originally, the house included a porch that stretched across the whole of the front facade. A portion of the porch at the west entry is visible in the c.1920 below. The porch appears to have included a flat and hipped roof with decorative columns and vergeboard. There is still evidence of the porch in marks on the brick where the porch roof was attached and where water staining occurred above the roof. After the 1920s, the front porch was replaced with two small overhangs with curved roofs and large, simple brackets.

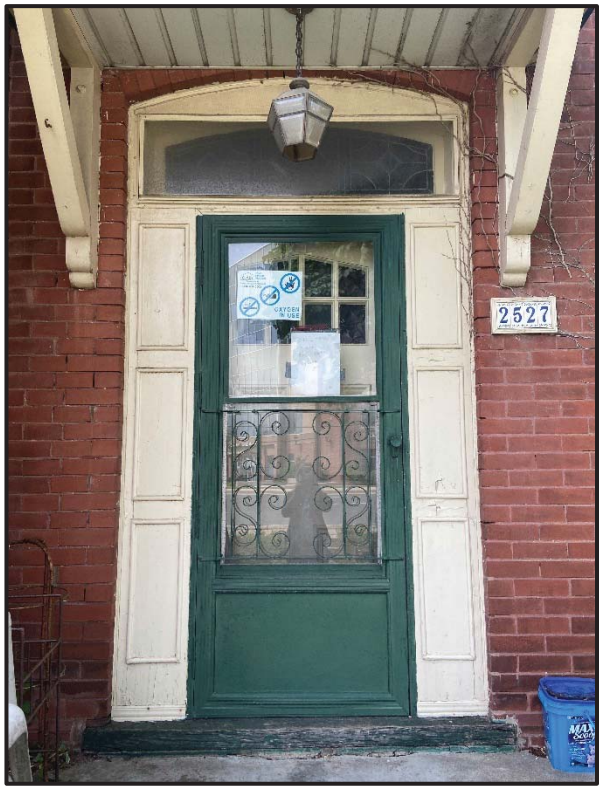
Circa 1920 photo of the general store with the subject house in the background. Note the flat hip-roofed porch with decorative columns and vergeboard. *Source: Trafalgar Township Historical Society.*

It is likely that the front doors were replaced around the same time as the removal of the front porch. The existing front doors appear to be from around the 1930s, whereas the original front doors would have most likely been Italianate style with arched windows, similar to the existing one on the rear wing. The side panels on the front doors likely replaced or covered original sidelights. Alternatively, each door opening may have had a set of thin double doors with no sidelights, also a popular style at the time. The stained-glass transom windows remain today and appear to be original.

[3] Sidler, Scott. "Why Does My Old House Have Two Front Doors?" *The Craftsman Blog,* 26 Feb. 2022, https://thecraftsmanblog.com/why-does-my-old-house-have-two-front-doors/.



Circa 1910s photo of Palermo village. Note the front porch running the full length of the front façade. *Source: Trafalgar Township Historical Society.*

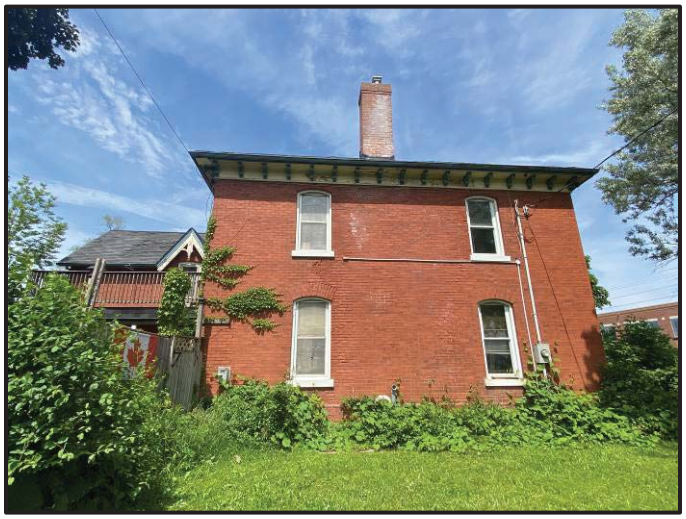


Clockwise from left: Easterly front door of the house; close-up of transom window; and close-up of cornice with brackets. June 2022
Source: Town of Oakville, Planning Services staff

To the rear of the front portion of the house is a 1 ½ storey brick wing. This rear section abuts the front portion of the house in a somewhat awkward fashion. It is unknown if this rear wing was built before or after the front portion. It was quite common for settlers to construct a small 1 to 1 ½ storey home and then, as time and finances permitted, construct a new larger home to the front of the original structure, often using the original first floor as a summer kitchen.

The design and massing of the rear wing is not representative of any typical detached home of the 19th century which supports the idea that it was an addition. Either way, the wing has the same red brick with similar brick detailing and window styles as the front portion of the house and was therefore likely constructed within several years of the original house. The rear wing includes a small gable roof with decorative vergeboard above a second storey entrance, as well as remnants of the original side porch, including historic wood columns. An Italianate style door with arched windows remains behind a contemporary screen door. A doorway leading from the original house to the rear porch has been boarded up.

West and east elevations of the rear portion of the house. June 2022 *Source: Town of Oakville, Planning Services staff*



West and east elevations of the front portion of the house. June 2022 *Source: Town of Oakville, Planning Services staff*

The two side elevations are simple in design and continue the building's Italianate features, including red brick cladding laid in stretcher bond, decorative cornice with brackets, and segmentally arched windows openings. The east elevation includes a projecting red brick chimney.

Detail of an Italianate style door (interior door) with paired round headed arched windows on the rear wing of the house.. June 2022. *Source: Town of Oakville, Planning Services staff*. To the right is a clearer example of a similar style door with double arched windows.[4]

Italianate doors were the first to have large panes of glass in the door itself in lieu of side lights with small panes.[5] Doors with two long windows or panels with rounded tops were a common detail of the Italianate style.[6]

To the rear of the house is a one-storey, two-bay frame garage with a low-sloped roof. This was a later addition to the house and is not considered to be of heritage value. Also on the property is a two-storey detached barn/workshop. MPAC records indicate that it was built c. 1950.[7] Neither of these structures have been identified as heritage attributes worthy of protection through heritage designation.

[4] Vaglica, Sal. "Wood Entry Doors: Cost, Safety, and Buying Tips." *This Old House*, 31 July 2020, https://www.thisoldhouse.com/doors/2105419/all-about-wood-entry-doors.
[5] Wentworth, Bruce. "Italianate." *Askthearchitect*, 8 Dec. 2017, http://www.askthearchitect.org/architectural-styles/italianate-architecture.
[6] Kyles, Shannon. "Building Styles." *Italianate*, http://ontarioarchitecture.com/italianate.htm.
[7] Town of Oakville, Municipal Property Assessment Corporation (MPAC) data, in mapping records.

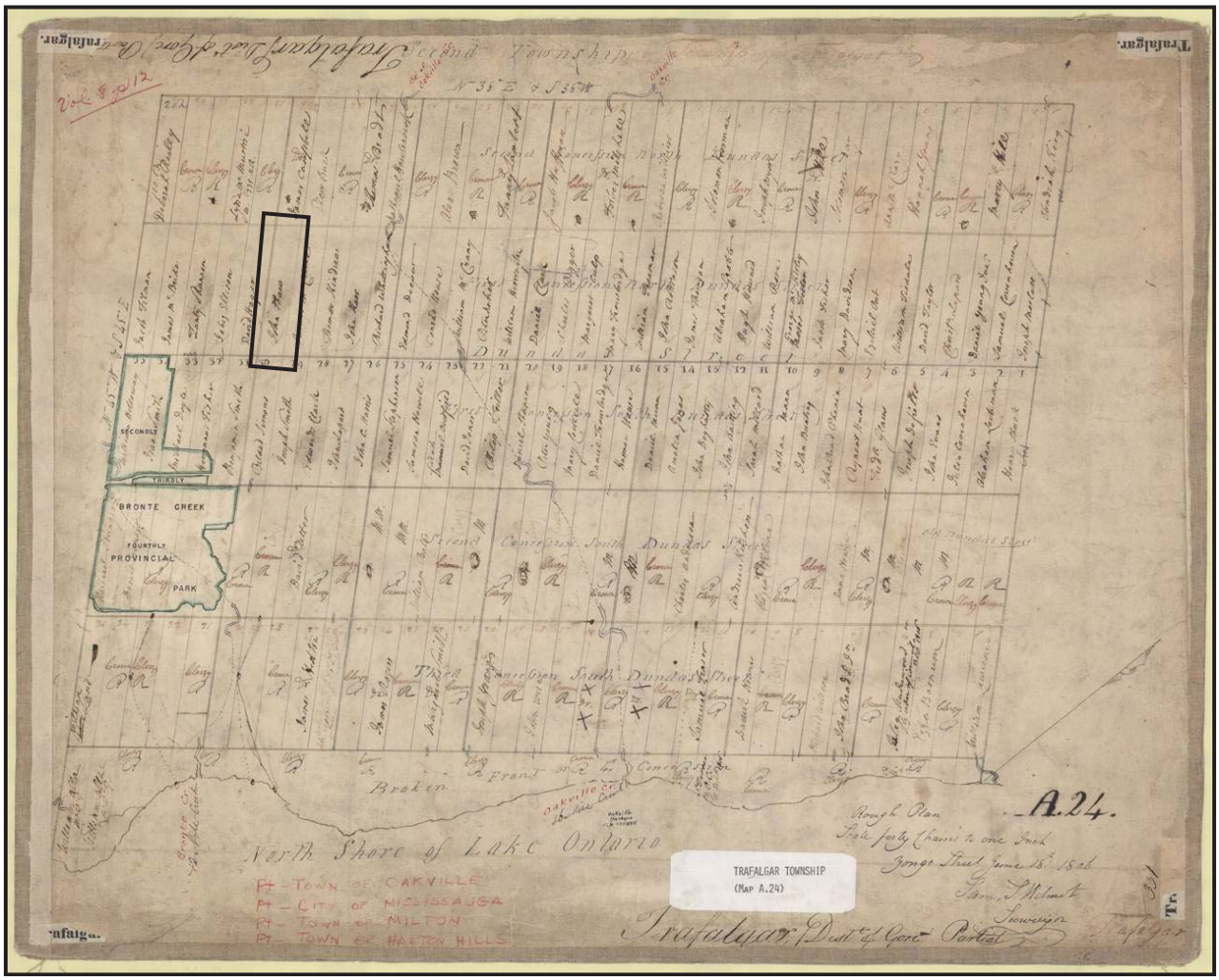
One-storey double-car garage at rear of house. June 2022. *Source: Town of Oakville, Planning Services staff*

1-½ storey barn/workshop building at rear of property. June 2022. *Source: Town of Oakville, Planning Services staff*

Historical and Associative Value

The Lawrence and Mary Hager House is located on lands that were part of the traditional territory of the Mississaugas of the Credit First Nation. In 1805, the Mississaugas of the Credit First Nation and the British Crown reached a provisional agreement in which the Mississaugas ceded almost 71,000 acres of land in the Mississauga Tract. In return they were given £1000 of trade goods; were promised the sole right of the fisheries in the Twelve Mile Creek, Sixteen Mile Creek, and the Credit River; were promised the sole right of the fisheries in the Twelve Mile Creek, Sixteen Mile Creek, and the Credit River; and a strip of land on the banks on either side of these waterways was set aside for them.

Treaty No. 14 was negotiated when "the Mississauga were in a more compromised position", at a time when they were experiencing duress due to land encroachment, the depletion of fish stocks, and a population that was in severe decline due to the introduction of non-native, invasive diseases.[8] The agreement was formalized on 5 September 1806, when the Head of the Lake Treaty, No. 14, was signed.[9]



Crown land located at Lot 30, 1st Concession North of Dundas Street, showing John Shaw, the Patentee, on the property.
Source: Archives of Ontario, *Trafalgar District of Gore, Partial*, June 1806

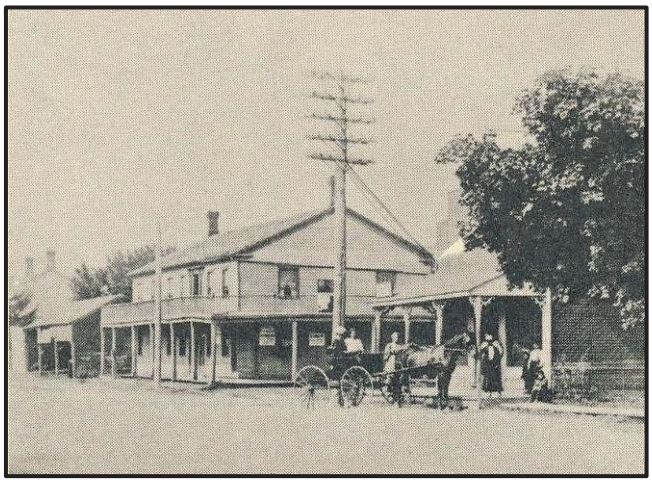
[8] Debwewin: The Oakville Truth Project, *Treaties 22 & 23, 1820*, Frendship-Peace-and-Respect-web.pdf (theocf.org), (accessed 24 March 2023), pg. 7

[9] Debwewin: The Oakville Truth Project, *Treaties 22 & 23, 1820*, Frendship-Peace-and-Respect-web.pdf (theocf.org), (accessed 24 March 2023), pg. 9

In June 1806, three months before Treaty No. 14 was finalized, Deputy Provincial Surveyor, Samuel Street Wilmot completed his plan called "*Trafalgar, Plan of the Second Township, In the tract of Land lately Purchased from the Mississagna* [sic] *Indians*". The survey was completed to facilitate European settlement. Unusually, Wilmot's plan doesn't show the land to be set aside for the Mississaugas along the Twelve and Sixteen Mile Creeks, possibly because it was completed before the treaty was finalized.

Known as the Wilmot Survey, Dundas Street was used as the baseline for the survey, having already been surveyed in 1793 as a military road between York and Hamilton. Wilmot's survey divided the area into three townships, including Trafalgar Township.[10] The subject property is located on part of Lot 30, 1st Concession North of Dundas Street (NDS) in Trafalgar Township, in what became known as the village of Palermo.

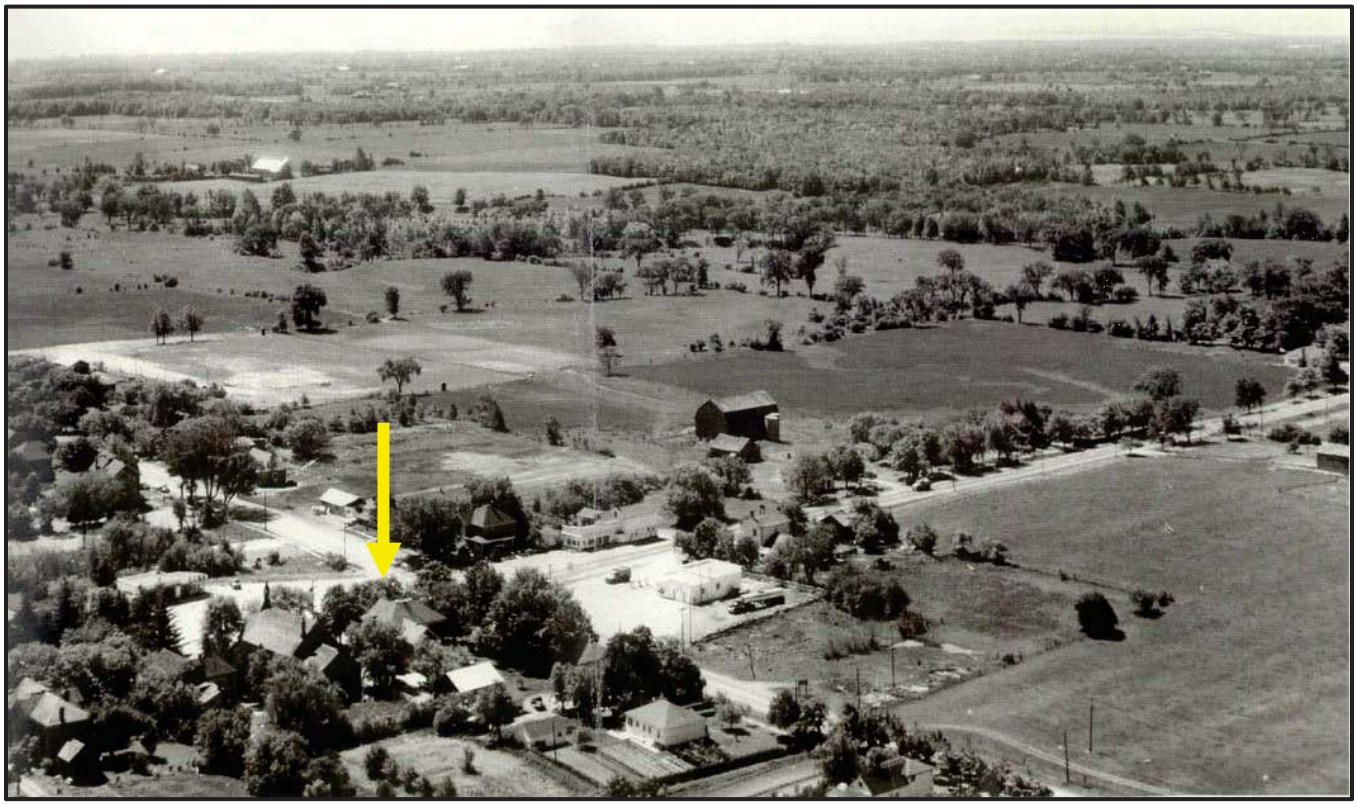
The subject property has cultural heritage value for its associations with the former village of Palermo, one of the last remant historic villages within the town of Oakville. Founded around 1806, the village was originally named Hagerstown/Hagarstown after its founder Lawrence Hager (sometimes spelled as Hagar), the grandfather of Lawrence Hager III, the original owner of the subject house. The village was renamed Palermo to commemorate Lord Nelson, Duke of Palermo, in 1836 when the post office was opened.[11] The village was a significant stop for travellers and the stagecoach along Dundas Street, the main route between York (Toronto) and the Head-of-the-Lake (Hamilton). Bronte Road, also known as Highway 25, has historically linked Bronte and Milton, furthering the importance of this intersection.



Left: circa 1912 view of Palermo and its two general stores. Right: circa 1900 view of the newly constructed general store and the old hotel on the north side of Dundas Street. *Source: Trafalgar Township Historical Society*

Palermo grew throughout the 19th century and had a foundry, chair factory, harness maker, blacksmith, telegraph office, general store, hotel, schoolhouse, churches, and numerous homes. By the 1870s, approximately 300 residents lived in the village. Such was the prominence of the village that it could boast the introduction of sidewalks prior to Oakville.[12]

[10] Hazel C. Mathews, *Oakville and the Sixteen: The History of an Ontario Port* (University of Toronto Press Incorporated, 1953), Page 6.
[11] "Palermo History." Trafalgar Township Historical Society, Oakville, Ontario, Canada
[12] "Palermo History." Trafalgar Township Historical Society, Oakville, Ontario, Canada



Aerial view of Palermo in the 1950s. Subject property is marked by a yellow arrow. *Source: Trafalgar Township Historical Society*

The subject property was part of the original 200-acre Lot 30, 1ST Concession NDS. This lot was granted by the Crown to John Shaw in 1808, who then sold it to Michael Doyle in 1809.[13],[14] By 1828, the southern 100 acres was severed off and sold twice more.[15],[16] In 1830, a one-acre parcel on the northeast corner of Old Bronte Road and Dundas Street was purchased by David Hagar.[17] This was likely David Hager (1809-1869), the son of Lawrence Hager I. Hager appears to have only owned the property for five years before selling it to John Adair who held it for 15 years, who sold it to John Watson, who owned it for 10 years.

[13] FamilySearch, Patent, dated 30 January 1808, between the Crown and John Shaw
[14] LRO Instrument #365K, being a Bargain & Sale, dated 3 August 1809, between John and Joseph Shaw, and Michael Doyle
[15] LRO Instrument #185E, being a Bargain & Sale, dated 24 January 1828, between James O. Doyle and Daniel Bray
[16] LRO Instrument #186E, being a Bargain & Sale, dated 3 April 1828, between Daniel Bray and Bildad Simons
[17] LRO Instrument #483F, being a Bargain & Sale, dated 25 May 1830, between Joseph Simons and David Hager

Below is a summary of the owners of the property from the sale of the Crown patent to the present.

Name of Owner(s)	Acreage	Years of Ownership
Crown	200 acres	1806-1808
John Shaw	200 acres	1808-1809
Michael Doyle and James Doyle	200 acres	1809-1828
Daniel Bray	100 acres	1828
Bildad Simons	100 acres	1828-1830
Joseph Simons	50 acres	1830-1831
David Hager	1 acre	1831-1835
John Adair	Unknown	1835-1851
John Watson	Unknown	1851-1861
Harvey M. Switzer	0.5 acre	1861-1883
Peter James Inglehart	0.5 acre	1883-1886
Overton Alonzo Snider	0.5 acre	1886-1887
Lawrence Hager	0.5 acre	1887-1940
Estate of Lawrence Hager	0.5 acre	1940-1942
Estate of Mary Jane Hager	0.5 acre	1942-1946
James F. Donald and Marion K. Donald	0.5 acre	1946
Frederick Grant Heslop and Mary Winnifred Heslop	0.42 acre	1946-1986
Alan Herbert Odenbach and Margaret Odenbach	0.36 acre	1986-1994
Ilija Herceg and Mary Ann Herceg	0.36 acre	1994-2006
Current owner	0.36 acre	2006 to present

In his 1902 essay, "Palermo, An Historical Description", Anson Buck writes that a general store was built on the corner of this property in 1843 by "Clubine and Johnson".[18] He notes that the store (the business not the land) was purchased by Harvey Switzer in 1846 and that until 1868, he and his family lived in a residence that was connected to the general store. Harvey did purchase the land itself in 1861 from John Watson. Switzer was a well-known resident of Palermo who held many positions, including general merchant, Postmaster, County Magistrate, Commissioner in the Court of Queen's Bench, and a Captain and Paymaster in the 20th Halton Battalion, a volunteer militia.[19]

Switzer sold the property to Overton Snider who held the property for one year before selling it to Lawrence Hager III in 1887.

[18] Buck, Anson. "*Palermo, An Historical Description.*" Trafalgar Township Historical Society, Oakville, Ontario, Canada
[19] "Harvey Morris Switzer." *Trafalgar Township Historical Society Digital Collections*, https://images.ourontario.ca/TrafalgarTownship/3179442/data.

Details of the 1858 Tremaine Map and the 1877 *Illustrated Historical Atlas of the County of Halton*. The white arrows mark the location of the house. Note: In the 1877 plan, "PO" stands for "Post Office", which was originally on the same property as the house. *Sources: 1858 Tremaine's Map of Halton County, Canada West*, George C. Tremaine, *and the Illustrated Historical Atlas of the County of Halton, Ont., 1877*

The subject house also has cultural heritage value for its direct associations with the Hager family, in particular Lawrence Hager III, also known as Lawrence Hager Jr., who likely constructed the house. Historical photos and records at the Trafalgar Township Historical Society often reference the house as the "Lawrence and Mary Hager House" or the "Third Hager House" and note that it was constructed around 1890.[20] While the date of construction is difficult to prove with absolute certainty, land registry records indicate that the property was purchased in 1887 by Lawrence Hager III.[21] In his 1902 essay, Anson Buck notes that Lawrence took over the general store this same year.

Lawrence III (1859-1940) was the son of Lawrence II (1812-1894) and Anna Sophia (née Book) Hager (1817 -1895). He was the grandson of Lawrence I, the founder of the village of Palermo.[22]

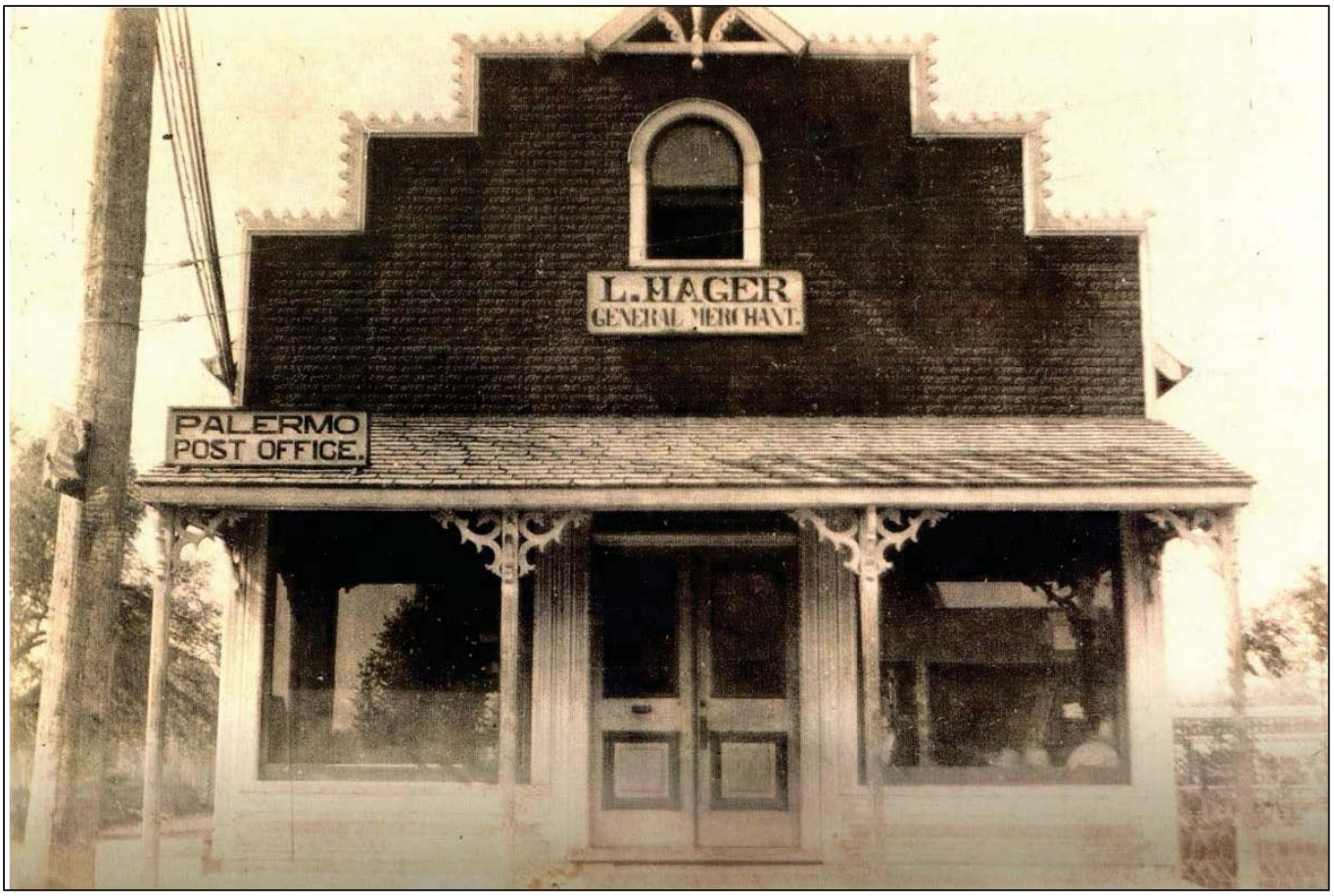
In 1891, the third Lawrence married Mary Jane Austin (1866-1942) from Beeton, Ontario. Lawrence likely had the house built for his new wife Mary and for their future family, possibly building it in 1890, the year before their wedding. It was an impressive first house for a young family and came to be known as "Ladysmith".[23] The couple had four children in the house: (Hansel) Claude, 1893-1979, (Anna) Claire (1896-1945), Lyle Agnes (b.1898) and Walter Lloyd (1900-1902).[24]

In 1900, when Lawrence was still operating the general store on the corner of their lot, the building burned down, and Lawrence immediately constructed a new general store. As Anson Buck put it, "Phoenix like, the present fine

[20] "Hagar Family file." Trafalgar Township Historical Society, Oakville, Ontario, Canada
[21] LRO Instrument #4884, being a Bargain & Sale, dated 1 November 1887, between Overton Snider and Lawrence Hager
[22] Field, Joann. "Lawrence Hager, III." *geni_family_tree*, 26 Apr. 2022, https://www.geni.com/people/Lawrence-Hager-III/6000000029724099623.
[23] "Lawrence (III) and Mary Hagar." *Halton Images*, https://images.halinet.on.ca/17810/data?n=1
[24] Field, Joann. "Lawrence Hager, III." *geni_family_tree*, 26 Apr. 2022, https://www.geni.com/people/Lawrence-Hager-III/6000000029724099623.

structure sprang into existence the same year."[25] Lawrence ran the store until about 1906-1908, after which time James Dobson took over as general merchant. [26] Later owners included George Stanley Wood and R.B. McGill.[27]

While Lawrence is listed as the merchant, Mary and the children would have helped at the store as well. Census and death records for Lawrence indicate that he was a farmer after this time, though it is unknown if the family farmed larger acreage elsewhere or just had a small operation on their half-acre lot. His death certificate notes that Lawrence retired from farming in 1918.[28]



Palermo General Store in early 19th century. *Source: Trafalgar Township Historical Society*

[25] "Palermo, An Historical Description" by Anson Buck, Trafalgar Township Historical Society, Palermo Village file
[26] "James Dobson, General Store, Palermo, 1908." Halton Images, https://images.halinet.on.ca/2675728/data?n=1
[27] "Store & Post Office at Palermo, L. Hager, General Merchant." *Halton* Images, https://images.halinet.on.ca/2675661/data?n=1
[28] Archives of Ontario. Registrations of Deaths, 1869-1948 (MS 935, reels 1-694), Archives of Ontario, Toronto, Ontario, Canada.

July 1908 postcard image of the general store under the ownership of James Dobson. Note the Hager House on the right. *Source: Trafalgar Township Historical Society*

In 1916, Lawrence and Mary celebrated their 25th wedding anniversary in the house. A newspaper clipping from the time describes a celebration with forty relatives and friends with Reverend George Aitken acting as the master of ceremonies. It was noted that "the happy company sat down in their large dining room to a sumptuous repast, after which a number of guests expressed their pleasure at being present on this happy occasion".[29] The clipping goes on to say that the couple and their family are well known in the Palermo area and are "held in high esteem among their neighbors and friends".[30]

[29] "Lawrence (III) and Mary Hagar." *Halton Images*, https://images.halinet.on.ca/17810/data?n=1
[30] "Lawrence (III) and Mary Hagar." *Halton Images*, https://images.halinet.on.ca/17810/data?n=1

Playing Tennis in the rear yard of the Lawrence and Mary Hager House, likely in the 1910s. *Source: Trafalgar Township Historical Society*

Lawrence died of pneumonia at the age of 80 in 1940. [31] Mary died two years later in 1942 of gallbladder cancer at the age of 75.[32] They are both buried in Palermo Cemetery.[33]

Mary and Lawrence Hager on the west side of their house, likely in the 1930s.
Source: Trafalgar Township Historical Society

[31] *Archives of Ontario; Toronto, Ontario, Canada; Collection: MS 935; Series: M047738; Reel: 644,* Archives of Ontario; Toronto, Ontario, Canada, per Ancestry.ca
[32] *Archives of Ontario; Toronto, Ontario, Canada; Collection: MS 935; Series: M023570; Reel: 685*, Archives of Ontario; Toronto, Ontario, Canada, per Ancestry.ca
[33] Palermo Cemetery Records https://www.findagrave.com/cemetery/2143708/palermo-cemetery

After Mary's death, the property was sold in 1946 to a James and Marion Donald.[34] Up until 1946, the property included the lands that contained the general store on the corner. When the Donalds purchased the property, a sliver of land that included the general store was not included and was sold off [35]

Circa 1934 view of the G.S. Wood Store, originally run by Lawrence Hager III. The subject house is located to the right (east), hidden behind the trees. *Source: Trafalgar Township Historical Society.*

[34] LRO Instrument #21533 being a Grant, dated 25 July 1946, between Estate of Mary Jane Hager to James F. Donald and Marion K. Donald

[35] LRO Instrument #21533 being a Grant, dated 25 July 1946, between Estate of Mary Jane Hager to James F. Donald and Marion K. Donald

Circa 1940s view looking south with the Hager house on the left and a former outbuilding that would have been behind the general store. *Source: Trafalgar Township Historical Society.*

In 1946, the property was sold to Fred and Mary Heslop who owned it for forty years until 1986.[36] The Heslops operated a veterinary clinic on the property.[37]

1977 photo of the rear porch, during the Heslop ownership. The "office" sign likely pertained to the Heslop's veterinarian service. *Source: Town of Oakville, Planning Services staff*

In 1986, another smaller section of land was severed off along Dundas Street to accommodate a road widening.[38]

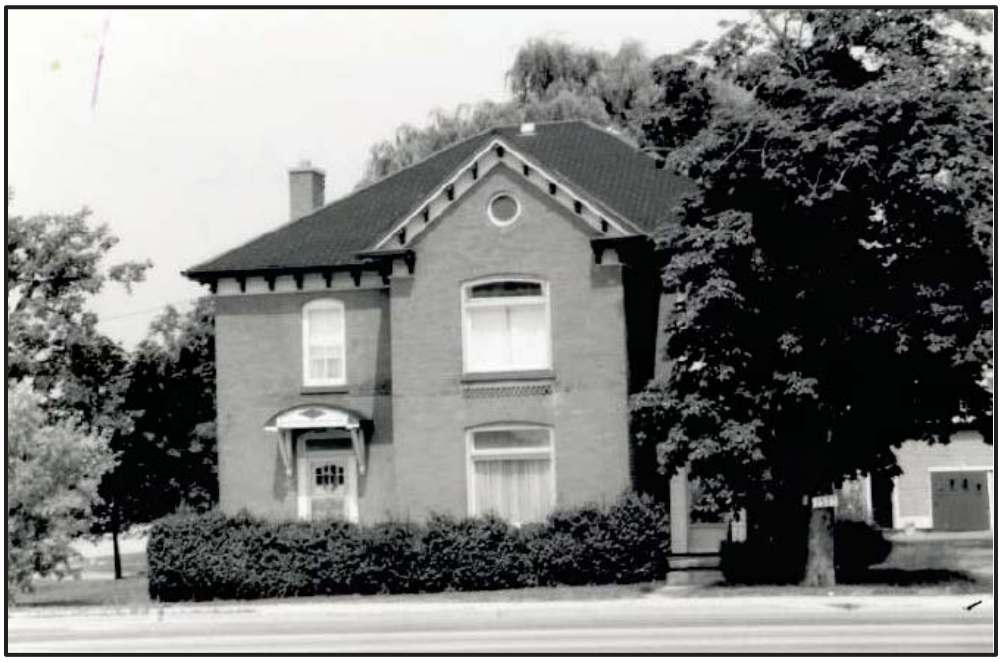
[36] LRO Instrument #21732, being a Grant, dated 22 November 1946, between James F. Donald and Marion K. Donald, and Frederick Grant Heslop and Mary Winnifred Heslop

[37] Town of Oakville building permit records

[38] Town of Oakville building permit records

Circa early 1980s photo of the house during the Heslop ownership. *Source: Town of Oakville, Planning Services staff*

The property was then owned by Alan and Margaret Odenbach from 1986 to 1994; they used the building as a bed and breakfast.[39] Alan Odenbach was an x-ray technician who also worked as an auctioneer who specialized in antiques and farm auctions.[40] Under the ownership of Ilija and Mary Ann Hercig from 1994 to 2006, the property was used as a group home through their business, Ontario Family Guidance Inc.[41] In 2006, it was sold to the current owners.



Circa 1991 photo of the house. *Source: Town of Oakville Planning Services staff*

[39] Town of Oakville property file records.
[40] Acton Free Press, January 3, 1979, p. 16, classified ads
[41] Town of Oakville building permit files

Contextual Value

The subject property has cultural heritage value for its historic and current role within the village of Palermo. The village is the oldest remaining urban centre in the town of Oakville and along with downtown Oakville and Bronte, one of the town's only remaining villages. Colonial settlement began in Palermo over 200 years ago in 1806, some 20 years prior to the founding of settlements at the ports of Bronte and Oakville. The village thrived in the early to mid-20th century because of its location along Dundas Street, which, for more than a century, was the most significant east-west overland route between Toronto and western Ontario. It was also strategically situated midway along the north-south road between Bronte and Milton.[42]

The Lawrence and Mary Hager House remains physically, functionally, visually, and historically linked to the streetscape of Palermo. The two-storey house retains the low-scale street wall context created by smaller-scale homes and structures, a distinctive feature of historic Ontario villages. The building is located at the main intersection of the village and for many years had strong connections to the commercial businesses of the village.

Along with the Palermo United Church and the Switzer House to the east, both designated heritage properties, this historic house is important in defining and supporting the character of the area. While the community is transiting to accommodate more growth and density, properties such as the Lawrence and Mary Hager House property helps the area to retain much of its historic village character.

[42] "Palermo History." Trafalgar Township Historical Society, Oakville, Ontario, Canada

4. Evaluation under Ontario Regulation 9/06

Evaluation of the cultural heritage value of the subject property is guided by the criteria outlined in the *Ontario Heritage Act's, Ontario Regulation 9/06: Criteria for Determining Cultural Heritage Value or Interest*. This Regulation outlines several criteria for determining whether a property is of cultural heritage value or interest. For a property to be designated under section 29 of the *Ontario Heritage Act,* it must meet two or more of these criteria, which are outlined below.

Ontario Regulation 9/06 Criteria	Evaluation	Criteria met (Y/N)
1. The property has design value or physical value because it:		
i. is a rare, unique, representative or early example of a style, type, expression, material or construction method;	The property is a representative example of the vernacular variation of the Italianate style that was prevalent in Ontario between 1850 and 1900.	Y
ii. displays a high degree of craftsmanship or artistic merit;	While the home was well-built, the property does not display a high degree of craftsmanship or artistic merit.	N
iii. demonstrates a high degree of technical or scientific achievement.	The property does not demonstrate a high degree of technical or scientific achievement.	N
2. The property has historical value or associative value because it:		
i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community;	The property has direct associations with the development of the village of Palermo and with the Hager family who founded the village and made significant contributions to the area over many decades.	Y
ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture;	The property does not appear to yield information that contributes to an understanding of a community or culture.	N
iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.	The property does not appear to demonstrate or reflect the work of anyone significant to the community.	N
3. The property has contextual value because it:		
i. is important in defining, maintaining or supporting the character of an area;	The property is important in defining and supporting the historic village character of Palermo.	Y
ii. is physically, functionally, visually or historically linked to its surroundings;	The property is physically, functionally, visually and historically linked to its surroundings and the streetscape of Palermo village.	Y
iii. is a landmark.	The property is not a landmark.	N

5. Statement of Cultural Heritage Value and or Interest

The subject property has been researched and evaluated to determine its cultural heritage significance according to Ontario Regulation 9/06. This Regulation, defined in the *Ontario Heritage Act*, outlines several criteria for determining whether a property is of cultural heritage value or interest. For a property to be designated under section 29 of the *Ontario Heritage Act,* it must meet one or more of these criteria, which are outlined below. By using these criteria, staff can determine if the property's cultural heritage value or interest merits designation under the *Ontario Heritage Act*.

Description of Property

The property at 2527 Dundas Street West is located on the northeast corner of Dundas Street West and Old Bronte Road in Palermo Village. The property contains a historic two-storey red brick house with a non-historic one-storey garage addition and a non-historic detached two-storey frame outbuilding.

Statement of Cultural Heritage Value or Interest

Design/Physical Value

The Lawrence and Mary Hager House is a representative example of a late 19th-century vernacular Italianate style brick house. The two-storey house includes many of the characteristics of this style with its low-sloped roof, symmetrical façade, and projecting centred frontispiece. Period details include a decorative cornice with brackets and cornice returns, segmentally arched window and doorway openings, and decorative dog-tooth brickwork. The house is clad in stretcher bond red brick and built on a lakestone foundation. Unique to this house are its two front entrances which, while not typical of the Italianate style, were placed in a way that maintained the symmetrical and formal façade of the style.

Historical/Associative Value

The property has direct associations with the historic village of Palermo, the oldest settlement in present day Oakville. Palermo was a significant stop along Dundas Street, the main route between Toronto and Hamilton. The larger rural community depended on the village for its stagecoach stop, post office, inn, stores, schools, and its churches. The subject property also has strong associations with the Hager family, a prominent family in Palermo and Trafalgar Township. The house was built by Lawrence III, grandson of Lawrence Hager I, the founder of Palermo. Lawrence had the house constructed and he and his wife Mary raised their family in the house and remained there for over 50 years. The family ran the general store on the corner of the property and also worked as farmers, contributing to the busy commerce of Palermo village in the late 19th and early 20th centuries.

Contextual Value

The Lawrence and Mary Hager House remains physically, functionally, visually, and historically linked to the streetscape of Palermo. The two-storey house allows for the continuation of the low-scale street wall created by smaller-scale homes and structures, a distinctive feature of historic Ontario villages. The building is located at the main intersection of the village and for many years had strong connections to the commercial businesses of the village. As one of the remaining historic homes in the village, the Lawrence and Mary Hager House is important in defining and supporting the character of the area which, while in transition to accommodate more growth and density, retains much of its historic village character.

Description of Heritage Attributes

Key attributes of the Lawrence and Mary Hager House that exemplify its value as a representative example of an Italianate Style brick house associated with the early development of Palermo include the following, as they relate to the two-storey southerly portion of the building:

- The footprint and rectangular form of the structure with projecting frontispiece;
- The hip roof with intersecting front gable;
- The red brick cladding in stretcher bond, including brick headers above door and window openings, decorative dog-tooth brick patterns below window openings, projecting brick band above the foundation, and the truncated brick chimney on the east elevation;
- The red brick chimney above the roof on the west side of the structure;
- The fenestration of the windows and doors on all four elevations, including the segmentally arched shape of the openings;
- The stone windowsills;
- The exposed lakestone foundation above grade;
- The two stained-glass transom windows above the two front doors;
- The presence of sidelights or wood panelling on either side of both front doors;
- The wood cornice, including soffits, fascia, cornice returns, and decorative brackets;
- The presence of a front porch at each front door; and
- The existing orientation facing Dundas Street.

Key attributes of the Lawrence and Mary Hager House that exemplify its value as a representative example of an Italianate Style brick house associated with the early development of Palermo include the following, as they relate to the 1 ½ storey northerly portion of the building:

- The footprint and rectangular form of the structure;
- The gable roof with gable dormer on the west elevation;
- The porch on the west elevation, including wood columns;
- The red brick cladding in stretcher bond, including brick headers above door and window openings;
- The fenestration on all four elevations, including the segmentally arched shape of the window and door openings;
- The wood Italianate style entry door on the south elevation;
- The stone windowsills;
- The exposed lakestone foundation above grade;
- The wood vergeboard in the south gable dormer; and
- The existing orientation and connection to the two-storey southerly portion of the building.

To the rear of the house is a one-storey, two-bay frame garage with a low-sloped roof. This was a later addition to the house and is not considered to be of heritage value. Also on the property is a two-storey detached barn/workshop. MPAC records indicate that it was built c. 1950. Neither of these structures have been identified as heritage attributes worthy of protection through heritage designation.

6. Conclusion

This property meets four of the criteria of Ontario Regulation 9/06. It is therefore recommended that the property be designated under Part IV, section 29 of the *Ontario Heritage Act*.

7. Sources

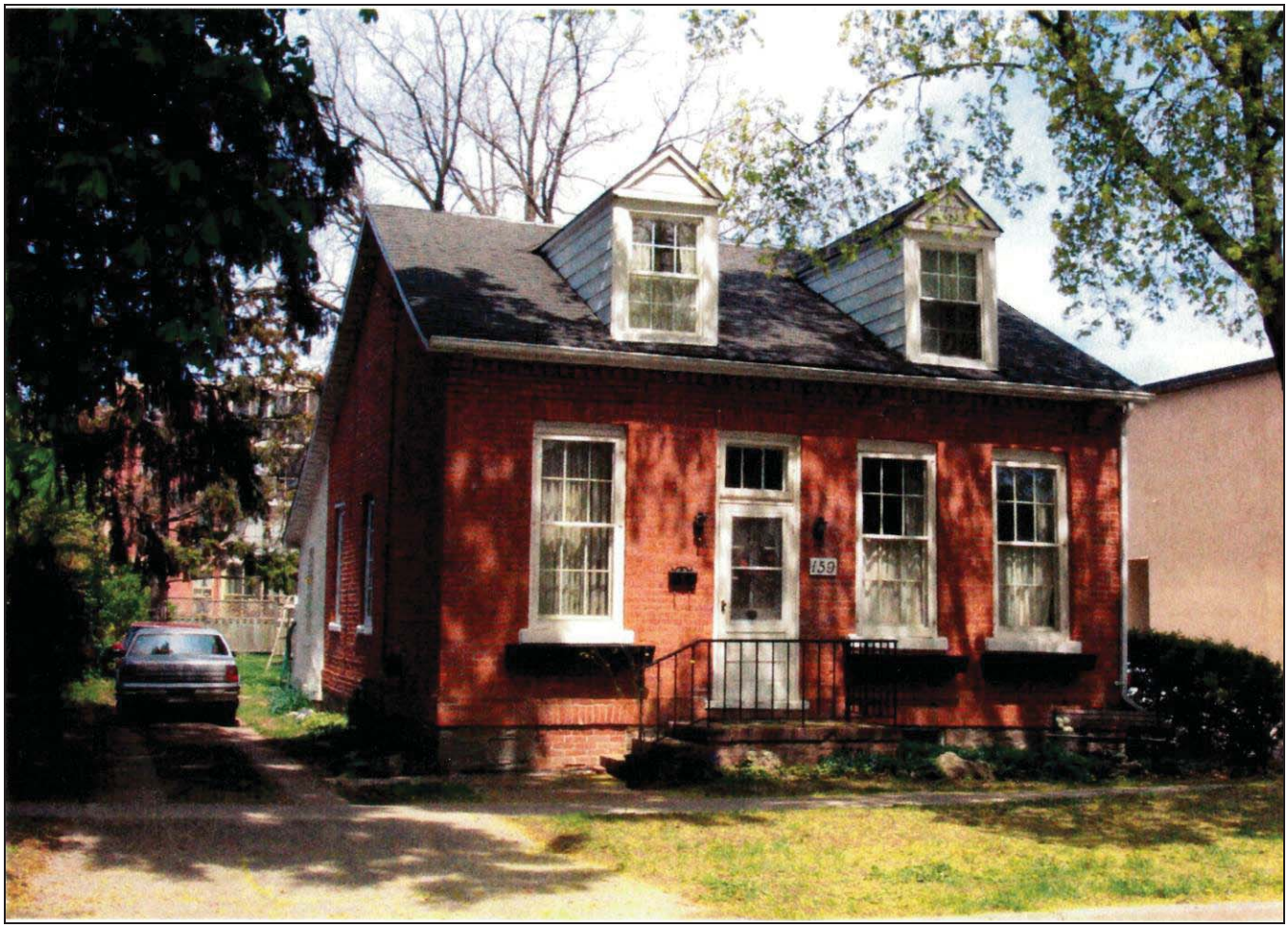
- Acton Free Press
- Ancestry.com
- Blumenson, John, *Ontario Architecture: A Guide to Styles and Building Terms 1784 to Present*
- FamilySearch
- Growth Plan for the Greater Golden Horseshoe (2019)
- Halton Images
- Kyles, Shannon. "Italianate 1850-1900." *Ontario Architecture*
- Livable Oakville Plan
- Mathews, Hazel C., *Oakville and the Sixteen: The History of an Ontario Port*. Toronto: University of Toronto Press Incorporated, 1953
- Mississaugas of the Credit First Nation, Department of Consultation & Accommodation (DOCA)
- North Oakville East Secondary Plan
- North Oakville West Secondary Plan
- Oakville Public Library
- *Ontario Architecture: A Guide to Styles and Building Terms, 1784 to the Present* by John Blumenson
- Ontario Heritage Act, Reg. 9/06
- ONLAND, Ontario Land Registry Access. Teranet Inc.
- Provincial Policy Statement, 2020
- Region of Halton Official Plan
- Sidler, Scott. "Why Does My Old House Have Two Front Doors?" *The Craftsman Blog*
- Town of Oakville, various departmental files including the Town's Heritage Register, policies, reports, imagery, and mapping
- Trafalgar Township Historical Society

APPENDIX C

Cultural Heritage Evaluation Report

Conder House

159 Trafalgar Road, Oakville, Ontario



The Conder House, 159 Trafalgar Road, circa 1990s. S*ource: Town of Oakville, Planning Services*

Town of Oakville
Heritage Planning
May 2023

1. Executive Summary

The purpose of this Cultural Heritage Evaluation Report, or CHER, is to determine if the subject property merits designation under Part IV, section 29 of the *Ontario Heritage Act* (OHA). A Cultural Heritage Evaluation Report (CHER) provides an overview of the property based on primary and secondary research and visual inspection of the property. It also includes an evaluation against the prescribed criteria of Ontario Regulation 9/06, including design/physical value, historical/associative value, and contextual value. This CHER also includes a draft Statement of Significance and identification of heritage attributes.

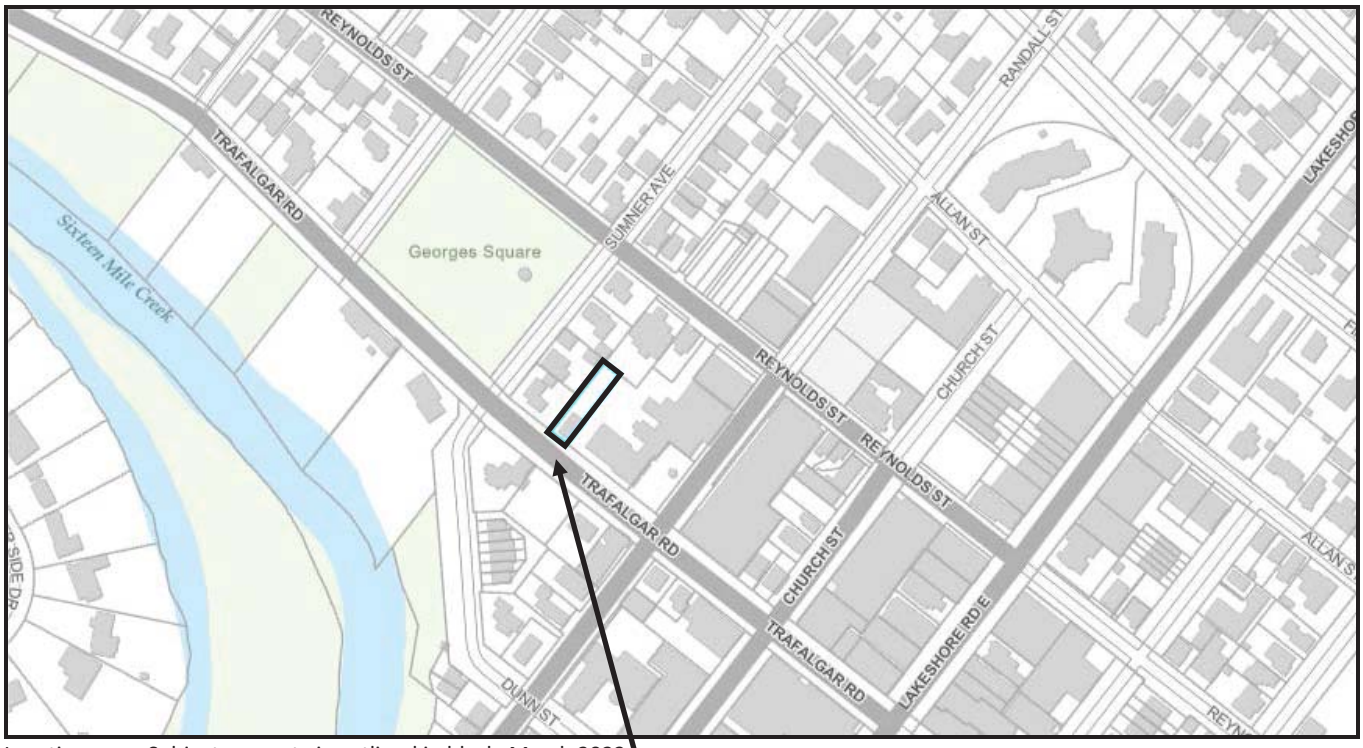
The designation of heritage properties is legislated by the OHA and is supported at a provincial level by the Provincial Policy Statement (2020) and the Growth Plan for the Greater Golden Horseshoe (2019). The conservation of cultural heritage resources is also supported by the Region of Halton Official Plan, the Livable Oakville Plan, the North Oakville East Secondary Plan, and the North Oakville West Secondary Plan.

The Conder House is located at 159 Trafalgar Road on the east side of Trafalgar Road between Sumner Avenue and Randall Street. The property is located within the territory covered by Treaty 22, which was signed in 1820 between the Mississaugas and the British Crown. In 2009, the property was added as a 'listed' property to Oakville's, *Register of Properties of Cultural Heritage Value or Interest (NOT Designated)* for its potential cultural heritage value for its circa 1857 brick house, once part of a semi-detached house.

This CHER has evaluated the property in accordance with the requirements of the OHA and finds that the property meets three of the criteria of Regulation 9/06. It is therefore recommended that the property be designated under Part IV, section 29 of the OHA.

2. Subject Property

The Conder House is located at 159 Trafalgar Road on the east side of Trafalgar Road between Sumner Avenue and Randall Street. The property is located within the territory covered by Treaty 22, which was signed in 1820, between the Mississaugas and the British Crown. After being purchased by William Chisholm in 1831, the subject property became part of Lot 5, Block 90, in Edward Palmer's 1835 "Plan of Oakville". The property contains a detached 1-½ storey house, which historically was the north section of a semi-detached house.



Location map: Subject property is outlined in black. March 2023
Source: Town of Oakville GIS

Legal description: Part Lot 5, Block 90, Plan 1, {AKA MAP R. W. Kerr DPS} AS IN 172522; Oakville.

3. Background Research

Design and Physical Value

The Conder House, located at 159 Trafalgar Road, is a 1-½ storey brick house built in a vernacular style with influences from the Georgian period. The structure was once the north half of a semi-detached workers' cottage, built circa 1857.

Common in Canada between 1784 and 1860, the Georgian style focused on simplicity and balance with Classical details like detailed cornices and moulded window and door surrounds.[1] The style was brought to Upper Canada by the English and by United Empire Loyalists escaping the War of Independence in America. Buildings from the Georgian style "are characterized by uncluttered designs based on an adherence to conventional rules of symmetry and proportion."[2]

Each of the original front façades of the semi-detached houses on Trafalgar Road was laid out in a four-bay configuration, with the front entryway offset within those four bays. Before the demolition of the south section of the structure, the two units presented a symmetrical form in keeping with Georgian architecture. Built as a workers' cottage, the houses represented a vernacular, pared-back version of the original Georgian style, retaining the overall balanced form of the style but in a more compact form and with more simplified detailing.

Circa 1955 photo of the house with 159 Trafalgar Road on the left. *Source: Oakville Historical Society*

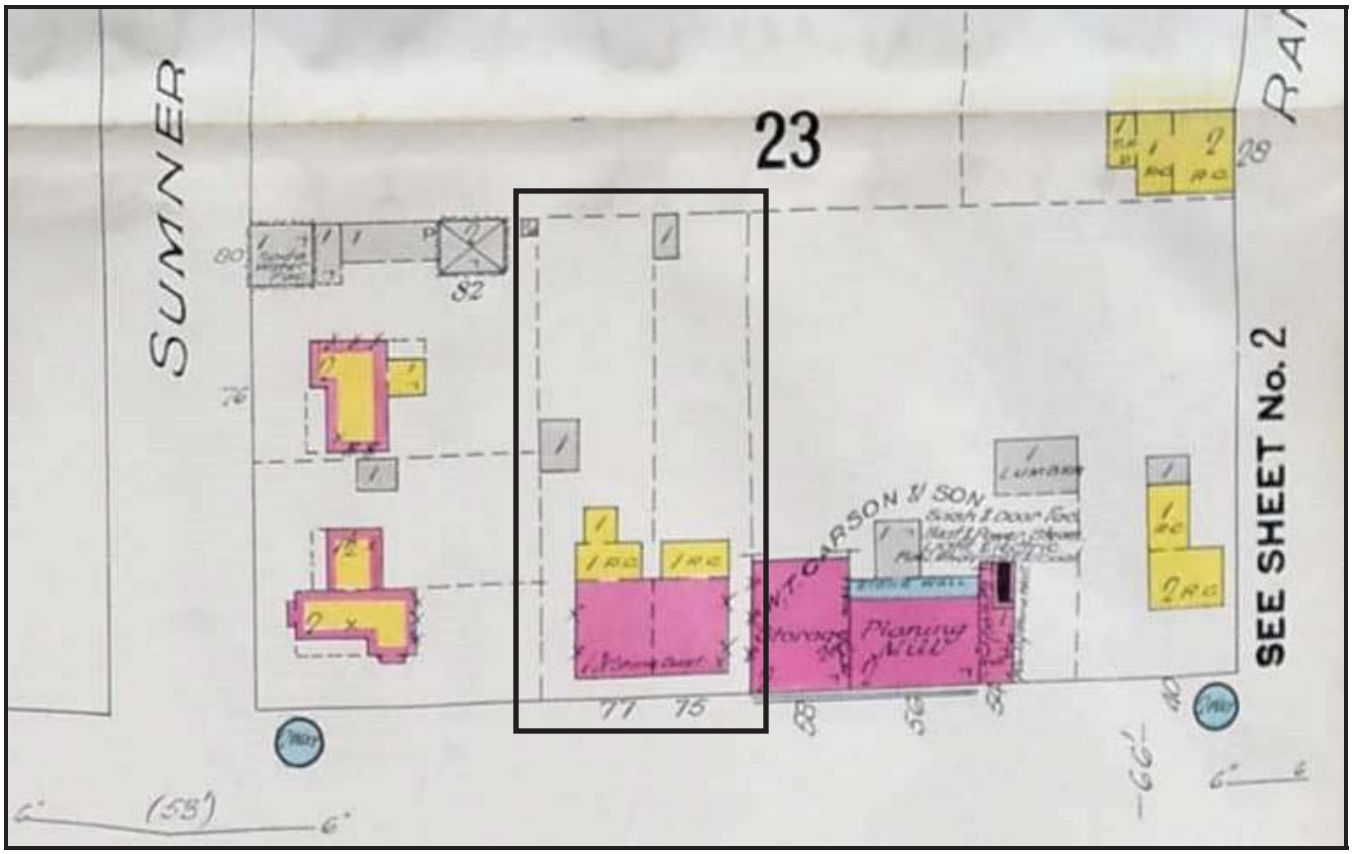
The simple, end gable-roofed structure at 159 Trafalgar Road was constructed of brick on a foundation of lakestone. Having a full basement with ground-level windows rather than just a crawlspace was somewhat

[1] Blumenson, John. *Ontario Architecture: A Guide to Styles and Building Terms 1784 to Present*, pg. 5
[2] Ibid.

unique in the mid-19th century, especially for such a small and simple building. The brickwork is finished in an English Bond pattern on the north elevation, yet the front appears to have been finished in a somewhat haphazard Flemish Bond pattern, as there is inconsistency in the placement of bricks. This could be due to repairs over the years. The south brick wall was reconstructed after the demolition of the south unit, using both new and salvaged bricks. The red brick detailing on the house includes a protruding brick base above the foundation, vertical brick headers over each of the windows and doors and a dentilled cornice detail with brick 'brackets' under the roof eaves.

The panelled and glazed wood front door is accompanied by a tall transom window, providing light that was much needed in a rowhouse-style home. This door is a replacement of the original panelled door and was installed sometime between 1955 and 1972. The windows shown in the circa 1955 photo were possibly original or replacements, but the design is very likely original, with 6/6 wood panes. These 6/6 wood windows remain today, along with 1/1 wood storms. Small wood windows at grade provided light into the basements. These have mostly been filled in with brick or stone material.

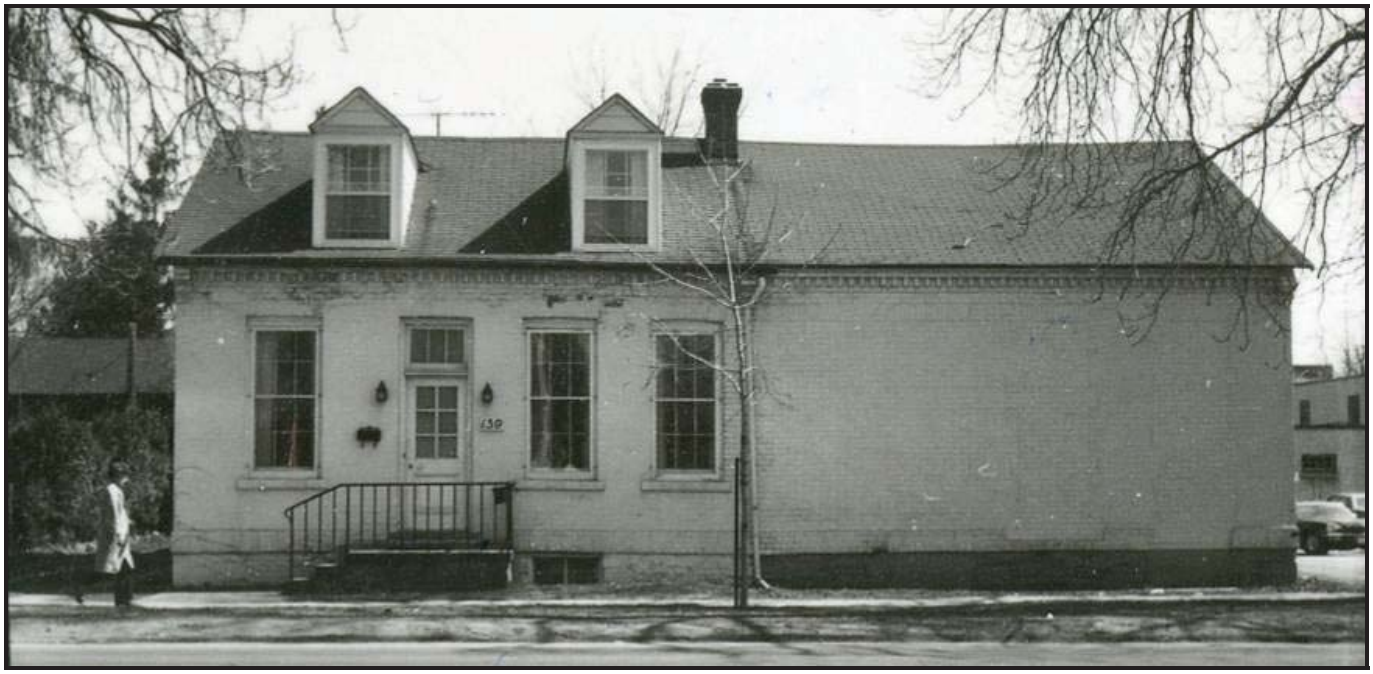
Both portions of the building had a one storey stucco lean-to addition constructed at the rear before 1910, as shown in the 1910 Fire Insurance Plan, revised in 1913, below. The subject house also had another small one storey enclosed porch at the rear. The larger lean-to addition remains but the enclosed porch was removed in 2016.



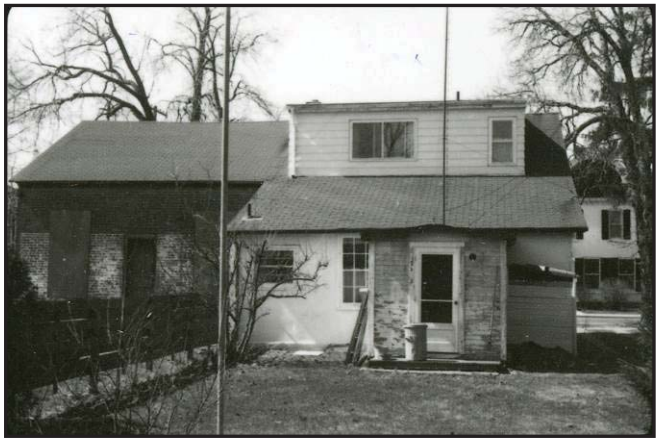
Detail of the 1910 (revised in 1913) Fire Insurance Plan showing the two rowhouse properties outlined in black. *Source: Oakville Historical Society*

Sometime between 1955 and 1972, aluminum-clad dormers were added to the roof of the subject house, two smaller gable dormers at the front and one larger shed dormer at the rear. These additions would have provided more usable space within the second storey where the bedrooms would have originally been located. By 1972,

the windows and doors of the south unit had been bricked up on the front and boarded up in the rear, and the rear lean-to addition had been demolished. The 1967 Fire Insurance Plan indicates that the south unit was vacant during that time, so it likely remained in poor condition during those years.



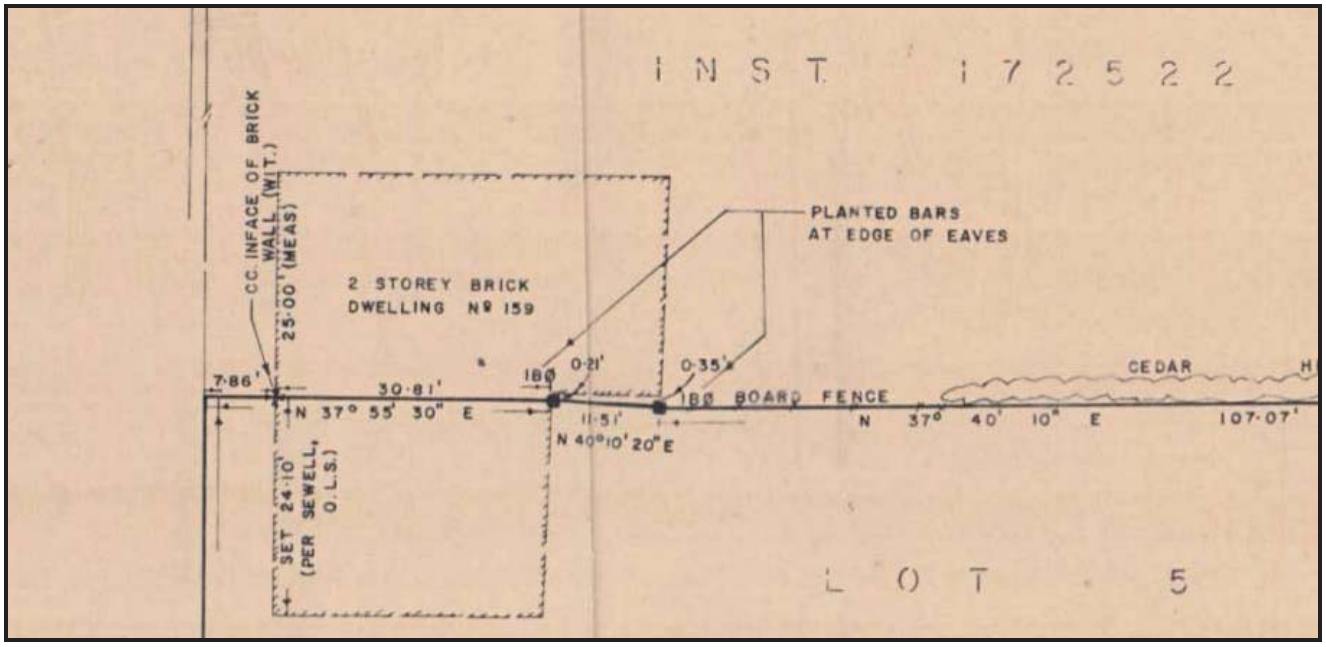
1972 photo of the house taken from Trafalgar Road, from the Canadian Inventory of Historic Buildings. *Source: Parks Canada*



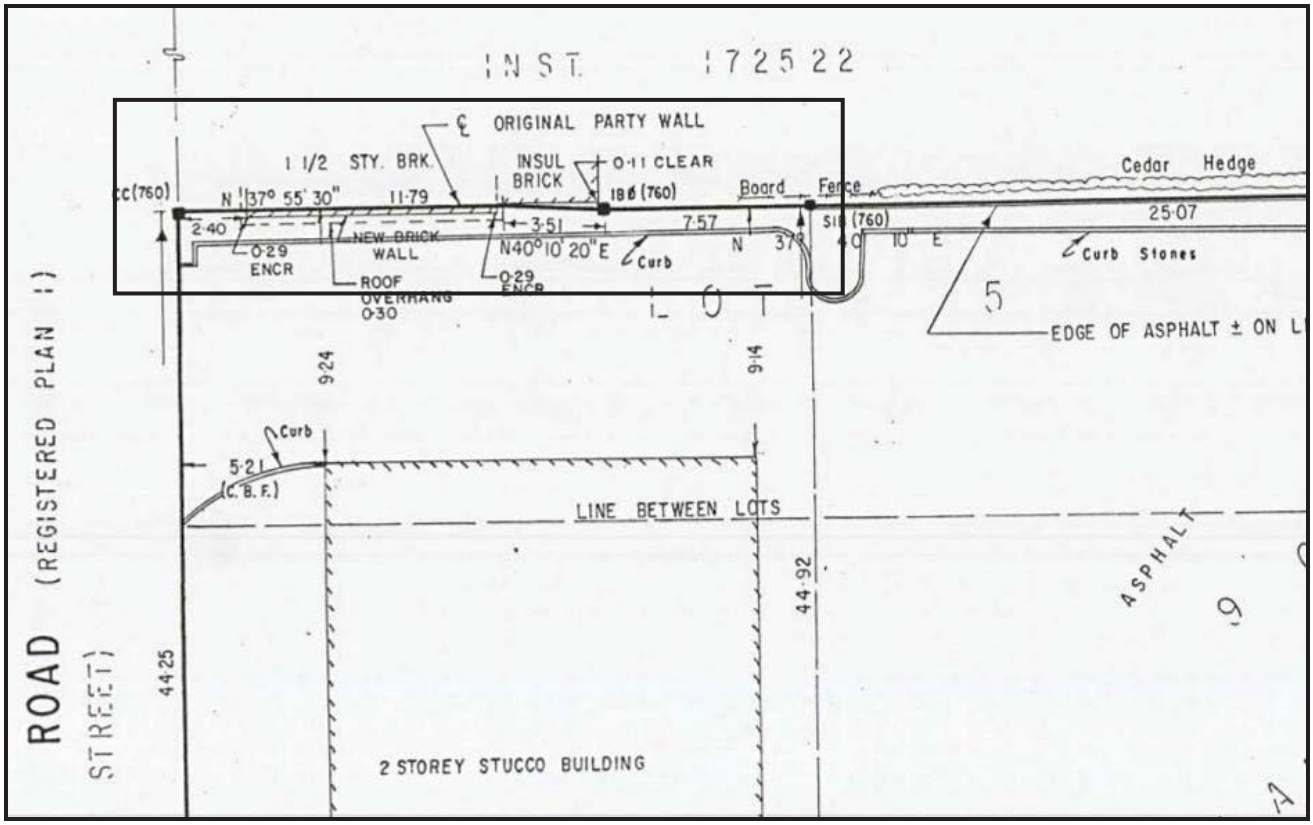
1972 photos of the north elevation (left) and rear elevation (right), from the Canadian Inventory of Historic Buildings. *Source: Parks Canada*

Between 1976 and the late 1980s, the south lot containing the south unit was sold to Trafalgar Lodge retirement home located immediately to the south. The retirement home used the lot to help facilitate the construction of a new addition and parking lot on the northwest portion of their land. The south unit was demolished during this time, and the house at 159 Trafalgar Road was repaired and restored. The south wall of the subject house, originally the dividing wall between the two units, was reconstructed using a mix of new and historic bricks. Two new windows were installed on this elevation and paint was removed from the exterior brick throughout the house.

In 2016, the building was updated once again, this time for conversion from residential use to commercial use as an office. The interior was updated, the rear enclosed porch was removed, the rear wing was clad in board and batten cladding and the dormers, windows, and trim were painted dark grey.



1976 survey by McConnell, Maughan Ltd. showing the two units together. *Source: Town of Oakville Building Services files*



1990 survey by McConnell, Maughan Ltd. showing the original party wall of the two units reconstructed as a new brick wall. The new two-storeey stucco addition to the Revera Trafalgar Lodge retirement home is shown to the south. *Source: Town of Oakville Building Services files*

Circa mid to late 1980s photo of the house after the demolition of the south unit and the construction of the new addition to the Trafalgar Lodge Retirement Residence. *Source: Town of Oakville Planning Services files*

Over the past century and a half, throughout the many changes to the property, the house retains many of its historical features, including:

- the 1-½ storey gable roofed form
- the fenestration of the door and windows on the west, north and east elevations, including the original rear elevation of the brick portion which is now interior
- the lakestone foundation
- much of the original brickwork
- historical 6/6 windows with wood storms
- wood transom window above front door

These elements can be seen in the photos below, taken by Town of Oakville Heritage Planning staff in April 2023.

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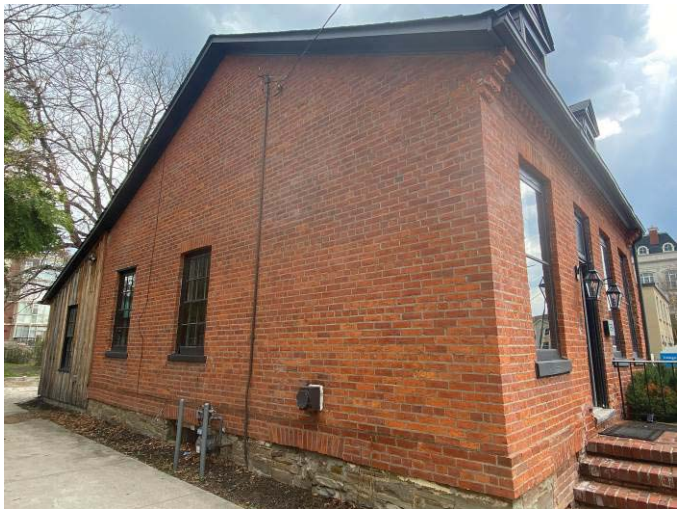
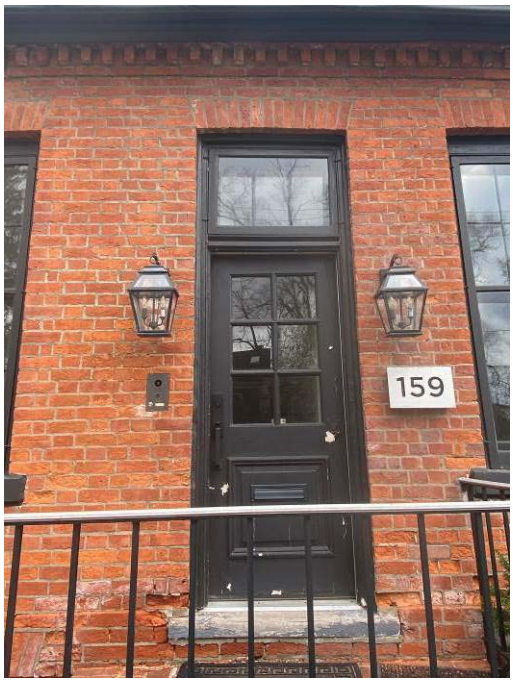



159

Historical and Associative Value

Historically, Trafalgar Road was once called Dundas Street North. The subject property's municipal address changed from 49 Dundas Street North to 159 Trafalgar Road.

Although the subject property was sold over two dozen times, many of the purchasers owned it for very short periods of time. It is possible that the property was purchased as an investment, and not as a place to live. Alternatively, the purchase could also reflect a trend seen in larger cities like Toronto, where tradespeople and their family moved frequently, especially in neighbourhoods where labourers predominantly settled. Today, workers' cottages are characterized as being small, cramped, poorly constructed, and disposable, however in the late 19th century it was considered an incredible achievement to have saved enough money to move into one.[3] Doing so often meant leaving behind the crowded conditions of boarding houses. People moved frequently for a variety of reasons, one reason being that families kept growing and they needed more space.[4]

Regardless of the reason, many of the property owners left little historical evidence of their time or association with the subject property and Oakville in general. In many cases, information about the purchasers was limited to only that contained within the real estate transaction documents.

As such, not all owners will be discussed in the CHER. Rather, the focus will be on persons of note, with a focus on the most likely candidate to have built, or commissioned the construction of, the property's building or buildings; on anyone who was significant to the community; or on anyone who lived on the subject property for an extended period of time. Below is a summary of the owners of the property from the issuance of the Crown patent to the present.

Name of Owner(s)	Acreage	Years of Ownership
Crown		1806-1831
William Chisholm	¼	1831-1837
John Douglas	¼	1837-1852
Elijah Williams	¼	1852-1856
John Parsons	¼	Jun. 1856-Nov. 1856
Charles Cordingley	¼	1856-1858
John Foster Orr	1/8	1858-1862
Charles Cordingley – sells the second half of Lot 5	1/8	1856-1862
John Foster Orr – purchased the second half of Lot 5	1/8	Mar. 1862-Apr. 1862
James Teeter	¼	1862-1872
Joshua P. Griggs	¼	1872-1873
William Clements	¼	1873-1880
William Gilby	1/8	May 1880-Sept. 1880
Elizabeth McGiffin	1/8	1880-1881
Benjamin Johnston	1/8	1881-1883
William Clements	1/8	Jan. 1883-Apr 1883
Herbert W. Litchfield	1/8	1883-1895
Emily Conder	1/8	1895-1951
Laura M. Hill	1/8	1951-1964

[3] Loucks, Don and Leslie Valpy. *Modest Hopes: Homes and Stories of Toronto's Workers from the 1820s to the 1920s*. Dundurn Press, 2021, pg. XIV

[4] Loucks et al, 2021, 124.

(Marjorie) Lorraine Jones	1/8	1964-2002
Stafford D. Hill & Susan M. Halliday		2002-2008
Susan M. Halliday		2008-2016
Current owners		2016 – present

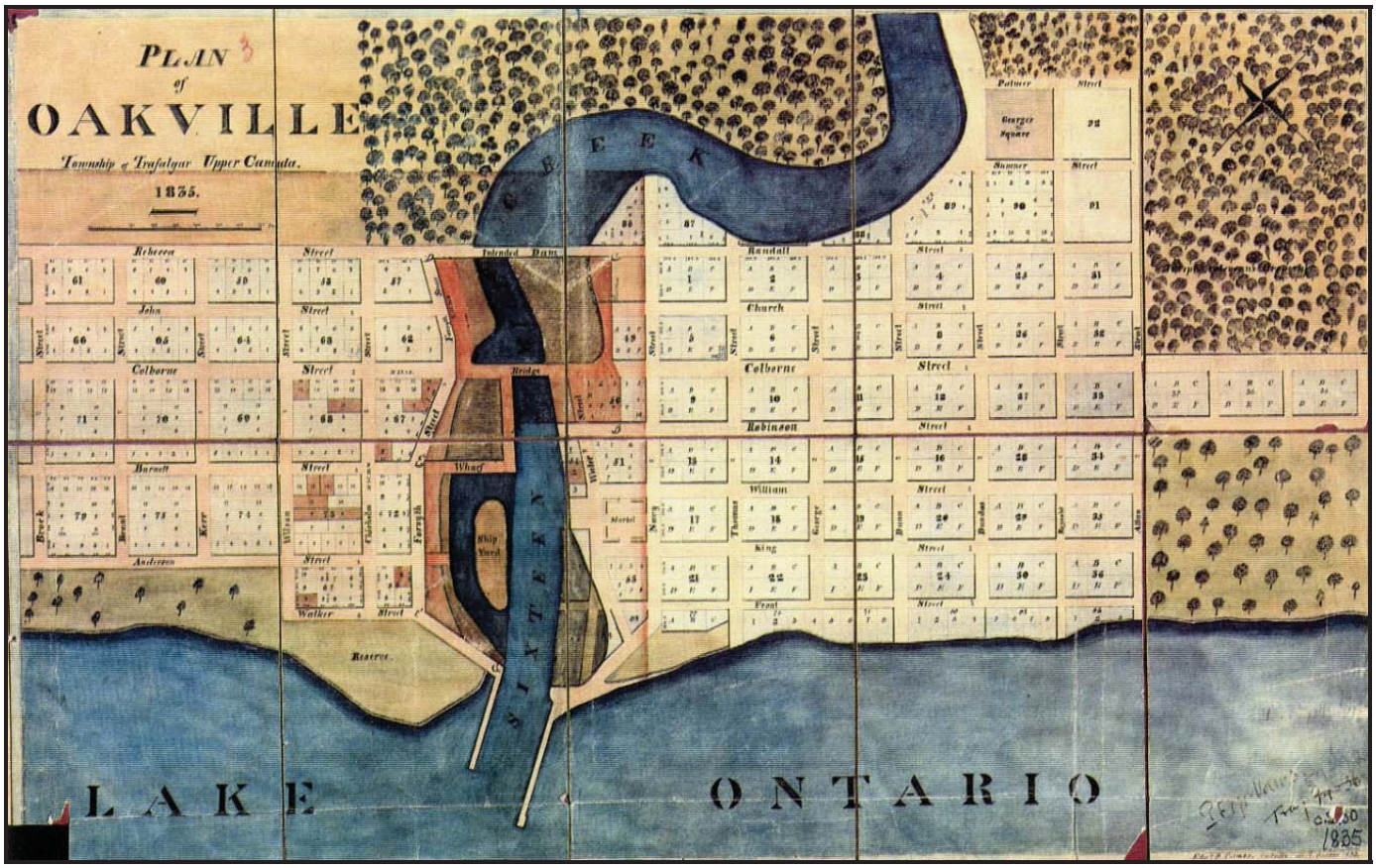
The Conder House property is located on lands that were part of the traditional territory of the Mississaugas of the Credit First Nation. In 1805, the Mississaugas of the Credit First Nation and the British Crown reached a provisional agreement in which the Mississaugas ceded almost 71,000 acres of land. In return they were given £1000 of trade goods, were promised the sole right of the fisheries in the Twelve Mile Creek, Sixteen Mile Creek, and the Credit River, and a strip of land on the banks on either side of these waterways. The agreement was formalized on 5 September 1806, when the Head of the Lake Treaty, No. 14, was signed.[5]

Sixteen Mile Creek runs through lands located on Lot 14, 4th Concession SDS, also known as the Broken Front Concession. *Source: Archives of Ontario, Trafalgar District of Gore, Partial, June 1806*

[5] Debwewin: The Oakville Truth Project, *Treaties 22 & 23, 1820*, https://www.theocf.org/wp2021/wp-content/uploads/2023/04/Frendship-Peace-and-Respect-web.pdf, (accessed 28 April 2023), pg. 10

The survey of the future Trafalgar Township was completed three months before Treaty No. 14 was finalized, which may explain why Deputy Provincial Surveyor, Samuel Street Wilmot's June 1806 plan called "*Trafalgar, Plan of the Second Township, In the tract of Land lately Purchased from the Mississagna* [sic] *Indians*" doesn't show the land to be set aside for the Mississaugas along the Twelve and Sixteen Mile Creeks.

The subject property is located within the territory covered by Treaty 22, which was signed in February 1820, when the Mississaugas were experiencing duress due to land encroachment, the depletion of fish stocks, and a population that was in severe decline. Negotiated when "the Mississauga were in a more compromised position", Treaty 22 stipulated that in exchange for surrendering "about 20,000" acres of their land to the British Crown, the Mississaugas would receive a 200-acre parcel of land on the Credit River, and the profits from the sale of the remaining lands on the River Credit, and on Twelve and Sixteen Mile Creeks.[6],[7]



Edward B. Palmer's, "Plan of Oakville, Township of Trafalgar Upper Canada 1835". *Source: Oakville Historical Society*

In March 1831, William Chisholm, a farmer, businessman, and political figure from Nelson Township, now part of Burlington, Ontario, purchased 1,000 acres of land at the mouth of Sixteen Mile Creek from the Crown.[8] Chisholm is widely recognized as the founder of the Village of Oakville.

Four years after Chisholm's purchase, the area was resurveyed. Edward Palmer's 1835 "Plan of Oakville" divided large swaths of land on both sides of Sixteen Mile Creek, including the land upon which 159 Trafalgar Road sits.

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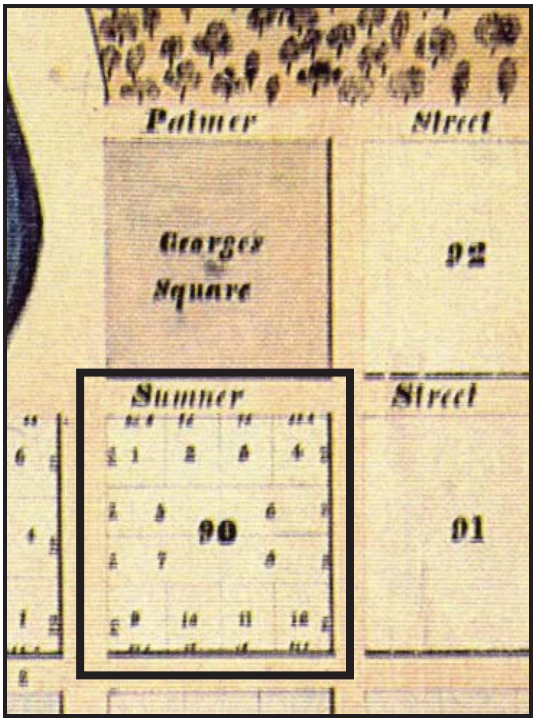
[6] Debwewin, *Treaties 22 & 23, 1820*, 7.
[7] Ibid, 10.
[8] Ministry of Natural Resources, Crown Grant, wherein William Chisholm of Nelson Township purchased 1,000 acres of Crown land for £1,020, on the 25th of March 1831

With this survey, the subject property became part of Lot 5, Block 90. Chisholm owned the subject property from 1831 until he sold it to John Douglas in November 1837.[9]



Lot 5, Block 90, the location of 159 Trafalgar Road, sits south of Georges Square and Sumner Avenue. Detail of Palmer's "Plan of Oakville, Township of Trafalgar Upper Canada 1835". *Source: Oakville Historical Society*

Although the next property owner, John Douglas, owned the property for 15 years he was one of the owners who left little biographical information outside of that captured in the two Bargain and Sale agreements in which he was involved as the purchaser and then the seller. Douglas sold the land to Elijah Williams (1813-1879), a merchant from Bronte Village.[10]

Williams likely bought the Conder House as an investment, because, as well as owning the subject property, he also owned a number of properties in Bronte Village. According to an undated, annotated copy of William Hawkins' 1834 Plan of Bronte, Williams owned at least eight parcels of land in Bronte Village. Records indicate that Williams was buying land in Bronte as early as the late 1830s and as late as the 1850s, including three lots on the northeast corner of Jones and Triller Streets where he constructed his family home, another indication that the Trafalgar Road property was likely an investment property.[11][12][13]

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[9] LRO Instrument #197L, being a Bargain & Sale, dated 19 November 1837, between William Chisholm, Esquire, of the Township of Nelson and John Douglas, Yeoman, of the Township of Trafalgar

[10] LRO Instrument #176A, being a Bargain & Sale, dated 7 February 1852, between John Douglas, Yeoman, of Amaranth Township, Waterloo County, and Elijah Williams, Merchant, Village of Bronte, Halton County.

[11] LRO Instrument #858K, a Bargain & Sale dated 13 May 1837, pertaining to part of Lot 15, north of Ontario Street and east of the river (12 Mile Creek), in the Town of Bronte, Halton Co., Gore District, Province of Upper Canada, between James Belyea and Elijah Williams.

[12] Archaeological Services Inc. (ASI), *Stage 1 Archaeological Assessment of 2365-2377 Lakeshore Road West, Lots 177 and 178, and Part of 179, Plan M-7(BA-147), Part of Lot 29, Broken Front Concession, Geographic Township of Trafalgar, County of Halton, now in the Town of Oakville, Regional Municipality of Halton*, 21 March 2022, pg. 14.

[13] Pollock, Ken, *Bronte on Twelve Mile Creek*. Self-published, Kelly Pollock Nemeth, 2017, pgs. 125-126

Between 1837 and 1846, various Land Registry Office (LRO) documents record Elijah Williams occupation as a carpenter and joiner.[14,15] However, later LRO records show that he had branched out into the retail world. By 1852, with his purchase of the subject property at 159 Trafalgar Road, his occupation had changed to that of a merchant.[16] Williams was one of several men appointed to direct the affairs of the Bronte Harbour Company in the late 1840s.[17] It is believed that Elijah was a partner in the firm of "Williams & Belyea", which was described as a general store.[18]

In January 1838, Williams married Susan Amelia Belyea (1812-1877).[19] Both Williams and Belyea came from early Bronte Village settler families.[20] Elijah and Susan Williams owned the Trafalgar Road property for slightly more than four years, from February 1852 until June 1856. Based on Williams' long association with Bronte Village, and records indicating he lived on Triller Street, it seems unlikely that the Williams family ever lived on Trafalgar Road.

The Williams sold the property to John Parsons, a merchant from Oakville, in June of 1856.[21] John and his wife Esther sold the property only five months later, making a profit of £500, a substantial amount of money at the time.[22] This large profit may be an indication that they had improved the property by constructing a building, or buildings, on the subject property. However, it is very unlikely that Parsons, who was identified in the two real estate transactions he participated in as a merchant and a gentleman, actually built the home on the ¼ acre property.[23],[24] Instead, Parsons probably hired someone to build the structure for them.

When Charles Cordingley (1815-1884), a Trafalgar Township farmer, purchased the subject property from the Parsons in November 1856, it is most likely that he did so as an investment.[25] Cordingley came from a prominent Trafalgar and Toronto Township family. The Cordingleys lived at McCurdy's Corners, a hamlet located at the intersection of Ninth Line and Derry Road. Originally from England, they came to the area, via Pennsylvania, likely sometime in the 1820s.[26]

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[14] LRO Instrument #858K, a Bargain & Sale dated 13 May 1837, pertaining to part of Lot 15, north of Ontario Street and east of the river (12 Mile Creek), in the Town of Bronte, Halton Co., Gore District, Province of Upper Canada, between James Belyea and Elijah Williams.
[15] LRO Instrument #233B, being a Bargain & Sale, dated 31 December 1846, between Elijah and Susan Williams, and Philip Sovereign, Yeoman, all from the Town of Bronte.
[16] LRO Instrument #176A, being a Bargain & Sale, dated 7 February 1852, between John Douglas, Yeoman, of Amaranth Township, Waterloo County, and Elijah Williams, Merchant, Village of Bronte, Halton County.
[17] Town of Oakville, *The Bronte Harbour Company*, https://www.oakville.ca/culturerec/bronteharbour-essay2.html (accessed 17 January 2023)
[18] Archaeological Services Inc. (ASI), *Stage 1 Archaeological Assessment of 2365-2377 Lakeshore Road West*. 14.
[19] Ibid, 14.
[20] *The Village of Bronte: Preserving the Past: John Belyea*, https://vitacollections.ca/multiculturalontario/262/exhibit/5 (accessed 15 February 2023)
[21] LRO Instrument #388A, being a Bargain & Sale, dated 16 June 1856, between Elijah Williams, Merchant, and his wife Susan Williams both of the Village of Bronte, Halton County; and John Parsons, Merchant of the Village of Oakville.
[22] LRO Instrument #385A, being a Bargain & Sale, dated 15 November 1856, between John Parsons, Merchant, and his wife Esther both of the Village of Oakville; and Charles Cordingley, a Farmer from Trafalgar Township.
[23] LRO Instrument #388A
[24] LRO Instrument #385A
[25] Ibid.
[26] Heritage Mississauga, *Journeys to the Past: The Lost Villages of Mississauga: McCurdy's Corners*, Print Solutions Management Inc., 2010, pgs. 69-70.

When Charles and his wife Rebecca Cordingley, nee Petch (1825-1879), sold the subject property in October 1858, the LRO document recorded their residence as being in Trafalgar Township.[27] This serves as further proof that the Trafalgar Road property was not purchased as a place for the Cordingleys to live, rather it was an investment property. Selling an 1/8 of an acre not quite two years after buying it, the Cordingleys sold half of their Trafalgar Road purchase to John Foster Orr for $1,000.[28] Converting British pounds to Canadian dollars, the sale price of $1,000 represents roughly the same amount of money the Cordingleys paid for the entire ¼ acre two years earlier. This price increase may be an indication that the property had been improved with the construction of a building, or buildings, or simply a reflection of an increase in real estate values.

Although it is difficult to be certain exactly by whom, and when the building, or buildings, were constructed at 159 Trafalgar Road, what is certain is that by the time Charles and Rebecca Cordingley sold half of their property to John Orr in 1858, there was a structure on the property. Unusually, the Bargain & Sale document identifies the land being sold as being split down "the middle of the wall dividing both halves of a Brick Dwelling House on said Lot."[29]

Also unusual in the Bargain & Sale documents is the formalization of the shared rights of access to a well, a rain cistern, and pumps, by both the owners and occupiers of the two halves of the ¼ acre lot. The two property owners also agreed to split the cost of maintaining the well, rain cistern, and pumps while they continued to use them. A final detail captured in the sale agreement was that it was subject to a "lease made to one John Parsons."[30] It seems that although John and Esther Parsons had sold the property two years earlier, they were still present on the property as tenants of Charles Cordingley.

Over the next 25 years the property passed through several owners, most of whom owned the house for months, not years. Assessment Rolls and Census records indicate that many of the property's owners seem to have been investors who lived elsewhere and rented the property to tenants. Based on the frequency with which the property was sold, and as the location of a relatively modest home, it is possible that some of the owners and tenants were employed as labourers and skilled tradespeople in local businesses and within the agricultural and industrial sectors.

During late 19th century, Oakville's industries were booming. The fertile soil and optimal growing conditions for fruit supported an agricultural business that in turn supported industries such as: Glassco's Limited, manufacturers of jams; the Oakville Fruit Evaporating Company; Patterson's Cider Mill; and the Oakville Basket Factory, which made fruit and commercial baskets. Other local industries included the War Manufacturing Company Limited, Marlatt & Armstrong Company tannery, McDermott's barrel factory, W.T. Carson & Sons Planing mill, Davis & Doty builders supplies, Oakville Pressed Brick Works, Whitaker's Carriage Works, Ashbury's Flour Mill and Oakville Bottling Works, all of them requiring labourers and skilled tradespeople.[31]

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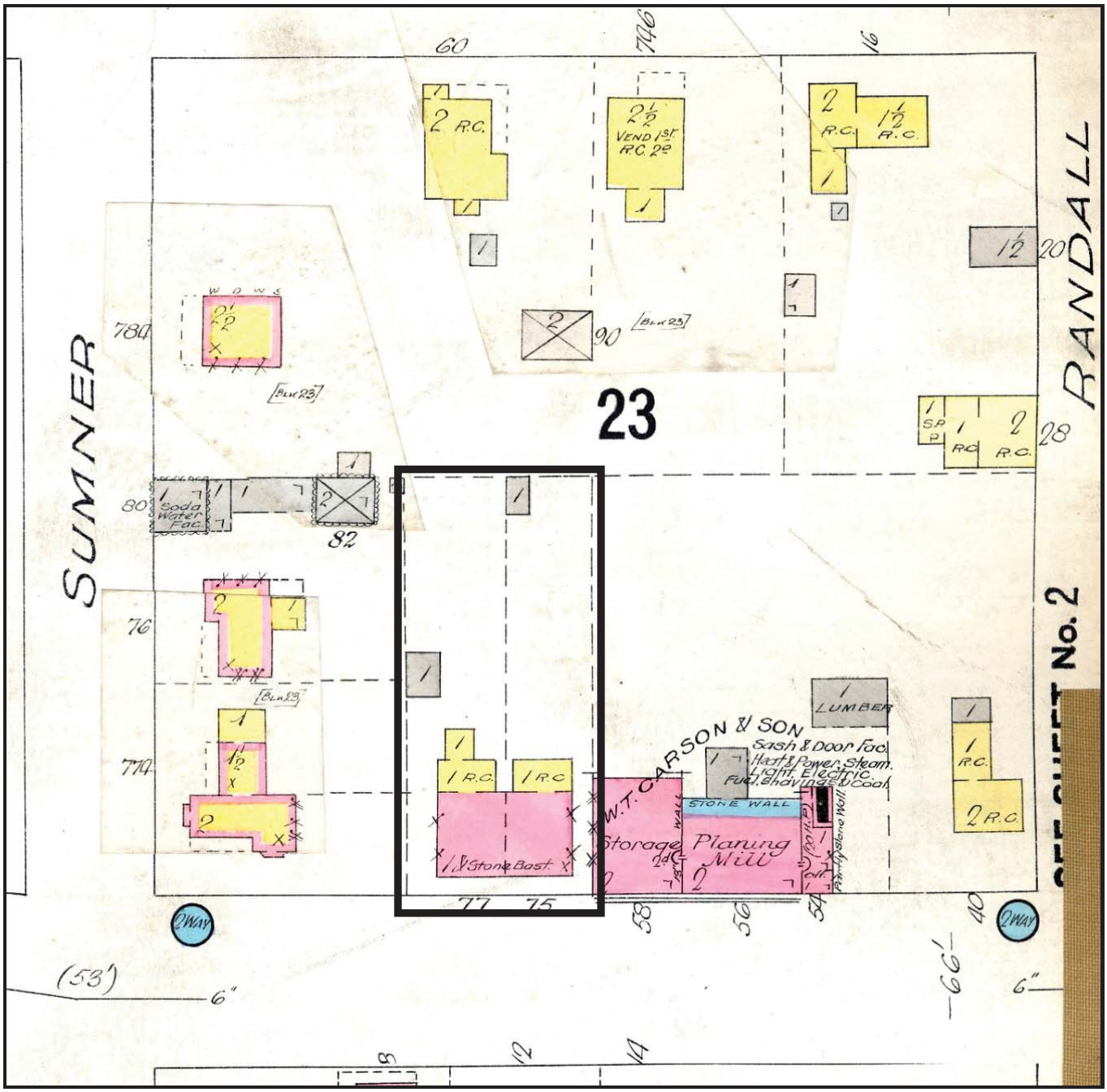
[27] Land Registry Office instrument #618A, a Bargain & Sale dated 12 October 1858, between Charles and Rebecca Cordingley and John Foster Orr.
[28] Land Registry Office instrument #618A
[29] Ibid.
[30] Ibid.
[31] Griffin, George A., *Oakville Past and Present*, pg. 33.



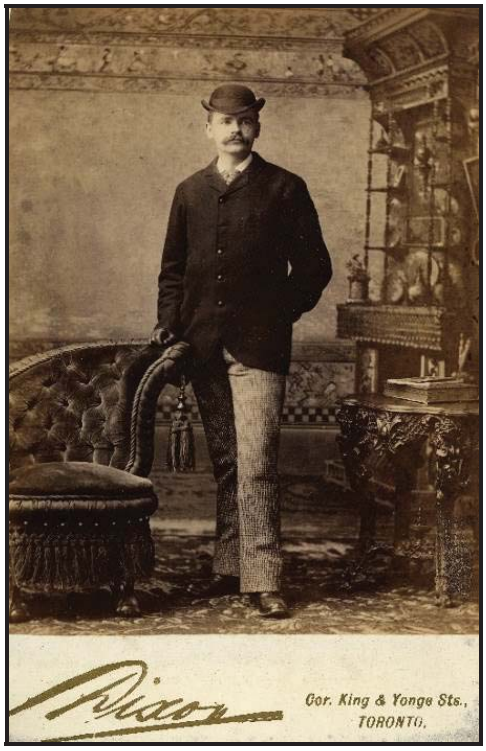
The intact semi-detached building, highlighted in black. 159 Trafalgar Road is on the left. Detail of the Fire Insurance Plan, 1910 (revised 1913). *Source: Oakville Historical Society*

The next owner of 159 Trafalgar Road was most certainly a tradesperson connected to local industries. Herbert William Litchfield purchased the property in 1883. He grew up in the Litchfield family home at 145 Trafalgar Road which is located on the southeast corner of Randall Street and Trafalgar Road. The property is south of 159 Trafalgar Road, next to the W.T. Carson & Sons Planing Mill, where Trafalgar Lodge stands now.[32],[33] All three of these buildings can be seen in the 1910 (1913) Fire Insurance Plan above.

[32] Oakville Historical Society, *A Walker's Guide to: Historical Trafalgar Road: Carson and Son Planing Mill – 1860*, Page 1, Historical Walk of Trafalgar Road - No Site Tab (weebly.com) (accessed 27 January 2023)
[33] Frances Robin Ahern, *Oakville: A Small Town (1900-1930)*, pg. 65

Herbert's father William was an engineer at Hagaman's Planing Mill located on the east bank of The Sixteen, and across the road and slightly north of the subject property.[34] Herbert was a woodworker, possibly at the same planing mill, when he purchased 159 Trafalgar Road at the age of 21 in 1883. The following year, he married Annie Armstrong, and they raised at least four children in the house. They sold the property in 1895, possibly moving to a larger home to accommodate their growing family.[35]

In 1895, the property was purchased by Emily Conder, beginning a 120-year ownership by the Conder family.[36] Emily (nee Busby) Conder (1862-1950) emigrated from England with her family in 1863 as a baby.[37] Conder purchased the subject property in her 30s, an atypical transaction at the time, as she was a married woman and not a widow when she purchased the property.



Alfred J. Conder, undated. *Source: Oakville Historical Society*

Emily was married to widower Alfred Joseph Conder (1859-1904) who worked as a basket maker and later a foreman at the local basket factory.[38] Emily and Alfred were remembered for bringing up their "fine children in his home (no. 159) north of the planing mill".[39] Alfred died in 1904, after a long illness. He was remembered for being a member of the Citizens' Brass Band and for his "interest in the basket factory."[40]

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[34] Hazel C. Mathews, *Oakville and the Sixteen: The History of an Ontario Port*, pg. 251
[35] Archives of Ontario, *Ontario, Canada, Marriages, 1826-1938*, Archives of Ontario; Toronto, Ontario, Canada; Registrations of Marriages, 1869-1928; Reel: 46, per Ancestry.ca
[36] LRO Instrument #2840, being a Bargain & Sale, dated 10 October 1895, between Herbert W. and Annie Litchfield and Emily Conder, the wife of A.J. Conder, of the Town of Oakville.
[37] Library and Archives Canada, *1921 Census of Canada*, Reference Number: RG 31; Folder Number: 62; Census Place: 62, Halton, Ontario; Page Number: 9
[38] Ancestry.com, *1891 Census of Canada*, Year: 1891; Census Place: Oakville, Halton, Ontario, Canada; Roll: T-6341; Family No: 281
[39] Ahern, *Oakville, a Small Town*, 65.
[40] The Canadian Champion, Milton, July 28, 1904, *Oakville*, pg. 2, https://images.ourontario.ca/Partners/MPL/MPL002491142pf_0129.pdf (accessed 3 February 2023).

When Alfred died, he left Emily to raise their young children on her own. She did so by working from home as a dressmaker. Conder was remembered as being a life-long member of St. John's United Church, where she taught Sunday school. She also sang in the choir, was a member of the Woman's Missionary Society, and was the oldest member of the congregation before her death in 1950 at the age of 88.[41] To pay off his mother's debts, Emily's son Walter sold the subject property to his sister Laura M. Hill in 1951, for $5,000.[42]

Laura Marie Conder (1893-1976) and husband William Hill (1884-1962) had four children and William worked as a chauffeur.[43] Laura sold the property in 1964, two years after the death of William, to their daughter M. Lorraine (nee Hill) Jones (c.1919-2001).[44] It is unknown whether Lorraine and her husband Peter Jones lived in the house after they inherited it in 1964. However, by 1967, during the Jones' ownership, the south unit was vacant and had been boarded up. By the late 1980s, the south lot had been sold to the Revera Trafalgar Lodge retirement home and the south unit had been demolished completely. Under the ownership of Lorraine and Peter, the subject house was restored, and the south wall reconstructed. The Conder family and descendants were noted for the "careful preservation of this home [which] does credit to a member of the third generation living there at the present time." [45]

After Lorraine Jones' death in 2001, the property was transferred to Lorraine's brother Stafford Douglas Hill and his wife Susan Margaret Halliday.[46] Upon Stafford Hill's death on 6 January 2004, 159 Trafalgar Road became the sole property of Susan M. Halliday, as the surviving joint tenant.[47] The subject property had remained in the same family for three generations, and over 120 years.

Because of the Conder family's long history in the home, the building has been referred to as the Conder House in this report to recognize this connection that lasted well over a century. While it is common to name a house after its original owner, it is unclear from historical records who definitively owned the property during its construction.

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[41] Oakville-Trafalgar Journal, *Mrs. A. J. Conder*, 14 September 1950, pg. 5, https://news.halinet.on.ca/3757442/page/4668961?q=Emily+Busby (accessed 3 February 2023).
[42] LRO Instrument #17880, being a Grant, dated 15 March 1951, between Walter England Conder, Administrator of the Estate of Emily Conder, late of the Town of Oakville, in the County of Halton, Widow, Deceased, and Laura M. Hill, a Married Woman of the same place.
[43] Archives of Ontario, *Ontario, Canada, Marriages, 1826-1938*, Archives of Ontario; Toronto, Ontario, Canada; Registrations of Marriages, 1869-1928; Reel: 419
[44] LRO Instrument #172522, being a Grant, dated 8 July 1964, between Laura M. Hill and Marjorie Lorraine Jones.
[45] Ahern, *Oakville, a Small Town*, 65.
[46] LRO Instrument #HR106827, being a Transfer, dated 18 March 2002, between Gail Sharon Denley and Stafford D. Hill, as Trustees of the Estate of M. Lorraine Jones, and Stafford Douglas Hill and Susan Margaret Halliday.
[47] LRO Instrument #HR640734, being a Survivorship Application – Land, dated 7 February 2008, between the late Stafford Douglas Hill and Susan Margaret Halliday.

Contextual Value

The subject property has cultural heritage value because it is physically, functionally, visually, and historically linked to its surroundings. The property is an entry point to Downtown Oakville from the north along Trafalgar Road and remains in its original location. The building is a remnant of the residential and commercial buildings once associated with Oakville's 19th and early 20th century industrial businesses, many of which have been demolished over the past century.

The streetscape along this stretch of Trafalgar Road once included industries like W.T. Carson & Sons Planing Mill, the Oakville Basket Factory, Oakville Wood Specialties, the Glassco Jam Factory, Dominion Wine Growers Ltd., Oakville Flour Mills, The Oakville Tire & Rubber Company, and the Aluminum Goods Factory. Houses like the one at 159 Trafalgar Road were part of this streetscape and part of the history of these industries as a home to their employees.

Below are images of the house and the surrounding streetscape along Trafalgar Road.

Trafalgar Road streetscape, facing south. 159 Trafalgar Road is the red brick building on the left side of the image. February 2021.
Source: Google

Trafalgar Road streetscape, facing north. 159 Trafalgar Road is the red brick building on the right side of the image. February 2021.
S*ource: Google*

4. Evaluation under Ontario Regulation 9/06

Evaluation of the cultural heritage value of the subject property is guided by the criteria outlined in the *Ontario Heritage Act's, Ontario Regulation 9/06: Criteria for Determining Cultural Heritage Value or Interest*. This Regulation outlines several criteria for determining whether a property is of cultural heritage value or interest. For a property to be designated under section 29 of the *Ontario Heritage Act,* it must meet two or more of these criteria, which are outlined below.

Ontario Regulation 9/06 Criteria	Evaluation	Criteria met (Y/N)
1. The property has design value or physical value because it:		
i. is a rare, unique, representative or early example of a style, type, expression, material or construction method;	The property is a representative example of a vernacular workers' cottage with influences from the Georgian style.	Y
ii. displays a high degree of craftsmanship or artistic merit;	The property does not display a high degree of craftsmanship or artistic merit.	N
iii. demonstrates a high degree of technical or scientific achievement.	The property does not demonstrate a high degree of technical or scientific achievement.	N
2. The property has historical value or associative value because it:		
i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community;	The property has direct associations with the early industrial history of Oakville as a representative example of a workers' cottage that housed employees of local industries such as the Oakville Basket Factory.	Y
ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture;	The property does not yield or have a strong potential to yield information that contributes to an understanding of a community or culture.	N
iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.	There are no known connections to an architect, artist, builder, designer or theorist who is significant to a community.	N
3. The property has contextual value because it:		
i. is important in defining, maintaining or supporting the character of an area;	Given the changes to the immediately surrounding streetscape, the property is no longer important in defining, maintaining or supporting the character of the area.	N
ii. is physically, functionally, visually or historically linked to its surroundings;	The property, which includes the remnant of the original semi-detached house, is physically, functionally, visually and historically linked to its surroundings.	Y
iii. is a landmark.	The property is not a landmark.	N

5. Statement of Cultural Heritage Value or Interest

Description of Property

The property at 159 Trafalgar Road is a long and narrow property located on the east side of Trafalgar Road, between Sumner Avenue and Randall Street, at the north end of Downtown Oakville. The property contains the Conder House, a circa 1857 1-½ storey brick house with rear frame additions.

Design Value or Physical Value:

The Conder House has design and physical value as a representative example of a mid-19th century vernacular workers' cottage built with influences from the Georgian style of architecture. The structure was once the north half of a semi-detached home built circa 1857 and together the two units formed a symmetrical façade, typical of the Georgian era. The remaining north unit is a simple, end gable-roofed structure constructed of brick on a basement of lakestone. The red brick detailing includes a protruding brick base above the foundation, vertical brick headers over each of the windows and doors and a dentilled cornice detail with brick 'brackets' under the roof eaves. The tall transom window above the front door and large 6/6 wood windows provided light that was much needed in a rowhouse-style home. The house is a simple and vernacular interpretation of the Georgian style, designed to be a compact and practical home for individuals and small families from the working class.

Historical Value or Associative Value:

The Conder House has cultural heritage value for its direct associations with the industrial history of Oakville as a representative example of a workers' cottage that housed employees of local industries. When the house was built in the mid-19th century, Oakville's industries were booming. The fertile soil and optimal growing conditions for fruit supported an agricultural business that in turn supported industries including cider mills, jam makers, fruit evaporating companies, and basket factories. The Conder House was owned and occupied by workers in these industries, including the Oakville Basket Factory and W.T. Carson & Sons Planing mill.

Contextual Value:

The Conder House has contextual value because it is physically, functionally, visually, and historically linked to its surroundings. The property is an entry point to Downtown Oakville from the north along Trafalgar Road and remains in its original location. The building is a remnant of the residential and commercial buildings once associated with Oakville's 19th and early 20th century industrial businesses, many of which have been demolished over the past century. These include W.T. Carson & Sons Planing mill and the Oakville Basket Factory, both of which had structures present along Trafalgar Road for over a century.

Description of Heritage Attributes

Key heritage attributes of the property at 159 Trafalgar Road that exemplify its cultural heritage value, as they relate to the 1-½ storey brick house known as the Conder House, include:

- Footprint and form of the 1-½ storey gable roofed structure
- Fenestration of the door and window openings on the west and north elevations
- Lakestone foundation above grade
- Red brick cladding including protruding base above the foundation, vertical brick headers over window and door openings, dentilled cornice detail and 'brackets' under the roof eaves
- Historical 6/6 wood windows with wood storms
- Wood transom window above front door; and
- Brick chimney.

Additions to the house that were added after its original construction have not been included as heritage attributes in the designation. These include: two front gable-roofed dormers, the rear one storey frame lean-to addition, and the rear shed dormer.

6. Conclusion

This property meets three of the criteria of Ontario Regulation 9/06, including design/physical value, historical/associative value, and contextual value. It is therefore recommended that the property be designated under Part IV, section 29 of the *Ontario Heritage Act*.

7. Sources

- Ahern, Frances Robin, *Oakville: A Small Town (1900-1930)*
- Ancestry.com
- Archives of Ontario
- Blumenson, John, *Ontario Architecture: A Guide to Styles and Building Terms 1784 to Present*
- Bronte Historical Society
- Canadian Champion, The
- FamilySearch
- Griffin, George A., *Oakville Past and Present*
- Growth Plan for the Greater Golden Horseshoe (2019)
- Heritage Mississauga
- Library and Archives Canada
- Livable Oakville Plan
- Mathews, Hazel C., *Oakville and the Sixteen: The History of an Ontario Port*. Toronto: University of Toronto Press Incorporated, 1953
- Ministry of Natural Resources
- Mississaugas of the Credit First Nation, Department of Consultation & Accommodation (DOCA)
- North Oakville East Secondary Plan
- North Oakville West Secondary Plan
- Oakville Historical Society
- Oakville Public Library
- Oakville-Trafalgar Journal
- Ontario Genealogical Society, The, Wellington County Branch, o/a Ontario Ancestors
- Ontario Heritage Act, Reg. 9/06
- ONLAND, Ontario Land Registry Access. Teranet Inc.
- OurDigitalWorld (Oakville Images)
- Parks Canada, Canadian Inventory of Historic Buildings
- Provincial Policy Statement, 2020
- Region of Halton Official Plan
- Town of Oakville, various departmental files including the Town's Heritage Register, policies, reports, imagery, and mapping

DRAFT NOTICE OF INTENTION TO DESIGNATE

On June 12, 2023 Oakville Town Council resolved to pass a Notice of Intention to Designate the following property under Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended, as a property of cultural heritage value and interest:

Lawrence and Mary Hager
2527 Dundas Street West
PT LT 30, CON 1 TRAFALGAR, NORTH OF DUNDAS STREET, AS IN 832677; OAKVILLE/TRAFALGAR

Description of Property

The property at 2527 Dundas Street West is located on the northeast corner of Dundas Street West and Old Bronte Road in Palermo Village. The property contains a historic two-storey red brick house with a non-historic one-storey garage addition and a non-historic detached two-storey barn/workshop.

Statement of Cultural Heritage Value or Interest

Design and Physical Value

The Lawrence and Mary Hager House is a representative example of a late 19th-century vernacular Italianate style brick house. The two-storey house includes many of the characteristics of this style with its low-sloped roof, symmetrical façade, and projecting centred frontispiece. Period details include a decorative cornice with brackets and cornice returns, segmentally arched window and doorway openings, and decorative dog-tooth brickwork. The house is clad in stretcher bond red brick and built on a lakestone foundation. Unique to this house are its two front entrances which, while not typical of the Italianate style, were placed in a way that maintained the symmetrical and formal façade of the style.

Historical and Associative Value

The property has direct associations with the historic village of Palermo, the oldest settlement in present day Oakville. Palermo was a significant stop along Dundas Street, the main route between Toronto and Hamilton. The larger rural community depended on the village for its stagecoach stop, post office, inn, stores, schools, and its churches. The subject property also has strong associations with the Hager family, a prominent family in Palermo and Trafalgar Township. The house was built by Lawrence III, grandson of Lawrence Hager I, the founder of Palermo. Lawrence had the house constructed and he and his wife Mary raised their family in the house and remained there for over 50 years. The family ran the general store on the corner of the

property and also worked as farmers, contributing to the busy commerce of Palermo village in the late 19th and early 20th centuries.

Contextual Value

The Lawrence and Mary Hager House remains physically, functionally, visually, and historically linked to the streetscape of Palermo. The two-storey house allows for the continuation of the low-scale street wall created by smaller-scale homes and structures, a distinctive feature of historic Ontario villages. The building is located at the main intersection of the village and for many years had strong connections to the commercial businesses of the village. As one of the remaining historic homes in the village, the Lawrence and Mary Hager House is important in defining and supporting the character of the area which, while in transition to accommodate more growth and density, retains much of its historic village character.

Description of Heritage Attributes

Key attributes of the Lawrence and Mary Hager House that exemplify its value as a representative example of a vernacular variation of an Italianate Style brick house associated with the early development of Palermo include the following, as they relate to the two-storey southerly portion of the building:

- The footprint and rectangular form of the structure with projecting frontispiece;
- The hip roof with intersecting front gable;
- The red brick cladding in stretcher bond, including brick headers above door and window openings, decorative dog-tooth brick patterns below window openings, projecting brick band above the foundation, and the truncated brick chimney on the east elevation;
- The red brick chimney above the roof on the west side of the structure;
- The fenestration of the windows and doors on all four elevations, including the segmentally arched shape of the openings;
- The stone windowsills;
- The exposed lakestone foundation above grade;
- The two stained-glass transom windows above the two front doors;
- The presence of sidelights or wood panelling on either side of both front doors;
- The wood cornice, including soffits, fascia, cornice returns, and decorative brackets;
- The presence of a front porch at each front door; and
- The existing orientation facing Dundas Street.

Key attributes of the Lawrence and Mary Hager House that exemplify its value as a representative example of a vernacular variation of an Italianate Style brick house associated with the early development of Palermo include the following, as they relate to the 1 ½ storey northerly portion of the building:

- The footprint and rectangular form of the structure;

- The gable roof with gable dormer on the west elevation;
- The porch on the west elevation, including wood columns;
- The red brick cladding in stretcher bond, including brick headers above door and window openings;
- The fenestration on all four elevations, including the segmentally arched shape of the window and door openings;
- The wood Italianate style entry door on the south elevation;
- The stone windowsills;
- The exposed lakestone foundation above grade;
- The wood vergeboard in the south gable dormer; and
- The existing orientation and connection to the two-storey southerly portion of the building.

The one-storey, two-bay garage addition to the rear of the house and the two-storey detached barn/workshop are not included in the designation. Any objection to this designation must be filed no later than July XX, 2023. Objections should be directed to the Town Clerk, 1225 Trafalgar Road, Oakville, Ontario L6H 0H3.

Further information respecting this proposed designation is available from the Town of Oakville. Any inquiries may be directed to Carolyn Van Sligtenhorst, heritage planner at 905-845-6601, ext.3875 (TTY 905-338-4200), or by email at carolyn.van@oakville.ca

The last date to file a notice of objection is July XX, 2023.

DRAFT

DRAFT NOTICE OF INTENTION TO DESIGNATE

On June 12, 2023 Oakville Town Council resolved to pass a Notice of Intention to Designate the following property under Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended, as a property of cultural heritage value and interest:

Conder House
159 Trafalgar Road
Part Lot 5, Block 90, Plan 1, {AKA MAP R. W. Kerr DPS} AS IN 172522; Oakville

Description of Property

The property at 159 Trafalgar Road is a long and narrow property located on the east side of Trafalgar Road, between Sumner Avenue and Randall Street, at the north end of Downtown Oakville. The property contains the Conder House, a circa 1857 1-½ storey brick house with rear frame additions.

Statement of Cultural Heritage Value or Interest

Design and Physical Value

The Conder House has design and physical value as a representative example of a mid-19th century vernacular workers' cottage built with influences from the Georgian style of architecture. The structure was once the north half of a semi-detached home built circa 1857 and together the two units formed a symmetrical façade, typical of the Georgian era. The remaining north unit is a simple, end gable-roofed structure constructed of brick on a basement of lakestone. The red brick detailing includes a protruding brick base above the foundation, vertical brick headers over each of the windows and doors and a dentilled cornice detail with brick 'brackets' under the roof eaves. The tall transom window above the front door and large 6/6 wood windows provided light that was much needed in a rowhouse-style home. The house is a simple and vernacular interpretation of the Georgian style, designed to be a compact and practical home for individuals and small families from the working class.

Historical and Associative Value

The Conder House has cultural heritage value for its direct associations with the industrial history of Oakville as a representative example of a workers' cottage that housed employees of local industries. When the house was built in the mid-19th century, Oakville's industries were booming. The fertile soil and optimal growing conditions for fruit supported an agricultural business that in turn supported industries including cider mills, jam makers, fruit evaporating companies, and basket factories. The Conder House was owned and occupied by workers in these industries, including the Oakville Basket Factory and W.T. Carson & Sons Planing mill.

Contextual Value

The Conder House has contextual value because it is physically, functionally, visually, and historically linked to its surroundings. The property is an entry point to Downtown Oakville from the north along Trafalgar Road and remains in its original location. The building is a remnant of the residential and commercial buildings once associated with Oakville's 19th and early 20th century industrial businesses, many of which have been demolished over the past century. These include W.T. Carson & Sons Planing mill and the Oakville Basket Factory, both of which had structures present along Trafalgar Road for over a century.

Description of Heritage Attributes

Key heritage attributes of the property at 159 Trafalgar Road that exemplify its cultural heritage value, as they relate to the 1-½ storey brick house known as the Conder House, include:

- Footprint and form of the 1-½ storey gable roofed structure
- Fenestration of the door and window openings on the west and north elevations
- Lakestone foundation above grade
- Red brick cladding including protruding base above the foundation, vertical brick headers over window and door openings, dentilled cornice detail and 'brackets' under the roof eaves
- Historical 6/6 wood windows with wood storms
- Wood transom window above front door; and
- Brick chimney.

Any objection to this designation must be filed no later than July XX, 2023. Objections should be directed to the Town Clerk, 1225 Trafalgar Road, Oakville, Ontario L6H 0H3.

Further information respecting this proposed designation is available from the Town of Oakville. Any inquiries may be directed to Carolyn Van Sligtenhorst, heritage planner at 905-845-6601, ext.3875 (TTY 905-338-4200), or by email at carolyn.van@oakville.ca

The last date to file a notice of objection is July XX, 2023.

DRAFT

REPORT

Planning and Development Council

Meeting Date: June 12, 2023

FROM:	Planning Services Department
DATE:	May 30, 2023
SUBJECT:	**Notice of intention to demolish – 2108 Lakeshore Road East**
LOCATION:	2108 Lakeshore Road East
WARD:	Ward 3

RECOMMENDATION:

1. That the property at 2108 Lakeshore Road East be removed from the Oakville Register of Properties of Cultural Heritage Value or Interest; and,

2. That, prior to demolition, the property owner allows for the salvage of materials from the house.

KEY FACTS:

The following are key points for consideration with respect to this report:

- The subject property is on the Oakville Register of Properties of Cultural Heritage Value or Interest as a listed property.
- A notice of intention to demolish has been received with a supporting Structural Assessment document.
- It is recommended that the property at 2108 Lakeshore Road East *not* be designated under the *Ontario Heritage Act* and that the property be removed from the Oakville Register of Properties of Cultural Heritage Value or Interest.
- Council must make a decision on the subject notice by June 30, 2023.

BACKGROUND:

The subject property is located on the south side of Lakeshore Road East between Maple Grove Drive and Arbour Drive in southeast Oakville. A Location Map for the property is attached as Appendix A. The property contains two structures, both of which have been vacant for at least 15 years.

The owner of the property has submitted a Structural Assessment report by MTE Consultants Inc. which includes additional observations and information by Van Groll Consulting Engineers. The owner is proposing to demolish the two structures based on the significant structural issues outlined in this report. This document is attached as Appendix B.

The property was listed on the Oakville Register of Properties of Cultural Heritage Value or Interest (the 'Heritage Register') as a non-designated property in 2009 based on its potential cultural heritage value or interest for its remnant of a former lakefront estate.

The owner has submitted a notice of intention to demolish to be able to obtain building permits to demolish the two vacant structures, which have been regularly vandalized and are unsafe. There is ongoing concern of the potential risks associated with the two collapsing structures.

The application was completed on May 2, 2023. In accordance with the *Ontario Heritage Act*, Council has 60 days to consider the request. The 60-day notice period expires on June 30, 2023.

COMMENT/OPTIONS:

Process

When a notice of intention to demolish is submitted for a listed property, Heritage Planning staff complete and/or review research to determine the design/physical, historical/associative, and contextual merits of the property. Through this process, the property is evaluated to determine if it is worthy of designation under the *Ontario Heritage Act*. If the property meets criteria outlined in Ontario Regulation 9/06 and is considered to merit designation, a recommendation can be made to Heritage Oakville and to Council that a notice of intention to designate be issued for the property. If Council supports a recommendation to designate, Council must move that a notice of intention to designate be issued within 60 days of the notice of intention to demolish being submitted to the town.

If the staff investigation of the property does not provide sufficient evidence that the property merits designation, a recommendation can be made to remove the property from the Oakville Register of Properties of Cultural Heritage Value or Interest. If Council supports the staff recommendation and does not issue a notice of intention to designate the property within the 60 days, the property is removed from the Oakville Register of Properties of Cultural Heritage Value or Interest and the owner may then proceed with applying for demolition.

Structural Assessment

The owner submitted a Structural Assessment report that provides an overview of the property and the two vacant buildings, as well as an assessment of their

structural integrity. The engineering consultants recommend in the Structural Assessment that the buildings be demolished because they have reached the end of their service life and are unsafe and hazardous to occupy.

As noted in Appendix A, “Building 1” is a 1 ½ storey frame house built on a raised foundation made of concrete, rubble and brick. Attached to this structure is a one-storey garage. The garage and the ground floor framing of the home are collapsing and the upper portion of the house has significant damage to the roof walls. Water infiltration has led to wood beams that are cracked, rotten and in some cases collapsed.

“Building 2” is a 1 ½ storey frame house that has already begun collapsing. The west wall of the building is significantly bowed and the roof has completely collapsed and is overgrown.

Staff has completed a site visit to the property to confirm the visual findings of the Structural Assessment report and its appendices. Since the photos of the buildings were taken in August 2022, further collapse and deterioration has occurred.

Heritage Assessment

In 2015, the property was included in the town’s Cultural Heritage Landscape (CHL) Strategy and a cursory assessment was completed by the heritage consultants. The CHL inventory sheet, which is included in Appendix B, notes that the property was vacant and inaccessible. It further notes that the property is a former lakefront estate and contains two remnant houses likely built between 1910 and 1940. The estate house, gardens and plantings were removed prior to this investigation.

When prioritizing the property as part of the CHL Strategy, the heritage consultants recommended that no further action be taken. Staff did not recommend moving forward with designation of the property.

When assessing the cultural heritage value of the property as part of the subject notice of intention to demolish application, staff uses Ontario Regulation 9/06 to determine if the property is worthy of protection through designation.

This case is unique in that the buildings and the property do have some historical and associative value as a remnant of a former lakefront estate. However, much of the original estate is gone and these two remaining structures have either collapsed or are in the process of collapsing. While some materials could be salvaged through careful dismantling, it is staff’s opinion that the structures themselves are no longer intact enough to meet the design/physical, historical/associative and contextual criteria of Ontario Regulation 9/06.

Based on staff's review of the submitted Structural Assessment and an evaluation of the property, the property is not considered to have sufficient heritage value to merit designation under section 29, Part IV of the *Ontario Heritage Act*.

Review of Applicable Planning Policies

Provincial Policy
The Province of Ontario has made a clear commitment to the conservation of significant cultural heritage resources through its legislation and policies, including the *Ontario Heritage Act* (2021), *Planning Act* (1990, as amended) *Provincial Policy Statement* (2020), the *Growth Plan for the Greater Golden Horseshoe* (2019).

The *PPS* (2020) and *Growth Plan (2019)* function together with the *Ontario Heritage Act* (OHA) by the shared principle that cultural heritage resources shall be conserved. The OHA sets out the procedures for evaluating and protecting heritage resources at the provincial and municipal levels. This includes the use of Ontario Regulation 9/06 as the means for determining if a property has cultural heritage value.

The evaluation of the buildings at 2108 Lakeshore Road East has not demonstrated that the property has sufficient cultural heritage value to be considered a cultural heritage resource that warrants protection under the OHA.

Town Policy – Livable Oakville Plan
Section 5 of the Livable Oakville Plan states, "Conservation of cultural heritage resources forms an integral part of the town's planning and decision making. Oakville's cultural heritage resources shall be conserved so that they may be experienced and appreciated by existing and future generations, and enhance the Town's sense of history, sense of community, identity, sustainability, economic health and quality of life."

Further, Section 5.3.1 of the Livable Oakville Plan states, "The Town shall encourage the conservation of cultural heritage resources identified on the register and their integration into new development proposals through the approval process and other appropriate mechanisms". The Livable Oakville Plan is clear that cultural heritage resources should not only be conserved, but also incorporated into new developments. Commemoration is not considered 'conservation'.

As the property at 2108 Lakeshore Road East has not been identified as having significant cultural heritage value or interest through the application of provincial policies such as Ontario Regulation 9/06, it is not required to be conserved through the cultural heritage policies of the Livable Oakville Plan.

Conclusion

Based on staff's review of the property, including the Structural Assessment document, the property is not considered to have significant cultural heritage value and therefore does not merit designation under section 29, Part IV of the *Ontario Heritage Act*.

Staff recommends that the owner allow for the salvaging of architectural elements of the buildings, such as wood beams and lakestone. It is a standard practice to include salvaging as a condition as it allows for the retention and re-use of these materials and keeps these items from going to the landfill.

A separate report regarding this matter was presented to the Heritage Oakville Advisory Committee on May 30, 2023. The Committee supported the staff recommendation in this report.

CONSIDERATIONS:

(A) PUBLIC

None

(B) FINANCIAL

None

(C) IMPACT ON OTHER DEPARTMENTS & USERS

None

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goals to:

- enhance our cultural environment
- be the most livable town in Canada

(E) CLIMATE CHANGE/ACTION

A Climate Emergency was declared by Council in June 2019 for the purposes of strengthening the Oakville community commitment in reducing carbon footprints. The salvage of materials from the house at 2108 Lakeshore Road East contributes to the town's initiatives to reduce carbon footprints.

APPENDICES:

Appendix A – Location Map
Appendix B – Structural Assessment

Prepared by:
Carolyn Van Sligtenhorst, MCIP, RPP, CAHP
Supervisor, Heritage Conservation

Recommended by:
Kirk Biggar, MCIP, RPP
Manager, Policy Planning and Heritage

Submitted by:
Gabe Charles, MCIP, RPP
Director, Planning Services

APPENDIX A

0 37.5 75 150 Meters

SUBJECT LANDS

2108 Lakeshore Road East

LOCATION

Community Development Commission

S:\ServiceRequests\REQ 8055 - Location map of 2108 Lakeshore Rd E\2108 Lakeshore Rd E\

APPENDIX B

2108 Lakeshore Road East, Oakville ON

Building 1 Structural Assessment

Project Location:
2108 Lakeshore Road East, Oakville, ON L6J 1M3

Prepared for:
William Hicks
HDS/Hicks Design Studio Inc.
295 Robinson Street, Suite 200
Oakville, ON L6J 1G7

Prepared by:
MTE Consultants Inc.
1016 Sutton Drive, Unit A
Burlington, ON L7L 6B8

February 21, 2023
Revised: April 13, 2023
Revised: April 20, 2023

MTE File No.: 51975-200

Engineers, Scientists, Surveyors.

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Figures

Figure 1.0 - Property Aerial View 1

Appendices

Appendix A Atkins + Van Groll Report
Appendix B Laurie Smith Heritage Consultant Inventory Report
Appendix C Photographic Log

1.0 Introduction

1.1. Authorization

MTE Consultants Inc. (MTE) was retained by Mr. William Hicks (on behalf of HDS/Hicks Design Studio Inc.) to complete a structural assessment of Building 1, located at 2108 Lakeshore Road East in Oakville Ontario, to formulate a professional opinion on the structural integrity of the building for the purposes of either refurbishing or demolishing.

1.2. General Description

Building 1 at 2108 Lakeshore Road East consists of a one-storey house with a basement and an attached four-bay garage. The basement of the house projects northwards, outside the footprint of the house.

The house superstructure consists of light wood framing supported by interior steel beams and columns and by exterior stone and brick foundation walls. The basement roof, outside the footprint of the house, consists of wood decking supported by large wood beams that span between stone/brick/concrete foundation walls. The wood beams are also supported by interior wood beams and steel jacks. The basement floor is concrete slab-on-grade. The building exterior walls consist of horizontally oriented wood siding. The house roof consists of sloped asphalt shingles and the basement roof is a flat modified-bitumen membrane.

The garage superstructure consists of wood roof joists supported by an interior beam and column and by exterior concrete block walls. The garage floor consists of concrete slab-on-grade. The exterior walls consist of horizontally oriented wood siding and painted concrete block walls. The garage roof consists of a flat tar and gravel roof membrane with metal flashings around the perimeter.

The age of building 1 is unknown. However, we anticipate that the building was constructed in the early- to mid-1900s.

For the purpose of this report, the house front elevation is considered to be the facing north.

Figure 1.0 - Property Aerial View

1.3. Methodology

In order to prepare this report, MTE completed a site investigation to visually review the exposed structural components of the superstructure and substructure. No test openings were performed.

MTE gain access to the house main floor by having a contractor remove the plywood boarding off the floor entrance door. MTE did not access the interior of the garage but took photographs of the garage interior through an opening in the garage doors.

1.4. Exclusions

The building envelope, mechanical systems, electrical systems and the exterior site were not part of our scope of review.

We were not retained to complete structural analysis of the building framing.

We did not review the building for compliance with the Ontario Building Code (OBC) or Accessibility for Ontarians with Disabilities Act (AODA) requirements.

No part of this report should be read in isolation. It is intended to be read only in its entirety including the scope of work and limitations.

1.5. Information Provided

Mr. William Hicks provided a report entitled “Cursory Visual Review of Two Derelict Buildings” issued by Atkins + Van Groll Inc. on September 6, 2022. We summarize the report as follows:

- The site visit to review the buildings was performed on August 16, 2022;
- Existing building 1 consists of a 1-storey small timber house, on a raised concrete (rubble/brick) foundation. There is a one-storey garage to the north and to the east;
- Building 1 is only accessible at the basement level. The ground floor framing of the house is collapsing. The flat roof over the garage has also collapsed;
- Existing building 2 is located closer to Lakeshore Road. It consists of 1.5-storey timber building. The building was not accessible at the time of the visit;
- Building 2 west wall is bowed by approximately 8” and the roof behind the flat façade has completely collapsed;
- Mr. Raymond van Groll, engineer of record, stated the further investigation would be required for building 1 to confirm structure and further damage. Mr. van Groll also stated that building 1 could be lifted out above the first floor framing and rebuilt onto a new foundation and ground floor framing The existing framing could be strengthened to meet the structural requirements of the Ontario Building Code (OBC); and,
- Mr. van Groll stated that building 2 is dilapidated and collapsing. The building is currently unsafe and should be demolished.

For further information, refer to report included in **Appendix A**.

MTE completed a brief internet research. We found an inventory report entitled “2108-2134 Lakeshore Road East, Estate Remnants” issued by Laurie Smith Heritage Consulting in Year 2015. The report states that the history of the property is not known. The key elements of any former cultural heritage landscape are no longer present. The property does not appear to have any potential cultural heritage value as a cultural heritage landscape.

For further information, refer to report included in **Appendix B**.

2.0 Observations

On February 14, 2023, MTE conducted a site investigation to visually review the building structural framing. Photographs from our review are included in **Appendix C.** We summarize our observations as follows:

MTE reviewed the house superstructure from the house main floor and the garage superstructure from exterior grade and through an opening in the garage door. We notice the following:

- The residential house and garage are vacant. They appear to have been abandoned for a while (Photograph No. 1);
- The house and garage superstructure is generally concealed by architectural finishes to the exception of one ceiling location in the garage. The house roof and building envelope is deteriorated. There is vegetation growth on the roof. The wood siding is stained and paint peeled off at various locations. The main door and windows are missing; they are boarded up. The basement roof has collapsed at the front door (Photographs No. 2, 5, 12 and 13);
- The garage overhead doors are in poor condition. The windows openings and some of the doors have been boarded up with plywood. The exterior walls are stained and the paint peeled off at some locations (Photographs No. 3 and 4);
- The modified bitumen roof membrane over the basement is in poor condition. The basement roof has collapsed at various locations. The basement stone foundation walls are in poor condition (Photograph No. 6);
- The house main architectural finishes show evidence of moisture exposure. Roof leakage may have occurred. There is debris, including glass, on the living room floor (Photographs No. 7 and 8);
- The house supporting steel beams and columns are corroded. The steel post baseplate rests on the basement concrete slab-on-grade. There is water stains on the basement walls and floor (Photographs No. 9 to 11);
- The basement roof wood beams are generally cracked and rot where they have been exposed to water. The roof wood decking is stained at various locations. There are additional wood beams and steel jacks that appeared to have been installed as shoring of the roof structure. The concrete slab-on-grade is cracked at various locations (Photographs 14 to 16); and,
- The garage roof ceiling is stained, and the roof contains vegetation (Photographs No. 17 and 20).

3.0 Structural Assessment

Based on our structural visual assessment, the house and garage roof and building envelope are in poor condition. Consequently, there is evidence of moisture which may have compromised the structural integrity of the superstructure wood members.

The house substructure and the basement roof wood framing are in poor condition. Many of the structural members have been exposed to moisture and are deteriorated. The wood beams are cracked, rot and have collapsed at some locations. The steel beams and posts are corroded. The interior posts are not bearing on a dedicated concrete footing. The stone foundation wall is deteriorated, and some stones are misplaced or missing. The concrete slab-on-grade is cracked at various locations. Furthermore, it appears that temporary shoring was installed to support the basement roof structure and prevent the roof from further collapse.

4.0 Recommendations

Based on the age of the building and its observed condition, we recommend demolishing the building and its building systems as they have reached the end of their service life. It is our opinion that the building is unsafe and hazardous to occupy.

5.0 Limitations

This report has been prepared by **MTE Consultants Inc**. (MTE) at the request of the Mr. William Hicks. The material in it reflects the best judgment of MTE in light of the information available at the time of preparation. Any use which a third party makes of this report, or any reliance on or decisions made based on it, are the responsibility of such third parties. MTE accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on this report.

This assessment does not wholly eliminate uncertainty regarding the potential for existing or future costs, hazards or losses in connection with a property. No physical or destructive testing and no design calculations have been performed unless specifically recorded.

Conditions existing but not recorded were not apparent given the level of study undertaken. We can perform further investigation on items of concern if so required. Only the specific information identified has been reviewed. The consultant is not obligated to identify mistakes or insufficiencies in the information obtained from the various sources or to verify the accuracy of the information. The Consultant may use such specific information obtained in performing its services and is entitled to rely upon the accuracy and completeness thereof.

Responsibility for detection of or advice about pollutants, contaminants or hazardous materials is not included in our mandate.

In the event the Consultant or any other party encounters any hazardous or toxic materials, or should it become known to the Consultant that such materials may be present on or about the jobsite or any adjacent areas that may affect the performance of the Consultant's services, the Consultant may, at its option and without liability for consequential or any other damages, suspend performance of its services under this Agreement until the Client retains appropriates consultants to identify and abate or remove the hazardous or toxic materials and warrants that the jobsite is in full compliance with all applicable laws and regulations.

Budget figures are our opinion of a probable current dollar value of the work and are provided for approximate budget purposes only. Accurate figures can only be obtained by establishing a scope of work and receiving quotes from suitable contractors. Any time frame given for undertaking work represents an educated guess based on apparent conditions existing at the time of our report. Failure of the item, or the optimum repair/replacement process, may vary from our estimate. We accept no responsibility for any decisions made or actions taken as a result of this report unless we are specifically advised of and participate in such action, in which case our responsibility will be as agreed to at that time. Any user of this report specifically denies any right to claims against the Consultant, Sub-Consultants, their Officers, Agents and Employees in excess of the fee paid for professional services.

Any use which a third party makes of this report, or any reliance on, or decisions to be made based upon it, are the responsibility of such third parties. MTE accepts no responsibility for liabilities incurred by or damages, if any, suffered by any third party as a result of decisions made or actions taken, based on this report. Others with interest in the site should undertake their own investigations and studies to determine how or if the condition affects them or their plans. It should be recognized that the passage of time might affect the views, conclusions and recommendations (if any) provided in this report because environmental conditions of a property can change.

We trust that this information suits your needs. Should you have any questions, we would be happy to discuss further with you. Please contact us at (905) 639-2552.

All of which is respectfully submitted,

MTE Consultants Inc.

Adolfo Barreirinha, P.Eng.
Project Manager, Building Restoration
905-639-2552 ext. 2441
Cell: 289-838-4360
abarreirinha@mte85.com

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Appendix A

Atkins + Van Groll Report

ATKINS + VAN GROLL
CONSULTING ENGINEERS

ATKINS + VAN GROLL INC.
130 Bridgeland Avenue, Suite 101
Toronto, Ontario M6A 1Z4

P 416 489 7888
E hello@atkinsvangroll.com
atkinsvangroll.com

September 6, 2022

Mr. Paul Gardiner
2108 Lakeshore Road East
Oakville, ON
L6J 1M3

C.C. William Hicks The Hicks Design Studio Inc. bhicks@hicksdesignstudio.ca

Dear Mr. Gardiner,

Re: Our Project File No. 2022-5435A
2108 Lakeshore Road East, Oakville, ON
Cursory Visual Review of Two Derelict Buildings

As per your request the writer visited the site mentioned above on Tuesday, August 16, 2022. The purpose of the site visit was to provide a cursory visual examination of two dilapidated buildings for their proposed demolition.

SITE OBSERVATIONS

Building No. 1

1. The existing building consists of a 1-storey small timber house, on a raised concrete (rubble / brick) foundation (Photo 11). There is a 1-storey garage to the north and to the east. The home is shown in Photo 2 & Photo 6.

Photo 11

Photo 2

Photo 6

ENGINEERING
INTEGRITY
SINCE 1997

2. The building is only accessible at the basement level. The ground floor framing of the home is collapsing (Photos 10, 12, 13).

Photo 10

Photo 12

Photo 13

3. The flat roof over the garage has also collapsed (Photos 7, 8, 14).

Photo 7

Photo 8

Photo 14

4. At the time of the site visit the upper areas and floor were not accessible. Further interior review will be required.

Building No. 2

1. The building closer to Lakeshore Blvd. consists of a 1-½ storey timber building. This building was not accessible on the inside (Photos 3, 4).

Photo 3

Photo 4

2. The west wall of the building is bowed by approximately 8”.

3. The roof behind the flat façade has completely collapsed and is overgrown (Photo 3).

Photo 3

CONCLUSIONS AND RECOMMENDATIONS

1. At the time of our site visit Building 1 was not accessible at the upper floors. We suggest that further interior investigation will be required to confirm the structure, as there may be further damage.

   Building 1 could be lifted above the first floor framing and rebuilt onto a new foundation and ground floor framing. We would require a review of the roof and wall structure, but the existing framing could be strengthened to meet the structural requirements of the Ontario Building Code (OBC).

2. Building 2 is dilapidated and is currently collapsing. This building is currently and unsafe and should be demolished. A demolition procedure should be submitted for review, and a demolition permit should be obtained.

This report represents the opinion of the writer at the time of inspection while evaluating the physical condition of the premises and the reported aspects thereof. The conditions of such premises may change after the time of the inspection. The report affects only portions of such premises that are easily accessible and can be evaluated on the day inspected.

This report was prepared by Atkins + van Groll Inc. for the account of *the client*. The material in it reflects the best judgment of Atkins + van Groll in light of the information available to it at the time of preparation. Any use which a third party makes of this report, or any reliance on or decisions to be made based on it, are the responsibilities of such third parties. Atkins + van Groll Inc. accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made of actions based on this report.

We trust that this is adequate for your purposes. Please contact the undersigned if you have any questions.

Respectfully submitted,
Atkins + Van Groll Inc.

LICENSED PROFESSIONAL ENGINEER
R. J. VAN GROLL
47734207
Sept 6/2022
PROVINCE OF ONTARIO

Raymond van Groll, M.Sc. (Eng.), P.Eng.
Managing Partner

X:\2022\225435A\M Proj_Mgmt\Site\Construction Reviews\2022-08-16 SV01 22-5435A 2108 Lakeshore Rd Oakville Bldgs Assessment Stamped.doc

Appendix B

Laurie Smith Heritage Consultant Inventory Report

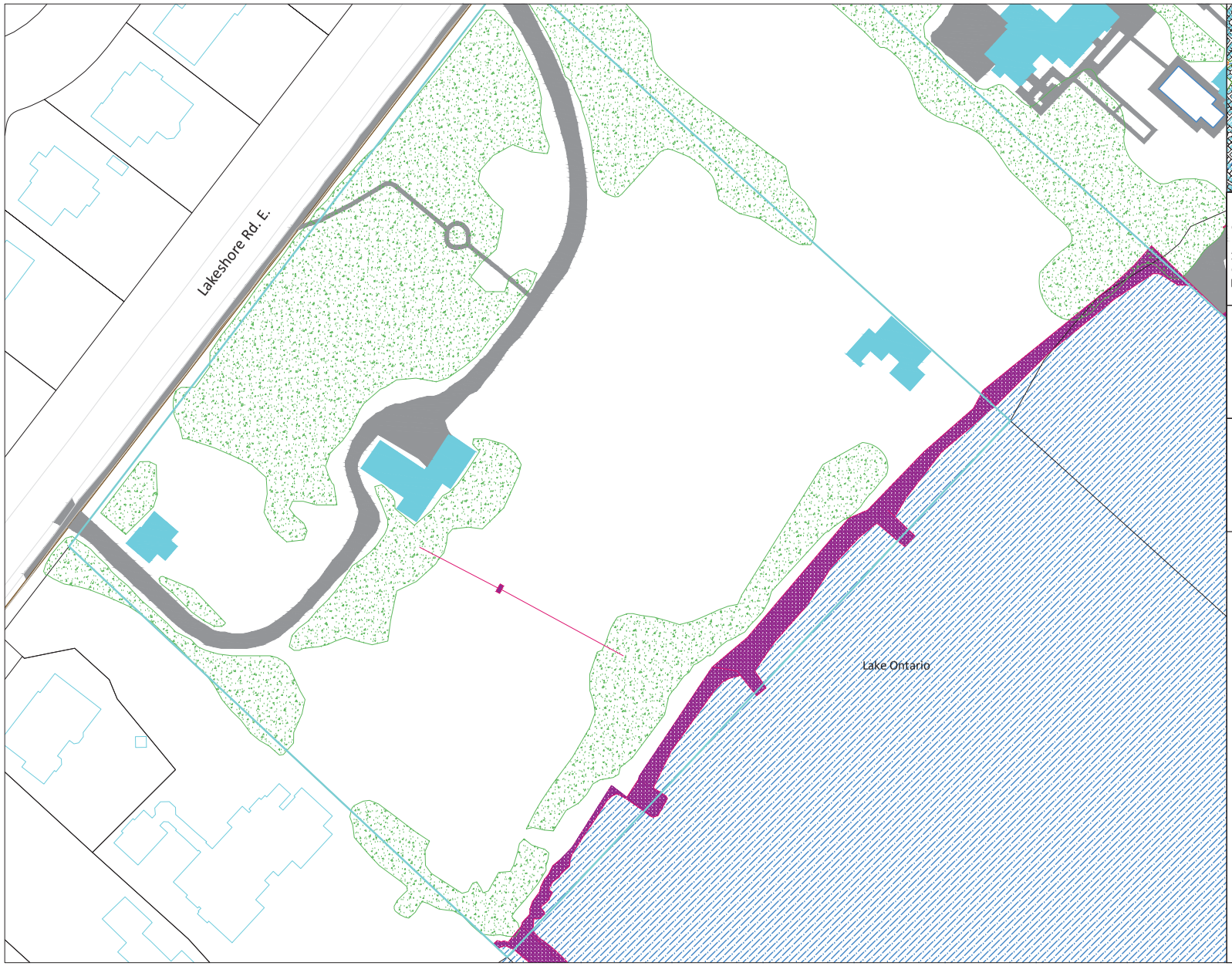
51: 2108-2134 Lakeshore Road East, Estate Remnants

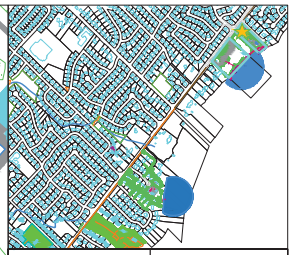
1. Description of Property

Municipal Address	2108-2134 Lakeshore Road East
Name (if applicable)	
Legal Description	PT LT 4, CON 4 TRAFALGAR, SOUTH OF DUNDAS STREET , AS IN 106960 & 230215 ; PT WATER LOT IN FRONT OF LOT 4, CON 4 TRAFALGAR, SOUTH OF DUNDAS STREET , AS IN 106960 ; S/T 230215, EXCEPT THE EASEMENT THEREIN ; OAKVILLE
Location of Property	Located on the south side of Lakeshore Road East between Charnwood Drive and Pinehurst Drive, overlooking Lake Ontario.
Ownership	Private
Access	Access not granted. Photos and notes from street, September 2015 (AB)
Current Use	Vacant
Existing Designation	Listed on the Register of Properties of Cultural Heritage Value of Interest (NOT Designated). Description: "This property has potential cultural heritage value as a remnant of a former lakefront estate."
General Description	The property is a former lakefront estate on a very large property. The estate house was demolished more than 10 years ago. There are two, one-and-a-half-storey, wood-frame houses likely built between 1910 and 1940, one in the centre of the property and one nearer the road, a long laneway, a walking path, mature trees in groups and rows, and open grassed spaces. Gardens and plantings that were evident in a 2005 aerial photo are no longer visible in a 2015 aerial photo.
Priority Level	N/A – No Further Action Required

Figure 1: One of the two remaining houses is located at the centre of the property, (Town of Oakville, March 2009)

Figure 2: The second of two houses on the property is located close to the road, at the west side of the property. (Town of Oakville, March 2009)





Corporation of the
Town of Oakville
1225 Trafalgar Rd
Oakville, ON
L6H 0H3

N

2108-2134 Lakeshore Rd. E.

Cultural Heritage Landscape Inventory Map

LEGEND

- Assessment Boundary
- Building
- CHL Study Area
- Heritage District
- Heritage Trail
- Parkland
- Park Trail
- Road
- Site Structures
- Vegetation
- Watercourse
- Cemetery

Drawing not to scale

2. Key Recommendations

No further action is recommended for the following reasons:

- The property is not a strong candidate under the Ontario Heritage Act; and
- Cultural heritage resources have been removed.

3. Documentation and Inventory of Built Form

List of Built Features:

- A one-and-a-half-storey, wood-frame house with three-bay façade and three-bay, attached garage, likely built c.1910-1940;
- A one-and-a-half-storey, wood-frame house with concrete-block foundation, likely built c.1910-1940;
- The foundation remains of a former, large, estate house (visible on 2005 aerial imagery);
- A long gravel laneway;
- A one-storey, pool house with a flat roof, near the lake;
- Shoreline infrastructure including several stone breakwaters (visible on 2015 aerial imagery); and
- Possible stone wall across the west side of the property.

4. Documentation and Inventory of Natural Form

List of Natural Features:

- Row of Spruce;
- Mature plantings along the gravel laneway and around the houses;
- Possible garden remains in front of the location of the former estate house (demolished).; and
- A possible beach or series of beaches.

5. Design (Typology)

'X' all that apply	Categories of Cultural Heritage Landscape	Description
	Designed Landscape	"…clearly defined landscape designed and created intentionally by man."
X	**Organically Evolved Landscape**	"…results from an initial social, economic, administrative, and/or religious imperative and has developed in its present form in response to its natural environment"
X	Relict Landscape (Evolved Landscape)	"…in which an evolutionary process came to an end at some time in the past."
	Continuing Landscape (Evolved Landscape)	"…retains an active social role in contemporary society closely associated with the traditional way of life, and which the evolutionary process is still in progress."
	Associative Cultural Landscape	"…justifiable by virtue of the powerful religious, artistic, or cultural associations of the natural element rather than material cultural evidence, which may be insignificant or even absent."

6. Historical and Thematic Associations

The property at 2108-2134 Lakeshore Road East may have been one of a number of lakefront estates constructed along the shore of Lake Ontario in the first quarter of the 20th century. Wealthy families from Toronto and Hamilton were attracted to Oakville's waterfront, where they built summer homes or country estates on large parcels of former farm land. There is no longer any estate house on the property. The style and materials of the two remaining smaller houses on the property suggest that they were built in the period between 1910 and 1940.

The estate house was removed at least 10 years ago. A comparison of aerial photos from 2005 and 2015 shows that many of the landscape features of the property have disappeared or degraded in that time, including the main laneway, specimen trees, formal gardens, hedges and a pool.

A site visit and property-specific research – using Land Registry records, Census data, City Directories, Tax Assessment information, and aerial imagery from the first half of the 20th century – would be necessary to determine the history of the site.

7. Contextual Associations

The property is located in a residential area between Lake Ontario and Lakeshore Road East. It is a relatively large parcel of land among much smaller lots.

8. Evaluation (O. Reg 9/06)

O.Reg.9/06 Criteria	Criteria Potentially Met (Y/N)	Potential Justification
1. The property has design value or physical value because it,		
i. is a rare, unique, representative or early example of a style, type, expression, material, or construction method,	N	Not shown.
ii. displays a high degree of craftsmanship or artistic merit, or	N	Not shown.
iii. demonstrates a high degree of technical or scientific achievement.	N	Not shown.
2. The property has historical value or associative value because it,		
i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,	N	Not known.
ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or		Not known.
iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.	N	Not known.
3. The property has contextual value because it,		
i. is important in defining, maintaining or supporting the character of an area,	N	Not shown.

O.Reg.9/06 Criteria	Criteria Potentially Met (Y/N)	Potential Justification
ii. is physically, functionally, visually or historically linked to its surroundings, or	N	Not shown.
iii. is a landmark.	N	Not shown.

9. Photographic Documentation

Figure 4: 2005 aerial image of estate remnants at 2108-2134 (Google Earth Pro)

Figure 5: 2015 aerial image of estate remnants at 2108-2134 (Google Earth Pro)

10. Analysis & Recommendations

Potential Heritage Value:

The history of the estate property is not known. The key elements of any former cultural heritage landscape are no longer present. The property does not appear to have any potential cultural heritage value as a cultural heritage landscape.

Actions:

No further action is recommended for the following reasons:

- The property is not a strong candidate under the Ontario Heritage Act; and
- Cultural heritage resources have been removed.

11. Sources

Images from Google Earth Pro, 2005, 2015.

Photos supplied by Town of Oakville, 2009.

Appendix C

Photographic Log

Photograph No. 1 – Building 1 – House and Garage Front (North) Elevation

Photograph No. 2 – House Front Elevation; Deteriorated Roof and Building Envelope Collapsed Basement Roof at Front Door

Photograph No. 3 – Garage Front Elevation – Deteriorated Building Envelope and Boarded Up Doors

Photograph No. 4 – Garage Rear (South) Elevation; Boarded Up Windows

Photograph No. 5 – House Side (West) and Rear (South) Elevations

Photograph No. 6 – Deteriorated Basement Roof and Stone Foundation Walls

Photograph No. 7 – House Living Room; Concealed Roof and Wall Framing, Debris on Floor

Photograph No. 8 – House Bedroom; Concealed Roof and Wall Framing; Stains on Floor Finishes

Photograph No. 9 – Basement Structural Steel Framing supporting House Main Floor

Photograph No. 10 – Basement Stone and Brick Foundation Walls

Photograph No. 11 – Basement Steel Column supporting House Main Floor; Stains and Debris on Floor

Photograph No. 12 – Collapsed Basement Roof Structure

Photograph No. 13 – Evidence of Water in Basement; Collapsed Basement Roof

Photograph No. 14 – Basement Roof Structural Framing; Shoring

Photograph No. 15 – Stained and Rot Basement Roof Wood Beams

Photograph No. 16 – Cracked Basement Concrete Slab-on-Grade

Photograph No. 17 – Concealed Garage Roof Supporting Column; Stained Ceiling

Photograph No. 18 – Concealed Garage Roof Beam

Photograph No. 19 – Garage Wood Roof Joists

Photograph No. 20 – Garage Roof; Vegetation Growth

REPORT

Planning and Development Council

Meeting Date: June 12, 2023

FROM:	Planning Services Department	
DATE:	May 30, 2023	
SUBJECT:	**2023 Heritage Grant Program Recommendations**	
LOCATION:	Town-wide	
WARD:	Town-wide	Page 1

RECOMMENDATION:

That the 2023 funding allotment as attached in 'Appendix A - Recommended Grant Projects and Maximum Approved Amounts' to the report titled 2023 Heritage Grant Program Recommendations dated May 30, 2023, be approved.

KEY FACTS:

The following are key points for consideration with respect to this report:

- This is the tenth year of the Heritage Grant Program, which is an annual program with $120,000 available in funding.
- Additional funds of $17,965 are available for this project year from unused grants from previous years.
- 55 project applications were received requesting over $460,000 in funding for conservation work on designated heritage properties. In total, 47 projects are recommended to receive funding.
- Restoration projects that improve structural stability and preserve exterior systems such as walls, roofs and windows were given priority during the evaluation process to ensure that the program funding supports the projects most necessary to preserve heritage buildings.
- Including this program year, the Heritage Grant Program will have provided $944,000 in heritage grants to assist with more than 215 restoration and conservation projects worth more than $6 million.

BACKGROUND:

This is the tenth year of the Heritage Grant Program, which Council approved on an annual basis on May 16, 2016, following the successful completion of a three-year

pilot program. The grant program was developed to provide funding for owners of properties designated under Part IV or Part V of the *Ontario Heritage Act*.

The program sets out criteria for eligible conservation work, and defines what projects are not eligible to receive funding. Grants can be applied for as matching funding up to a maximum contribution of $15,000.

The program offers a total of $120,000 in funding each year through the Town's operating budget but occasionally additional funds are available from unused grants, developer contributions or heritage fees.

The following chart provides an overview of the Heritage Grant Program statistics to date:

Program Year	Number of Projects	Requested Funding	Funding Available	Value of Projects
2014 (pilot)	28	$235,000	$80,000	$500,000
2015 (pilot)	26	$172,000	$80,000	$466,000
2016 (pilot)	23	$138,000	$80,000	$370,000
2017	25	$181,000	$90,000	$402,000
2018	19	$164,000	$90,000 + $5,000	$478,000
2019	51	$379,000	$90,000 + $25,175	$1,000,000
2020	25	$207,000	$90,000	$510,000
2021	39	$253,000	$90,000 + $53,275	$740,000
2022	32	244,000	$120,000 + $26,834	$827,000
2023	55	$485,000	$120,000 + &17,965	$2.1 million

This report provides recommendations for the allocation of the 2023 heritage grant funding and demonstrates the ongoing success of the program.

The Heritage Oakville Advisory Committee endorsed the recommendation for the 2023 Heritage Grant Program at their meeting on May 30, 2023.

TECHNICAL & PUBLIC COMMENTS:

<u>2023 Heritage Grant Program Recommendations</u>

The 2023 Heritage Grant Program had a record setting number of applications and requested funding. Heritage planning staff received more than 70 inquiries about the program and 55 applications requesting over $460,000 in grant funding.

The 2023 program was launched in March 2023 and applications were received until April 28, 2023. The tenth year of the Heritage Grant Program continues the success of the program, with the combined value of the proposed projects at more than $2.1 million.

Heritage planning staff and five members of the Heritage Oakville Advisory Committee formed a working group to evaluate the applications. As with previous years, the working group had the choice to fund six to eight applications to the maximum requested amount or to distribute the grant money to a maximum number of applicants.

Given that many of the applications were for similar projects (i.e. stucco repairs, historic roof replacement, window restorations), the working group felt it was important to distribute the available funding to as many eligible projects as possible. This is consistent with the approach to grant allocation for the past program years.

In order to allocate grant funding consistently and fairly, the working group ranked priority projects in order to determine how much funding each project would receive. High priority projects were considered as follows:

- Projects that propose restoration work of a structural nature, such as foundation repair and stabilization.
- Projects that restore existing heritage attributes that are integral to the preservation of the superstructure (wall systems, roof) of the heritage building. This years' projects included the slate roof replacement at St. Jude's Anglican Church, stained glass windows at Knox Presbyterian Church and masonry repairs at St. John's United Church.
- Many of this years' projects involved restoration of historic windows and replacement/new wood storm windows, as well as significant repairs to historic stucco, wood siding and cedar roofing.

The working group has recommended that 47 of the 55 applications receive at least some level of funding from the Heritage Grant Program. Due to the high number of applications this year, only one project per property has been recommended (the program allows two projects to be applied for each year). The recommended projects are attached to this report as Appendix A.

Each approved project has been provided with a 'maximum grant amount', so that they may receive 50% of the costs of their approved projects to the maximum amount. Grant recipients will still be encouraged to complete their entire projects as proposed, but if they are not able to, a minimum scope of work will be required to be eligible for funding. As long as the grant recipient has met the approved minimum scope of work, the project will be eligible for 50% of the costs up to the maximum approved amount.

Following consideration by Council, all applicants will be notified of the decision regarding their application, and if applicable, the minimum scope of work to be completed.

As outlined in the Heritage Grant Program Procedures, grants funds will be paid to successful applicants at the satisfactory completion of their project. Grant recipients are required to contact heritage planning staff to arrange for an inspection to ensure that the completed work matches the approved project. If work does not meet the satisfaction of heritage planning staff, the grant funds will be withheld until the project does meet the satisfaction of heritage planning staff.

Invoices must also be presented at the inspection to ensure that grant recipients have covered 50% or more of their approved project costs. If a project is completed under budget and the maximum approved amount is more than 50% of the project costs, the grant recipient will receive only 50% of the final project costs.

Additional Funds

Additional funds were available for this program year from the following source:

- Unused grant funding from 2018 - $17,965

Additional funds vary from year to year and are not a reliable source of funding for the Heritage Grant Program, but the additional funds are much appreciated when they are available.

Designation Incentive

With the town's designation project to designate as many listed properties as possible before January 1, 2025, the Heritage Grant Program is the town's biggest incentive for property owners. Staff has heard from property owners that financial incentives can help balance any perceived negative impacts from heritage designation. With the targeted increase in designations, a budget increase for the Heritage Grant Program may need to be considered in the future.

Conclusion

The tenth year of the Heritage Grant Program has built upon the achievements of the past nine years the program has been offered and is the largest intake to date for the program. The review of previous grant years demonstrates the value of financial support and incentives for property owners who are stewards of Oakville's cultural heritage resources. Additionally, the program is an incentive for property owners considering heritage designation.

Planning staff considers the tenth year of the Heritage Grant Program a success and look forward to the improvements that will be made to Oakville's heritage properties because of this important program.

CONSIDERATIONS:

(A) PUBLIC

All applicants to the Heritage Grant Program will be notified of the approval/rejection of their application and the grant amount, if approved, following Council approval.

(B) FINANCIAL

Funding for the Heritage Grant Program was approved through the town's annual budget process.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Planning staff will continue to work with staff from the Finance Department to award heritage grants following the completion of approved projects.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:

- enhance our cultural environment
- be the most livable town in Canada

(E) CLIMATE CHANGE/ACTION

A Climate Emergency was declared by Council in June 2019 for the purposes of strengthening the Oakville community commitment in reducing carbon footprints. The Heritage Grant Program encourages the restoration of historic materials, which diverts waste from landfills. The greenest building is the one that already exists and the Heritage Grant Program helps owners of designated properties maintain their buildings.

APPENDICES:

Appendix A – 2023 Grant Recommendations

Prepared by:
Susan Schappert, CAHP, MCIP, RPP
Heritage Planner

Recommended by:
Kirk Biggar, MCIP, RPP
Manager, Policy Planning and Heritage

Submitted by:
Gabe Charles, MCIP, RPP
Director, Planning Services

APPENDIX A

Heritage Grant Applications 2023				
Property Address	**Part IV/District/Easement**	**Summary of Proposed Works**	**Requested**	**Recommended**
183 Allan Street	Trafalgar Road	Non-historic window replacement	15000.00	**2200.00**
191 Allan Street	Trafalgar Road	Window restoration	1850.00	**535.00**
196 Allan Street	Trafalgar Road	Emergency arborist works (2021)	590.00	**0.00**
207 Allan Street	Trafalgar Road	Foundation repairs	5985.00	**3400.00**
221 Allan Street	Trafalgar Road	New stucco exterior	15000.00	**4300.00**
114 Chisholm St	Part IV	Front porch repairs	5535.00	**830.00**
1150 Dundas St W	Part IV	Resetting historic cemetery fence	8645.00	**1300.00**
89 Dunn Street	Part IV	Stained glass window restoration	15000.00	**6500.00**
212 Front Street	Old Oakville	Fence replacement	8150.00	**1200.00**
154 King Street	Old Oakville	Front porch repairs	15000.00	**2250.00**
181 King Street	Old Oakville	Emergency plaster repairs	7795.00	**3300.00**
191 King Street	Old Oakville	Stucco repairs	10000.00	**4300.00**
302 King Street	Old Oakville	Stucco repairs	15000.00	**6400.00**
312 King Street	Old Oakville	Coach house doors	5015.00	**0.00**
312 King Street	Old Oakville	Repairs and repainting	9335.00	**2700.00**
187-189 Lakeshore Rd E	Downtown Oakville	Masonry paint removal	6075.00	**0.00**
187-189 Lakeshore Rd E	Downtown Oakville	Non-historic window replacement	7650.00	**2200.00**
190-194 Lakeshore Rd E	Downtown Oakville	Emergency roof repairs	1500.00	**0.00**
190-194 Lakeshore Rd E	Downtown Oakville	Non-historic window replacement	4420.00	**1250.00**
216 Lakeshore Rd E	Downtown Oakville	Painting woodwork	7060.00	**2000.00**
1189 Lakeshore Rd E	Part IV	Front porch restoration	11805.00	**3400.00**
2410 Lakeshore Rd E	Part IV	Cedar roof replacement	15000.00	**6400.00**
1110 Lakeshore Rd W	Easement	Window restoration	15000.00	**6200.00**
280 Lawson St	Trafalgar Road	Foundation repairs	5815.00	**3300.00**
280 Lawson St	Trafalgar Road	Front stairs replacement	2990.00	**0.00**
293 Macdonald Rd	Trafalgar Road	Window restoration	11500.00	**4850.00**
288 Maple Grove Drive	Part IV	Masonry repairs	12120.00	**5200.00**
41 Navy Street	Old Oakville	Non-historic window replacement	5385.00	**800.00**
2468 Old Bronte Road	Part IV	Wood siding restoration	8949.00	**2550.00**
301 Palmer Ave	Trafalgar Road	Pergola repairs	3400.00	**0.00**
301 Palmer Ave	Trafalgar Road	Porch roof repair	1550.00	**650.00**
213 Randall Street	Downtown Oakville	Front door restoration	1425.00	**600.00**
262 Randall Street	Part IV	Masonry repairs	9795.00	**4200.00**
21 Regency Court	Part IV	Window and door restoration	15000.00	**4300.00**
21 Reynolds Street	Old Oakville	Front porch repairs	15000.00	**2250.00**
278 Reynolds Street	Trafalgar Road	Stucco repairs and painting	9000.00	**2500.00**
288 Reynolds Street	Trafalgar Road	Window restoration	8190.00	**3500.00**
25 Second Street	First and Second	Exterior painting	12000.00	**3400.00**
24 Thomas Street	Old Oakville	Chimney repair	2900.00	**1200.00**
29 Thomas Street	Old Oakville	Cedar roof replacement	15000.00	**6400.00**
32 Thomas Street	Old Oakville	Painting woodwork	7260.00	**1050.00**
43 Trafalgar Road	Old Oakville	Window restoration	12525.00	**5300.00**
140 Trafalgar Road	Part IV	Copper flashings/edge for cedar roof	10000.00	**4300.00**
229 Trafalgar Road	Trafalgar Road	Emergency arborist works	1185.00	**200.00**
275 Trafalgar Road	Trafalgar Road	Emergency arborist works	1880.00	**300.00**
344 Trafalgar Road	Trafalgar Road	Front porch restoration	15000.00	**2200.00**
397 Trafalgar Road	Trafalgar Road	Structural repairs	450.00	**400.00**
407 Trafalgar Road	Trafalgar Road	Restoration of stucco garage	2145.00	**650.00**
66 Walby Drive	Part IV	Window restoration	7145.00	**3000.00**
160 William Street	Old Oakville	Slate roof	15000.00	**6500.00**
188 William Street	Old Oakville	Painting woodwork	5930.00	**1700.00**
195 William Street	Old Oakville	Exterior painting	9450.00	**0.00**
195 William Street	Old Oakville	Replacement of cedar siding	12315.00	**3500.00**
266 William Street	Old Oakville	Exterior painting	615.00	**250.00**
308 William Street	Old Oakville	Exterior painting	15000.00	**2250.00**
				137965.00
			462329.00	

REPORT

Planning and Development Council

Meeting Date: June 12, 2023

FROM:	Planning Services Department
DATE:	May 30, 2023
SUBJECT:	**Cultural Heritage Landscape Conservation Plan Policy - By-law 2023-085**
LOCATION:	Town-wide
WARD:	Town-wide Page 1

RECOMMENDATION:

1. That By-law 2023-085, a by-law to repeal By-law 2018-019, 'a by-law to govern cultural heritage landscape conservation plans within the Town of Oakville and to delegate certain powers to designated officials', be passed; and

2. That the Conservation Plans for Cultural Heritage Landscapes Policy be endorsed.

KEY FACTS:

The following are key points for consideration with respect to this report:

- By-law 2018-019 requires conservation plans to be created (either by the owner or Town) for protected cultural heritage landscapes in Oakville;

- Conservation plans for cultural heritage landscapes provide information and tools on how to evaluate the heritage impact of proposed changes to the property;

- Enforcement of the By-law 2018-019 has resulted in significant implementation issues where property owners do not cooperate in the preparation of the conservation plan;

- Preparation of conservation plans through a Council endorsed Policy is an alternative approach to the use of a regulatory by-law that may help achieve intended objectives while addressing the challenges presented by uncooperative landowners

BACKGROUND:

Livable Oakville includes objectives and policies pertaining to the conservation of "cultural heritage resources," including cultural heritage landscapes (“CHLs”). Consistent with provincial policy, conservation requires the identification, protection, management and use of CHLs in a manner that ensures their cultural heritage value or interest is retained. In January 2014, the Town adopted a CHL Strategy, which required the Town to identify significant CHLs. As part of the continued implementation of the CHL Strategy, the Town adopted By-law 2018-019 (attached as Appendix A), which requires conservation plans to be created for protected CHLs in Oakville. Conservation plans for CHLs may be completed by the property owner or the Town. The legality of By-law 2018-019 was challenged in 2019 and ultimately upheld by the Ontario Court of Appeal.

A conservation plan for a CHL provides staff, Council and the property owner with additional information and guidance on how to evaluate the heritage impact of any proposed alternations to a designated property to ensure that the cultural heritage value or interest and the heritage attributes are conserved. Conservation plans for CHLs are not intended to be a management plan for a property or guidance tool for a specific development.

Under sections 33 and 34 of the *Ontario Heritage Act* (OHA), town consent must be obtained for any proposed alteration of a designated property that would affect or remove heritage attributes, subject to appeal to the Ontario Land Tribunal (OLT) if consent is not granted.

Requirements for heritage permits under the OHA arise from the heritage designation of a property, rather than the existence of a conservation plan. A conservation plan does not create or redefine the cultural heritage value or interest and heritage attributes of a property; it relies on the designation by-law that has set those things out already.

TECHNICAL & PUBLIC COMMENTS:

In addition to requiring the preparation of conservation plans, the town’s CHL Conservation Plan By-law 2018-019 also sets out the town’s process to make and assess applications to alter heritage attributes. However, enforcement of the town’s By-law 2018-019 has resulted in significant resource and cost implementation issues where property owners refuse to cooperate in the preparation of the conservation plan.

Staff believe conservation plans for CHLs have merit as they provide transparency and guidance on how the town intends to approach the evaluation of proposed

alterations to a designated CHL property to ensure that the cultural heritage value or interest and the heritage attributes are conserved.

An alternative approach to By-law 2018-019 is to prepare conservation plans, and recognize existing plans that were prepared in accordance with By-law 2018-019, under a Council endorsed Policy, as opposed to through a regulatory by-law. Conservation plans prepared or recognized through a Council adopted Policy would provide a tool (as was always intended) on how to evaluate the potential heritage impact of proposed alterations to the CHL property. Any requirements in those existing conservation plans for condition monitoring or references to penalties (outside of those set out in the OHA) would no longer apply.

Landowners would continue to be invited to participate in the preparation of new conservation plans.

Importantly, unauthorized alterations to a CHL that would affect its heritage attributes will still be addressed through the enforcement of the OHA, which is fundamentally what protects designated heritage properties. The Draft Policy is attached as Appendix B and the proposed repealing by-law is attached as Appendix C.

CONSIDERATIONS:

(A) PUBLIC

Staff will continue to work with property owners to conserve cultural heritage landscapes.

(B) FINANCIAL

None

(C) IMPACT ON OTHER DEPARTMENTS & USERS

None

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:

- enhance our cultural environment
- be the most livable town in Canada

(E) CLIMATE CHANGE/ACTION

A Climate Emergency was declared by Council in June 2019 for the purposes of strengthening the Oakville community commitment in reducing carbon

footprints. The designation and conservation of properties of cultural heritage value contributes to the town's initiatives to reduce carbon footprints.

APPENDICES:

Appendix A – By-law 2018-019
Appendix B – Draft Conservation Plans for Cultural Heritage Landscape Policy
Appendix C – By-law 2023-085

Prepared by:
Susan Schappert, CAHP, MCIP, RPP
Heritage Planner

Recommended by:
Kirk Biggar, MCIP, RPP
Manager, Policy Planning and Heritage

Submitted by:
Gabe Charles, MCIP, RPP
Director, Planning Services

APPENDIX A

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2018-019

A by-law to govern cultural heritage landscape conservation plans within the Town of Oakville and to delegate certain powers to designated officials

WHEREAS the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended, provides in section 33 that no owner of a protected heritage property shall alter or permit the alteration of a protected heritage property that is likely to affect the property's heritage attributes unless the owner applies to the Council of the local municipality and receives Council's consent in writing to the alteration;

WHEREAS the Council of The Corporation of the Town of Oakville is authorized by subsection 11(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, to pass by-laws respecting matters within the sphere of jurisdiction for culture, parks, recreation and heritage;

WHEREAS the Council of The Corporation of the Town of Oakville is required by subsection 3(5) of the *Planning* Act, R.S.O. 1990, c. P. 13, as amended, to make all decisions affecting a planning matter consistent with the provincial policy statement issued under subsection 3(1) of this Act and in conformity with provincial plans;

WHEREAS the Council of The Corporation of the Town of Oakville, pursuant to its obligations under subsection 3(5) of the *Planning Act*, seeks to be consistent with provincial policy which requires that significant cultural heritage landscapes be conserved such that their cultural heritage value or interest pursuant to the *Ontario Heritage Act* is retained, and recognizes conservation plans as a means of achieving conservation;

WHEREAS the Council of The Corporation of the Town of Oakville is authorized by subsection 15.1(3) of the *Building Code Act*, *1992*, S.O. 1992, c. 23 and section 35.3 of the *Ontario Heritage Act*, as amended, to pass by-laws prescribing standards for the maintenance of property and conservation of the heritage attributes of property;

WHEREAS the Council of The Corporation of the Town of Oakville deems it desirable to enact a by-law to require that conservation plans be prepared to govern protected heritage properties containing significant cultural heritage landscapes within the Town and assist Council with ensuring that Town decisions on any proposed alteration to a protected heritage property retains the cultural heritage value or interest of the property;

WHEREAS the Council of The Corporation of the Town of Oakville, consistent with provincial law and policy, deems it desirable to ensure that, in the event of conflict between a provision of this by-law and a provision in any other by-law passed under the *Municipal Act, 2001,* the provision that ensures that cultural heritage resources are conserved shall

prevail to the extent of conflict, subject to the greater paramountcy of a provision that protects the health or safety of persons;

COUNCIL ENACTS AS FOLLOWS:

PART 1
INTERPRETATION

1.1 DEFINITIONS

1.1.1 In this By-law:

"**Act**" means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

"**Alter**" means to change in any manner and includes to restore, renovate, repair, or disturb, and "**alteration**" has a corresponding meaning;

"**Building**" means a building as defined in the *Building Code Act*;

"**Building Code Act**" means the *Building Code Act, 1992,* S.O. 1992, c. 23, as amended;

"**Built heritage resource**" means a building, structure, monument, installation or any manufactured remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Aboriginal community. Built heritage resources are generally located on property that has been designated or otherwise protected under Parts IV or V of the *Ontario Heritage Act*, or included on local, provincial and/or federal registers;

"**Conserved**" (or "**conserve**") means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained under the *Ontario Heritage Act*. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. Mitigative measures and/or alternative development approaches can be included in these plans and assessments;

"**Conservation plan**" means, in respect of a cultural heritage landscape, a document that, consistent with the stated cultural heritage value or interest of the protected heritage property or properties containing the landscape,

a) Specifies the specific boundaries of the cultural heritage landscape;

b) Describes the features contributing to the property's cultural heritage value or interest, and the inter-relationships between or among the features that

contribute to the cultural heritage value or interest;

c) Considers future actions that may occur on the landscape and categorizes them as follows:

(i) Category A: Actions exempt from heritage review because they do not alter the property or because they do not affect its heritage attributes;

(ii) Category B: Alterations that are likely to affect the property's heritage attributes and may impact on the property's cultural heritage value or interest; or

(iii) Category C: Alterations that are likely to affect the property's heritage attributes and impact the property's cultural heritage value or interest;

d) Prescribes the landscape-specific considerations and documentation to determine the appropriate category;

e) Prescribes the landscape-specific guidance, including guidelines and checklists, that address the landscape's identified heritage attributes and cultural heritage value or interest;

f) Prescribes, for Category B and C alterations, the process, timelines and required landscape-specific information to (i) assess heritage impacts, (ii) review whether the relevant cultural heritage value or interest is retained, and (iii) where applicable, identify appropriate conditions of approval, including monitoring;

g) Where available, describes the condition of the cultural heritage landscape in relation to the cultural heritage landscape's cultural heritage value or interest and heritage attributes;

"Council" means the municipal council of the Town;

"**Cultural heritage landscape**" means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts designated under the *Ontario Heritage Act*; villages, parks, gardens, battlefields, mainstreets and other streets of special interest, golf courses, farmscapes, neighbourhoods, cemeteries, historic roads and trailways, viewsheds, natural areas and industrial complexes of heritage significance; and areas recognized by federal or international designation authorities (e.g. a National Historic Site or District designation, or a UNESCO World Heritage Site);

"**Cultural heritage landscape conservation plan**" or "**CHL conservation plan**" means, for

a cultural heritage landscape that is located in whole or in part on a protected heritage property, a conservation plan approved by the Town pursuant to this By-law;

"**Cultural heritage value or interest**" means:

(a) In the case of a protected heritage property created on or after April 28, 2005, the cultural heritage value or interest stated in applicable notices, by-laws, designations or orders under the *Ontario Heritage Act*; or

(b) In the case of a protected heritage property created before April 28, 2005, the cultural heritage value or interest that is set out in, or can be reasonably inferred from, applicable notices, by-laws, supporting documentation for a by-law, designations or orders under the *Ontario Heritage Act*;

"**Designated Official**" means the Director of Planning Services for the Town and the designate or designates of the Director;

"**Feature**" means, in relation to a cultural heritage landscape, a built heritage resource, a circulation system, a spatial organization, a visible sign of past or continuing land use or pattern of land use, an archaeological site, a space, a natural element, a visual relationship, a view or a vista that has cultural heritage value or interest or contributes to the cultural heritage value or interest or heritage attributes of the landscape;

"**Fee**" means the fee set out in the Town of Oakville Annual Rates and Fees Schedule approved by Council as part of the annual budget approval process;

"**Heritage attributes**" means the principal features or elements that contribute to a protected heritage property's cultural heritage value or interest, and may include the property's built or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (including significant views or vistas to or from a protected heritage property), as identified:

(a) In the case of a protected heritage property created on or after November 26, 2002, in applicable notices, by-laws, designations or orders under the *Ontario Heritage Act*; or

(b) In the case of a protected heritage property created before November 26, 2002, in, or as can be reasonably inferred from, applicable notices, by-laws, supporting documentation for a by-law, designations or orders under the *Ontario Heritage Act*;

"**Heritage condition assessment**" means an independent assessment of and written report on the condition of a protected heritage property in relation to its cultural heritage value or interest and heritage attributes;

"**Heritage Oakville Advisory Committee**" means the municipal advisory committee constituted by the Town under section 28 of the *Ontario Heritage Act* to review proposed Part IV consents and Part V heritage permits, and other heritage-related matters;

"**Inspector**" means an individual appointed by the Town as an inspector under this by-law or any employee of the Town who is authorized to enforce by-laws within the Town;

"**Natural element**" means soil, rock, water and vegetation, and includes a landform, hill, mound, berm, watercourse, water body, ditch, spring, wetland or forest, whether designed or otherwise;

"**Officer**" means an individual authorized by the Town to enforce by-laws within the Town and includes municipal law enforcement officers;

"Ontario Heritage Act" means the *Ontario Heritage Act* R.S.O. 1990, c. O.18, as amended;

"**Protected heritage property**" means real property in the Town, including all buildings, structures and other features thereon, that:

(a) has been designated under Part IV of the *Ontario Heritage Act*;

(b) has been designated under Part V of the *Ontario Heritage Act;* and

(c) is subject to a notice of intention to designate under section 29 of Part IV of the *Ontario Heritage Act* for having cultural heritage value or interest;

"**Structure**" means a building or other manufactured thing erected on land by humans that is distinct in visual form and materials from the land itself and natural elements and includes any structure designated under the *Building Code*, as amended, a building permit for which has been issued under the authority of the *Building Code Act*; and

"Town" means the Corporation of the Town of Oakville.

1.2 INTENT AND PURPOSE

1.2.1 The intent and purpose of this By-law is to promote the conservation of cultural heritage resources by authorizing the preparation, approval, administration and enforcement of conservation plans for cultural heritage landscapes located on protected heritage property in the Town.

PART 2
APPLICATION AND PROHIBITIONS

2.1 APPLICATION

2.1.1 This By-law applies to all cultural heritage landscapes contained or included in or on a protected heritage property in the Town.

2.1.2 This By-law does not apply to any part of a protected heritage property that does not contain or include a cultural heritage landscape.

2.1.3 For cultural heritage landscapes described in section 2.1.1, unless Council directs otherwise Council shall require the preparation of a conservation plan forthwith on its own initiative or by the owner.

2.1.4 Any alteration of a cultural heritage landscape in or on a protected heritage property shall be in accordance with:

(a) the conservation plan; and

(b) any terms and conditions to Town consent to the alteration under section 33 of the *Ontario Heritage Act*; and

(c) any other requirements for Town consent to the alteration under this By-law, and any other applicable Town by-law.

2.2 PROHIBITIONS

2.2.1 No person shall alter a cultural heritage landscape contained in a protected heritage property without having a conservation plan for the property.

2.2.2 No person shall alter a protected heritage property that contains a cultural heritage landscape in a way that is contrary to the conservation plan for the property.

2.2.3 No person shall alter a protected heritage property that contains a cultural heritage landscape in a way that is likely to affect the heritage attributes of the property without ensuring compliance with this By-law, including the general conditions applicable to any alteration.

2.2.4 No person shall fail to obey an order issued under section 6.2 of this By-law.

PART 3
CONSERVATION PLAN APPROVAL AND AMENDMENT

3.1 CONSERVATION PLAN APPROVAL

3.1.1 As early as practicable, but no later than three months after a property has become a protected heritage property subject to Part 2 of this By-law, Council shall require preparation of a conservation plan.

3.1.2 Upon an application from a property owner or owners or on Council's own initiative, the Designated Official shall set terms of reference for the preparation of the required conservation plan.

3.1.3 The terms of reference for conservation plan preparation shall identify the person(s) responsible for preparing the plan, the studies or documents required to prepare the plan, and the anticipated consultation process to prepare the plan.

3.1.4 Once the Designated Official has approved terms of reference for conservation plan preparation, the person(s) responsible shall prepare the plan in accordance with the terms of reference.

3.1.5 Upon receipt of a conservation plan for approval, Council may approve the plan if Council is satisfied that the plan was prepared in accordance with the approved terms of reference**.**

3.2 APPLICATION TO AMEND

3.2.1 Subject to section 3.2.3, an owner of a protected heritage property subject to a conservation plan may at any time apply to amend the conservation plan for the property.

3.2.2 The person requesting the amendment shall deliver to the Designated Official a complete application containing:

a) a written request with reasons for the amendment;

b) all documents prepared in support of the amendment; and

c) payment of the applicable fee.

3.2.3 Notwithstanding section 3.2.4, the Designated Official may refuse to process an application to amend a conservation plan that seeks to amend the whole or any part of the plan where the plan was subject to a Council decision in the 12 months prior to the application for amendment.

3.2.4 Subject to section 3.2.3, upon receipt of a complete application to amend the conservation plan, the Designated Official shall proceed to review and decide upon the application within 90 days of receipt of a complete application, unless Council directs otherwise.

3.2.5 Any decision by the Town in respect of a proposed amendment to a conservation plan shall be consistent with retaining the cultural heritage value or interest of the protected heritage property pursuant to the *Ontario Heritage Act*.

3.2.6 Where, pursuant to section 3.2.5, the Designated Official concludes that the proposed amendment is consistent with retaining the cultural heritage value or interest of the protected heritage property, the Designated Official shall approve the amendment.

3.2.7 Where, pursuant to section 3.2.5, the Designated Official concludes that the proposed amendment to the conservation plan is not consistent with retaining the cultural heritage value or interest of the protected heritage property, the Designated Official shall refuse to approve the amendment, notify the applicant in writing of such refusal, provide reasons for the refusal, and advise that, on the

request of the applicant, the application will be presented to the Heritage Committee for review and then to Council for a final decision.

3.2.8 Where, pursuant to section 3.2.7, an applicant wishes to request that Council decide on the application, the applicant shall deliver written notice of this request to the Designated Official within 21 days of the date of the notice of refusal received from the Designated Official.

PART 4
ASSESSMENT OF THE CONDITION OF PROTECTED HERITAGE PROPERTY

4.1.1 As early as practicable, but no later than one year after a property has become a protected heritage property that is subject to Part 2 of this By-law, Council shall require the preparation of an initial heritage condition assessment of the cultural heritage landscape by the owner of the protected heritage property or on Council's own initiative.

4.1.2 Following preparation of the initial heritage condition assessment, the assessment shall be submitted to the Heritage Committee for review and to Council for final approval.

4.1.3 Once accepted and approved by Council, the initial heritage condition assessment shall be included in the conservation plan that is subject to Council approval or deemed to be included in the CHL conservation plan if one then exists.

4.1.4 Based on the initial assessment or, as applicable, the most current assessment, the property owner shall ensure that the property retains or improves its assessed heritage condition in relation to all of the assessed cultural heritage value or interest or heritage attributes.

4.1.5 Council shall require the owner of a protected heritage property that is subject to Part 2 of this By-law to prepare and submit to Council a new heritage condition assessment every five years unless Council directs otherwise.

4.1.6 Upon approval of a new heritage condition assessment, Council shall ensure that the new condition assessment replaces the initial or, as applicable, previous assessment in the CHL conservation plan.

PART 5
PROPOSALS TO ALTER THE PROTECTED PROPERTY

5.1 APPLICATION TO ALTER

5.1.1 Where the Designated Official is advised by the owner of protected heritage property that contains a cultural heritage landscape that the owner proposes to alter the cultural heritage landscape, the Designated Official shall first determine whether there is a CHL conservation plan in place for that protected heritage property.

5.1.2 Where the Designated Official receives a proposal to alter the cultural heritage landscape for which there is no CHL conservation plan in place for the protected heritage property, then the Designated Official shall advise the owner that Council requires that the proposal be accompanied by a CHL conservation plan pursuant to Part 3 of this By-law.

5.1.3 Where the Designated Official receives a proposal to alter the cultural heritage landscape for which there is a CHL conservation plan for the protected heritage property, then the Designated Official shall review the proposal to determine whether:

(a) what is proposed is a Category A action. If so, the action is exempt from heritage review and consent, and the owner shall be informed by the Designated Official accordingly; or

(b) what is proposed is a Category B alteration or a Category C alteration that is likely to affect the heritage attributes of the property. If so, then the Designated Official shall inform the owner of the applicable category for the alteration and advise the owner that the proposal requires the submission of an application for Town consent to alter the cultural heritage landscape under section 33 of the *Ontario Heritage Act* together with such information as Council may require under section 33 or the conservation plan.

5.1.4 Where the Designated Official receives from the owner of protected heritage property an application for Town consent to alter the cultural heritage landscape under section 33 of the *Ontario Heritage Act*, and the application includes all information required by Council under section 33 or the conservation plan, the Designated Official shall serve a notice of receipt of the complete application on the owner, and thereafter shall:

(a) ensure that the alteration is reviewed for its effects on heritage attributes;

(b) ensure the alteration is assessed for its consistency with retaining the cultural heritage value or interest of the cultural heritage landscape on the property;

(c) where the application is for a Category B alteration, decide whether to:

(i) consent to the alteration, including the attachment of any conditions of consent to conserve the property's cultural heritage value or interest and heritage attributes; or

(ii) refuse to consent to the alteration, attach reasons for the refusal, and refer the application to the Heritage Committee and to Council; or

(d) where the application is for consent to a Category C alteration, refer the application to the Heritage Committee and to Council and attach a report that provides an overall recommendation on whether to consent or refuse the

alteration, and any recommendations regarding conditions of consent that conserve the property's cultural heritage value or interest and heritage attributes if Council consents to the alteration.

5.1.5 Any decision by the Designated Official or Council in respect of a proposed alteration that is likely to affect the heritage attributes of a protected heritage property shall ensure that the decision retains the cultural heritage value or interest of the property pursuant to the *Ontario Heritage Act*.

PART 6
ENFORCEMENT

6.1 INSPECTIONS

6.1.1 An Inspector or Officer may, upon producing proper identification, enter upon any protected heritage property at any reasonable time without a warrant for the purpose of inspecting the property to determine:

(a) Whether the condition of the property conforms with the requirements of the CHL conservation plan and this By-law; or

(b) Whether an order made under this By-law has been complied with.

6.1.2 For the purposes of an inspection of a protected heritage property, an Inspector or Officer may:

(a) Require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the property or any part thereof;

(b) Inspect and remove documents or things relevant to the property or any part thereof for the purpose of making copies or extracts;

(c) Require information from any person concerning a matter related to a property or part thereof;

(d) Be accompanied by a person who has special or expert knowledge in relation to a property or part thereof;

(e) Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection; and

(f) Order the owner of the property to take and supply, at the owner's expense, such tests and samples as specified in the Order.

6.1.3 The Town may charge the owner of a protected heritage property a fee to conduct an inspection, including increased fees for multiple inspections.

6.1.4 An Inspector or Officer who, after inspecting a protected heritage property, is of the opinion that the property is in compliance with the CHL conservation plan, may issue a Certificate of Compliance to an owner who requests one and who pays the applicable fee.

6.1.5 Where an Inspector or Officer has reasonable grounds to believe that an offence has been committed by a person, the Inspector or Officer may require the name, address and proof of identity of that person, and the person shall supply the required information.

6.1.6 It shall be an offence to obstruct or permit the obstruction of such an inspection by an Inspector or Officer under this By-law.

6.2 ORDERS

6.2.1 If an Inspector or Officer is satisfied that a contravention of this By-law has occurred, the Inspector or Officer may make an order requiring the property owner or the person who caused or permitted the contravention of this by-law to discontinue the activity, and the order shall set out,

(a) the municipal address or the legal description of the property;

(b) reasonable particulars of the contravention; and

(c) the period within which there must be compliance.

6.2.2 If an Inspector or Officer is satisfied that a person has caused or permitted the performance of an alteration in contravention of the provisions of this by-law, the Inspector or Officer may make an order requiring that the owner obtain Town consent for the alteration or requiring the owner to carry out the work needed to correct the contravention. Such order shall set out,

(a) the municipal address or the legal description of the land;

(b) reasonable particulars of the contravention and of the consent to be sought or the work to be done, and the period within which there must be compliance with the order; and

(c) a notice stating that if the consent is not sought or the work is not done, as the case may be, in compliance with the order within the period it specifies, the municipality may have the work done at the expense of the owner pursuant to section 446 of the *Act* as amended .

6.2.3 An Order or Notice under this By-law may be served by:

(a) delivering it personally to the owner and/or the person conducting work on the owner's property;

(b) sending it by registered mail to the last known address of the owner, which service shall be deemed five (5) days after mailing;

(c) posting it on the owner's property;

(d) sending a copy by facsimile transmission to the person's last known facsimile transmission number; or

(e) sending a copy by e-mail transmission to the person's last known e-mail address.

6.2.4 If the Town is unable to effect service on the owner under section 6.2.3, a placard containing the terms of the order or notice may be placed in a conspicuous place on the property and the placing of the placard shall be deemed to be sufficient service of the order.

6.3 WORK DONE BY MUNICIPALITY

6.3.1 If any work required by an order under this by-law is not done within the specified period, the Town, in addition to all other remedies it may have, may do the work at the owner's expense and may enter upon land, at any reasonable time, for this purpose in accordance with section 446 of the *Act*.

6.3.2 A municipal corporation or person acting on its behalf is not liable to compensate the Owner, Occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under section 6.3.1.

6.3.3 Pursuant to subsection 446(3) of the *Act,* the municipality may recover the costs of doing a matter or thing under section 6.3.1 from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes..

6.4 OFFENCES AND PENALTIES

6.4.1 Every person who contravenes this By-law is guilty of an offence;

6.4.2 Every offence under this by-law is designated as a continuing offence.

6.4.3 Pursuant to section 429 of the *Act,* every person who commits an offence under this by-law is liable

(a) on a first conviction, to a fine of not less than $500.00 and not more than $100,000.00,and

(b) in the case of a continuing offence, on conviction for each day or part of a day that the offence continues, a minimum fine shall not exceed $500.00 and a maximum fine shall not exceed $10,000.00. However, despite subsection

6.4.3(a) above, the total of all of the daily fines for the offence is not limited to $100,000.00.

PART 7
CONFLICTS, PARAMOUNTCY & MISCELLANEOUS

7.1 CONFLICTS AND PARAMOUNTCY

7.1.1 Nothing in this By-law changes the application or requirements of

(a) section 33 of the *Ontario Heritage Act*; or

(b) sections 15.7, 15.9, 15.10 or 35 of the *Building Code Act*.

7.1.2 Where a provision of this By-law conflicts with a provision in a CHL conservation plan, the requirements of this By-law shall prevail to the extent of the conflict.

7.1.3 Where a provision of this By-law conflicts with a provision in the *Ontario Heritage* Act, the requirements of the *Ontario Heritage Act* shall prevail to the extent of the conflict.

7.1.4 Subject to section 7.1.5, nothing in this By-law changes the application of other Town by-laws to a property in the Town or the requirements of such by-laws.

7.1.5 Notwithstanding section 7.1.4, where a provision of this by-law conflicts with a provision of any other Town by-law made under the *Act* or the *Building Code Act, 1992,* then the provision that best ensures that the cultural heritage value or interest of the cultural heritage landscape is conserved shall prevail to the extent of the conflict, subject to the greater paramountcy of any provision that protects the health or safety of persons.

7.2 MISCELLANEOUS

7.2.1 In the event that any section, clause, provision or part of this By-law is found to be invalid or unenforceable for any reason whatsoever, then the particular provision or part thereof shall be deemed to be severed from the remainder of the By-law and all other provisions or parts thereof shall remain in full force and shall be valid and enforceable to the fullest extent permitted by law.

7.2.2 References in this By-law to any legislation or by-law means as may be amended or replaced from time to time, and include any regulations thereunder.

7.3 SHORT TITLE

7.3.1 This By-law may be cited as the *CHL Conservation Plan By-law*.

7.4 COMING INTO FORCE

7.4.1 This by-law shall come into force and effect the day it is passed by Council.

PASSED this 30th day of January, 2018

Rob Burton	Mayor	Kathy Patrick	Acting Town Clerk

APPENDIX B

Policy Statement

The Corporation of the Town of Oakville (town) values its cultural heritage resources and requires the conservation of significant cultural heritage landscapes. The town supports the use of conservation plans as a means of achieving conservation of significant cultural heritage landscapes such that their cultural heritage value or interest, pursuant to the *Ontario Heritage Act* (OHA), is retained.

Purpose

The objective of this Policy is to provide for the creation and updating, as needed, of conservation plans for cultural heritage landscapes designated under the OHA. Conservation plans will provide a clear and transparent process for evaluating the heritage impact of proposed alterations to designated cultural heritage landscapes.

Scope

This Policy applies to all cultural heritage landscapes designated under the OHA. Conservation plans for cultural heritage landscapes may be completed by the town in consultation with the property owner, or by the property owner, subject to town approval.

Existing conservation plans drafted and approved under By-law 2018-019 (repealed June 12, 2023) will continue to be used by the town to evaluate the potential heritage impact of proposed alterations to those cultural heritage landscapes to which they apply until replaced or updated. Any requirements in those Plans for condition monitoring or references to penalties (outside of those set out in the OHA) will not apply from the date of approval of this Policy.

References and Related Documents

Ontario Heritage Act, Section 33
Ontario Heritage Act, Section 34
Ontario Heritage Act, Section 42
Cultural Heritage Landscape Strategy

APPENDIX C

OAKVILLE

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2023-085

A by-law to repeal By-law 2018-019, ‘A by-law to govern cultural heritage landscape conservation plans within the Town of Oakville and to delegate certain powers to designated officials’.

COUNCIL ENACTS AS FOLLOWS:

1. That by-law 2018-019 'A by-law to govern cultural heritage landscape conservation plans within the Town of Oakville and to delegate certain powers to designated officials' be repealed.

PASSED this 12 day of June, 2023

_____ _____

MAYOR CLERK

Heritage Oakville Advisory Committee

MINUTES

Date:	**May 30, 2023**
Time:	**9:30 am**
Location:	**Council Chamber**

Members:	Drew Bucknall, Chair Gerarda (Geri) Tino, Vice-Chair Councillor Duddeck Councillor Gittings Kerry Colborne George Gordon Susan Hobson Bob Laughlin Brenda Sweeney (As of 9:49 a.m.)
Regrets:	Russell Buckland Jason Judson
Staff:	Gabe Charles, Director of Planning Services Nadia Chandra, Assistant Town Solicitor Kirk Biggar, Manager of Policy Planning and Heritage Carolyn Van Sligtenhorst, Supervisor of Heritage Conservation Susan Schappert, Heritage Planner Kristen McLaughlin, Heritage Planner Jill Marcovecchio, Council and Committee Coordinator Natasha Coric, Council and Committee Coordinator
Also Present:	Town Staff: Elaine Eigl, Heritage Planner

A meeting of the Heritage Oakville Advisory Committee was held on May 30, 2023, in the Council Chamber of the Oakville Municipal Building, commencing at 9:30 a.m.

These minutes will go forward to the Planning and Development Council meeting of June 12, 2023 for approval. Please view those minutes to note any changes Council may have made.

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1. Regrets

Regrets as noted above.

2. Declarations of Pecuniary Interest

Kerry Colborne declared a pecuniary interest with respect to Item 4.6 - Heritage Grant Program Recommendations 2023, as she applied for and received a heritage grant.

3. Confirmation of Minutes of Previous Meeting(s)

Moved by Councillor Duddeck

That the minutes of the Heritage Oakville Advisory Committee meeting of April 25, 2023, be approved.

CARRIED

4. Discussion Item(s)

4.1 Heritage Permit Application HP013/23-42.20T 344 Trafalgar Road – New windows and front door and alterations to exterior

Moved by Bob Laughlin

1. That Heritage Permit Application HP013/23-42.20T for new windows and front door and alterations to the exterior of the house at 344 Trafalgar Road, as attached in Appendix B to the report dated May 16, 2023 from Planning Services, be approved subject to the following:

    a. That final details on the new windows, door, cedar shingle cladding, stone cladding, trim and roofing material be submitted to staff for final approval; and

2. That this heritage permit expire two years from the date of final approval by Council.

CARRIED

4.2 Heritage Permit Application HP011/23-42.20S 69 Second Street – Demolition of existing garage and portions of the house, construction of a new addition and restoration of the house

Moved by Councillor Gittings

1. That Heritage Permit Application HP011/23-42.20S for the demolition of the existing garage and portions of the house, the construction of a new two-storey addition and restoration of the house at 69 Second Street, as attached in Appendix B to the report dated May 16, 2023 from Planning Services, be approved subject to the following:

   a. That minor changes be made to ensure that there are no blank windowless walls on the new addition; and

   b. That final details on the windows, doors and cladding materials be submitted to staff for final approval; and

2. That this heritage permit expire two years from the date of final approval by Council.

CARRIED

4.3 Notice of intention to demolish – 2108 Lakeshore Road East

A separate staff report will be forwarded to the June 12, 2023 Planning and Development Council for consideration.

Moved by Councillor Gittings

1. That the property at 2108 Lakeshore Road East be removed from the Oakville Register of Properties of Cultural Heritage Value or Interest; and,

2. That, prior to demolition, the property owner allows for the salvage of materials from the house.

CARRIED

4.4 Ontario Heritage Act Alternative Notice Policy

A separate staff report will be forwarded to the June 12, 2023 Planning and Development Council for consideration.

Moved by Councillor Duddeck

That the *Ontario Heritage Act* Alternative Notice Policy be approved.

CARRIED

4.5 Notice of intention to designate – Multiple properties

A separate staff report will be forwarded to the June 12, 2023 Planning and Development Council for consideration.

Moved by George Gordon

That a notice of intention to designate be issued under section 29, Part IV of the *Ontario Heritage Act* for the following properties:

1. Lawrence and Mary Hager House at 2527 Dundas Street West; and
2. Conder House at 159 Trafalgar Road.

CARRIED

4.6 Heritage Grant Program Recommendations 2023

A separate staff report will be forwarded to the June 12, 2023 Planning and Development Council for consideration.

Moved by Councillor Duddeck

That the 2023 funding allotment as attached in ‘Appendix A - Recommended Grant Projects and Maximum Approved Amounts’ to the report titled Heritage Grant Program 2023 dated May 16, 2023, be endorsed.

CARRIED

(Kerry Colborne having declared a pecuniary interest on this item, did not vote.)

4.7 Cultural Heritage Landscape Conservation Plan Policy

A separate staff report will be forwarded to the June 12, 2023 Planning and Development Council for consideration.

Moved by Councillor Duddeck

1. That By-law 2018-019, ‘A by-law to govern cultural heritage landscape conservation plans within the Town of Oakville and to delegate certain powers to designated officials’, be repealed; and
2. That the Conservation Plans for Cultural Heritage Landscapes Policy be endorsed.

CARRIED

5. Information Item(s)

5.1 Heritage Conservation District Update

5.2 Heritage Designation Info Sheet

5.3 2023 Meeting Schedule

5.4 Confidential Committee Membership Listing

Moved by Gerarda (Geri) Tino

That the information item(s) be received.

CARRIED

6. Date and Time of Next Meeting

Tuesday, June 27, 2023

Oakville Municipal Building

Council Chamber - 9:30 a.m.

7. Adjournment

Moved by Susan Hobson

That this meeting be adjourned.

CARRIED

The meeting adjourned at 11:04 a.m.

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2023-055

A by-law to declare that certain land is not subject to part lot control (Blocks 104, 105, 106, 107, 108, 109 and 110, Plan 20M-1253 – Mattamy (Joshua Creek) Limited)

WHEREAS By-law 2006-125 delegates to the Director of Planning Services the authority to approve certain applications to designate lands not subject to part lot control; and

WHEREAS the Director of Planning Services has approved such as application for the lands described in Schedule "A";

COUNCIL ENACTS AS FOLLOWS:

1. Part lot control pursuant to subsection 5 of Section of the *Planning Act*, R.S.O. 1990, c.P-13, as amended does not apply to lands as set out in Schedule "A" attached hereto.

2. This by-law expires one (1) year from the date it has been passed by Council.

3. Schedule "A" forms part of this by-law.

4. The solicitor is hereby authorized to amend the parcel designation, if necessary, upon registration of this by-law.

PASSED this 12th day of June, 2023

_____ _____

MAYOR CLERK

SCHEDULE "A"

1. Block 104, Plan 20M-1253, designated as Parts 1 to 30, inclusive, on Plan 20R-22359, Oakville
2. Block 105, Plan 20M-1253, designated as Parts 31 to 50, inclusive, on Plan 20R-22359, Oakville
3. Block 106, Plan 20M-1253, designated as Parts 51 to 70, inclusive, on Plan 20R-22359, Oakville
4. Block 107, Plan 20M-1253, designated as Parts 71 to 91, inclusive, on Plan 20R-22359, Oakville
5. Block 108, Plan 20M-1253, designated as Parts 1 to 31, inclusive, on Plan 20R-22358, Oakville
6. Block 109, Plan 20M-1253, designated as Parts 32 to 59, inclusive, on Plan 20R-22358, Oakville
7. Block 110, Plan 20M-1253, designated as Parts 60 to 90, inclusive, on Plan 20R-22358, Oakville

OAKVILLE

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2023-088

A by-law to confirm the proceedings of a meeting of Council.

COUNCIL ENACTS AS FOLLOWS:

1. Subject to Section 3 of this by-law, every decision of Council taken at the meeting at which this by-law is passed and every resolution passed at that meeting shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted.

2. The execution and delivery of all such documents as are required to give effect to the decisions taken at the meeting at which this by-law is passed and the resolutions passed at that meeting are hereby authorized.

3. Nothing in this by-law has the effect of giving to any decision or resolution the status of a by-law where any legal prerequisite to the enactment of a specific by-law has not been satisfied.

PASSED this 12th day of June, 2023

Rob Burton	Mayor	Kathy Patrick	Acting Town Clerk