



**Town of Oakville  
Planning and Development Council**

**AGENDA**

**Date:** Monday, May 2, 2022  
**Time:** 6:30 p.m.  
**Location:** Virtual Meeting

Currently attendance at Town Hall is restricted and public meetings are being held by videoconference only. Live streaming video is available on oakville.ca/live or at the town's YouTube channel at [youtube.com/user/townofoakvilleTV](https://www.youtube.com/user/townofoakvilleTV). Information regarding written submissions and requests to delegate can be found at <https://www.oakville.ca/townhall/delegations-presentations.html>.

---

	<b>Pages</b>
<b>1. Regrets</b>	
<b>2. Declarations of Pecuniary Interest</b>	
<b>3. Committee of the Whole</b>	
<b>4. Consent Items(s)</b>	
<b>4.1. Martillac Estates subdivision agreement</b>	<b>8 - 85</b>
Recommendation:	
1. That a subdivision agreement between the Town and Martillac Estates Inc. be finalized in accordance with the standard agreement format.	
2. That the Town Solicitor be authorized to make minor changes to the Agreement, which do not affect the substance of the Agreement.	
3. That the agreement with Martillac Estates Inc. be executed in accordance with By-law 2013-057.	

**4.2. Assumption of Silwell Phase 8 - Portion of Taunton Road, By-Law 2022-025** 86 - 91

Recommendation:

1. That the assumption of the west side of Taunton Road between Oak Park Boulevard and Glenashton Drive be approved.
2. That By-law 2022-025 a by-law to assume the completed public works described as Parts 1-5, 8,11,14,17 & 30-38 of Plan 20R-19677 be passed.

**4.3. Recommendation Report, Draft Plan of Condominium, Kingridge (Oakville East) Inc., 1670 North Service Road East, File No.: 24CDM-22001/1505** 92 - 103

Recommendation:

That the Director of Planning Services be authorized to grant draft plan approval to the Draft Plan of Condominium (24CDM-22001/1505) submitted by Kingridge (Oakville East) Inc., and prepared by R-PE Surveying Ltd. dated April 9, 2019, subject to the conditions contained in Appendix 'A' of the Planning Service Report dated April 19, 2022.

**5. Confidential Consent Item(s)**

There are no Confidential Consent Items listed for this agenda.

**6. Public Hearing Item(s)**

**6.1. Public Meeting – Draft Plan of Subdivision and Zoning By-law Amendment - Bronte River LP - 1300, 1316, 1326, 1342 and 1350 Bronte Road, File Nos. 24T-21009/1531 and Z.1531.03** 104 - 166

Recommendation:

1. That the public meeting report prepared by the Planning Services Department dated April 19, 2022, be received.
2. That comments from the public with respect to the proposed draft plan of subdivision and zoning by-law amendment submitted by Bronte River LP (File Nos.: 24T-210009/1531 and Z.1531.03), be received.
3. That staff consider such comments as may be provided by Council.

**6.2. Public Meeting Report, Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, Sixth Oak Inc., 103 Burnhamthorpe Road West, File No.: OPA.1216.01, Z.1216.01, 24T-22002/1216**

167 - 209

Recommendation:

1. That the public meeting report, prepared by the Planning Services Department dated April 19, 2022, be received.
2. That comments from the public with respect to the Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision by Sixth Oak Inc., File No.: OPA.1216.01, Z.1216.01, 24T-22002/1216, be received.
3. That staff consider such comments as may be provided by Council.

**7. Discussion Item(s)**

*Item 7.2 see addendum to be distributed.*

**7.1. Recommendation Report 2317511 Ontario Inc., Official Plan and Zoning By-law Amendment, Z.1614.77, OPA1614.77 – By-laws 2022-046 and 2022-047** 210 - 262

Recommendation:

1. That the proposed Official Plan Amendment and Zoning By-law Amendment applications were submitted by 2317511 Ontario Inc. (File Nos. Z. 1614.77, OPA1614.77), be approved on the basis that the applications are consistent with the Provincial Policy Statement, conforms with all applicable Provincial plans, the Region of Halton Official Plan, the *Livable Oakville* Plan, has regard for matters of Provincial interest, and represents good planning for the reasons outlined in the report from the Planning Services Department dated April 19, 2022.
2. That By-law 2022-046, a by-law to adopt an amendment to the *Livable Oakville* Plan, be passed.
3. That By-law 2022-047, an amendment to the Zoning By-law 2014-014, be passed.
4. That the notice of Council’s decision reflect that Council has fully considered all of the written and oral submissions relating to these matters and that those comments have been appropriately addressed.
5. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary.
6. That the site plan for the proposed development be designed in accordance with the urban design requirements in Appendix ‘B’ to this report from the Planning Services Department dated April 19, 2022.

**7.2. Heritage Grant Program 2022**

**7.3. Ontario Land Tribunal Appeal – OLT-22-002119, 2262-2266 Lakeshore Road and 83 East Street (Z.1728.66)** 263 - 271

Recommendation:

That comments from the public related to the development options provided through the settlement offer in OLT-22-002119, submitted by 2266 Lakeshore LP be received prior to Council making a decision with respect to the offer through the related confidential report.

**8. Confidential Discussion Item(s)**

*Item 8.1 see confidential addendum to be distributed.*

**8.1. Confidential – OLT Appeal – 2266 Lakeshore LP (May 2, 2022)**

## 9. Advisory Committee Minutes

### 9.1. Heritage Oakville Advisory Committee Minutes - April 19, 2022

272 - 275

Recommendation:

That the following recommendation pertaining to Items 4.1 and 4.2 of the Heritage Oakville Advisory Committee minutes from its meeting on April 19, 2022, be approved and the remainder of the minutes be received:

#### **4.1 Heritage permit application HP016/22-42.20R - 183 Reynolds Street – New two-storey rear addition, replacement of garage and alterations to windows**

1. That Heritage Permit Application HP016/22-42.20R for the construction of the new two-storey rear addition, replacement of the existing detached garage and alterations to windows at 183 Reynolds Street, as attached in Appendix B to the report dated April 12, 2022 from Planning Services, be approved subject to the following:
  - a. That final details on cladding materials, windows and doors be submitted to Heritage Planning 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 HP017/22-42.20S 46 Second Street – Demolition of existing house and construction of new house**

1. That Heritage Permit Application HP017/22-42.20S for the demolition of the existing house and the construction of a new house at 46 Second Street, as attached in Appendix B to the report dated April 12, 2022 from Planning Services, be approved subject to the following:
  - a. That final details on the windows, doors and cladding material, including colour, be submitted to Heritage Planning 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 2022-025**

A by-law to assume Taunton Road between Oak Park Boulevard and Glenashton Drive. **(Re: Item 4.2)**

**12.2. By-law 2022-046**

A by-law to adopt an amendment to the Livable Oakville Official Plan, Official Plan Amendment Number 43 (70 Old Mill Road, 2317511 Ontario Inc., File No.: OPA.1614.77). **(Re: Item 7.1)**

**12.3. By-law 2022-047**

A by-law to amend the Town of Oakville Zoning By-law 2014-014, as amended, to permit the use of lands described as 70 Old Mill Road (2317511 Ontario Inc., File No.: 1614.77). **(Re: Item 7.1)**

**12.4. By-law 2022-055**

276 - 280

A by-law to designate the Glenclare Farmhouse on Part 4 of Plan 20R-22101, being a portion of 4243 Sixth Line, as a property of cultural heritage value or interest.

**12.5. By-law 2022-056**

281 - 281

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

**13. Adjournment**



OAKVILLE

## REPORT

### Planning and Development Council

Meeting Date: May 2, 2022

---

**FROM:** Transportation and Engineering Department

**DATE:** April 19, 2022

**SUBJECT:** **Martillac Estates subdivision agreement**

**LOCATION:** Dundas Street West

**WARD:** Ward 7

Page 1

---

#### **RECOMMENDATION:**

1. That a subdivision agreement between the Town and **Martillac Estates Inc.** be finalized in accordance with the standard agreement format.
2. That the Town Solicitor be authorized to make minor changes to the Agreement, which do not affect the substance of the Agreement.
3. That the agreement with **Martillac Estates Inc.** be executed in accordance with By-law 2013-057.

#### **KEY FACTS:**

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

- The subdivision agreement sets out the financial obligations of **Martillac Estates Inc.** (Owner) with respect to construction, maintenance and assumption of the public infrastructure (storm sewers, stormwater management facilities, open space, etc.) associated with the development.

#### **BACKGROUND:**

The Draft Plan of Subdivision and conditions of draft approval for the subject lands were approved on June 17 2009. The development consist of 24 residential blocks, a village square and a Dundas urban core (DUC) block

Appendix A illustrates the location plan. One of the conditions of draft approval requires the Owner to enter into a subdivision agreement with the Town.



**COMMENT/OPTIONS:**

The subdivision agreement has been prepared in the Town's standard form. All works are to be constructed by the developer with a reimbursement component for the construction of the village square.

**CONSIDERATIONS:**

**(A) PUBLIC**

Not applicable

**(B) FINANCIAL**

The subdivision agreement will provide for the terms and conditions which set out the financial obligations and other requirements of the Owner. In particular, the agreement will provide for the village square to be constructed on behalf of the Town.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

All affected Departments (Parks and Open Space, Legal Services, Planning, Finance and Transportation and Engineering) have been circulated.

Comments received have been addressed in the Comment/Options section of this report and will be incorporated into the subdivision agreement where required.

**(D) CORPORATE STRATEGIC GOALS**

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

- Be accountable in everything we do;
- Be the most livable town in Canada; and,
- Protect greenspace and promote environmentally sustainable practices.

**(E) COMMUNITY SUSTAINABILITY**

The proposed subdivision agreement will assist in ensuring the development achieves the objectives set out in the approved draft conditions by financially securing for these obligations

**APPENDICES:**

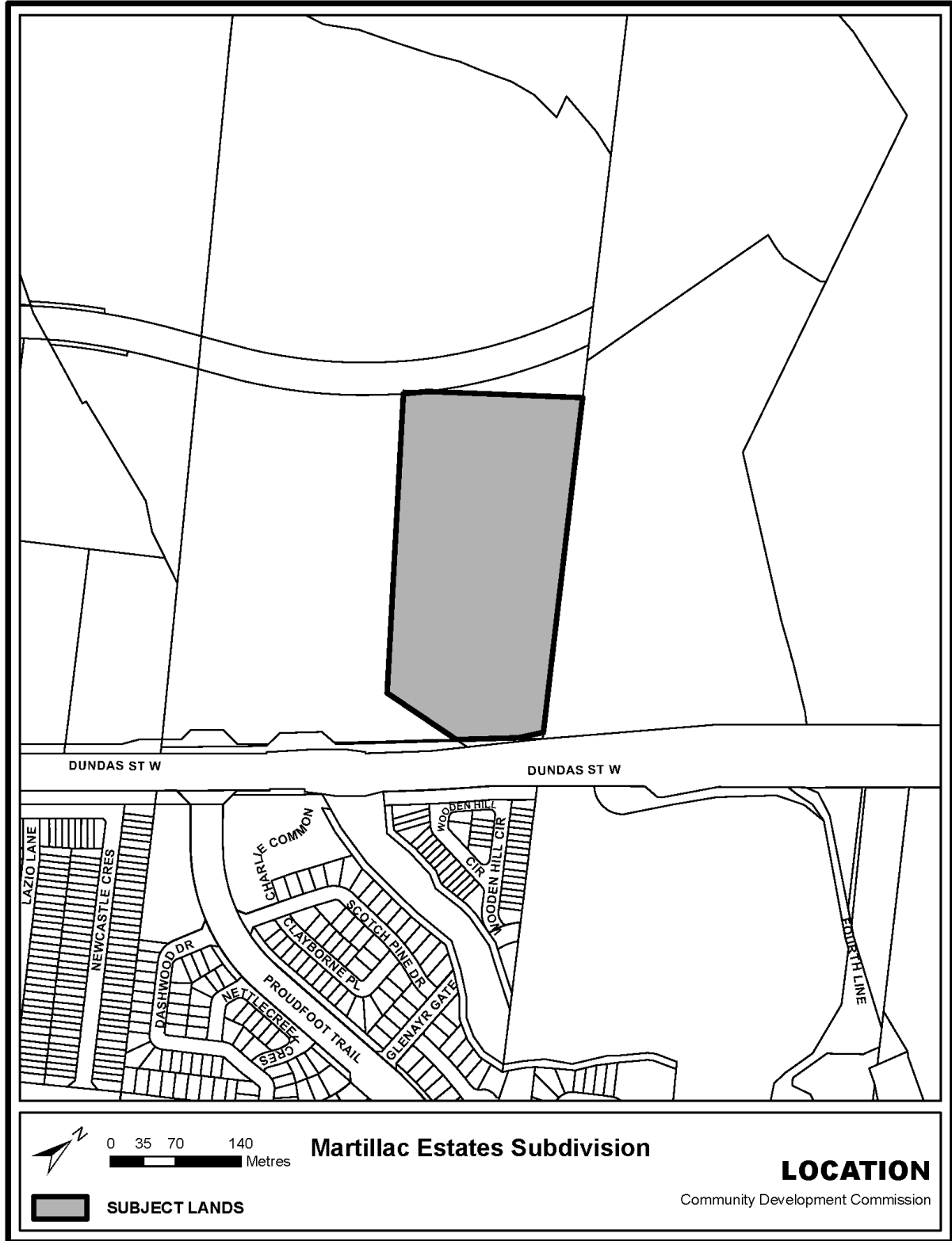
- Appendix A –Location Plan
- Appendix B – Legal Plan
- Appendix C – Subdivision Agreement

Prepared by:  
Steve Pozzobon, CET  
Development Coordinator  
Transportation & Engineering Department

Recommended by:  
Kristina Parker, P.Eng.  
Manager, Development Services  
Transportation & Engineering Department

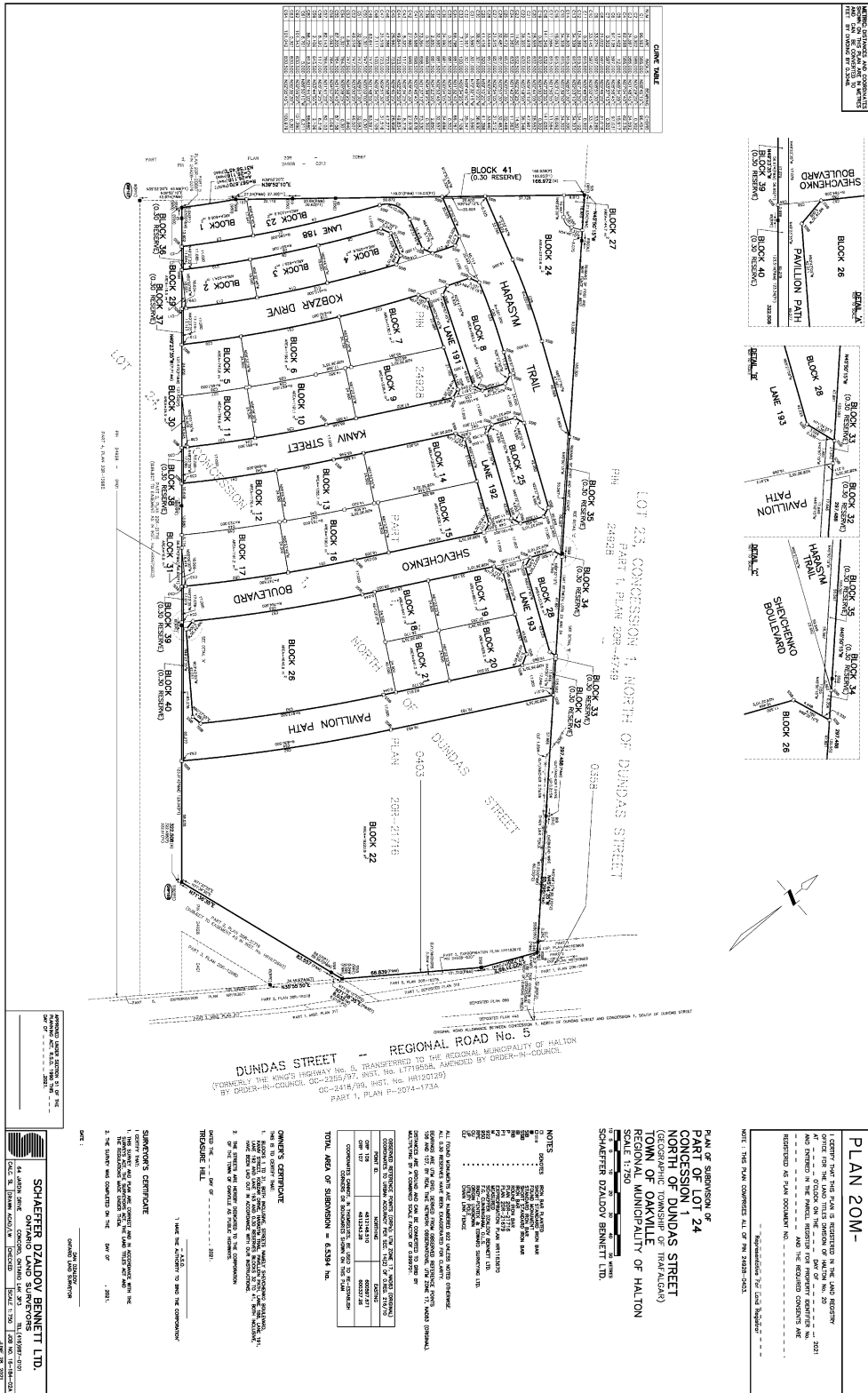
Submitted by:  
Jill Stephen, P. Eng.  
Director – Transportation & Engineering Department

# APPENDIX 'A'



## LOCATION PLAN

# APPENDIX 'B'



## LEGAL PLAN

## **RESIDENTIAL SUBDIVISION AGREEMENT APPENDIX C**

**THIS AGREEMENT CONTAINS WARNINGS IN SECTIONS 25, 26, 31(6)(20), SCHEDULE M (3) CONCERNING MATTERS WHICH MAY IMPACT ON A HOMEOWNER'S USE AND ENJOYMENT OF HIS/HER PROPERTY, PURCHASERS AND THEIR SOLICITORS ARE URGED TO REVIEW THIS AGREEMENT IN FULL**

THIS AGREEMENT made in triplicate the \_\_\_\_\_ day of \_\_\_\_\_, 2022

B E T W E E N:

### **MARTILLAC ESTATES INC**

A Company incorporated under the laws of Canada,

Hereinafter collectively called "the Owner"

OF THE FIRST PART

- and -

### **THE CORPORATION OF THE TOWN OF OAKVILLE**

hereinafter called "the Town"

OF THE SECOND PART

### **WITNESSETH THAT**

**WHEREAS MARTILLAC ESTATES INC** owns the land in the Town of Oakville described in Schedule "A" hereto and proposes at this time to register a plan of subdivision of that portion of said land as hereto substantially in accordance with the draft plan of subdivision which was approved by Town of Oakville Council File **24T-16005** and this Agreement has been made a condition of the approval of the Owner's proposed plan.

**NOW THEREFORE** in consideration of the entering into of this Agreement and of the benefit of the covenants and Agreements herein contained the parties covenant and agree as follows:

#### 1. **INTERPRETATION**

In this Agreement, except where the context indicates to the contrary,

- (a) "Engineer" when used in conjunction with electrical services means the Engineer of the Oakville Hydro Electricity Distribution Inc. or any engineer designated by him and when used in every other connection means the Director of Planning Services of the Town or any engineer designated by him;
- (b) "Mortgage" includes every person who holds an encumbrance upon the land described in Schedule "A", and includes an unpaid vendor under an Agreement for sale;
- (c) "Town" includes, when used in connection with electrical services, the Oakville Hydro Electricity Distribution Inc.;
- (d) "Lot" means a parcel into which land has been divided by the plan and includes such a parcel although designated a block or by any other name;
- (e) "Plan" means the draft plan of subdivision hereinbefore recited as ultimately registered and for the purposes of this Agreement refers to the "M" plan described in Schedule "A-1";
- (f) "Preservicing" means the construction of some or all of the services prior to plan registration; and
- (g) "Services" means the roads, sidewalks, storm sewers, drainage and erosion control works, landscaping, electrical distribution system, street lighting and any special works described in the schedules to this Agreement.

2. MUNICIPAL SERVICES

- (1) Preservicing may be permitted in accordance with Town policy approved by Town Council from time to time. The Owner acknowledges that if it preservices it is doing so entirely at its own risk (such risk to include the possibility of delay of plan registration, changes to the plan, or the possibility that the plan may never be registered) and agrees to save the Town harmless from any legal action arising therefrom. Should the plan not be registered expeditiously, the Owner will allow the Town to enter upon the lands constituting the plan to rehabilitate the site, such entry not to constitute trespass.
- (2) The Owner will, at its own expense, construct and install to the satisfaction of the Engineer, in accordance with the standard specifications and drawings of the Town in force at the date of this Agreement and with the drawings, calculations and specifications filed with the Town as required by its subdivision engineering regulations and approved by the Engineer;
  - (a) the roads, sidewalks and site work described in Schedule "B";
  - (b) the storm sewers described in Schedule "C";
  - (c) that part of the street lighting and the electrical distribution system being installed by the Owner as described in Schedule "F";
  - (d) the drainage and erosion control works described in Schedule "G";
  - (e) the landscaping work described in Schedule "H";
  - (f) any special works required by this Agreement.
- (3) The electrical distribution and street lighting system shall be installed to Oakville Hydro Electricity Distribution Inc.'s current standards those parts of the street lighting and electrical distribution system described in Schedule "F", and such installation shall be subject to the terms of Schedule "F". The Owner shall:
  - (a) pay to Oakville Hydro Electricity Distribution Inc. all costs incurred by Oakville Hydro Electricity Distribution Inc. in respect of this construction by the Owner;
  - (b) reimburse Oakville Hydro Electricity Distribution Inc. for all costs related to Oakville Hydro Electricity Distribution Inc.'s construction of any portion or portions of the street lighting and electrical distribution system made necessary by the development which is the subject of this Agreement.
  - (c) compensate the Oakville Hydro Electricity Distribution Inc. for all expenses incurred by the Oakville Hydro Electricity Distribution Inc. for repair to any of its equipment or plant damaged during the period of construction of buildings or services within the subdivision; and
  - (d) notify the Engineer two weeks prior to laying sub-base on any road in order that he may arrange for installation of road crossings. There is no assurance that the Oakville Hydro Electricity Distribution Inc. will have a permanent distribution system for the supply of construction power when required. Should construction power be required prior to the installation of the permanent distribution system, the Owner will bear the additional cost to install and remove the necessary temporary plant or equipment.

3. PLANS

- (1) In addition to the plans required to be submitted in accordance with the subdivision engineering regulations of the Town prior to this Agreement, the Owner will provide the Town with eight copies of the registered plan and the Oakville Hydro Electricity Distribution Inc. with three copies of it.
- (2) Before the roads and services in the subdivision are assumed by the Town, the Owner will provide the Town with a complete set on tracing linen of the engineering drawings for the services as finally completed, showing all the work performed, all service connections and all gas, telephone, electrical and other services in the subdivision.
- (3) The Owner shall deposit mylars of the Registered Plan of Subdivision, a point plot plan and a co-ordinate point listing in hard copy and "DXF"

file, or other form suitable to the Town, to the Town's Department of Public Works for all boundary monuments shown on the Registered Plan. Plans must show a relation to the Province's horizontal control network "COSINE" and provide co-ordinates of the control monuments used. These co-ordinates are to be based on a 6° Universal Transverse Mercator Projection, North American Datum 1927 (1976 Adjustment) and North American Datum 1983. Exemptions and alternatives are subject to approval by the Town's Department of Public Works.

4. SURVEY WORK

- (1) The Owner will cause all lots to be marked in accordance with good surveying practice and keep all stakes and monuments shown on the plan in place and replace all missing stakes and monuments before the roads and services in the subdivision are assumed by the Town.

5. BUILDING LOT REQUIREMENTS

- (1) By reason of circumstances pertaining to the lots listed in Schedule "L", action as therein indicated is required before building permits will be issued for those lots.
- (2) Every application for a permit to build a building within the plan shall be accompanied by four copies of a plot plan showing the proposed grading, drainage of the lot and the existing and proposed grade elevations at the base of the trees which are to be preserved on the lot. The plot plan must be approved by the Owner's professional engineer, must be certified by him as complying with the drainage plan for the subdivision approved by the Town and must take into consideration the building design and its compatibility with the proposed grading and drainage of the lot.
- (3) The grading and drainage of the lot when completed must be certified in writing by the Owner's professional engineer as complying with the plan filed under subsection (2) before the building is occupied.
- (4) Where a building is proposed to be erected in the vicinity of the bank of a ravine or watercourse, the horizontal distance between the building and the top of the bank shall not be less than twice the difference in elevation between the toe of the bank and a maximum grade elevation at the building, plus twenty feet, unless the application for a building permit is accompanied by a professional engineer's report satisfactory to the Town Engineer, demonstrating the drainage and soil and embankment stability conditions are such that it is possible to construct the building safely in the proposed location.

6. WEED CONTROL

Until the services are assumed by the Town, the Owner will keep down the weeds on vacant lots and the inspector of the Town may, if after seven days notice in writing to the Owner the weeds on a lot are not cut or sprayed as required by the notice, have the weeds cut or sprayed and the Owner will repay the cost to the Town and the cost shall be a charge against the plan.

7. ROADS AND SIDEWALKS

- (1) Rough grading of all roads must be completed and approved by the Engineer before the installation of any other service.
- (2) No stone shall be spread on roads or sod laid until:
  - (a) the grading and condition of the subgrade and the ditches and back slopes have been inspected and approved by the Engineer; and
  - (b) the Engineer has inspected and satisfied himself that no damage has been caused to sewer manholes or watermain valve boxes and that the cover to any watermain has not been reduced.
- (3) During the construction of engineering services and site grading and until the roads are assumed by the Town, the Owner will:
  - (a) retain a professional engineer who will design, lay out and supervise the construction of the work;

- (b) maintain reasonable access at all times for residents and for Town services such as garbage collection, fire fighting etc. and the Engineer shall be the sole judge of the reasonability of such access;
- (c) maintain all roads in a dust free condition;
- (d) on or before the 1<sup>st</sup> day of November in each year, complete such work as it has, on or before the 10<sup>th</sup> day of October in that year, been directed in writing by the Engineer to perform in order to place the roads in a satisfactory condition for the winter, including stoning and grading and the installation of manhole covers and watermain valve boxes so as to prevent damage to snow ploughs;
- (4) Until the roads on the plan are paved and the curbs and gutters installed as required by this Agreement, the Owner will provide temporary surface drainage for the plan in accordance with a scheme submitted by the Owner and approved by the Engineer.
- (5) The Owner will commence the installation and laying of the curbs and gutters and the base layer of asphalt respectively, as required by this Agreement, within thirty days of having received written notice from the Engineer requiring the Owner to do so and the Owner will proceed expeditiously to complete such work, but nothing in this subsection relieves the Owner of its obligations to maintain the roads as required by this Agreement or if its obligations under subsection (4) of Section 30 of this Agreement, or under any other term of this Agreement.
- (6) If the Owner does not perform any work required by this section to the satisfaction of the Engineer upon one day's written notice to the Owner, the Engineer may order the work done and the cost shall be a charge against the plan and no further building permits will be issued until such time as it is paid.

8. WORK OUTSIDE THE PLAN

- (1) In certain instances, as for example, where the plan adjoins an existing road or where municipal services must be brought from some distance to the plan or taken some distance to a suitable outfall, the schedules may include work outside of the plan and this Agreement applies to work outside of the plan which is included in the said schedules in the same manner as if that work had been within the plan.
- (2) When work is performed on existing roads outside the plan of subdivision, they shall be reinstated by the Owner to the satisfaction of the Engineer. The Owner will be required to obtain all necessary road cut permits. Access must be maintained at all times to properties abutting such roads and the public protected to the satisfaction of the Engineer.
- (3) The work to be done outside the plan as listed on Schedule "B" will be completed according to the drawings and specifications set out in the schedules and at a cost to the Owner estimated in the schedules. This Agreement is also an Agreement pursuant to Section 9(9) and 13(2) of the *Development Charges Act*. The Town will not be giving any credit for the aforementioned work against the development charge present or future except for those terms specifically identified for credit on Schedule "K".

9. WORKS TO BE CONSTRUCTED ON BEHALF OF TOWN – SCHEDULE 'K'

A. In this section, the following definitions apply:

(a) **General Contractor:**

The Owner shall have the right to retain separate contractors for each portion of the Town's Work that constitutes civil engineering, landscaping and electrical distribution, with each such contractor designated by the Owner for the purposes of this section as a "General Contractor" and collectively as "General Contractors" for performance of the Town's Work covered in each individual contract and in such event, a General Contractor shall perform certain of the obligations of the Owner hereunder relating to such portion of the Town's Work as more particularly set out in this Section.



- (b) **Minor Works Contractor**  
A Minor Works Contractor is a person, firm or corporation having a direct contract with the Owner to perform the Town's Work or any portion thereof, or to supply products worked to a special design according to the Agreement, but does not include one who merely supplies products not so worked and does not include one who has a direct contract with a General Contractor.
- (c) **The Town's Work**  
The Town's Work means the total construction and related services required by this Section identified as Town's Work done on behalf of the Town, on Town owned lands or on lands to be owned by the Town after registration of the Plan and compliance with the inhibiting order.
- (d) **Substantial Performance of the Town's Work**  
Substantial Performance of the Town's Work is as defined in the *Construction Lien Act*, R.S.O. 1990, c. C30 and shall include all work identified in Part "B" of Schedule "K".
- (e) **Total Performance of the Town's Work**  
Total Performance of the Town's Work means when the entire Town's Work, except those items arising from the provisions of this Section relating to WARRANTY, has been performed to the requirements of this Section as certified by a Qualified Landscape Architect for park work, certified by a Qualified Professional Engineer, for road work and certified by a Qualified Electrical Engineer for hydro work, and not rejected by the Town in accordance with this Agreement and shall include all works identified in Schedule "K".
- (f) **Changes in the Town's Work**  
Changes in the Town's Work means additions, deletions, or other revisions to the Town's Work within the general scope of this Agreement.
- (g) **Consultants**  
Subject to the Town's right of approval as hereinafter set out and to the extent required by the nature of the Town's Work, the Owner shall appoint the following consultants:
  - (i) **Qualified Landscape Architect**  
Qualified Landscape Architect means a member in good standing of the Ontario Association of Landscape Architects.
  - (ii) **Qualified Professional Engineer**  
Qualified Professional Engineer means a member in good standing of the Association of Professional Engineers of Ontario.
  - (iii) **Qualified Electrical Engineer**  
Qualified Electrical Engineer means an electrical engineer who is a member in good standing of the Association of Professional Engineers of Ontario.

**B. THE TOWN'S WORK**

The Owner shall:

- (a) perform or cause to be performed the Town's Work required as set out in Schedule "K" and the tender documents whether within or outside of the plan for all park improvement, engineering work and electrical work identified as being done by the Owner on behalf of the Town in accordance with Schedule "K" and the tender documents and at a cost to the Town which does not exceed the identified cost of works identified in Schedule "K";
- (b) do and fulfill or cause to be done and fulfilled everything indicated by this Agreement; and
- (c) commence or cause the commencement of the Town's Work by the date identified in Schedule "K" and subject to reasonable extensions resulting from Changes in the Work and to events of force majeure attain Substantial Performance of the Town's Work, as certified by a Qualified Landscape Architect, or Qualified Professional Engineer or Qualified Electrical Engineer, as may be appropriate, by the date identified in Schedule "K".

**C. GENERAL CONTRACTOR AND MINOR WORKS CONTRACTOR**

- 1) The Owner agrees to preserve and protect the rights of the parties under the Contract with respect to Town's Work to be performed under subcontract and to:
  - (a) enter into contracts or written Agreements with General Contractors and, if applicable, any Minor Works Contractor to require them to perform their portions of the Town's Work in accordance with and subject to the terms and conditions of this Agreement; and
  - (b) be as fully responsible to the Town for acts and omissions of its General Contractors and any Minor Works Contractor and of persons directly or indirectly employed by them the same extent as for acts and omissions of persons directly employed by the Owner. The Owner therefore agrees that it will incorporate the terms and conditions of this Agreement into the General contractors' Agreements and all contract Agreements, if any, the Owner enters into with any Minor Works Contractor.
- 2) Where the Owner intends to enter into a general contract with a General Contractor to perform all or a portion of the Town's Work or if the Owner intends to enter into a direct contract with a Minor Works Contractor to perform a portion of the Town's Work, the Owner or its agent shall forthwith prepare such documentation as is necessary for the purpose of obtaining competitive prices to do such Town's Work, hereinafter referred to as the "Tender Documents".
- 3) The Tender Documents shall be approved by the Town prior to being released by the Owner or its agent for the purpose of obtaining competitive prices to do the Town's Work or any portion thereof.
- 4) Save as hereinafter provided, the Owner or its agent shall submit to the Town for its review a minimum of three (3) competitive bids, publicly opened, to do the Town's Work or any portion thereof resulting from the release of approved Tender Documents, together with an indication as to with which General Contractor or Minor Works Contractor and at what price the Owner intends to enter into a contract to the Town's Work or any portion thereof. For any contract for Ten Thousand dollars (\$10,000.00) or less, the Owner shall not be obliged to obtain three (3) bids to do such portion of the Town's Work, but the Owner shall submit to the Town for its review the proposed price that the Owner intends to enter into such a subcontract. The parties acknowledge that if this Agreement deals with a portion only of property that is being developed in phases by a series of subdivisions and that the Owner may be performing work on behalf of the Town on more than one phase. The Town agrees that where the Owner wishes to submit to the Town for its review a bid for the Town's Work or any portion thereof that is based on the competitive prices previously accepted by the Town for work performed on behalf of the Town for any prior phase, the Owner shall not be required to obtain three (3) bids to do the Town's Work included in such bid, but the Owner shall submit to the Town for its review the proposed price that the Owner intends to enter into such a subcontract.
- 5) The Owner shall not enter into any general contract or subcontract to do the Town's Work or any portion thereof pursuant to the release of approved Tender Documents until the Town has approved the said contract. Approval hereunder is for the benefit of the Town only and there shall be no liability on the Town to the Owner for the sufficiency, validity or correctness of any subcontract.
- 6) The Town may, for reasonable cause, object to the use of a proposed General Contractor or a proposed Minor Works Contractor and require the Owner to employ one of the other general contract or subcontract bidders; provided that if the Town objects to any proposed General Contractor and this General Contractor has been retained by the Owner for other work required by this Agreement, the Owner may at its option and upon prior notice to the Town terminate the work required by this

Section unless the Town withdraws its objection to such General Contractor and the Town shall arrange to perform the Town's Work.

- 7) Nothing contained in this Agreement shall create a contractual relationship between either a General Contractor and the Town or a Minor Works Contractor and the Town.
- 8) Nothing contained in this Agreement shall create an agency relationship between the Town and the Owner.
- 9) The Town may, for reasonable cause, object to the initial appointment of any of the proposed Consultants and require the Owner to employ alternative consultants acceptable to the Owner and the Town.

**D. CONTRACT PRICE**

Subject to changes in the Town's Work made pursuant to this Section, the Contract Price shall be the total price as approved by the Town pursuant to Schedule "K"

**E. PAYMENT**

- 1) Subject to applicable legislation and the provisions of this Section, and in accordance with legislation and statutory regulations respecting holdback percentages, the Town shall make bi-monthly payments in Canadian funds to the Owner:
  - (a) on account of the Town's Work certified complete by the Owner or its agent, and
  - (b) upon Substantial Performance of the Town's Work, as certified by a Qualified Landscape Architect, Qualified Professional Engineer, and Qualified Electrical Engineer, as applicable, pay to the Owner the unpaid balance of holdback monies then due, and
  - (c) upon Total Performance of the Town's Work, as certified by a Qualified Landscape Architect, Qualified Professional Engineer and Qualified Electrical Engineer, as applicable, pay to the Owner the unpaid balance of the Contract Price then due.At the time of request for payment, the Owner shall provide evidence to the Town by way of Consultants progress certificates and statutory declarations by the Owner or by statutory declarations by a General Contractor or Minor Works Contractor as may be applicable, or such other evidence as the Town's Treasurer or Deputy Treasurer may approve that the Owner, has paid such amounts to the General Contractor or Minor Works Contractor, as the case may be.
- 2) The Town shall make the foregoing payments to the Owner on account of the Town's Work certified complete when performed to the satisfaction of the Town's Director of Parks and Open Space, the Town's Engineer and the Oakville Hydro Electricity Distribution Inc. as determined in accordance with this Agreement. Such payment shall be made no later than sixty (60) days after receipt of a certificate for payment from the Owner or its agent.
- 3) In the event that the payments are not made at the times set out in the Town's previous subsections hereof, the Owner shall be entitled to interest equal to the rate of interest earned during any period of delay by the Town on its Development Charge Reserve Fund calculated on a monthly basis.

**F. FINANCIAL REQUIREMENTS, MAINTENANCE AND DAMAGE SECURITY**

- 1) As security for the construction and installation of the Town's Work and for the other obligations of the Owner under this section, the Owner will deposit with the Town upon the execution of this Agreement, security for performance in an amount equal to one hundred percent of the estimated cost of such services provided for in Schedule "K", in the form of an unconditional irrevocable Letter of Credit in a form acceptable to the Town Treasurer or Deputy Treasurer from a chartered bank also acceptable to the Town Treasurer or Deputy Treasurer to be pursuant to this Agreement and payable to the Town at any time or in part from time to time upon the

certificate of the Town's Engineer that the Owner is in default under this section.

- 2) Security for performance provided under this section may be reduced from time to time by an amount equal to one hundred percent of the Owner's share of the actual cost of services completed to the satisfaction of the Town's Engineer and paid for and upon which a maintenance bond or security for maintenance has been given.
- 3) For the purpose of such reduction, a progress certificate signed by the Owner's engineer accompanied by a statutory declaration confirming that the invoices have been paid, showing the apportionment of cost between the Owner and the Town and counter-signed by the appropriate Town Engineer, shall be conclusive that the work has been performed, and all such certificates shall be numbered consecutively. A certificate of the Treasurer or Deputy Treasurer of the Town that security for maintenance has been given for any work referred to in a progress certificate may be accepted as correct by any person acting thereon.
- 4) Should the security lodged pursuant to this section, be insufficient to cover the obligations imposed upon the Owner pursuant to this section, the Town may utilize the other securities posted pursuant to this Agreement.
- 5) The Owner agrees to correct or cause to be corrected promptly any damage to the Town's Work caused by building activities or servicing of the properties within the Plan.

**G. TOWN'S RIGHT TO PERFORM THE TOWN'S WORK OR TERMINATE**

- 1) If the Owner should neglect to perform the Town's Work properly or otherwise fails to comply with the requirements of this Section to a substantial degree, the Town's Engineer, without prejudice to any other right or remedy it may have including without limitation, the rights to proceed without notice contained in this Section, may notify the Owner in writing that it is in default of its contractual obligations and instruct it to correct the default in the fifteen (15) working days immediately following the receipt of such notice. If the correction of the default cannot be completed in the fifteen (15) working days specified, the Owner shall be in compliance with the Town's instructions if it:
  - (a) commences the correction of the default within the specified time,
  - (b) provided the Town with an acceptable schedule for such correction, and
  - (c) completes the correction in accordance with such schedule.
- 2) If the Owner fails to correct the default in the time specified or subsequently agreed upon, the Town, without prejudice to any other right or remedy it may have, may:
  - (a) correct such default and deduct the cost thereof from any payment then or thereafter due the Owner, or
  - (b) correct such default and charge to the security posted any costs which the Town would not have been responsible for, but for the default or for which the funding of such costs is not provided for by the Town's Development Charge By-law if the work is to be paid for out of development charges, or
  - (c) terminate the Owner's right to continue with the Town's Work in whole or in part.
- 3) If the Town and the Owner cannot agree on an acceptable timetable for correction, the Town may terminate the Owner's right to continue with the Town's Work in whole or in part and charge to the securities posted any costs which the Town would not have been responsible for, but for the default or for which the funding of such costs is not provided for by the Town's Development Charge By-law if the work is to be paid for out of development charges.

Notwithstanding the notice requirements in this Agreement, if the Town, acting in good faith, determines that it has reasonable cause, either as a result of a real or apprehended emergency or as a result of other concerns of the Town, it may proceed to exercise the remedies contained in this

Agreement without providing any notice or upon providing such reduced notice as the Town deems appropriate.

- 4) If the Owner should be adjudged bankrupt, or makes a general assignment for the benefit of creditors because of its insolvency or if a receiver is appointed because of its insolvency, the Town may, without prejudice to any other right or remedy it may have, by giving the owner or receiver or trustee in bankruptcy written notice, terminate this Agreement and charge to the security posted any costs arising from such termination which the Town would not have been responsible for, but for the default or for which the funding of such cost is not provided for by the Development Charge By-law if the work is to be paid for out of development charges.
- 5) Subject to reasonable extensions resulting from Changes in the Town's Work and to events of force majeure, if the construction of the services provided for in this Agreement has not been substantially completed in accordance with Schedule "K" within the time set out in this Section and if the Town does not choose to exercise its power to complete them or any of them not completed, the Owner may be required to enter into a new Agreement with the Town to cover those areas in which the services have not been completed which may provide for their completion in accordance with any new requirements and specifications then currently being imposed by the Town upon subdividing owners.

**H. ASSIGNMENT**

Neither party shall assign the obligations of this Section or a portion thereof without the written consent of the other, which consent shall not be unreasonably withheld.

**I. CHANGES IN THE TOWN'S WORK**

- 1) The Town, without invalidating this Agreement, may make Changes in the Town's Work, with the Contract Price and time for performance of the Town's Work being adjusted accordingly, by written order.
- 2) No Changes in the Town's Work shall be proceeded with without a written order signed by the Town and no claim for a change in the Contract Price shall be valid unless so ordered.
- 3) When a Change in the Town's Work is proposed or required the Owner or its agent shall present to the Town for approval its claim for a change and the price with appropriate documentation in a form acceptable to the Town. The Town will satisfy itself as to the correctness of such claim and, when approved by the Town, a change order shall be issued to the Owner amending this Agreement as appropriate. The value of Town's Work performed in the change shall be itemized separately and included for payment with the regular certificates for payment and the security adjusted accordingly.

**J. INDEMNIFICATION**

- 1) The Owner shall indemnify and hold harmless the Town, its agents and employees from and against any and all claims, demands, losses, costs, damages, actions, suits or proceedings by third parties that arise out of, or are attributable to, the Owner's performance of the Contract, provided such claims are:
  - (a) attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property, and
  - (b) caused by negligent acts or omissions of the Owner or anyone for whose acts it may be liable, and
  - (c) made in writing within a period of six years from the date of Substantial Performance of the Town's Work as set out in the certificate of Substantial Performance of the Town's Work.
- 2) The Owner shall indemnify and hold harmless or cause its General Contractors and Minor Work's Contractors to indemnify and hold harmless the Town, its agents and employees from any contraventions of the Occupational Health and Safety Act and for all legal costs incurred in the event that charges are brought against the Town pursuant to the Act.

- 3) The Owner acknowledges that the Town, its agents and employees have no authority under this Section to supervise the Town's Work.
- 4) The Owner will indemnify and save the Town harmless from all trust claims or construction lien claims enforceable against the Town or the Town's lands pursuant to the Construction Lien Act resulting from the Town's Work; provided that the Town makes the payments in accordance with the provisions of this Agreement and that the Town permits the Owner to contest in good faith the validity of any such claims.
- 5) The obligation of the Owner to indemnify hereunder shall be limited to two million dollars per occurrence from the commencement of the Town's Work until Substantial Performance of the Town's Work, and thereafter to an aggregate limit of two million dollars.

**K. INSURANCE**

- 1) Upon execution of this Agreement, the Owner shall, to the satisfaction of the Town, provide, maintain and pay for or ensure the provision, maintenance and payment for general liability insurance, automobile liability insurance, all risks property and boiler insurance, and where appropriate, aircraft and watercraft liability insurance and all risks contractor's equipment insurance for the Town's Work.
- 2) The general liability insurance shall be in the joint names of the Town and the Owner and any General Contractor (to the extent such insurance is provided by a General Contractor) with limits of not less than two million dollars inclusive per occurrence for bodily injury, death, and damage to property including loss of use thereof, with a property damage deductible of five hundred dollars (\$500.00).
- 3) The all risks property insurance shall be in the joint names of the Town and the Owner, and any General Contractor (to the extent such insurance is provided by a General Contractor), insuring not less than the sum of the amount set out in Schedule "K", with a deductible not exceeding one percent of the amount insured at the site of the Town's Work.
- 4) The duration of every insurance policy shall be from the date of commencement of the Town's Work until two (2) years following the date of Total Performance of the Town's Work.
- 5) The Owner shall be responsible for deductible amounts under the policies unless the damage has been caused by the negligent act or omission of the Town, its agents or its employees.
- 6) The Owner shall provide the Town with proof of insurance prior to commencement of the Town's Work and shall promptly provide the Town with either a certificate of insurance in a form reasonably satisfactory to the Town or a certified true copy of each insurance policy exclusive of information pertaining to premium bases used by the insurer to determine the cost of the insurance.

**L. PROTECTION OF PROPERTY AND CLEANUP**

- 1) The Owner shall protect or cause to be protected the Town's Work and the Town's property and property adjacent to the site of the Town's Work from damage and shall be responsible for damage which may arise as the result from constructing or causing to be constructed, the Town's Work.
- 2) All Town's Work done pursuant to this Section shall be performed in such a way as to cause no damage and minimal inconvenience to neighbouring properties or Town's Work or to existing buildings or Town's Work in any part of the registered plans of subdivision, and any damage done to such properties, Town's Work or buildings shall be made good by the Owner.
- 3) The Owner shall maintain or cause to be maintained; the Town's Work in a tidy condition and free from the accumulation of waste products and debris.

**M. DAMAGES AND MUTUAL RESPONSIBILITY**

If either party to this Contract suffer damage in any manner because of any wrongful act or neglect of the other party or of anyone for whom it is responsible in law, then it shall be reimbursed by the other party for such damage. The party reimbursing the other party shall be subrogated to the

rights of the other party in respect of such wrongful act or neglect if it be that of a third party.

**N. WARRANTY**

The Owner agrees to correct promptly, at his own expense, defects or deficiencies in the Town's Work which appear prior to and during the period of time as set out in Schedule "K".

**O. OWNER'S RESPONSIBILITIES AND CONTROL OF THE TOWN'S WORK**

- 1) The Owner shall have complete control of the Town's Work and shall effectively direct and supervise or cause to be directed and supervised the Town's Work so as to ensure conformance with this Agreement. The Owner shall be solely responsible for construction means, methods, techniques, sequences and procedures and for coordinating the various parts of the Town's Work under this Agreement.
- 2) Prior to commencing the Town's Work and prior to receiving payment on Substantial and Total Performance of the Town's Work, the Owner shall provide evidence of compliance by the General Contractors and any Minor Works Contractor of the Developer with the requirements of the Province of Ontario with respect to workers' compensation insurance including payments due thereunder.
- 3) The Owner shall pay, or cause to be paid, any assessment or compensation required to be paid pursuant to the Workers' Compensation Act and, upon failure to do so, the Town may after prior written notice to the Owner pay such assessment or compensation to the Workers' Compensation Board and deduct such expenses from the Owner or call upon the Security to satisfy the amount due, or otherwise collect such expenses from the Owner.
- 4) A final certificate of clearance from the Workers' Compensation Board is to be supplied from the Owner if the Owner is required to obtain Workman's Compensation having regard to the nature of the work and by the General Contractors and any Minor Works Contractor of the Owner to the Town prior to final payment.
- 5) Prior to final payment, a Statutory Declaration from the Owner if the Owner is required to obtain Workman's Compensation having regard to the nature of the work and from all General Contractors and any Minor Works Contractor of the Owner is to be completed and witnessed by a Commissioner of Oaths and supplied to the Town, which declares that all accounts for material, labour, Workers' Compensation Board, Unemployment Insurance and all taxes have been paid in full for the Town's Work.
- 6) The Owner shall ensure that all General Contractors and any Minor Works Contractor of the Owner each in relation to their respective portions of the Town's Work and the Owner itself for the portions of the work it does itself, are responsible for construction safety at the site of the Town's Work, for compliance with the rules, regulations and practices required by the applicable construction safety legislation, and for compliance with the latest rules and regulations under the *Ontario Occupational Health and Safety Act*.

**P. INSPECTION AND REJECTED TOWN'S WORK**

- 1) The Town shall at all times have access to the Town's Work.
- 2) Defective work, whether the result of poor workmanship, use of defective products, or damage through carelessness or other act or omission of the Owner and whether incorporated in the Town's Work or not, which has been rejected by the Town as failing to conform to this Agreement, shall be removed or be caused to be removed promptly from the site of the Town's Work by the Owner and replaced or re-executed promptly in accordance with this Agreement at the Owner's expense.

**Q. RIGHTS AND REMEDIES**

- 1) The duties and obligations imposed by this Agreement and the rights and remedies available thereunder shall be in addition to and not a limitation

of any duties, obligations, rights and remedies otherwise imposed or available by law. It is agreed that whenever either party is called upon in this Section to exercise any discretion, to make any estimate, to give any consent or approval or to make any determination of fact, any such exercise shall be made reasonably and shall not be unduly delayed or withheld.

- 2) No action or failure to act by the Town or Owner shall constitute a waiver of any right or duty afforded any of them under this Section, nor shall any such action or failure to act constitute an approval of or acquiescence in any breach thereunder, except as may be specifically agreed in writing.
- 3) If there are any differences between the parties to this Section as to the interpretation, application or administration of this Section or the state of completion of any of the Town's Work (herein collectively called "disputes") the party dissatisfied shall give written notice of such disputes to the other party, with such notice to set forth in reasonable detail the particulars of the matters in dispute. The other party shall reply to such notice no later than fourteen (14) days after receipt setting out in such reply its grounds in reasonable detail and other relevant provisions of this Agreement.
- 4) If the matter in dispute is not resolved promptly, the Town's Work shall proceed so that there are not delays in completion pending settlement of the dispute, it being understood that by so doing neither party will jeopardize any claim they may have.
- 5) The parties may either agree to submit disputes to arbitration in accordance with mutually agreeable terms, failing which either party may submit the disputes to such judicial tribunal as the circumstances may require.

**R. DELAYS**

Notwithstanding anything contained herein or in this Agreement, if the Owner is delayed in the performance of the Town's Work by an act or omission of the Town or anyone employed by it or by labour dispute, strikes, lock-outs (including lock-outs decreed or recommended for its members by a recognized contractors' association, of which the Owner or any General Contractor is a member or to which either is otherwise bound), fire, unusual unavailability of materials, unusual delay by common carriers or unavoidable casualties or, without limit to any of the foregoing, by a cause beyond the Owner's or any General Contractor's control acting reasonably, then the time for completion under this Agreement shall be extended for a reasonable period of time, but in no case shall the extension of time be less than the time lost as the result of the event causing the delay.

10. CONNECTING SEWERS TO MUNICIPAL SYSTEM

Storm sewers may not be connected to the municipal system until the construction of sewers and connections within a service area is completed and the sewers cleaned to the satisfaction of the Engineer.

11. SERVICE CONNECTIONS

Connections to a main may be made only under the supervision of the Engineer, and all connections which involve tunnelling or cutting the gravelled or graded part of a highway must be made at the time of the installation of the main. The road and any drainage ditch must be restored at the cost of the Owner to its original condition.

12. STREET SIGNS

- (1) Except as provided in Section 9, the Owner will pay for and the Town will supply and erect street signs in accordance with the standard design of the Town at locations specified by the Engineer.
- (2) Except as provided in Section 9, the Owner will pay for and erect such temporary or permanent barricades and guide rails as may be required by the Engineer, and no such barricade or guide rail may be removed or its position changed without the consent of the Engineer.



13. HOUSE NUMBERS

The Owner will pay for assigning the necessary street numbers for each building within the plan, and when a building is constructed the Owner will indicate the municipal number on the house by a proper sign.

14. LAND FOR MUNICIPAL PURPOSES

- (1) The Owner will convey to the Town the lands and interests in land described in Schedule "I" for municipal purposes.
- (2) Lands required to be conveyed pursuant to Schedule "I" shall be conveyed in fee simple and shall be free of encumbrance.
- (3) Prior to release of the plan, the Owner will provide, for all land to be conveyed to the Town including all roads, a MOEE Level I environmental audit of such lands which shows the land to be clear of soil contamination which would prevent residential uses or enter into a further Agreement with the Town and acceptable to the Town to clean the site.
- (4) Easements to be conveyed to the Town (except for those hydro purposes which shall be as specified) shall be permanent easements permitting the Town to enter from time to time, and to construct, maintain and repair drains, courses for water, pipes, sewers and conduits for all municipal services provided that the Town will repair the surface and make good any damage it does whenever it enters pursuant to its rights.
- (5) Except as herein otherwise provided, all conveyances must be deposited with the Clerk of the Town with the plan number left blank, before the Town gives approval to the plan for registration and the Clerk is authorized to insert the plan number when the plan has been registered.
- (6) Prior to registration of this Agreement, the Owner will provide postponements from all encumbrances so that this Agreement shall have priority over them.
- (7) The Town shall reimburse the Owner the sum of money as set out in Schedule "K" which represents the cost of the work set out in Schedule "K" being determined in accordance with the Town of Oakville Development Charges By-law. Order Reimbursement to be in accordance with Section 9(e) of this Agreement.

15. PAYMENT OF TAXES AND LOCAL IMPROVEMENT RATES

- (1) The Owner must pay the current year's taxes (if levied) otherwise all advance instalments payable thereon, and all arrears of taxes outstanding against the property in the plan before the Town approved the plan for registration.
- (2) The Owner will commute all local improvement rates outstanding against the property comprised in the plan before the Town gives approval of the plan for registration.

16. NOTIFICATION OF SERVICES

The Owner will inform every purchaser of land within the plan, of the services provided and where the purchaser is to pay any part of the cost thereof, of the amount for which he will be responsible, and will cause such information to be recorded in any contract of sale entered into with a purchaser.

17. DRAINAGE AND EROSION CONTROL WORKS

- (1) The Owner shall convey to the Town any necessary easements required for the drainage and erosion control works described in Schedule "G".
- (2) Where an existing watercourse is diverted, regraded, bridged or culverted, the Owner will indemnify the Town and save it harmless from all claims for damages through flooding resulting from the work until the roads and services in the plan have been assumed by the Town.
- (3) No building permit shall be granted for a lot abutting on any such diversion, regrading, bridging or culverting or through which it passes until all work is completed to the satisfaction of the Engineer.
- (4) All ditches shall be sodded from top of slope to top of slope and between the top of the slope of the ditch and the lot line.

18. VISIBILITY CLEARANCE

No hedge, fence or other structure on a corner lot may exceed three feet in height measured above the crown of the road at the intersection within a radius of thirty feet

of the corner, but nothing in this section prevents the erection of any building that complies with the setback requirements of the relevant by-laws.

19. FINANCIAL REQUIREMENTS

- (1) As security for the construction and installation of services and for the other obligations of the Owner under this Agreement, the Owner will deposit with the Town before the plan is released for registration, security for performance in an amount equal to one hundred percent of the Owner's share of the estimated cost of such services as set out in Schedule "J" in the form of:
  - (a) a cash deposit with the Town, or
  - (b) an unconditional irrevocable Letter of Credit in a form acceptable to the Town Treasurer or Deputy Treasurer from a chartered bank also acceptable to the Town Treasurer or Deputy Treasurer, expressed to be pursuant to this Agreement and payable to the Town at any time or in part from time to time, upon the certificate of the Engineer that the Owner is in default under this Agreement.
- (2) With regard to the electrical distribution system and street lighting, the Owner shall enter into a separate agreement with Oakville Hydro and provide securities directly to Oakville Hydro.
- (3) Security for performance provided under this section may be reduced from time to time by an amount equal to seventy-five percent of the Owner's share of the estimated cost of services completed to the satisfaction of the Engineer and paid for and upon which a maintenance bond or security for maintenance has been given, provided the reduction does not reduce the amount of the remaining security below twenty-five percent of the Owner's share of the estimated cost of the services as set out in Schedule "J". The remaining security held by the Town will be released when the services are finally assumed for maintenance by the Town.
- (4) For the purpose of such reduction, a progress certificate signed by the Owner's engineer showing the apportionment of cost between the Owner and the Town and counter-signed by the appropriate Engineer, shall be conclusive that the work has been performed, and all such certificates shall be numbered consecutively. A certificate of the Treasurer or Deputy Treasurer of the Town that security for maintenance has been given for any work referred to in a progress certificate may be accepted as correct by any person acting thereon.
- (5) The Town may, as attorney for the Owner, enforce all performance bonds given by contractors to the Owner for any service, but this shall not constitute an assignment of any such bond. When the Town considers the contractor to be in default it may notify the Owner and the Owner will, within seven days proceed to enforce the bond and in default the Town as attorney for the Owner and at the Owner's expense may enforce the bond.
- (6) The Owner will install and pay for all the services described in Schedules "B", "C", "F", "G" and "H" except for those items specifically identified for credit on Schedule "K".
- (7) In the event that the cost of the electrical distribution system and street lighting differs from the estimate, the Owner will pay or receive the net difference. Such payment or receipt will be made forthwith upon demand and the Owner's share of any additional cost shall be a charge upon the land.

20. DEVELOPMENT CHARGES

- (1) The Owner will pay a development charge to the Town, in accordance with the Town of Oakville Development Charge By-Laws for each unit to be built within the Plan upon the issuance of the building permit for such unit. The amounts to be paid shall be in accordance with the development charges in effect when the building permit is issued and the amount of any increase shall be paid if a building permit is allowed to expire and there is an increase before a new permit is taken out. The Owner charges each lot on the plan with payment of the proper sums appropriate to it in accordance with this section. Payment shall be made before a building permit is issued. Upon payment of all amounts charged against the lot by this Agreement, the Town will give a release of the lot from this and any other charge hereunder in registerable form.

21. SUPERVISION COST TO TOWN

The Owner will pay to the Town a sum equal to five point five percent of the Owner's share of the actual cost of all the services as shown in Schedule "J" for the services of the Town excluding the street lighting and electrical distribution system, but including processing of plans and supervision of works. This amount must be paid before the Town releases the plan for registration, subject to an adjustment or refund to the Owner in accordance with subsection (3) of Section 29 of this Agreement. No supervision fee shall be payable to the Town in respect of any of the works described in Schedule "K".

22. TIMING

Subject to the provisions of Section 9 for the work being completed on behalf of the Town, the Owner will begin construction of the services required by this Agreement within eight months from the date of this Agreement and will complete all the services within two years from that date. If the services are not installed within the time stipulated or there is any failure on the part of the Owner to perform any work required by this Agreement, subject to the provisions of Section 9 for the work being completed on behalf of the Town, the Town may go in and complete or perform at the Owner's expense and apply the security given for performance to reimburse the Town and, in the event that this is insufficient, the unpaid balance shall be a charge on the land comprised in the plan not already released and a debt payable by the Owner forthwith.

23. MAINTENANCE

The Owner will maintain all works and services, installed pursuant to this Agreement for one year from the date of completion to the satisfaction of the Engineer. When the services installed, pursuant to this Agreement or any class of the said services which are, in the opinion of the Engineer, capable of independent completion, have been completed and the Engineer has issued a certificate of completion, the Owner will provide the Town with a maintenance bond satisfactory to the Town in the amount equal to not less than twenty-five percent of the actual costs of such services valid for a period of not less than one year from the date of the certificate of completion and enforceable by the Town, and the provisions of Section 19 shall apply to the enforcement of such bonds.

24. TENDERS AND CONTRACTS

Subject to the provisions of Section 9 for the work being completed on behalf of the Town, the Owner will submit all calls for tender and all contracts to the Engineer for approval and no work shall be commenced under any contract until it is approved. Approval hereunder is for the benefit of the Town only and there shall be no liability on the Town or its Engineer to the Owner for the sufficiency, validity or correctness of any contract.

25. RESTRICTIONS

Every contract for the sale of any land within the plan shall, notwithstanding that land may have been released from the charge and burden of this Agreement, for all other purposes, contain the following restrictions in addition to any others which the Owner may wish to impose and they will be incorporated in all conveyances as covenants running with the land for the benefit of the other land in the plan:

- (1) No hedge, fence or other structure on any corner lot shall be planted, constructed or permitted to exceed three feet in height measured above the crown of the road at the intersection at any point within thirty feet of the corner of the lot measured on both frontage and flankage, provided however, that this shall not prevent the construction of any building that complies with the setback requirements of the by-laws of the Town of Oakville applying to the lot.
- (2) No rear lot drain or other drain established by this Agreement may be clogged, filled altered, obstructed or removed without the consent of the Director of Planning Services of the Town of Oakville.
- (3) No building may be erected except in accordance with a site, grading and elevation plan approved by the Engineer.
- (4) No lot shall be altered in such a way that its drainage or the drainage of any other lot is interfered with or the plan required by subsection (3) of this Section is not adhered to, subject to any change approved by the Engineer.

26. TEMPORARY RIGHT TO ENTER – LOT DRAINAGE

The Owner will allow the Town the right to enter upon the side four feet and the rear ten feet of each lot for the purpose of carrying out drainage work, but this right will cease when the Town assumes the roads and services on the plan. It is understood and agreed that this right binds the Owner and future owners of the land by virtue of the *Planning Act*, R.S.O. 1990 as amended, and further, that the right hereby granted to the Town may be exercised by agents appointed by the Town.

27. The first building permit will not be issued within a Service Area until the Director of Building Services has assurance from the Town Engineer that all vacant lots and blocks with the Plan have been cleared of debris.

28. LANDSCAPING

The Owner will, before its plan of subdivision is released for registration, pay to the Town in lieu of planting any trees on the public streets within the plan, the amount shown for the purpose upon Schedule “J”.

29. MISCELLANEOUS

- (1) Before the issue of a building permit for any lot, the Owner will supply the Town with a set of geodetic benchmarks on all streets in the subdivision.
- (2) Should the Owner request the Town, and the Town agrees to perform any of the work herein provided for, save for the Town’s Work in Section 9, the Owner will pay to the Treasurer or Deputy Treasurer of the Town, a sum equal to the estimated cost of the work and thereupon the security required under Section 19 will be reduced to one hundred percent of the Owner’s share of the remaining work.
- (3) All figures as to the cost of the services in this Agreement are estimates unless otherwise specified, and are to be adjusted to actual costs when ascertained.
- (4) Before calling for the issue of a building permit on any lot on the plan, the Owner will erect or at the option of the Town, the Owner will reimburse the Town and the Town will erect at each sales office (if constructed) and at each entrance to the plan or as required by the Town a clearly legible colour coded signs at least 1 metre by 1.5 metres showing locations where sidewalks are required, where parking is restricted, walkways, fencing, super mailboxes, various permitted uses within the plan and abutting the plan, designated parks and public open space and the like. The said sign would also contain a notice that bussing of school children may be required. The form and location of the sign shall be as approved by the Engineer and the sign shall be maintained in good condition and relocated as necessary until the roads and the services within the plan are assumed by the Town. At each sales office a copy of the approved lot grading plan and Oakville’s Official Plan will be prominently displayed together with a note indicating that further information can be obtained from the Oakville Engineering and Planning Departments respectively. At each sales office, the location of all super mailboxes, within the plan, will be prominently, displayed. The Engineer may require the removal of advertising signs within this subdivision upon completion and occupancy of over half of the subdivision. The Owner or the Town on the Owner’s behalf, will erect one prominently located within the plan land use plan not less than 3’ by 5’ to the satisfaction of the Town’s Development Co-ordinator. If erected by the Town, the Owner will reimburse the Town therefore.
- (5) Burning of brush, garbage debris and waste is permitted only with the written permission of the Fire Chief of the Town of Oakville.

30. GENERAL

- (1) The approval of the Town to the plan is not a representation that any permit will be issued for a lot.
- (2) All work done pursuant to this Agreement shall be performed in such a way as to cause no damage and minimal inconvenience to neighbouring properties or works or to existing buildings or works in any part of the plan and any damage done to such properties, works or buildings shall be made good by the Owner.
- (3) When the Engineer is satisfied that the Owner has satisfied his obligations hereunder with regard to services and that all monies payable to the Town by the

terms of this Agreement have been paid, he will so report to Council and Council may thereupon assume the services in the Plan, but the Town shall not be required to assume roads between October 31<sup>st</sup> of a year and May 1<sup>st</sup> of the following year.

31. OTHER PROVISIONS

- (1) The Owner will, before the plan is released for registration, provide to the Town a schedule of lot widths at a distance of 7.5 metres from the front lot line and of lot areas which schedule shall be accompanied by the certificate of an Ontario Land Surveyor that the Town's zoning by-laws have been complied with.
- (2) Until the municipal services which the Owner is required to construct at its own expense are assumed by the Town, the Owner will be responsible to see that earth and debris are not tracked on the Town streets outside of the plan. In addition the Owner will, as soon as any dwelling on the plan has been commenced, keep the street upon which the dwelling is situate and all streets affording access to that street clear of earth, debris and building materials. If earth, debris and building materials are allowed to accumulate on any of the aforementioned streets either inside or outside of the plan, the Owner will clean the said streets and remove the debris and materials and if it fails to do so the Engineer may have this work done at the Owner's expense. The Town will try to notify the Owner in advance of cleaning and removal of debris and materials from the streets at the Owner's expense. The Owner will deposit security for performance under this paragraph in the amount shown upon Schedule "J" prior to release of the plan and the cost of any work done pursuant to this paragraph will be charged first against this security and when this security is exhausted shall be charged against any other security filed by the Owner pursuant to this Agreement.
- (3) The Owner will not dispose of or stockpile waste or surplus fill within the plan except by means of, and in locations approved by the Engineer, and will not remove such waste or surplus materials from the plan of subdivision except to a location approved by the Engineer and Director of Parks and Open Space.
- (4)
  - (a) The Owner will show on the general grade control plan for the subdivision all individual trees of diameter one hundred and thirty millimetres and greater measured at breast height, the existing grade elevation at the base of each tree and/or wood lots described by species and diameter range where it is not feasible to provide an individual tree inventory. The Owner will preserve and protect all such trees within the plan in accordance with good practice except those trees which he has the approval of the Director of Parks and Open Space to remove and no trees will be removed without such approval. All trees will be kept trimmed in accordance with good forestry practices until the plan is assumed. Similarly, all trees within the plan that have died during the construction process prior to assumption will be removed by the Owner at the Owner's expense if the Owner is required to do so by the Town's Urban Forester.
  - (b) Every application for a building permit under subsection 5(1) of this Agreement will show all individual trees on the plot plan whether part of a wood lot or not. The grade elevation (existing and proposed) at the base of each tree will be shown taking into consideration the necessary protective measures to accommodate the lot drainage. The plan will show those trees which are considered necessary and desirable to remove. No trees shall be removed for the purpose of construction without the approval of the Director of Parks and Open Space. All trees required to be preserved shall be protected during building operations to the satisfaction of the Director of Parks and Open Space including the area required for the stockpiling of excess earth within the plan of subdivision, and the Owner will not call for the issue of a building permit for any lot until all trees to be preserved on the lot have been satisfactorily protected in accordance with the standards established by the Town of Oakville. The Tree Preservation Plan will be implemented to the satisfaction of the Director of Parks and Open Space prior to the registration of the plan of subdivision. If the measures required for the protection of trees during building operations be permitted to become unsatisfactory, the builder or his representative will, on forty-eight hours notice from the Director of Building Services, reinstate the protection and if he fails to do so, the Director of Building Services will have the work carried out at the Owner's expense

and charged against the security deposit under this Agreement. All trees required to be removed shall be removed prior to the issuance of a building permit unless otherwise directed by the Director of Parks and Open Space. The Owner will survey all jointly owned trees, notify adjoining property owners and obtain their written approval for trees protection or their removal prior to the regrading of the lot upon which the tree partially is standing upon. If the Owner is unable to obtain the approval of the abutting owner, it will obtain the approval of tree protection to the satisfaction of the Director of Parks and Open Space prior to the issuance of a building permit for that Lot.

- (c) Lots which abut Open Space Blocks or parkland Blocks will not be permitted direct access by gate or otherwise to the Open Space Block or parkland Block.
- (5) Where a sidewalk is required to be constructed in front of a lot, the Owner will not permit occupancy of any building built upon the lot, pave a driveway on the lot or on the roadway abutting, or landscaping the lot until the sidewalk is constructed. Notwithstanding the aforementioned requirements, winter occupancy prior to sidewalk construction may be permitted subject to the following:
- (a) In the opinion of the Engineer, construction of the sidewalk is inadvisable at the time because of winter conditions.
- (b) The Owner agrees to forthwith construct the sidewalk after the Engineer requires it to be done.
- (6) Where a sidewalk is required to be constructed along the side of a street upon which a lot fronts, the Owner will, until the sidewalk has been constructed for the length of the block in which the lot is located, include in every Agreement of purchase and sale of the lot, a plot plan showing the required sidewalk and a clause in the following words:
- “The Purchaser acknowledges that the subdivision Agreement requires that a sidewalk be built on the side of the street on which this lot fronts and will not object to the construction of that sidewalk and this clause shall not merge in the closing of this transaction.”
- This subsection of this Agreement and the preceding subsection shall run with the land to bind the Owner’s successors in title until the sidewalk has been constructed and will not be released by any certificate of compliance with this Agreement nor by any by-law purporting to assume the streets within the plan.
- (7) Subject to the provisions of Section 9 for the work being completed on behalf of the Town, until the streets and services within the plan have been assumed by the Town, the Owner will insure and keep insured to the same limits as the Town is insured against public liability and property damage, with the Town named as an insured party. The insurer and form of coverage shall be satisfactory to the Town Treasurer or Deputy Treasurer and a copy of the policy or other evidence satisfactory to the Town Treasurer or Deputy Treasurer shall be lodged with him before any start is made on the construction of engineering services.
- (8) Undeveloped blocks within the plan under development which have been disturbed out of their natural state or are difficult to maintain in a controlled state shall be graded, seeded and maintained by the Owner until construction commences thereon.
- (9) The Owner will, until all buildings to be erected on every block within the plan have been occupied, ensure that the lots and blocks do not become unsightly by the accumulation of garbage, debris or builder’s waste. As security that it will comply with this subsection the Owner will, before the plan is released for registration, deposit with the Town by cash or chartered bank unconditional irrevocable Letter of Credit the amount shown in Schedule “J”. The Town may, if the Owner has not cleaned up any such lot or block or twenty-four hours written notice from the Engineer, enter on and clean up the block, charging the cost to the security deposited under this subsection. The balance of the security remaining shall be refunded to the Owner when the last building on the plan has been occupied or when the roads and services in the plan are assumed by by-law, whichever occurs first. Burning of garbage and debris is permitted only with the written approval of the Fire Chief of the Town of Oakville.
- (10) Prior to the commencement of construction of engineering services, the Owner will erect a suitably supported snow fence, or if required by the municipality, chain link fence, where shown on the engineering and lot grading drawings referred to in Schedule “B”. The Owner will maintain such fence until

- completion of the grading, construction, sodding or seeding on the lots and blocks abutting the fence, except those locations marked on the drawings as permanent. No fence installed pursuant to this paragraph need be maintained by the Owner after the plan is assumed. The purpose of this fence is to prevent unauthorized dumping and filling and to prevent damage to the block which is to be maintained as nearly as practicable in a natural state. Should any dumping or filling occur notwithstanding the Owner's efforts, the Owner will correct the damage forthwith in accordance with the directions of the Halton Region Conservation Authority.
- (11) The Owner will have the right to erect appropriate signs at locations approved by the Engineer, to advise that the roads within the Plan are not yet assumed by the Town and that members of the public travelling over such roads should exercise caution.
  - (12) No building permits for any lots which are to abut a walkway or fence will be issued until the walkway or fencing has been installed or as required by the Town unless this subsection is waived by the Engineer.
  - (13) Prior to initiating any grading or construction within the plan, the Owner will prepare a stormwater management plan and prepare and implement a final detailed erosion and sedimentation control plan acceptable to the Halton Region Conservation Authority and the Town which will describe the means whereby erosion and siltation and their effects will be contained and minimized on the site both during and after the construction period. The Owner will not stockpile fill material within 15 metres of the approved top of bank to the satisfaction of the Engineer and the Halton Region Conservation Authority. The Owner will obtain the prior written approval of the Halton Regional Conservation Authority prior to construction of any stormwater outfall structures and creek works in accordance with Ontario Regulation 253/89.
  - (14) The Owner will construct all stormwater management works in accordance with the plans referred to in the schedules, as approved by the Engineer and the MOE.
  - (15) The Owner will maintain all stormwater management and erosion and sedimentation control structures within the Plan in good repair throughout all phases of construction of the works described in this Agreement within the Plan and in a manner satisfactory to the MOE and the Town.
  - (16) The Owner will consult with the local crime prevention officers of the Halton Region Police Force respecting security issues.
  - (17) Except as herein otherwise provided, no building permit shall be granted for any lot until the Owner has installed curbs, gutters (or the curb base if extruded curbs are being used) and base course of asphalt in accordance with the Town's standards. The Owner will not require the issuance of a building permit for any lot until all services are completed including stormwater facilities which must be constructed, operational and approved by the Town.
  - (18) No building permits shall be released until the joint use Hydro, Bell and Cable TV service, street light poles and fixtures, have been installed, inspected, approved and commissioned to the satisfaction of the Oakville Hydro Electricity Distribution Inc. and by Bell Canada. The Owner will convey to Bell Canada any easements required of Bell Canada for telecommunication services required for the subdivision prior to plan assumption without compensation.
  - (19) The Owner will employ construction methods to prevent the spread of fire within this plan. Specifically, and not so as to limit the generality of the foregoing, the Owner will not construct more than seven homes in a row of abutting lots without providing a fire break. A fire break may consist of a finished structure, a basement structure without framing or a space of at least 40 feet between buildings.
  - (20) Purchasers are to be advised by way of a notice contained in all Agreements of purchase and sale for lots within the Plan that on certain lots, service trenches cross the driveway and settlement may occur. Purchasers are also to be advised that prior to paving, they should ensure that there is no further settlement taking place.
  - (21) The Owner will not install the top course or base course asphalt without first obtaining the approval, in writing, of the Director of Public Works to proceed. The Owner will obtain from his professional engineer a certificate that all utility crossings have been installed. The Director of Public Works will review the certificate and advise the Owner, in writing, that it may proceed with the construction of base course asphalt.

- (22) The Owner will not require the issuance of a building permit for a building upon any lot until it first meets on site with the builders and the Engineer respecting road obstructions and cleaning and site cleanliness.
- (23) The Owner will grade each lot in accordance with the lot grading plan within thirty days of the installation of the sidewalk or curb abutting the lot. Furthermore, lots will be sodded within the aforementioned period provided sod is available. Notwithstanding anything else herein to the contrary, as security for the aforementioned work, the Owner authorizes the Town not to release all of the letters of credit or pay back all of the cash so that at all times there will be \$1,500.00 per dwelling unit in securities in addition to the other amounts required to be deposited with the Town pursuant to this Agreement. Upon receipt of a certificate from the Engineer for the Owner that the lot grading has been completed in accordance with the lot grading plan and the sodding has been completed, and both have been paid for without liens or other encumbrances, the Town will release this additional \$1,500.00 security per dwelling unit. If the Owner does not grade or sod in accordance with this provision, within the time stipulated, the Town may at its sole discretion enter upon the land and do the work and charge the cost thereof to the security held for this purpose.
- (24) The Owner will post conspicuously the approved subdivision grading plan in any sales office at which lots within the plan are being sold from and will include as part of any purchase and sale Agreement for any lot within the plan a copy of the lot grading plan for the lot being purchased and the area adjacent thereto.
- (25) The Owner will show as part of its building permit application for each lot and install water saving devices including special low flow shower heads and special low gallonage water closets.
- (26) The Owner will reimburse the Halton Roman Catholic School Board and the Halton Board of Education for the supply and erection of signs advising prospective residents that students may be directed to schools outside the community.
- (27) In the event that the Town erects any of the signs required pursuant to this Agreement, the Owner agrees to reimburse the Town for the supply, erection and relocation of such appropriate signs showing the land uses and other information on the subject and adjacent lands or relating to the bussing of school children until school sites are available and developed.
- (28) The Owner agrees to satisfy all the requirements, financial or otherwise of the Regional Municipality of Halton concerning Regional roads and provision of Regional services.
- (29) Prior to the issuance of a building permit for a building on a lot or block, the Owner will obtain the approval of the Town's Fire Department for emergency access required to provide fire protection to that lot or block during construction. The Owner will provide the required emergency access during all phases of construction to the satisfaction of the Town. In the event that the Owner does not comply with the provisions of this paragraph, the Town may remedy the default and charge the cost against the letters of credit posted in accordance with the provisions of this Agreement or approval.

32. **SPECIAL PROVISIONS UNIQUE TO THIS SUBDIVISION**

- (30) Insofar as any provision of the proceeding thirty-one sections is inconsistent with the provisions of this section, the provisions of this section shall prevail and modify them accordingly.
- (31) The special provisions pertaining to this section are found in Schedule "M" and constitute a part of this Agreement just as if they were reproduced as part of this section.
- (32) No general release of any lot from the provisions of this Agreement will release any Owner from the provisions of this section unless this section is specifically referred to in the release. Where Owners are required to include warnings or notices in Agreements of purchase and sale, purchasers from Owners will also give similar notices to their purchasers ad infinitum.
- (33) "Owner" for the purposes of this section 32 shall mean the Owner or its successor provided that development charges are paid in accordance with the provisions of the *Development Charges Act* and the Town's development charge by-law.



33. NOTICE

All notices given under the terms of this Agreement shall be deemed to have been validly given at 9:00 o'clock in the morning of the next day not being a Saturday or Sunday following the day upon which the notice is posted by prepaid registered mail addressed, if to the Owner, as set out on Schedule "A-2", and if to the Town, to:

The Clerk

The Corporation of the Town of Oakville

1225 Trafalgar Road

Oakville, Ontario

L6H 0H3

34. This Agreement shall be read with such changes of gender and number as the context may require.
35. This Agreement and the covenants, provisos and conditions herein contained shall inure to the benefit of and be binding upon the respective heirs, executors, administrators, successors and assigns of each of the parties to it.
36. The date of this Agreement shall be the date upon which its execution is authorized by the Town, which date the Town Clerk shall insert.
37. Schedules "A", "A-1", "A-2", "B" to "M" and Appendix 'A' inclusive, form part of this Agreement.

**IN WITNESS WHEREOF** the parties have caused to be affixed their corporate seals under the hands of the duly authorized officers.

**Martillac Estates Inc**

\_\_\_\_\_  
Name  
Authorized Signing Officer

**‘I/We have the authority to bind the Corporation’**

**THE CORPORATION OF THE TOWN OF OAKVILLE**

\_\_\_\_\_  
Mayor/CAO

\_\_\_\_\_  
Clerk

**SCHEDULE 'A'**

**LEGAL DESCRIPTION OF LANDS TO BE DIVIDED**

ALL AND SINGULAR that certain parcel or tract of land situate, lying and being in the Town of Oakville, Regional Municipality of Halton, being composed of:

Part of Lot 24, Concession 1, S.D.S. (Geographic Township of Trafalgar) now in the Town of Oakville being designated as Part 1 on Plan 20R-21716 being All of PIN 24928-0403.

**SCHEDULE 'A-1'**

**DESCRIPTION OF PLAN WHICH IS THE SUBJECT MATTER  
OF THIS AGREEMENT**

M-Plan prepared by Schaeffer Dzaldov Bennett Ltd. showing the following:

45 Blocks, Blocks 1 - 45

Reference File No. 24T-16005

**SCHEDULE 'A-2'**

Martillac Estates Inc  
1-1681 Langstaff Road  
Vaughan, Ontario L4K 5T3

**SCHEDULE 'B'**

**ROADS, SIDEWALKS AND SITE WORK**

**WORK TO BE DONE:**

Construct concrete curbs, roads, sidewalks, sodded boulevards, streetlights, fencing, driveway aprons and earthworks. The works are to be performed in accordance with the engineering drawings prepared by Urbantech Consulting Ltd

**SPECIFICATIONS:**

All work is to be performed in accordance with the latest revised Town of Oakville Standard Drawings and Specifications as of the date of the agreement.

**TOTAL ESTIMATED COST:**

Street lights and components	\$ 171,700.00
Roads, curbs, sidewalks etc	\$1,445,322.30
15% Contingency and Engineering	<u>\$ 242,553.35</u>
<b>TOTAL OWNER'S COST</b>	<b>\$1,859,575.65</b>

**SCHEDULE 'C'**

**STORM SEWERS**

**WORK TO BE DONE:**

Construct storm sewers, catchbasins, rear lot catchbasins and other appurtenances. The works are to be performed in accordance with the engineering drawings prepared by Urbantech Consulting Ltd

**SPECIFICATIONS:**

All work is to be performed in accordance with the latest revised Town of Oakville Standard Drawings and Specifications as of the date of the agreement.

**TOTAL ESTIMATED COST:**

Storm Sewers and Appurtenances	\$673,244.00
House Connections	\$153,000.00
15% Contingency and Engineering	<u>\$ 123,936.60</u>
<b>TOTAL OWNER'S COST</b>	<b>\$950,180.60</b>

**NOTE:** Schedules "D" (Sanitary Sewers) and "E" (Watermains) are now covered in an agreement with the Regional Municipality of Halton.

**SCHEDULE 'D'**

**SUBDIVISION MAINTENANCE CHARGE**

<b>Service</b>	<b>Units</b>	<b>Maintenance Obligation</b>
Road Ways Winter Maintenance	Pavement Area (sq. m)	\$ 2,066
Sidewalk Winter Maintenance	Sidewalk Area (sq. m)	\$ 1,952
Streetlights	Streetlighting (ea)	\$ 5,180
Park Maintenance - Village Square	# and Park Area (ha.)	\$ 4,860
<b>TOTAL MAINTENANCE OBLIGATION</b>		<b>\$ 14,058</b>

**SCHEDULE 'F'**

**ELECTRICAL DISTRIBUTION AND STREET LIGHTING SYSTEMS**

Schedule "F" (Electrical distribution and street lighting systems) is now covered in a separate agreement with Oakville Hydro Electricity Distribution Inc



**SCHEDULE 'G'**

**DRAINAGE AND EROSION CONTROL**

**WORK TO BE DONE:**

Construct sedimentation and erosion control measures and appurtenances. The works are to be performed in accordance with the engineering drawings prepared by Urbantech Consulting Ltd

**SPECIFICATIONS:**

All work is to be performed in accordance with the latest revised Town of Oakville Standard Drawings and Specifications as of the date of the agreement.

Siltation Control	\$ 56,000.00
15% Contingency and Engineering	\$ <u>8,400.00</u>
<b>TOTAL OWNER'S ESTIMATED COST</b>	<b>\$ 64,400.00</b>

**SCHEDULE 'H'**

**LANDSCAPING AND FENCING**

**WORK TO BE DONE:**

All grading, sodding, seeding, planting and pathway works as shown on the plans prepared by NAK Design Strategies

**SPECIFICATIONS:**

All work is to be performed according to the latest Town of Oakville Standard Drawings and Specifications as of the date of the agreement.

---

**WORKS ON BEHALF OF TOWN**

1. Martillac Estates Village Square Capital Project 52222103	\$585,000.00
2. 10% Construction contingency allowance	\$ 58,500.00
4. Consulting (max) allowance	\$ 58,500.00
5. Town's contingency allowance	\$ 28,000.00

**TOTAL COST OF WORKS ON BEHALF OF TOWN \$730,000.00**

**DEVELOPER COST- SHEVCHENKO MONUMENT (NON-RECOVERABLE)**

1. Salvage, storage and installation	\$ 55,000.00
2. Consulting fees applicable (10%)	\$ 5,500.00
3. Contingency allowance (10%)	<u>\$ 5,500.00</u>

**SUBTOTAL SHEVCHENKO MONUMENT \$ 66,000.00**

**STREETSCAPING AND STREET TREES**

Street Trees and soil 58 x \$800	\$46,400.00
Site works and fencing	<u>\$20,017.50</u>
15% contingency	\$ 9,962.63
	<b>\$76,380.13</b>

**TOTAL DEVELOPER COST SHEVCHENKO MONUMENT, \$142,380.13  
STREETSCAPING AND STREET TREES**

*Note: The Owner will be reimbursed for these works in the year(s) and upset limit of the year(s) that the project is funded in an approved capital budget.*

*The Owner acknowledges that it is not anticipated that the works will be included in a capital budget until after the works are complete and the park component of development charges paid with respect to this subdivision exceeds the cost of such works.*

**SCHEDULE '1'**

**NOTES:**

Words indicating proposed uses in this schedule are intended to be descriptive only and are not intended to limit the use of the land in the hands of the Town.

All Block numbers refer to the latest draft "M" plan filed with the Town unless otherwise indicated.

1. **For Public Streets**

Pavillion Path, Shevchenko Boulevard, Kaniv Street, Kobzar Drive, Harasym Trail, Lane 188, Lane 191, 192 & Lane 193

2. **For Open Space:**

Block 27

3. **For Village Square:**

Block 26

4. **For 0.30m Reserves:**

Blocks 32-41 , on Plan 20M-TBD prepared by Schaeffer Dzaldov Bennett Ltd.

5. **For Hydro Switchgear:**

Part of block 23 being on part 1 20R-xxx

6. **For Walkways:**

none

7. **For Town Servicing Blocks:**

None

7. **Temporary Right of way easement to Town (Interim Road Condition):**

Blocks 25 and 28 on draft M-Plan prepared by Schaeffer Dzaldov Bennett Ltd Ref # 16-184-02A

8. **Sewer easements to be conveyed to the Town:**

Easements for storm sewers over Blocks 9-11,15-17,20 & 21 designated as Part of Lots Part 1-10 on Plan 20R-TBD prepared by Schaeffer Dzaldov Bennett Ltd.

**Reserves to be lifted:**

Graydon Banning (Mattamy) In plan 20M-xxxx: Block 193,194,195,196 & 200

**SCHEDULE 'J'**

**SUMMARY OF FINANCIAL OBLIGATIONS**

**SERVICES TO BE SECURED**

Roads, sidewalks and sitework	Schedule 'B'	\$1,859,575.65
Storm sewers	Schedule 'C'	\$ 950,180.60
Drainage and erosion control	Schedule 'G'	\$ 64,400.00
Landscaping Including Street Trees & monument	Schedule 'H'	\$ 142,380.13
Lot grading Singles Semis and Townhouses – (135 units @ \$1,500/unit)	Schedule 'M'	\$ 202,500.00
<b>TOTAL TOWN SERVICES TO BE SECURED</b>		<b>\$3,219,036.38</b>

SUPERVISION TOWN SECURED– SECTION 21 – 5.5% of \$3,219,036.38	\$ 177,047.00
HST No. R121742456 (13%)	\$ 23,016.11
<b>TOTAL CASH PAYMENT</b>	<b>\$ 200,063.11</b>

**OTHER ITEMS TO BE PAID IN CASH**

Street Light Energization (9 x \$100/light fixture)	\$ 900.00
Street Signs (Developer to supply and install per Town specification)	\$ N/A
Subdivision Maintenance Charge, per Schedule 'D'	\$ 14,058.00
<b>TOTAL OTHER ITEMS TO BE PAID IN CASH</b>	<b>\$ 14,958.00</b>

**OTHER ITEMS TO BE SECURED**

Schedule K Landscaping	\$ 730,000.00
Garbage security	\$ 5,000.00
Subdivision Signage	\$ 2,000.00
Street Cleaning security	\$ 2,000.00
<b>TOTAL OTHER ITEMS TO BE SECURED</b>	<b>\$ 739,000.00</b>

**SCHEDULE 'K'**

**WORKS TO BE CONSTRUCTED ON BEHALF OF TOWN**

**WORKS ON BEHALF OF TOWN**

1. Martillac Estates Village Square Capital Project 52222103	\$585,000.00
2. 10% Construction contingency allowance	\$ 58,500.00
4. Consulting (max) allowance	\$ 58,500.00
5. Town's contingency allowance	\$ 28,000.00
<b>TOTAL COST OF WORKS ON BEHALF OF TOWN</b>	<b>\$730,000.00</b>

*Note: The Owner will be reimbursed for these works in the year(s) and upset limit of the year(s) that the project is funded in an approved capital budget.*

*The Owner acknowledges that it is not anticipated that the works will be included in a capital budget until after the works are complete and the park component of development charges paid with respect to this subdivision exceeds the cost of such works.*

**SCHEDULE 'L1'**  
**CONDITIONS TO BE SATISFIED PRIOR TO REGISTRATION OF THE PLAN**

The following is a summary of those conditions contained within the first 21 pages of this agreement that related to conditions to be satisfied prior to the registration of this plan.

**LAND FOR MUNICIPAL PURPOSES**

- 14 (5) Except as herein otherwise provided, all conveyances must be deposited with the Clerk of the Town with the plan number left blank, before the Town gives approval to the plan for registration and the Clerk is authorized to insert the plan number when the plan has been registered.
- (6) Prior to registration of this Agreement, the Owner will provide postponements from all encumbrances so that this Agreement shall have priority over them.

15. **PAYMENT OF TAXES AND LOCAL IMPROVEMENT RATES**

- (1) The Owner must pay the current year's taxes (if levied) otherwise all advance instalments payable thereon, and all arrears of taxes outstanding against the property in the plan before the Town approved the plan for registration.
- (2) The Owner will commute all local improvement rates outstanding against the property comprised in the plan before the Town gives approval of the plan for registration.

19. **FINANCIAL REQUIREMENTS**

- (1) As security for the construction and installation of services and for the other obligations of the Owner under this Agreement, the Owner will deposit with the Town before the plan is released for registration, security for performance in an amount equal to one hundred percent of the Owner's share of the estimated cost of such services as set out in Schedule "J" in the form of:
- (a) a cash deposit with the Town, or
- (b) an unconditional irrevocable Letter of Credit in a form acceptable to the Town Treasurer or Deputy Treasurer from a chartered bank also acceptable to the Town Treasurer or Deputy Treasurer, expressed to be pursuant to this Agreement and payable to the Town at any time or in part from time to time, upon the certificate of the Engineer that the Owner is in default under this Agreement.
- (2) With regard to the electrical distribution system and street lighting, the Owner shall enter into a separate agreement with Oakville Hydro and provide securities directly to Oakville Hydro.

21. **SUPERVISION COST TO TOWN**

The Owner will pay to the Town a sum equal to five point five percent of the Owner's share of the actual cost of all the services as shown in Schedule "J" for the services of the Town excluding the street lighting and electrical distribution system, but including processing of plans and supervision of works. This amount must be paid before the Town releases the plan for registration, subject to an adjustment or refund to the Owner in accordance with subsection (3) of Section 29 of this Agreement. No supervision fee shall be payable to the Town in respect of any of the works described in Schedule "K".

31. **OTHER PROVISIONS**

- (1) The Owner will, before the plan is released for registration, provide to the Town a schedule of lot widths at a distance of 7.5 metres from the front lot line and of lot areas which schedule shall be accompanied by the certificate of an Ontario Land Surveyor that the Town's zoning by-laws have been complied with.
- (4) (b) Every application for a building permit under subsection 5(1) of this Agreement will show all individual trees on the plot plan whether part of a wood lot or not. The grade elevation (existing and proposed) at the base of each tree will be shown taking into consideration the necessary protective measures to accommodate the lot drainage. The plan will show those trees which are considered necessary and desirable to remove. No trees shall be removed for the purpose of construction without the approval of the Director of Parks and Open Space. All trees required to be preserved shall be protected during building operations to the satisfaction of the Director of Parks and Open Space including the area required for the stockpiling of excess earth within the plan of subdivision, and the Owner will not call for the issue of a building permit for any lot until all trees to be preserved on the lot have been

satisfactorily protected in accordance with the standards established by the Town of Oakville. The Tree Preservation Plan will be implemented to the satisfaction of the Director of Parks and Open Space prior to the registration

- (9) The Owner will, until all buildings to be erected on every block within the plan have been occupied, ensure that the lots and blocks do not become unsightly by the accumulation of garbage, debris or builder's waste. As security that it will comply with this subsection the Owner will, before the plan is released for registration, deposit with the Town by cash or chartered bank unconditional irrevocable Letter of Credit the amount shown in Schedule "J". The Town may, if the Owner has not cleaned up any such lot or block or twenty-four hours written notice from the Engineer, enter on and clean up the block, charging the cost to the security deposited under this subsection. The balance of the security remaining shall be refunded to the Owner when the last building on the plan has been occupied or when the roads and services in the plan are assumed by by-law, whichever occurs first. Burning of garbage and debris is permitted only with the written approval of the Fire Chief of the Town of Oakville.
- (2d) design, construct and have in operation all necessary flood control structures prior to the registration;
- (2f) Submit the final clearance fee to Conservation Halton, pursuant to the Region of Halton's Memorandum of Understanding, immediately prior to registration of the draft plan (note: if the development is phased, each phase will require a separate clearance fee);
- (41) The owner hereby covenants and agrees to deliver to the Town following materials (hereinafter in this section referred to as the "Materials" within the times herein provided:
- I. Prior to registration of the Plan:
- i. 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 (hereinafter referred to as the "Dedicated Lands"); and
  - ii. a table in form and content acceptable to the Town, and certified by the Owner's Engineer, setting out all materials constructed for the Town, the dates of their estimated respective installation, together with certification of their fair market values at installation, including contract administration and supervision costs, all engineering and design works costs.
- (45) The owner agrees to provide digital copies of the draft M-plan to Halton Region and the Town of Oakville, prior to registration of the plan. (SC)

**SCHEDULE 'L2'**

**CLEARANCE OF LOTS FOR BUILDING**

The following is a summary of those conditions contained within the first 21 pages of this agreement that relate to conditions to be satisfied prior to the issuance of building permits. No building permit for any residential dwelling unit until this Agreement is registered.

5 **BUILDING LOT REQUIREMENTS**

(34) By reason of circumstances pertaining to the lots listed in Schedule "L", action as therein indicated is required before building permits will be issued for those lots.

17 **DRAINAGE AND EROSION CONTROL WORKS**

(3) No building permit shall be granted for a lot abutting on any such diversion, regrading, bridging or culverting or through which it passes until all work is completed to the satisfaction of the Engineer.

20 **DEVELOPMENT CHARGES**

(1) The Owner will pay a development charge to the Town, in accordance with the Town of Oakville Development Charge By-Laws, as amended by O.M.B. Order, for each unit to be built within the Plan upon the issuance of the building permit for such unit. The amounts to be paid shall be in accordance with the development charges in effect when the building permit is issued and the amount of any increase shall be paid if a building permit is allowed to expire and there is an increase before a new permit is taken out. The Owner charges each lot on the plan with payment of the proper sums appropriate to it in accordance with this section. Payment shall be made before a building permit is issued. Upon payment of all amounts charged against the lot by this Agreement, the Town will give a release of the lot from this and any other charge hereunder in registerable form.

27 The first building permit will not be issued within a Service Area until the Director of Building Services has assurance from the Town Engineer that all vacant lots and blocks with the Plan have been cleared of debris.

29 **MISCELLANEOUS**

(1) Before the issue of a building permit for any lot, the Owner will supply the Town with a set of geodetic benchmarks on all streets in the subdivision.

(4) Before calling for the issue of a building permit on any lot on the plan, the Owner will erect or at the option of the Town, the Owner will reimburse the Town and the Town will erect at each sales office (if constructed) and at each entrance to the plan or as required by the Town a clearly legible colour coded signs at least 1 metre by 1.5 metres showing locations where sidewalks are required, where parking is restricted, walkways, fencing, super mailboxes, various permitted uses within the plan and abutting the plan, designated parks and public open space and the like. The said sign would also contain a notice that bussing of school children may be required. The form and location of the sign shall be as approved by the Engineer and the sign shall be maintained in good condition and relocated as necessary until the roads and the services within the plan are assumed by the Town. At each sales office a copy of the approved lot grading plan and Oakville's Official Plan will be prominently displayed together with a note indicating that further information can be obtained from the Oakville Engineering and Planning Departments respectively. At each sales office, the location of all super mailboxes, within the plan, will be prominently displayed. The Engineer may require the removal of advertising signs within this subdivision upon completion and occupancy of over half of the subdivision. The Owner or the Town on the Owner's behalf, will erect one prominently located within the plan land use plan not less than 3m by 5m to the satisfaction of the Town's Development Co-ordinator. If erected by the Town, the Owner will reimburse the Town therefore.

31 **OTHER PROVISIONS**

(4) (b) Every application for a building permit under subsection 5(1) of this Agreement will show all individual trees on the plot plan whether part of a wood lot or not. The grade elevation (existing and proposed) at the base of each tree will be shown taking into consideration the necessary protective measures to accommodate the lot drainage. The plan will show those trees which are considered necessary and desirable to remove. No trees shall be removed for the purpose of construction without the approval of the Director of Parks and Open Space. All trees required to be preserved shall be protected during building operations to the satisfaction of the



Director of Parks and Open Space including the area required for the stockpiling of excess earth within the plan of subdivision, and the Owner will not call for the issue of a building permit for any lot until all trees to be preserved on the lot have been satisfactorily protected in accordance with the standards established by the Town of Oakville. The Tree Preservation Plan will be implemented to the satisfaction of the Director of Parks and Open Space prior to the registration of the plan of subdivision. If the measures required for the protection of trees during building operations be permitted to become unsatisfactory, the builder or his representative will, on forty-eight hours notice from the Director of Building Services, reinstate the protection and if he fails to do so, the Director of Building Services will have the work carried out at the Owner's expense and charged against the security deposit under this Agreement. All trees required to be removed shall be removed prior to the issuance of a building permit unless otherwise directed by the Director of Parks and Open Space. The Owner will survey all jointly owned trees, notify adjoining property owners and obtain their written approval for trees protection or their removal prior to the regrading of the lot upon which the tree partially is standing upon. If the Owner is unable to obtain the approval of the abutting owner, it will obtain the approval of tree protection to the satisfaction of the Director of Parks and Open Space prior to the issuance of a building permit for that Lot.

- (12) No building permits for any lots which are to abut a walkway or fence will be issued until the walkway or fencing has been installed or as required by the Town unless this subsection is waived by the Engineer.
- (17) Except as herein otherwise provided, no building permit shall be granted for any lot until the Owner has installed curbs, gutters (or the curb base if extruded curbs are being used) and base course of asphalt in accordance with the Town's standards. The Owner will not require the issuance of a building permit for any lot until all services are completed including stormwater facilities which must be constructed, operational and approved by the Town.
- (18) No building permits shall be released until the joint use Hydro, Bell and Cable TV service, street light poles and fixtures, have been installed, inspected, approved and commissioned to the satisfaction of the Oakville Hydro Electricity Distribution Inc. and by Bell Canada. The Owner will convey to Bell Canada any easements required of Bell Canada for telecommunication services required for the subdivision prior to plan assumption without compensation.
- (22) The Owner will not require the issuance of a building permit for a building upon any lot until it first meets on site with the builders and the Engineer respecting road obstructions and cleaning and site cleanliness.

#### OFFER OF PURCHASE & SALE

No building permit for any residential dwelling unit until offer of purchase from each builder is supplied to the Town – which includes the following sections plus all of Schedule M (3):

- 31(6) Where a sidewalk is required to be constructed along the side of a street upon which a lot fronts, the Owner will, until the sidewalk has been constructed for the length of the block in which the lot is located, include in every Agreement of purchase and sale of the lot, a plot plan showing the required sidewalk and a clause in the following words:  
“The Purchaser acknowledges that the subdivision Agreement requires that a sidewalk be built on the side of the street on which this lot fronts and will not object to the construction of that sidewalk and this clause shall not merge in the closing of this transaction.”

This subsection of this Agreement and the preceding subsection shall run with the land to bind the Owner's successors in title until the sidewalk has been constructed and will not be released by any certificate of compliance with this Agreement nor by any by-law purporting to assume the streets within the plan.

- (20) Purchasers are to be advised by way of a notice contained in all Agreements of purchase and sale for lots within the Plan that on certain lots, service trenches cross the driveway and settlement may occur. Purchasers are also to be advised that prior to paving, they should ensure that there is no further settlement taking place.

- (24) The Owner will post conspicuously the approved subdivision grading plan in any sales office at which lots within the plan are being sold from and will include as part of any purchase and sale Agreement for any lot within the plan a copy of the lot grading plan for the lot being purchased and the area adjacent thereto.

Additional Schedule M conditions to be satisfied:

- (5) Prior to the issuance of building permits, all street lights to be energized to the satisfaction of the town
- (8) The Owner agrees that traffic/signage management plan to be completed prior to registration.
- (10) The Owner covenants and agrees that prior to requesting a building permit for any lot or block, it will deliver to the Town a certificate of the Owner's/Builder's solicitor, addressed to the Town, certifying that the warning clauses contained in Schedule M, Section 3 and herein have been included in, and form part of the agreements of purchase and sale for the applicable lots or blocks. Such certificate shall further contain the undertaking by the Owner's solicitor to the Town that the solicitor will forthwith advise the Town in writing, if at any time, the warning clauses cease to be incorporated into the agreements of purchase and sale, and shall further undertake to advise the Town, in writing, if the solicitor ceases to represent the Owner.
- (61) That the owner agrees not to apply for building permits on Blocks 25 and 28 until such a time as Harasym Trail is extended to Dundas Street West and the temporary 14-metre wide road and easement have been removed
- (70) The owner acknowledges and agrees that this plan is independently unsuitable for development until the subdivision to the west Graydon Banning (Mattamy) has been developed. Building permits will not be issued until the stormwater management pond and road network has been constructed to the satisfaction of the town.

## SCHEDULE 'M'

### Special Provisions

The provision of this Schedule "M" form part of the Residential Subdivision Agreement (the "Agreement") to which this schedule is appended. In the event of a conflict between any provisions of the Agreement and this Schedule "M", the provisions of this Schedule "M" shall prevail.

NOTE: Draft Plan Conditions are identified at the end of the condition by a number eg (44); and Standard Conditions of the Town of Oakville are denoted by (SC)

- (1) In addition to the requirements of Section 3 'PLANS' of the agreement, the Owner shall provide the plans and material set out in Schedule "N".
- (2) The Owner agrees to complete the following to the satisfaction of the Town of Oakville and/or Conservation Halton:
  - (a) prepare and implement a detailed stormwater management report to the satisfaction of the Conservation Halton and the Town of Oakville; (SC)
  - (b) prepare and implement an engineering report identifying erosion control requirements on-stream, and outlining siltation controls required prior to and during the construction of the subdivision to the satisfaction of the Conservation Halton and the Development Engineering Department;(SC)
  - (c) all blocks for which there are no immediate building permit applications be graded, seeded, and maintained to the satisfaction of the Development Engineering Department; (SC)
  - (d) design, construct and have in operation all necessary flood control structures prior to the registration; (SC)
  - (e) 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 Planning Services Department in accordance with the Development Engineering Procedures and Guidelines Manual; (SC)
  - (f) submit the final clearance fee to Conservation Halton, pursuant to the Region of Halton's Memorandum of Understanding, immediately prior to registration of the draft plan (note: if the development is phased, each phase will require a separate clearance fee); (SC)
- (3) The Owner will include in all agreements of purchase and sale for all lots within the Plan a copy of the grading plan for the lot as well as the following warnings:

### WARNING CLAUSES Warning Clauses to be inserted in all purchase and sale agreements

- (a) "All mail will require retrieval from designated Canada Post Boxes which will be located throughout the development" (SC)
- (b) "Purchasers are advised that private landscaping is not permitted to encroach within the Town's road allowance, Natural Heritage System, Stormwater Management Ponds or any other Town property. Any unauthorized encroachments are to be removed by the homeowner prior to Assumption" (SC)
- (c) "Purchasers and/or tenants are advised that **private landscaping** is not permitted within the road allowance area abutting your property without a boulevard garden permit. Unauthorized landscape material may be removed without notification"
- (d) "Purchasers are advised that the Town current 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 road 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" (SC)

- (e) "Purchasers are advised that there may be sidewalks and/or above ground utility facilities such as fire hydrants, hydro transformers, community mailboxes, cable/telecommunication pedestals and on street parking restrictions located in front of their properties within the Town's road allowance or on easements" (SC)
- (f) "Purchasers are advised that due to site specific sideyard setbacks and zoning restrictions, air conditioning units may not be able to be accommodated in the sideyard. Prior to proceeding to install an air conditioning unit the owner is to contact the Town of Oakville Zoning Section to confirm whether the unit can be accommodated"(SC)
- (g) "Purchasers are advised that prior to the placement of any structures in side and rear yards the Zoning By-law be reviewed to determine compliance and that a Site Alteration Permit be obtained prior to proceeding to do any site work and further that grading alterations or placement of any structure including sidewalks are not permitted within 0.3m (one(1) foot) of all side and rear yards without prior approval from the Town of Oakville" (SC)
- (h) "Purchasers are advised that an overall grade control plan has been approved for this Lot and Plan of Subdivision and the approved plan may allow/provide for lot through lot drainage arrangements. The overall drainage arrangement for the lands (including the subject lot) must be maintained for the overall benefit of the area and as such, the approved lot drainage arrangement (see approved lot grading plan for this lot) shall not be altered without the review/approval of the Town of Oakville
- (i) "Purchasers are advised to confirm the zoning requirement for their lot prior to the placement of any structures in or along their side and rear yards. Grading alterations and/or placement/installation of any structure, including sidewalks, that impacts/alters the approved lot drainage arrangement (see approved lot grading plan for the subject lot), requires the review/approval of the Town of Oakville"
- (j) "Purchasers are advised that the established lot grading supports an overall drainage plan for the lands within and abutting their lot. Alterations to the established lot grading and drainage pattern may only be undertaken with the approval of the Town of Oakville. Unauthorized alterations to the established lot grading plan are prohibited by By-law.
- (k) "Purchasers and/or tenants are advised the builder is responsible for rectifying lot grading matters up until acceptance of the lot grading certification. Any lot grading issues identified once the lot has been certified and accepted by the Town/lot owner, will be the lot owners to address."
- (l) "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. Further 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" (SC)
- (m) "Purchasers are advised that the schools on sites designated for the Halton District School Board in the community are not guaranteed. Attendance at schools in the area yet to be constructed is also not guaranteed. Pupils may be accommodated in temporary facilities and/or be directed to schools outside of the area; (SC)
- (n) "Purchasers are advised that school buses will not enter a cul-de-sac and pick-up points will be generally located on through streets convenient to the Halton Student Transportation Services. Additional pick-up points will not be located within the subdivision until major construction activity has been completed."
- (o) "Purchasers are advised that nearby park facilities will attract people from outside the area and parking on the street by park users may be a common occurrence. Subject to compliance with municipal parking regulations, this on-street parking is deemed to be a legitimate use of the public road allowance" (SC)
- (p) "Purchaser of blocks 9-11,15-17,20 & 21 are advised that their properties are subject to a municipal storm sewer drainage easement to accommodate rear lot catchbasins located on or adjacent to their lot or block"
- (q) "Purchasers are advised that the Town may install lighting in the park for illumination and that the illumination may be visible from the subdivision" (SC)

- (r) "Purchasers are advised that designated Transit Routes, service stops and/or shelters may be erected anywhere in the future. Purchasers are further advised that these Transit Routes will eventually connect to the future developments to the east and west of this subdivision"
- (s) "Purchasers of lots or units in proximity to the proposed Park are advised that these open space areas will be used for general active and passive public recreation and leisure uses, including, but not limited to walkways, bike paths, playgrounds, trails, sports fields (lit or unlit), splash pad." (SC)
- (t) "Purchasers are advised that the park facilities may be used in the evenings and on weekends and that during peak periods, park visitors may park upon the street in front of their home" (SC)
- (u) "Purchasers are advised that the installation of a private swimming pool is not permitted until the subject lot receives its necessary lot grading certification. This certification serves to confirm that the lot has been constructed according to the approved plans, including the approved lot grading plan". Once the subject lot has been certified, owners wishing to construct a pool will be required to secure the necessary permits that allow for its installation which may include modifications to the lot's grading."
- (v) "Purchasers are advised that overnight on-street parking on one side of the street may be available on the street in front of their home. The purchaser is advised to review the approved plan to determine which side of the street will accommodate on-street parking. Vehicles may be parked overnight on the street when a valid parking permit has been served for that vehicle. A permit does not entitle any owner to a particular space, nor does it entitle the vehicle to a space on the street, should all spaces be occupied by permit or otherwise." (SC)
- (w) "Purchasers adjacent to, or near channel blocks, and storm water management blocks are advised that these blocks have been vegetated to create a natural setting. Be advised that the Town will not carry out routine maintenance such as grass and weed cutting. Some maintenance may occur in the areas that are developed by the Town for public walkway and trails" (SC)
- (x) "Purchasers are advised that the storm water management pond will contain a permanent pool of water. The pond is subject to fluctuating water levels due to rain events and is not to be used for recreational purposes. Purchasers are also advised that the Town reserves the right to install a public trail connection within this block" (SC)
- (y) "Purchasers are advised that town-owned stormwater management ponds will be subject to scheduled maintenance and periodic cleanout in accordance with Town requirements"
- (z) "Purchasers are advised that this plan of subdivision was developed with a defined amount of on-street parking and that in order to ensure the continuance of this parking provision, no driveway widening will be permitted beyond that approved at the time the lot was developed. Exceptions may be considered by the town where driveway widening would not result in a loss of on-street parking spaces." (SC)
- (aa) "Purchasers/tenants are advised that the property is in proximity to an AM radio transmission site and nuisance from interference with consumer electronics and potential shocks from metallic objects may occur."
- (bb) "Purchasers/tenants are advised that there will be a temporary road which connects to Harasym Trail. This road will eventually be removed when Harasym Trail is extended southerly and more homes will be constructed in this space"
- (cc) "Purchasers and tenants are advised that Block 22 abutting Dundas Street West on the subject draft plan of subdivision and Block 62 on the abutting draft plan of Subdivision by Graydon Banning (24T-15006/1324) will have a variety of residential built forms with potential maximum building heights of 16 storeys.
- (dd) "Purchasers and/or tenants of lots or units adjacent to or near the Village Square or any other parkland and open space are advised that these parks, in whole or in part, may be vegetated to create a natural setting. Be advised that, in these areas, the Town may not carry out routine maintenance such as grass and weed cutting."

- (ee) “For all lots and blocks adjacent to features regulated by Conservation Halton, purchasers are advised that the feature is regulated by Conservation Halton and that no encroachment is permitted, and that vegetation shall not be manicured in accordance with Ontario Regulation 162/06.
- (ff) “Purchasers and/or tenants of lots or units adjacent to or near the Village Square are advised that these open space areas will be used for general active and passive public recreation and leisure uses, including but not limited to trails (lit and unlit), bikeways, playgrounds, trails, splash pad, visitor parking, and/or multi-use courts. In addition to daytime use, park facilities may be used in the evenings and on weekends.”
- (gg) “Purchasers and/or tenants of Block 24 are advised that a public trail system may abut the subject property consistent with the North Oakville East Trails Plan. During normal use of, and activity on the trail, some noise could occasionally be generated that may potentially interfere with outdoor activities on the subject property.”
- (hh) “Purchasers and/or tenants for all 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.”
- (ii) “Purchasers and/or tenants are advised that Blocks 22 is identified for higher density residential development, potentially with condominium tenure.”
- (jj) “Purchasers and/or tenants of lots or units adjacent to or near the Neighbourhood Park or any other parkland and open space are advised that these parks, in whole or in part, may be vegetated to create a natural setting. Be advised that, in these areas, the Town may not carry out routine maintenance such as grass and weed cutting.”
- (kk) “Purchasers and/or tenants of lots or units adjacent to or near the Neighbourhood Park and servicing / walkway blocks are advised that these open space areas will be used for general active and passive public recreation and leisure uses, including but not limited to walkways (lit and unlit), bikeways, playgrounds, trails, sports field (lit or unlit), splash pad, skateboard park, tennis court, visitor parking, and/or multi-use courts. In addition to daytime use, park facilities may be used in the evenings and on weekends.”
- (ll) “Purchasers and /or tenants are advised that gates are not permitted to be installed along any boundary fence adjacent to any lands intended for a park, school or Natural Heritage System.
- (mm) “Purchasers and/or tenants are advised that home/business mail delivery will be from designated centralised mail boxes and that purchasers are to be notified by the developer/owner regarding the exact centralized mail box locations prior to the closing
- (nn) “Purchasers are advised that Neighbourhood Parks may contain children’s play equipment that may generate noise or nuisance to those homebuyers who purchase adjacent to parks and open space. Neighbourhood Parks may also contain community mail boxes. Community Parks may also include the provisions for sports field lighting that may generate noise or nuisance to homebuyers who purchase adjacent to community parks.”
- (oo) “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.”
- (pp) “Purchasers of lots/units abutting, fronting and adjacent to the school site designated for the Halton District School Board are advised that temporary facilities / portables may be sited on the school site in order to accommodate pupils in excess of the school building capacity.”
- (qq) “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. Residents are expected to accept bus operations, with their associated impacts as a reality along roadways of this

community. Transit infrastructure including bus stops and bus shelters may be located on municipal streets within subdivisions either as temporary and/or permanent features.”

- (rr) “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.”
- (ss) “Purchasers are advised that there is the potential for high water pressures within the subdivision”
- (tt) “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” (SC)
- (uu) “Purchasers and /or tenants of Blocks 1-4, 23 & 32 are advised that their lot is adjacent to a Switchgear structure and easement owned and maintained by Oakville Hydro. Operation and maintenance of this facility may at times be audible”
- (vv) Purchasers will give similar notices to their purchasers ad infinitum. No general release of any lot from the provisions of this agreement will release any Owner from the provisions of this section unless this section is specifically referred to in the release.
- (ww) Noise Warning Clauses:

**All lots and blocks (Warning clause Type A)**

“Purchasers/tenants are advised that sound levels due to increasing road and air traffic may occasionally interfere with some activities of the dwelling unit occupants, as the sound levels exceed the Town’s and the Ministry of the Environment’s noise criteria.”

**Air Conditioning Requirement**  
**blocks 15-20,25 & 28 (Warning clause Type B)**

“This dwelling unit has been fitted with a forced air heating system and the ducting etc. was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Town’s and the Ministry of the Environment’s noise criteria. (Note: The location and installation of the outdoor air conditioning device should be done to minimize the noise impacts and comply with the criteria of the MOE publication NPC-216, Residential air conditioning devices)

- (4) The Owner agrees that the number of model homes permitted and the specific locations of the model homes shall be approved by the Development Engineering Department. The Town will permit the Owner to construct a maximum of 21 model homes without the Owner completing all the roads within the plan to base course asphalt provided that the model home is first identified in writing to the Town as “a model home” and the Owner has constructed access roads to base course asphalt to permit access to the model home. In addition to the foregoing, the Owner agrees not to apply for a model home building permit until Council has approved the subdivision agreement. The Owner will not permit occupancy of any model home until all roads within the plan are constructed to base course asphalt. The Owner agrees to save harmless and fully indemnify the Town from and against any and all claims, losses, damages and costs (including legal costs) of whatsoever kind, which may be incurred directly or indirectly as a consequence of the construction and use of model home. (SC)
- (5) Prior to the issuance of building permits, all street lights to be energized to the satisfaction of the town (SC)
- (6) The Owner is required to enter into a separate agreement with Oakville Hydro. Notwithstanding anything in the following clauses in this agreement

- 1 INTERPRETATION - (a) and (c);
- 2 MUNICIPAL SERVICES - (3), (a), (b), (c) and (d);
- 3 PLANS - (1);
- 9 WORKS TO BE CONSTRUCTED ON BEHALF OF THE TOWN SCHEDULE 'K' - A (e) and E (2); and
- Schedule 'F'

In the event of actual conflict between the provisions of the Hydro agreement and the portions of the above noted clauses addressing the obligations of the Owner with respect to matters under the authority of Oakville Hydro, the Oakville Hydro agreement shall prevail. **It is also acknowledged that no Hydro securities are being taken by the Town under this agreement. (SC)**

- (7) The Owner agrees to provide as part of the Homeowner communication packages as well as erection of a notice in all sales offices that indicates that swimming pools may not be permitted until lot grading has been certified. (SC)
- (8) The Owner agrees that traffic/signage management plan to be complete prior to registration.
- (9) The Owner is hereby advised that prior to commencing any work within the plan, the developer must 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 a connection to and/or extension of the existing infrastructure, the developer shall be required to demonstrate to the municipality that sufficient alternative communication/telecommunication infrastructure are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management (i.e. 911 Emergency Services). (SC)
- (10) The Owner covenants and agrees that prior to requesting a building permit for any lot or block, it will deliver to the Town a certificate of the Owner's/Builder's solicitor, addressed to the Town, certifying that the warning clauses contained in Schedule M, Section 3 and Appendix 'A' herein have been included in, and form part of the agreements of purchase and sale for the applicable lots or blocks. Such certificate shall further contain the undertaking by the Owner's solicitor to the Town that the solicitor will forthwith advise the Town in writing, if at any time, the warning clauses cease to be incorporated into the agreements of purchase and sale, and shall further undertake to advise the Town, in writing, if the solicitor ceases to represent the Owner. (SC)
- (11) The Owner agrees that during construction when various items of municipal infrastructure are not properly supervised by the Owner's consulting Engineer or not constructed to approve municipal standards, the Town may advise the Owner, in writing, that the maintenance (warranty) period of the works may be extended to a period deemed by the Town. (SC)
- (12) The Owner agrees to post additional lot grading security in the amount of \$1,500 per unit as itemized in Schedule J. Lot grading securities may be reduced by 90% once the lot grading certification has been accepted by the Town.

The owner agrees to provide certification of lot grading by the developers consultant/ builder within 60 days of placement of sod (no earlier than 30 days). The owner will provide certification that the lot has been constructed according to the approved plan. The builder will provide written notification to the homeowner when the lot has been certified. The homeowner will be provided twenty-five (25) days following this notification to advise the developer/builder and Town of any lot grading concerns that (in their opinion) remain. The builder and Town will conduct a second inspection to assess the concerns that have been raised by the homeowner. Should the lot be found to conform to the approved plans and Town Standards, no further actions are required. Should the lot be found deficient, the builder will be required to correct the grading. Following the repairs, a subsequent inspection will be required. Should the Town require further confirmation of grading compliance; the Town, in its sole discretion, may require the lot to be surveyed by the developer. Following the prescribed comment period, should no issues be raised, the lot grading will be deemed acceptable and the homeowner becomes responsible for managing and maintaining the lot thereafter. (SC)

- (13) The owner agrees that no structures will be built /constructed on any of its lands until adequate services are available including adequate water pressure to the satisfaction of the Town's Fire Department (SC)



- (14) The Owner agrees to provide a fire break plan and other fire prevention measures to the satisfaction of the Town of Oakville.(SC)
- (15) If the Town, in its sole discretion, determines that the Owner has been chronically in default of its obligations pursuant to this agreement, it shall have the right, but not the obligation, to appoint an inspector or inspectors to monitor the manner in which the Owner is fulfilling its obligations hereunder on a day to day basis, and to charge the costs of such inspectors against the securities posted by the Owner hereunder. As such securities are drawn upon, the Owner will deliver fresh securities to the Town to maintain the amounts herein provided. If during the extended maintenance/warranty period, the infrastructure fails to perform at the level expected by the Director of Development Engineering, (using reasonable judgement), the Owner will be directed to undertake necessary remedial works to improve the quality of the infrastructure and thus its ability to perform. The Owner covenants and agrees that he is responsible for all required signage on the various blocks which are part of this plan of subdivision and further, that in the event that the Town installs any signs on the Owners behalf, the Owner agrees to reimburse the Town for the supply, erection and relocation of appropriate signs which depict land uses and other information on the subject and adjacent land including notices relating to the bussing of children until the school sites are available and developed (SC)
- (16) The Owner acknowledges that public safety requires the maintenance of effective public street and traffic signage throughout the whole time that construction is taking place within the Plan. Accordingly, the Owner hereby covenants and agrees that signage, as required by the Town's Engineer, will be promptly, erected and will be rigorously monitored and maintained. Any signage destroyed, knocked down or in any way obstructed or compromised will, throughout the construction period and until Assumption of the Subdivision, be repaired, replaced, re-erected or otherwise rendered effective by and at the Owner's expense, and without delay. Recognizing the importance to the public of rectification of signage problems and defects in a timely manner, the Owner further covenants and agrees that it will, within twenty-four hours of being advised of the need for signage rectifications of whatsoever sort, perform such rectifications in an effective and workmanlike manner. (SC)
- (17) "The owner agrees to install all traffic signage per Town standards and to provide samples to the traffic department prior to installation"
- (18) The Owner covenants and agrees to use its best reasonable efforts to minimize noise disturbance to persons residing within the Plan or within proximity to the Plan while construction is ongoing therein. Without limiting the generality of the foregoing, the Owner hereby undertakes to operate heavy machinery, vehicles and equipment only during such hours of the day as the Town's Engineer, acting reasonably, shall specify in writing. (SC)
- (19) The Owner hereby covenants and agrees to conduct its building operations in such manner, and to employ all such dust suppression techniques, materials and equipment as are available, to prevent airborne dust from being deposited upon lands and buildings outside the Plan, and upon occupied lands and buildings within the Plan (hereinafter referred to as "Adjacent Properties"). If, in the unfettered opinion of the Town's Engineer, dust generated by operations within, or otherwise originating from, the Development has impacted upon Adjacent Properties, such Adjacent Properties shall be cleaned forthwith by, or at the expense of the Owner, in a good and workmanlike manner, failing which the Town may, but shall not be obliged to, arrange for a third party to do such cleaning and the Owner covenants and agrees to reimburse the Town therefore forthwith upon demand, failing which the Town may have recourse to the Securities lodged with it pursuant to this agreement or otherwise. (SC)
- (20) The Owner covenants and agrees to ensure that earth and debris from construction on the Land are not tracked on the Town streets outside of the Land. All trucks making deliveries to, or taking materials from, the Land shall be adequately covered and reasonably loaded so as not to scatter refuse, earth or debris on Town or other adjacent property. Further, the Owner will ensure that streets, roadways, pathways and laneways within the Land are at all times clear of earth, debris and building materials. If earth, debris and building materials are allowed to accumulate on any streets, roadways, pathways or laneways whether inside or outside of the Land, and the Owner fails to clean the said streets and remove the debris and materials the Town may, but shall not be obliged to, do such work itself whereupon the Owner covenants and agrees to reimburse the Town therefore forthwith upon demand and, failing which, the cost of any work done or ordered to be done by the Town shall be charged first against the Securities and when the Securities are exhausted, against any other securities lodged with the Town pursuant to this Agreement. Provided, however, that on each occasion that the Securities are drawn down, the Owner shall forthwith thereafter provide replacement Securities in like amount. (SC)
- (21) The owner agrees to ensure that during the servicing stage of the subdivision that all efforts to minimize the generation of dust are undertaken and that the builders are made aware of the

- need to suppress the generation of dust during the house building operations. The owner agrees to respect the presence of the abutting existing residents, especially those with pools. (SC)
- (22) The Owner hereby covenants and agrees to submit to the Engineer for his or her approval, prior to any marketing, promotional or advertising signage (hereinafter referred to as "Marketing Signage") being erected by the Owner, or by any builder subsequently acquiring a Lot or Lots within the subdivision, a sign master plan document showing number, size, content, appearance and location of all Marketing Signage intended to be employed by the Owner or builder in connection with the Development. Only such Marketing Signage as shall have been approved, in writing, by the Engineer and which complies in all respects with the Town Sign By-law, as the same may be amended from time to time, may be erected or displayed. (SC)
- (23) In the event that Oakville Town Council approves a new standard form subdivision agreement with new holdback provisions subsequent to the registration of the subject plan, the holdback provisions of this agreement may be administered in a manner consistent with holdback provisions of new subdivision agreement. (SC)
- (24) The Owner shall agree to prepare and implement to the satisfaction of the Town a complete Composite Utility Plan showing all features that occupy space within the public streets, inclusive of all utilities (hydro, telecom, gas), fire hydrants, street trees, streetlights poles, driveway locations, cycling facilities, sidewalks, pedestrian walkways, community mailboxes, pavement markings and on-street parking spaces.
- The owner further agrees to provide notice to prospective purchasers upon the completion and approval of the above grade Composite Utility Plan showing the location of all community facilities to the satisfaction of town staff and that this plan be made available in the Sales Office.
- The Owner shall be entirely responsible for implementation of the plan including all financial costs. (SC)
- (25) Notwithstanding clause 28 LANDSCAPE, (pg 16) 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. The selection of species, caliper and timing of work shall be undertaken in consultation with the Parks and Open Space Department and Development 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.(SC)
- (26) The Owner agree to provide written notice to all purchasers advising as to the anticipated timing of the implementation of the municipal street tree planting program to be undertaken by the Owner. (SC)
- (27) The Owner agrees not to store any materials upon any park or open space block without written approval from the Parks & Open Space Department. (SC)
- (28) The Owner acknowledges that assumption of the works identified in Schedule "H" will not be granted until all warrantees have expired (SC)
- (29) The Owner agrees to the satisfaction of the Town to review all sightlines at all intersections considering the future owners ability to install boundary fencing and if necessary adjust the plan to ensure sightlines at the built form stage are achievable. (SC)
- (30) The Owner agrees to temporarily fence all lands being used on a temporary basis for staging, material storage, office trailers, etc. or any activities that are not directly related to the development of those lands. Furthermore any blocks that are subject to further approvals (e.g. site plan) shall be securely fenced off and gated to deter public entry and inappropriate activities (e.g. garbage deposit, children playing etc.). (SC)
- (31) That the owner agrees not to remove or disturb any trees on the subject property without the approval from the Town. (SC)
- (32) That the owner implement the approved tree preservation plan to the satisfaction of the Town of Oakville prior to the issuance of a site alteration permit and/or prior to receiving approval from the Town to pre-service the subject phase of development.(SC)
- (33) That the owner prepare and submit to the Town a grading plan showing the existing and proposed grades at the base of the trees intended for preservation on individual Plot Plans submitted with Building Permit Applications to the satisfaction of the Parks and Open Space Department. (SC)

- (34) That the owner removes the invasive species on the subject property and prepares a landscape plan that includes non-invasive species, to the satisfaction of Conservation Halton and the Town of Oakville. (SC)
- (35) That the proposed street names for roads to be dedicated be to the satisfaction of the Town of Oakville.(SC).
- (36) The owner agrees to prepare a Traffic management and Street Signage Plan to the satisfaction of the Town. The Owner shall be entirely responsible for implementation of the plan including all financial costs. (SC).
- (37) 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 Engineering.
- (38) The owner acknowledges that the securities are a blanket security and the individual amounts assigned to specific works, or classes of works with Schedule 'J' are for the convenience of the parties only, and do not limit the Town's ability to retain or have recourse the entire amount of the Securities for any purpose authorized by this agreement. (SC)
- (39) 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.
- (40) 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.
- (41) The owner hereby covenants and agrees to deliver to the Town following materials (hereinafter in this section referred to as the "Materials" within the times herein provided:

II. Prior to registration of the Plan:

- i. 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 (hereinafter referred to as the "Dedicated Lands"); and
- ii. a table in form and content acceptable to the Town, and certified by the Owner's Engineer, setting out all materials constructed for the Town, the dates of their estimated respective installation, together with certification of their fair market values at installation, including contract administration and supervision costs, all engineering and design works costs.

I. Prior to Acceptance for Maintenance:

- i. updated table in form and content acceptable to the Town and certified accurate by an Ontario Land Surveyor, setting out the area of all lands dedicated to the Town pursuant to this agreement, including rights of way (hereinafter referred to as the "Dedicated Lands"); and
- ii. updated table in form and content acceptable to the Town, and certified by the Owner's Engineer, setting out all materials constructed for the Town, the dates of their respective installation, together with certification of their fair market values at installation, including contract administration and supervision costs, all engineering and design works costs where not previously certified.

II. Prior to Assumption of the Plan:

- i. updated table in form and content acceptable to the Town and certified accurate by an Ontario Land Surveyor, setting out the area of all lands dedicated to the Town pursuant to this agreement, including rights of way (hereinafter referred to as the "Dedicated Lands") and not previously certified; and
- ii. updated table in form and content acceptable to the Town, and certified by Engineer or Appraiser as applicable, setting out all materials constructed for the

Town, the dates of their respective installation, together with certification of their fair market values at installation, including contract administration and supervision costs, all engineering and design works costs where not previously certified. (SC)

The owner, their successors and assigns are hereby notified the Development Charges of the Town of Oakville are payable in accordance with the applicable Development Charges By-laws, upon issuance of a building permit, at the rate in effect on the date issued. (SC)

- (42) The Owner agrees that notwithstanding the provisions of Clause 19(3), the Town may, at its sole discretion, require the securities posted pursuant to this agreement to be retained, in whole, or in part, or additional securities to be posted by the Owner for rectification or warranty of any outstanding works to be constructed under this agreement as a condition of the assumption of the plan. (SC)

(43)

The owner agrees that if any dwelling unit is occupied within the Plan before Assumption of the connecting road system, the Town, through its servants, contractors or agents, may, at its sole discretion, provide winter roadway maintenance and/or other maintenance services set out in Schedule "D", to the occupied units in the Plan at the sole expense of the owner. The Town and the Owner will determine on or before October 15<sup>th</sup> annually which roads within the plan will receive Town provided winter roadway maintenance. In anticipation of the Town delivering winter roadway maintenance and/or other maintenance services on behalf of the Owner (typically at the point of substantial occupation within the plan or sections thereof), the Owner agrees to pay to the Town the specified maintenance and operational obligations described in Schedule "D". This amount is required to be paid before the Town releases the plan for registration. The Town shall be deemed to have acted as an agent for the owner and shall not be considered in any way to have accepted or assumed the roads within the Plan upon which maintenance work has been performed. The owner hereby acknowledges that if the Town, by providing winter roadway maintenance and/or other maintenance under the provisions of this Agreement, interferes with the Works or causes damage to such Works, the owner hereby waives all claims against the Town that it might have arising there from and covenants that it will make no claim against the Town for such interference or damage which was not caused intentionally or recklessly by the Town, its servants, contractors or agents.

Additional conditions which the owner must meet before the Town will consider providing winter roadway maintenance are as follows:

- a) The base course asphalt must be completed on the road way;
- b) All catch-basins must be asphalt ramped;
- c) All other services and appurtenances, including manholes, must be installed flush with the base course, to be raised at the time of application of the final course of asphalt. (SC)

- (44) The owner agrees to provide digital copies of the draft M-plan to Halton Region and the Town of Oakville, prior to registration of the plan. (SC)
- (45) The owner agrees that blasting will not be permitted without written consent from the Town. (SC)
- (46) That the Owner submits **grading plans** for Block 24 adjacent to the natural heritage system to the satisfaction of Conservation Halton and the Town of Oakville.
- (47) That the Owner erects a suitable temporary barrier to work fence prior to engaging in any construction or regrading works adjacent to any regulated area, natural heritage system, watercourse, or stormwater management block. The Owner shall maintain this barrier until the adjoining construction/regarding work is complete.
- (48) That the Owner erects a suitable temporary barrier to work fence prior to engaging in any construction or regrading works adjacent to any regulated area, natural heritage system,

watercourse, or stormwater management block. The Owner shall maintain this barrier until the adjoining construction/regrading work is complete.

- (49) That the Owner revises/update 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 (inclusive of all transportation infrastructure – roads, transit, pedestrian trails, and cycling) to the satisfaction of the Town of Oakville, Conservation Halton and the Regional Municipality of Halton.
- (50) That the Owner prepares and submits a Stormwater Management Report and Stormwater Management Plan for the design of the major and minor storm sewer system in accordance with the approved EIR/FSS and Stormwater Pond Design Brief for Pond 55 on the Graydon Banning Lands to the satisfaction of Conservation Halton and the Town of Oakville.
- (51) That the Owner submit phasing plans and necessary supporting documentation/analysis that considers interim conditions and impacts to the Natural Heritage System (NHS), private and public property as well as municipal infrastructure.
- (52) The owner shall design the future village square design to incorporate elements/materials from the former Shevchenko monument that exists on the property, which is listed as having potential cultural heritage value or interest on the Oakville Heritage Register. The applicant shall be required to retain a landscape architect and develop conceptual layout plans for the park block, including this heritage item. Final design to be approved by both Parks and Heritage Planning.
- (53) The Owner shall prepare and agree to implement an AM Radio Construction Mitigation Plan prepared by a qualified engineer which identifies potential hazards of the proposed construction near AM transmission sites (such as electrical shocks from induced and contact currents), applicable safety standards (such as Safety Code 6). The AM Construction Mitigation Plan shall include a requirement that all construction equipment deployed in the EMCAB-2 limits be tested for compatibility before being used, that all workers be trained to be aware of necessary precautions and that notification, including a copy of the AM Construction Mitigation Plan be provided to all utilities who may be performing work within the subdivision.
- (54) That the Owner provides 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, and all approved natural hazard delineations (e.g., wetland boundaries, stable top of bank, flood plain, meander belt, shoreline flooding limits, dynamic beaches and karst features) to Conservation Halton, prior to registration of the plan.
- (55) Surveys undertaken to delineate any hazard shall be provided to Conservation Halton in the following mapping coordinate system: NAD 83 / UTM Zone 17 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.
- (56) Flood plain models used in the delineation of flood hazards must be provided to Conservation Halton and referenced to the above mapping standards.
- (57) That the Owner shall provide the Town with a letter from the Trustee confirming that the Owner is in compliance with the Cost Sharing Agreement and s.4.7 of the North Oakville East Master Parkland Agreement prior to the release for registration of each phase of the plan of subdivision.
- (58) That the Owner shall install information signs, not less than 2 metres by 3 metres, on all commercial, Natural Heritage 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.

- (59) That the owner agrees that the future village square design will incorporate elements/materials from the former Shevchenko monument that exists on the property, which is listed as having potential cultural heritage value or interest on the Oakville Heritage Register. The applicant further agrees to retain a landscape architect and develop conceptual layout plans for the park block, including this heritage item.
- (60) That the owner agrees not to apply for building permits on Blocks 25 and 28 until such a time as Harasym Trail is extended to Dundas Street West and the temporary 14-metre wide road and easement have been removed
- (61) That the Owner agrees to ensure that a Stormwater Management Pond Monitoring Program is provided and implemented which fully outlines the monitoring requirements and procedures for SWM Pond (Block 45) of the Graydon Banning subdivision (File No 24T-15006/1324) to the satisfaction of Town of Oakville Development Engineering Department and Conservation Halton.
- (62) That the Owner agrees to monitor and maintain the SWM facility until it is accepted by the Town. The Owner shall ensure that a monitoring procedure and schedule is provided to the satisfaction of the Town and Conservation Halton for all stormwater management facilities/works immediately prior to all stormwater management facilities/works becoming operational. All monitoring shall be in accordance with the requirements of the approved EIR/FSS, North Oakville Monitoring Guidelines and Town-approved program for the receiving SWM facilities. Monitoring and maintenance is to be undertaken by the Owner from construction until a minimum period 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.
- (63) That the owner agrees to provide and grant a 14m wide temporary right of way easement from Harasym Trail to Pavillion Path, to the satisfaction of the Town of Oakville. The Town to retain securities for the removal of this road and the construction of the ultimate road. Refer to schedule "I" of this agreement for block numbers.
- (64) Block 22:
- That the owner agrees to provide a site specific update to the AM Radio Construction Mitigation Plan for Block 22 as part of the future site plan application associated with such block and to implement any recommendations arising out of such updated report. The Owner shall circulate the AM Radio Construction Mitigation Plan update to the owner/operator of the radio station for comment prior to submission.
- That the Owner also agrees to provide updated reports with respect to compatibility with EMCAB-2 and IEC60601-1-2 standards (or any applicable successors to such standards) (AM Radio Compatibility Report) based on detailed design in conjunction with future site plan applications for each of Block 22 to identify and manage potential effects, if any, of the existing AM radio station on future residents, and further to implement any mitigation measures that may be recommended within such reports. The Owner shall circulate the AM Radio Compatibility Report to the owner/operator of the radio station for comment prior to submission.
- (65) Block 24 – Site Plan Control
- The owner agrees that Block 24 shall be subject to the site plan process to address site plan and coordination matters with the northerly block (Block 48) on the Graydon Banning subdivision lands.
- (66) 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.

- (67) The owner will provide certification from an Ontario licensed Acoustical engineer stating that the building plans for the residential lots requiring upgraded building features/construction material for noise mitigation have been incorporated into the building plans submitted and approved for a building permit.
- (68) 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
- (69) The owner acknowledges and agrees that this plan is independently unsuitable for development until the subdivision to the west Graydon Banning (Mattamy) has been developed. Building permits will not be issued until the stormwater management pond and road network has been constructed to the satisfaction of the town.
- (70) The owner agrees that blocks 25 & 28 are frozen to development until the temporary road which connected to Harasym trail is removed and Harasym trail is extended southerly.
- (71) The Owner agrees to provide maintenance fees as set out in Schedule 'D'.
- (72) The Owner acknowledges that work completed on behalf of the Town shall not exceed the estimated values contained within the subdivision agreement, that works required by Conservation Halton in excess of Town development charge standards shall not be reimbursed by the Town, 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. (SC)
- (73) The conditions of draft approval, attached hereto as Appendix 'A' and 'B' are hereby incorporated into, and form part of, this agreement, *mutatis mutandis*. To the extent that the provisions of Appendices A and B deal with matters dealt with elsewhere in this agreement, dual compliance will be required, with any conflicts to be resolved to the satisfaction of the Engineer (SC)

**APPENDIX 'A'- CONDITIONS OF DRAFT PLAN APPROVAL**

**NOTE: The Lot and Block numbers refer to in this appendix are based on the 'Draft Plan' numbering and may be different from the Registered version of the plan**

**CONDITIONS OF DRAFT PLAN APPROVAL**

**Appendix A**

**Town File No.'s: Z.1324.09 and 24T-16005/1324  
Revised Draft Plan dated  
on June 17, 2019**

**TOWN OF OAKVILLE CONDITIONS OF DRAFT APPROVAL  
FOR THE REGISTRATION OF THE DRAFT PLAN OF SUBDIVISION BY  
MARTILLAC ESTATES INC.**

This approval applies to the draft plan of subdivision (24T-16005/1324) prepared by Humphries Planning Group dated revised June 17, 2019 illustrating 46 blocks and 14-metre wide temporary easement. The conditions applying to the approval of the final plan for registration are as follows:

<b>CONDITIONS</b>	<b>CLEARANCE AGENCY</b>
<b>CONDITIONS TO BE MET PRIOR TO PRE-GRADING OR PRE-SERVICING</b>	
1. The Owner is required to provide Halton Region with a letter from a Qualified Professional confirming that the subject lands remain suitable for their intended use. Should the Qualified Professional indicate there has been changes on site which may alter the suitability of the lands, further reports may be required.	RMH (LPS)
2. 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 <b>decommission any existing wells</b> 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)
3. 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)
4. That the Owner prepares and implements a <b>Tree Preservation Plan</b> for any tree removal required within the boundaries of the Natural Heritage System (NHS) to the satisfaction of Conservation Halton and the Town of Oakville. Refer to Conservation Halton's Landscaping and Tree Preservation Plan Guidelines for additional information.	CH
5. That the Owner submits <b>grading plans</b> for Block 24 adjacent to the natural heritage system to the satisfaction of Conservation Halton and the Town of Oakville.	CH OAK(DE)
6. That the Owner prepares a report and plans outlining <b>erosion and siltation controls measures</b> 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 for the following three phases of construction: a) earthworks b) servicing c) home 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.	CH OAK(DE)



7. That the Owner erects a suitable **temporary barrier to work fence** prior to engaging in any construction or regrading works adjacent to any regulated area, natural heritage system, watercourse, or stormwater management block. The Owner shall maintain this barrier until the adjoining construction/regarding work is complete. CH
8. That the Owner revises/update 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 (inclusive of all transportation infrastructure – roads, transit, pedestrian trails, and cycling) to the satisfaction of the Town of Oakville, Conservation Halton and the Regional Municipality of Halton. OAK (PS)(DE)  
CH  
RMH (LPS)
9. That the Owner prepares and submits a **Stormwater Management Report and Stormwater Management Plan** for the design of the major and minor storm sewer system in accordance with the approved EIR/FSS and Stormwater Pond Design Brief for Pond 55 on the Graydon Banning Lands to the satisfaction of Conservation Halton and the Town of Oakville. CH  
OAK(DE)
10. That the Owner submit phasing plans and necessary supporting documentation/analysis that considers **interim conditions** and impacts to the Natural Heritage System (NHS), private and public property as well as municipal infrastructure. CH
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 (DE)
12. The owner shall design the future village square design to incorporate elements/materials from the former Shevchenko monument that exists on the property, which is listed as having potential cultural heritage value or interest on the Oakville Heritage Register. The applicant shall be required to retain a landscape architect and develop conceptual layout plans for the park block, including this heritage item. Final design to be approved by both Parks and Heritage Planning. OAK(H)  
OAK(POS)
13. That the Owner finalize and submit for approval a revised **Urban Design Brief**. OAK (PS)
14. The Owner shall prepare and agree to implement an **AM Radio Construction Mitigation Plan** prepared by a qualified engineer which identifies potential hazards of the proposed construction near AM transmission sites (such as electrical shocks from induced and contact currents), applicable safety standards (such as Safety Code 6). The AM Construction Mitigation Plan shall include a requirement that all construction equipment deployed in the EMCAB-2 limits be tested for compatibility before being used, that all workers be trained to be aware of necessary precautions and that notification, including a copy of the AM Construction Mitigation Plan be provided to all utilities who may be performing work within the subdivision. OAK (PS)

The Owner shall circulate the AM Radio Construction Mitigation Plan to the owner/operator of the radio station for comment prior to submission.

#### **CONDITIONS TO BE MET PRIOR TO INITIATING SALES PROGRAMME**

##### **NEIGHBOURHOOD INFORMATION MAPPING**

15. The developer shall prepare a preliminary neighbourhood information map for the subdivision, to the satisfaction of the Town's Director of Planning Services. The Map is to be posted in a prominent location in each sales office from where homes in the subdivision are being sold. The Map shall include the location and type of parks, open space / valleyland and walkways/trails, a general description of their proposed facilities as well as the following information: OAK (PS)

- a) All approved street names,

- b) The proposed land uses within the subdivision based on the draft approved plan,
- c) The immediately surrounding existing and proposed land uses and potential building heights,
- d) Identification of the existing radio tower site,
- e) Where applicable, a statement indicating that place of worship and school sites may be used for residential uses if they are not acquired for their original purpose within the time period specified in the subdivision agreement,
- f) Those lots or blocks that have existing and potential environmental noise constraints based on the noise feasibility study. Include all relevant warning clauses on the map,
- g) The approximate locations of noise attenuation walls and berms,
- h) The approximate locations and types of other fencing within the subdivision,
- i) Where parks and open space, stormwater management facilities and walkways / trails / vista blocks / servicing blocks are located,
- j) The types and locations of village squares, parks, valley lands and other open space (i.e. passive or active) and a general description of their proposed facilities and anticipated level of maintenance,
- k) The locations of all anticipated Canada Post Community Mailboxes,
- l) The anticipated Transit routes through the subdivision,
- m) The following standard notes:
  - 1. "This map, and the following list, is intended to provide potential home buyers with general information about the neighbourhood and the surrounding area. If you have specific questions, you are encouraged to call the Town's Planning Department during normal business hours which are 8:30 am to 4:30 pm, Monday to Friday."
  - 2. "Please Note: this map is based on information available on \_\_\_\_\_ (month/year) and may be revised without notice to purchasers."
  - 3. "The map shows that there will be several types of proposed and potential housing and building heights in the subdivision."
  - 4. "Sites shown on the map for future schools, townhouses, parks, shopping etc. could have driveways anywhere along their street frontage."
  - 5. "Some streets in this subdivision will be extended in the future and temporary access roads may be closed."
  - 6. "There may be catch basins or utilities easements located on some lots in this subdivision."
  - 7. "Some lots and blocks will be affected by noise from adjacent roads, and warnings will apply to purchasers."
  - 8. "Some dwelling units are in proximity to commercial, institutional and/or school uses from which activities may at times be audible. The map shows that some of the lots affected by noise will be fitted with noise barriers and some of the homes will be provided with central air conditioning to allow bedroom windows to be closed if necessary due to the noise."

9. "Natural Heritage System, valleys, woodlots and stormwater management ponds in this subdivision will be left in a natural condition with minimal maintenance and no grass cutting, only periodic removal of debris. Residents adjacent to these blocks are requested to limit the use of pesticides and fertilizers to reduce adverse effects on the NHS."
  10. "Community mailboxes will be directly beside some lots."
  11. "Purchasers are advised that the final location of trail in Block 39 may change without notice."
  12. "Most streets contain on-street parking, and may be available for overnight parking, subject to parking permits."
  13. "The completion of some dwellings in this subdivision may be delayed until after the completion of exterior finishes on the adjacent buildings."
  14. "There may be Transit bus routes on some streets within this subdivision with stops beside some homes. Oakville Transit reserves the right to introduce transit services and facilities such as bus stops, shelters, pads and associated amenities on any municipal rights-of-way to provide effective service coverage."
  15. "Boulevard trees will be planted according to Town standards and a tree will not necessarily be located in front of every home. Purchasers are further advised that home builders are not permitted to charge a purchaser separately for the cost of trees, sodding, fencing and paving of the driveway apron. The Town will not reimburse purchasers, nor assist in any recovery of moneys paid, under any circumstance."
  16. "The design of features on public lands may change. Builders' sales brochures may depict these features, however, the Town has no control over builders' sales brochures."
  17. "Gates are not permitted in fences when lots abut the Natural Heritage System, a trail, valleyland, active park, woodlot or stormwater management pond."
  18. "The Town's Zoning By-law regulates the width of driveways. Please do not have your driveway widened before inquiring about the permitted driveway width for your lot."
  19. "This community is subject to Architectural Control. Models available for sale have to be pre-approved by the Control Architect and certain models may not be available for some of the lots. Check with your builder regarding the particular situation for the model and lot you intend to purchase."
  20. "Halton Region is responsible for household garbage, recycling and green bin collection. For further information, please call 311 or visit Halton.ca"
  21. "For further general information on proposed and existing land use, please call the Town's Planning Department 905.845.6601."
  22. "For detailed grading and berming information, please call the Town's Development Engineering Department 905.845.6601"
16. The Owner shall submit elevation drawings (all facades) and typical floor plans (all levels) 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

OAK(PS)

marketing or selling any such units.

17. 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: OAK(PS)
- 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;
  - v. the control architect will discuss with Town staff any identified issues; and
  - vi. the control architect will submit stamped/signed drawings with the building permit application in accordance with the foregoing.
18. The Owner acknowledges in writing to Halton Region that until such time as a letter from the Region's Commissioner of Public Works has been received by the Owner confirming that the delivery of the Regional water and wastewater services to the subject property will occur within one year, that no units within this plan of subdivision can be marketed or offered for sale and no agreements of purchase and sale can be entered into. RMH (LPS)

**CONDITIONS TO BE MET PRIOR TO FINAL APPROVAL /  
REGISTRATION**

- 19 That the Owner is required to fund and undertake all infrastructure works required for storm water drainage improvements and upgrades to Dundas Street West (Regional Road No. 5) that are required to accommodate any post development storm water flows that are generated from this subdivision. All costs for any drainage improvements are to include design, construction and implementation for these upgrades. RMH(LPS)
- 20 That the Owner is required to design and construct at their sole expense the proposed sanitary sewer on Street M to Street C (on Graydon Banning Limited (24T-15006/1324) to accommodate sewer flows from the adjacent development lands to the east as per the design standards of the Region of Halton to the satisfaction of Halton Region's Development Project Manager. RMH(LPS)  
OAK(DE)
- 21 The Owner may be required to provide an updated Transportation Impact Study to the satisfaction of Halton Region's Transportation Services Co-ordinator should there be any updates, changes or red-line revisions to the subdivision. RMH (LPS)
- 22 The applicant agrees that registration of units without sufficient allocation will not be permitted. As such, the final M plan will be reviewed and approved by Regional planning staff to ensure that appropriate allocation has been secured for all units being proposed for registration. RMH(LPS)

- 23 That the Owner is required to design and construct at their sole expense a minimum 300mm diameter local watermain along Dundas Street West (Regional Road No. 5) to provide servicing, watermain looping and fire protection to the Dundas Urban Core Block as per the design standards of the Region of Halton. RMH(LPS)
- 24 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
- 25 The Owner shall ensure that the **stormwater management ponds, stormwater management outfalls and associated storm infrastructure to be shared with the adjacent lands to the west on Graydon Banning Limited (24T-1506/1324)** are constructed, certified, stabilized, operational and in public ownership in accordance with Town-approved engineering drawings, approved Stormwater Management Plan, MECP Environmental Compliance Approval (ECA) and Conservation Halton permits to the satisfaction of the Town of Oakville and Conservation Halton. CH  
OAK(DE)
- 26 That the Owner agrees to **phase the development** of the subject lands to the satisfaction of Conservation Halton and the Town of Oakville. CH  
OAK(DE)
- 27 That the Owner **provides 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, and all approved natural hazard delineations (e.g., wetland boundaries, stable top of bank, flood plain, meander belt, shoreline flooding limits, dynamic beaches and karst features) to Conservation Halton, prior to registration of the plan. OAK (DE)  
RMH (LPS)  
CH
- Surveys undertaken to delineate any hazard shall be provided to Conservation Halton in the following mapping coordinate system: NAD 83 / UTM Zone 17 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.
- 28 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 plans including the rehabilitation of any Natural Heritage System block or open space areas to the satisfaction of Conservation Halton and the Town of Oakville which may be disturbed during the development of the subdivision. CH  
OAK(DE)
- 29 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
- 30 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
- 31 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 OAK (DE)  
(PS)

- 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, and the Town of Oakville. RMH(LPS)  
CH
- 32 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)
- 33 That the Owner shall provide the Town with a **letter from the Trustee** confirming that the Owner is in compliance with the Cost Sharing Agreement and s.4.7 of the North Oakville East Master Parkland Agreement prior to the release for registration of each phase of the plan of subdivision. OAK (PS)
- 34 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, homeowner warning clauses, etc. OAK(PS)  
(DE)
- 35 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 (DE)
- 36 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 (DE)
- 37 All lots and blocks unsuitable for development under interim conditions will be identified on the final engineering drawings and reflected in the Pre-servicing agreement with the town. OAK (DE)
- 38 That the Owner shall design and construct pedestrian crossings to the satisfaction of the Town as identified in the TIS for the subdivision and/or as determined through detail design of the subdivision. OAK(DE)
- 39 That prior to the issuance of any building permits, a secondary site access shall be approved to the satisfaction of the town of Oakville and Region of Halton. OAK(DE)  
RMH(LPS)
- 40 That the Owner shall **dedicate all lands to be conveyed to the Town, Regional Municipality of Halton or other authority** 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. OAK (PS,  
DE)  
RMH (LPS)
- 41 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
  - 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.OAK (DE)(T)

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.

- 42 That the owner prepares and agrees to **implement the following plans/studies/updates** to the satisfaction of the Town and/or the Regional Municipality of Halton where applicable): OAK (DE)  
RMH (LPS)
- Composite Utility Plan,
  - Functional Servicing Study
  - Noise Study
- 43 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)
- 44 That the Owner shall **install information signs**, not less than 2 metres by 3 metres, on all commercial, Natural Heritage 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)  
(DE)
- 45 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)
- 46 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)
- 47 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)
- 48 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)
- 49 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)
- 50 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: RMH (LPS)
- 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.
- 51 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)

- 52 The Owner agrees to restrict the building occupancy of the units within the proposed subdivision until the sanitary sewer system that is to be located in the adjacent subdivision to the west (Graydon Banning Subdivision) has been constructed and is operational and that written confirmation has been given by the Region's Development Project Manager that building occupancy can proceed. RMH(LPS)
- 53 That the Owner agrees that **should the development be phased**, a copy of the phasing plan shall be submitted prior to final approval. 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
- 54 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
- 55 That the Owner shall provide the Town with evidence that satisfactory arrangements, financial and otherwise, have been made with Oakville Hydro, prior to registration of the plan. OH
- 56 That the Owner shall provide Union Gas Limited the **necessary easements and/or agreements required by Union Gas Limited** for the provision of local gas services for this project, in a form satisfactory to Union Gas Limited. UG
- 57 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)

**CONDITIONS TO BE MET PRIOR TO FINAL APPROVAL/  
REGISTRATION**

**NEIGHBOURHOOD INFORMATION MAPPING**

- 58 The developer shall prepare a final neighbourhood information map, based on the final M-plan, 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: OAK (PS)
- a) all of the information required on the preliminary map,
  - b) the locations of all sidewalks and walkways/trails,
  - 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.

#### 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)
  
- Prior to signing the final plan the Director of Planning Services shall be advised by the **Regional Municipality of 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)  
RMH (LPS)
  
- Prior to the signing of the final plan the Director of Planning Services shall be advised by the **Conservation Halton** that all applicable conditions inclusive 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 all applicable conditions inclusive 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 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)  
HCDSB
  
6. 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
  
7. 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
  
8. 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
  
9. Prior to signing the final plan, the Director of Planning Services shall be advised by **Union 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
  
- All of the above conditions shall be satisfied within 3 years of the granting of draft approval, being Day\_\_\_, Month\_\_\_\_\_, 20xx.** OAK (PS)

**NOTES:**

1. 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.
2. Any payment of cash-in-lieu of parkland in accordance with the applicable by-law and North Oakville Master Parkland related agreements will be payable prior to the first building permit issuance in accordance with the provisions of Section 42 of the *Planning Act*.
3. 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 units (SDEs) are being reserved for the Owner.

The Owner is also required to pay all other applicable Regional development charges and front-ending recovery payments prior to the issuance of any building permits, unless a subdivision (or other form of development) agreement is required in which case the road portion of the Regional development charges and the front-ending recovery payment are payable upon execution of the agreement. Please visit our website at [www.halton.ca/developmentcharges](http://www.halton.ca/developmentcharges) to obtain the most current development charge and front-ending recovery payment information, which is subject to change.

Disclaimer: It is the Owners responsibility to ensure that all applicable payments and development charges for the single detached equivalents units (SDEs) being requested are paid for as required.

4. The Owner is required to pay all applicable Regional development charges and front-ending recovery payments prior to the issuance of any building permits, unless a subdivision (or other form of development) agreement is required in which case the water, wastewater and road portion of the Regional development charges and the front-ending recovery payment are payable upon execution of the agreement. Please visit our website at [www.halton.ca/developmentcharges](http://www.halton.ca/developmentcharges) to obtain the most current development charge and front-ending recovery payment information, which is subject to change. The above note is for information purpose only. The Owner assumes all of the responsibilities and risks related to the use of the information provided herein.
5. The Owner will be required to pay all applicable Regional development charges prior to the issuance of any building permits, in accordance with the Region of Halton Development Charge By-law(s), as amended. Please visit our website at [www.halton.ca/developmentcharges](http://www.halton.ca/developmentcharges) to obtain the most current development charge information, which is subject to change. The above note is for information purpose only. The Owner assumes all of the responsibilities and risks related to the use of the information provided herein.
6. 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.
7. 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.
8. The Owner should ensure that any vegetation removal take place outside of the nesting season, pursuant to the **Migratory Bird Convention Act**, where necessary
9. 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 a dam or blockage of the watercourse is proposed, where necessary.
10. CH recommends that the Owner prepares and implements 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.

11. 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.

**APPENDIX B**

**MATTERS TO BE DEALT WITH  
 IN THE SUBDIVISION AGREEMENT  
 OR THROUGH TOWN STANDARDS**

**Town File No.'s: Z.1324.09 and 24T-16005/1324  
 Revised Draft Plan  
 Dated June 17, 2019  
 Martillac Estates Inc.**

This approval applies to the draft plan of subdivision (24T-16005/1324) prepared by Humphries Planning Group dated revised June 17, 201, illustrating 46 blocks and 14-metre wide temporary easement. The conditions that will be incorporated into the Subdivision Agreement are as follows:

<b>CONDITIONS TO BE INSERTED INTO SUBDIVISION AGREEMENTS (Town and/or Regional Municipality of Halton)</b>	<b>CLEARANCE AGENCY</b>
1. That the owner agrees that the future village square design will incorporate elements/materials from the former Shevchenko monument that exists on the property, which is listed as having potential cultural heritage value or interest on the Oakville Heritage Register. The applicant further agrees to retain a landscape architect and develop conceptual layout plans for the park block, including this heritage item.	OAK(H) OAK(POS)
2. That the owner agrees not to apply for building permits on Blocks 25 and 28 until such a time as Street G is extended to Dundas Street West and the temporary 14-metre wide road and easement have been removed.	OAK(PS) OAK(DE)
3. That the Owner agrees that <b>pre and post development storm water flows</b> 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)
4. That the Owner agrees to conduct a <b>survey of the static water level</b> 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)
5. That the Owner acknowledges that development shall be subject to full <b>municipal water and sanitary sewer services</b> to the satisfaction of the Regional Municipality of Halton.	RMH (LPS)
6. 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)
7. That the Owner agrees to implement their applicable <b>Minutes of Settlement/Supplementary Minutes of Settlement / Agreements</b> with the Town of Oakville and Conservation Halton to the satisfaction of the Town and Conservation Halton.	OAK (PS, POS), (DE), (F) CH
8. That the Owner agrees, that should it be determined through detailed design that <b>grade changes</b> beyond those detailed in the EIR/FSS are required in order to accommodate development of lots/blocks adjacent to the NHS block any grade changes must be accommodated outside of the buffer block and the lot lines must be adjusted accordingly, to the satisfaction of Conservation Halton and the Town of Oakville.	CH OAK(DE)
9. That the Owner agrees that <b>native non-invasive species</b> shall be planted in accordance Conservation Halton Landscaping Guidelines for lands adjacent to	CH

all natural heritage system, watercourses, and stormwater management facilities blocks and for all lands within Conservation Halton's regulated area.

10. That the Owner agrees to ensure that a **Stormwater Management Pond Monitoring Program** is provided and implemented which fully outlines the monitoring requirements and procedures for SWM Pond (Block 45) of the Graydon Banning subdivision (File No 24T-15006/1324) to the satisfaction of Town of Oakville Development Engineering Department and Conservation Halton. CH  
OAK(DE)
11. That the Owner agrees to ensure that the Town-approved **monitoring program** is implemented to the satisfaction of the Town and Conservation Halton in accordance with the approved monitoring plan. CH  
OAK(DE)
12. 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. CH  
OAK(DE)
13. That the Owner ensures that there are **no in- or near water works** undertaken during the fisheries window as defined by the Ministry of Natural Resources and Forestry (MNRF) and Conservation Halton. CH
14. That the Owner agrees that no fill from the site may be **dumped on or off-site** in an area regulated by a Conservation Authority without the prior written permission of Conservation Halton. CH
15. That the Owner agrees to not **stockpile fill** within 15 metres of a watercourse or stormwater management block without prior written approval on Conservation Halton. CH
16. 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. CH
17. 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. CH  
OAK(DE)
18. That the Owner agrees to monitor and maintain the SWM facility until it is accepted by the Town. The Owner shall ensure that a monitoring procedure and schedule is provided to the satisfaction of the Town and Conservation Halton for all stormwater management facilities/works immediately prior to all stormwater management facilities/works becoming operational. All monitoring shall be in accordance with the requirements of the approved EIR/FSS, North Oakville Monitoring Guidelines and Town-approved program for the receiving SWM facilities. Monitoring and maintenance is to be undertaken by the Owner from construction until a minimum period 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. CH  
OAK(DE)
19. **Block 24 – Site Plan Control** OAK (PS)  
  
The owner agrees that Block 24 shall be subject to the site plan process to address site plan and coordination matters with the northerly block (Block 48) on the Graydon Banning subdivision lands.
20. That the Owner agrees to implement the Town final approved Urban Design OAK(PS)

- Brief to the satisfaction of the Town.
21. That the owner agrees to implement the **AM Radio Construction Mitigation Plan** to the satisfaction of the Town of Oakville. OAK(PS)
22. **Block 22** OAK(PS)
- That the owner agrees to provide a site specific update to the **AM Radio Construction Mitigation Plan** for Block 22 as part of the future site plan application associated with such block and to implement any recommendations arising out of such updated report. The Owner shall circulate the AM Radio Construction Mitigation Plan update to the owner/operator of the radio station for comment prior to submission.
23. **Block 22** OAK(PS)
- That the Owner agrees to provide updated reports with respect to compatibility with EMCAB-2 and IEC60601-1-2 standards (or any applicable successors to such standards) (**AM Radio Compatibility Report**) based on detailed design in conjunction with future site plan applications for each of Block 22 to identify and manage potential effects, if any, of the existing AM radio station on future residents, and further to implement any mitigation measures that may be recommended within such reports. The Owner shall circulate the AM Radio Compatibility Report to the owner/operator of the radio station for comment prior to submission.
24. 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)
25. 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)
26. 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)
27. 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 (DE)(F)
28. That the owner agrees to provide and grant a 14m wide temporary right of way easement from Street G to Street M, to the satisfaction of the Town of Oakville. OAK(DE)
29. The Owner agrees that the Town of Oakville will not assume the storm water management facility until the requirements of the SWM Pond assumption process have been successfully completed to the satisfaction of the Town, including 100% build-out of the contributing drainage area to the pond or at the discretion of the Director of Development Engineering for the Town of Oakville. OAK (DE)
30. 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 (DE)

31. 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 Engineering Department, prior to building permit issuance. OAK (DE)
32. 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 Engineering Department, in accordance with the Development Engineering Procedures and Guidelines Manual. OAK (DE)
33. 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 (DE)
34. 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 (DE)
35. 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 (DE)
36. 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 (DE)
37. 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 (DE)
38. 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: OAK (DE)
  - 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.
39. 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 Engineering. OAK (DE)
40. 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 (DE)

41. 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 (DE)
42. 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 (DE)
43. 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 and the abutting lots and/or blocks. The fence must be installed prior to occupancy 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 to the satisfaction of the Planning Services Department, Development 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, POS, DE)
44. That the Owner retain the services of a landscape architect in good standing with the OALA from a roster of prequalified landscape architectural consultants 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 including parkland, walkways/trails and natural heritage system buffer areas; 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 Development Engineering 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, 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 park block confirming that the expected program elements may be incorporated. OAK (PS, POS, DE)
45. 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, calliper and timing of work shall be undertaken to the satisfaction of the Development 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 (DE, POS)
46. 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 Engineering. OAK (POS, DE)
47. 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 (DE, POS)
48. That the Owner agrees to place **topsoil** on lots, boulevards and parkland in accordance with approved Town standards. OAK (POS, DE)
49. That the Owner ensures a **monitoring program** has been implemented 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 OAK (DE)



- monthly sediment and erosion control reports during construction to the satisfaction of Conservation Halton and the Town of Oakville.
50. 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 (including off site 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 (DE)
  51. 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 (DE, POS)
  52. 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)
  53. 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)
  54. 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 (DE)
  55. That the Owner shall submit a copy of the **approved sidewalk plan**, prepared to the satisfaction of the Town of Oakville, to the Halton District School Board and Halton Catholic District School Board. OAK (DE)  
HDSB  
HCDSB
  56. 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
  57. 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
  58. 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
  59. 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
  60. 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
  61. 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 CP

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.

62. 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
63. That the Owner acknowledge its responsibility to up-front the cost of any extension to the **electrical distribution system**. OH
64. 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. Additionally, the owner shall submit a copy of the agreement of purchase and sale prior to registration for the review and approval of Halton Region. OAK (PS, DE) (POS)  
CH  
HDSB  
HCDSB  
CP  
RMH(LPS)
- a) "Purchasers/tenants are advised that the property is in proximity to an **AM radio transmission site** and nuisance from interference with consumer electronics and potential shocks from metallic objects may occur."
  - b) "Purchasers and tenants are advised that Block 22 abutting Dundas Street West on the subject draft plan of subdivision and Block 62 on the abutting draft plan of Subdivision by Graydon Banning (24T-15006/1324) will have a variety of residential built forms with potential maximum building heights of 16 storeys.
  - c) "Purchasers and/or tenants of lots or units adjacent to or near the Village Square or any other parkland and open space are advised that these parks, in whole or in part, may be vegetated to create a natural setting. Be advised that, in these areas, the Town may not carry out **routine maintenance** such as grass and weed cutting."
  - d) "For all lots and blocks adjacent to features regulated by Conservation Halton, purchasers are advised that the feature is regulated by Conservation Halton and that **no encroachment is permitted**, and that **vegetation shall not be manicured** in accordance with Ontario Regulation 162/06.
  - d) "Purchasers and/or tenants of lots or units adjacent to or near the Village Square are advised that these **open space areas** will be used for general active and passive public recreation and leisure uses, including but not limited to trails (lit and unlit), bikeways, playgrounds, trails, splash pad, visitor parking, and/or multi-use courts. In addition to daytime use, park facilities may be used in the evenings and on weekends."
  - e) "Purchasers and/or tenants of Block 24 are advised that a **public trail system** may abut the subject property consistent with the North Oakville East Trails Plan. During normal use of, and activity on the trail, some noise could occasionally be generated that may potentially interfere with outdoor activities on the subject property."
  - f) "Purchasers and/or tenants for all 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."
  - g) "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 road 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.”

- h) “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.”
- i) “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.”
- j) “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.”
- k) “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.”
- l) “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**.”
- m) “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.”
- n) “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): William Halton Parkway, Street G and Dundas Street West”
- o) “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. “
- p) “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.”
- q) “Purchasers are advised that **school buses** will not enter a cul-de-sac and pick-up points will be generally located on through streets convenient to the Halton Student Transportation Services. Additional pick-up points will not be located within the subdivision until major construction activity has been completed.”
- r) “Purchasers are advised that Village Squares will contain **children’s play equipment** that may generate noise or nuisance to those homebuyers who purchase adjacent to parks and open space. Village Squares may also contain community mail boxes. Community Parks may also include the provisions for sports field lighting that may generate noise or nuisance to homebuyers who purchase adjacent to community parks.”

- s) “Purchasers are advised that Town **Stormwater Management Ponds** will be subject to scheduled maintenance and periodic cleanout in accordance with Town requirements.”
- t) “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.”
- u) “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.”
- v) “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. Residents are expected to accept bus operations, with their associated impacts as a reality along roadways of this community. Transit infrastructure including **bus stops and bus shelters** may be located on municipal streets within subdivisions either as temporary and/or permanent features.”
- w) “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.
- x) “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.

#### **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 (DE)	Town of Oakville – Development Engineering 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 (LPS)	Regional Municipality of Halton – Legislative and Planning Services
UG	Union Gas



OAKVILLE

## REPORT

### Planning and Development Council

Meeting Date: May 2, 2022

---

**FROM:** Transportation and Engineering Department

**DATE:** April 19, 2022

**SUBJECT:** Assumption of Silwell Phase 8 - Portion of Taunton Road, By-law 2022-025

**LOCATION:** Taunton Road between Oak Park Boulevard and Glenashton Drive

**WARD:** Ward 5

Page 1

---

#### RECOMMENDATION:

1. That the assumption of the west side of Taunton Road between Oak Park Boulevard and Glenashton Drive be approved.
2. That By-law 2022-025 a by-law to assume the completed public works described as Parts 1-5, 8,11,14,17 & 30-38 of Plan 20R-19677 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.

#### BACKGROUND:

Draft plan 24T-92005, approved in July of 2005, provided the necessary planning approval for the forward movement of development within the Uptown Core area of Oakville. Plan 20M-803 essentially provided for the residential development area bounded by Glenashton Drive to the south, Oak Park Boulevard to the north, Sawgrass Drive to the west and Taunton Road to the east. While plan 20M-803 included the obligation to construct Taunton Road between Glenashton Drive and Oak Park Boulevard, it was recognized that one half this roadway physically resided within the land holdings of the Town of Oakville (the former Public Works Yard).

The remaining easterly half of Taunton Road will be constructed when the lands on the east side of the road develops, currently owned by the town.

The roads and blocks were created through legal reference plan 20R-19677 which is included in Appendix A of this report. The lands have been made part of a public highway through by-law 2015-119.

As set out in the subdivision agreement, when the obligations of the Owner have been fulfilled, the developer may request the Town to assume the public elements within the plan of subdivision. The developer has requested assumption which has prompted this report to Council.

**COMMENT/OPTIONS:**

The request for assumption was circulated to the standard commenting departments and external agencies and there were no concerns expressed and all clearances have been received.

**CONSIDERATIONS:**

**(A) PUBLIC**

Not applicable

**(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 (Transportation & Engineering, Parks and Open Space, Legal Services, and Finance) have been circulated.

**(D) CORPORATE STRATEGIC GOALS**

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

- be accountable in everything we do

**(E) COMMUNITY SUSTAINABILITY**

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

**APPENDICES:**

Appendix A – Location Plan  
Appendix B- Legal Plan  
Appendix C- By-law 2022-025

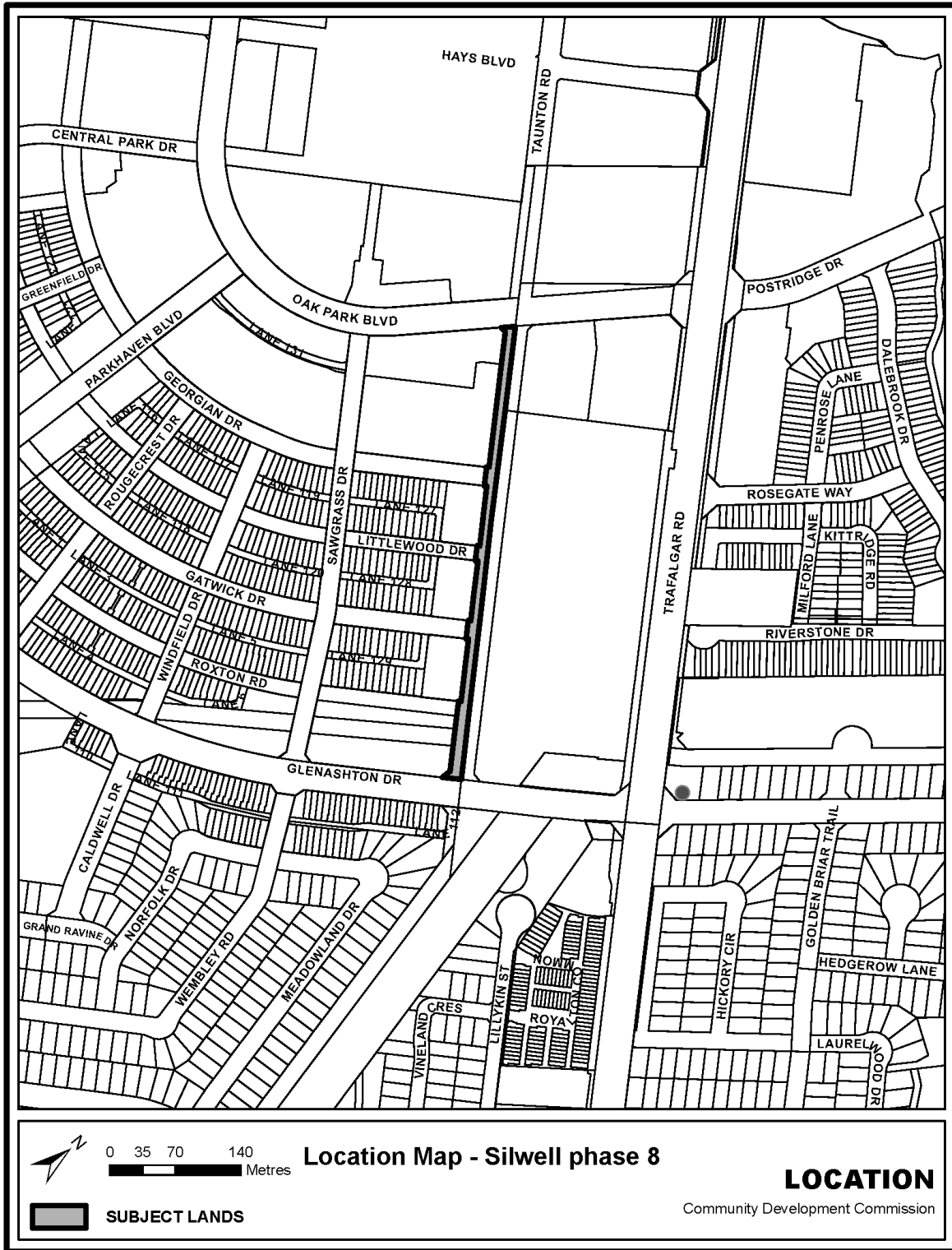
Prepared by:  
Steve Pozzobon, CET  
Development Coordinator  
Transportation and Engineering

Recommended by:  
Kristina Parker, P.Eng.  
Manager, Development Services  
Transportation & Engineering Department

Submitted by:  
Jill Stephen, P. Eng.  
Director – Transportation & Engineering Department



# APPENDIX 'A'



## LOCATION PLAN





OAKVILLE

APPENDIX C

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2022-025

A by-law to assume Taunton Road between Oak Park Boulevard and Glenashton Drive

**COUNCIL ENACTS AS FOLLOWS:**

That the public works within Taunton Road between Oak Park Boulevard and Glenashton Drive described as Parts 1-5, 8,11,14,17 & 30-38 of Plan 20R-19677 are hereby assumed by the Town.

PASSED this 2<sup>nd</sup> day of May, 2022

---

MAYOR

---

CLERK



OAKVILLE

## REPORT

### Planning and Development Council

Meeting Date: May 2, 2022

---

**FROM:** Planning Services Department

**DATE:** April 19, 2022

**SUBJECT:** Recommendation Report, Draft Plan of Condominium, Kingridge (Oakville East) Inc., 1670 North Service Road East, File No.: 24CDM-22001/1505

**LOCATION:** 1670 North Service Road East

**WARD:** Ward 6

Page 1

---

#### **RECOMMENDATION:**

That the Director of Planning Services be authorized to grant draft plan approval to the Draft Plan of Condominium (24CDM-22001/1505) submitted by Kingridge (Oakville East) Inc., and prepared by R-PE Surveying Ltd. dated April 9, 2019, subject to the conditions contained in Appendix 'A' of the Planning Services Report dated April 19, 2022.

#### **KEY FACTS:**

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

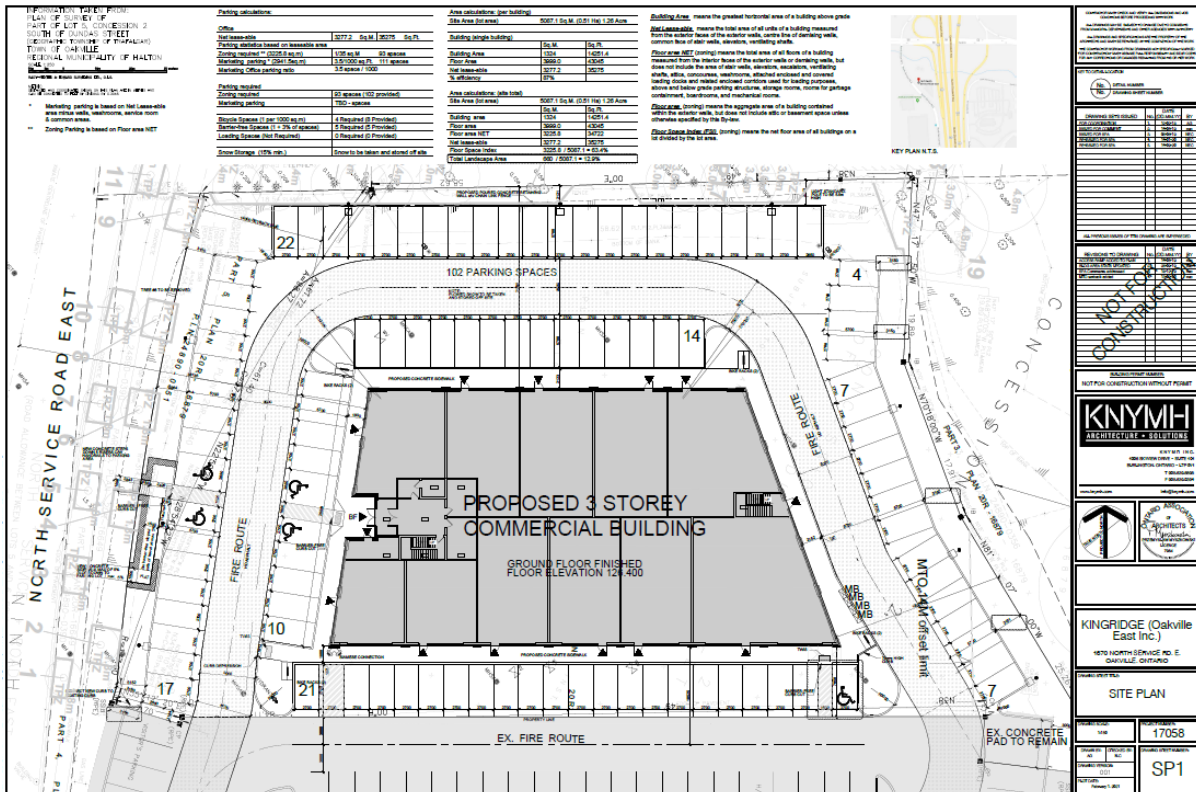
- A standard draft plan of condominium application has been submitted to create a condominium consisting of 45 office units in a three-storey commercial/office building.
- Condominium tenure would allow for the transfer of individual units to the future owners.
- The development received final site plan approval (SP.1505.010/01) on July 13, 2021.
- There were no concerns raised with the application from circulated internal or external agencies.
- Staff recommends approval of the standard draft plan of condominium application, subject to the conditions outlined in Appendix 'A'.

#### **BACKGROUND:**

The purpose of this report is to provide a full staff review of the application and a recommendation on the proposed standard draft plan of condominium application consisting of a three-storey commercial/office building containing 45 office units.

Upon registration of the condominium, the condominium corporation will be created and will be responsible for the management of the development.

A site plan application (SP.1505.010/01) was submitted on June 28, 2019, and the applicant received final site plan approval on July 13, 2021, as show on Figure 1. The building is currently under construction.



**Figure 1: Approved Site Plan**

The draft plan of condominium application was submitted on February 8, 2022 by Kingridge (Oakville East) Inc. Draft plan approval and registration of the plan will allow for the formal transfer of the individual units to the purchasers

**Proposal**

The applicant is proposing a standard condominium consisting of a three-storey commercial/office building containing 45 office units, as shown on Figure 2. 102 vehicle parking and 8 bicycle parking spaces are also being provided.

Submission materials are posted on the Town’s website <https://www.oakville.ca/business/da-40651.html>

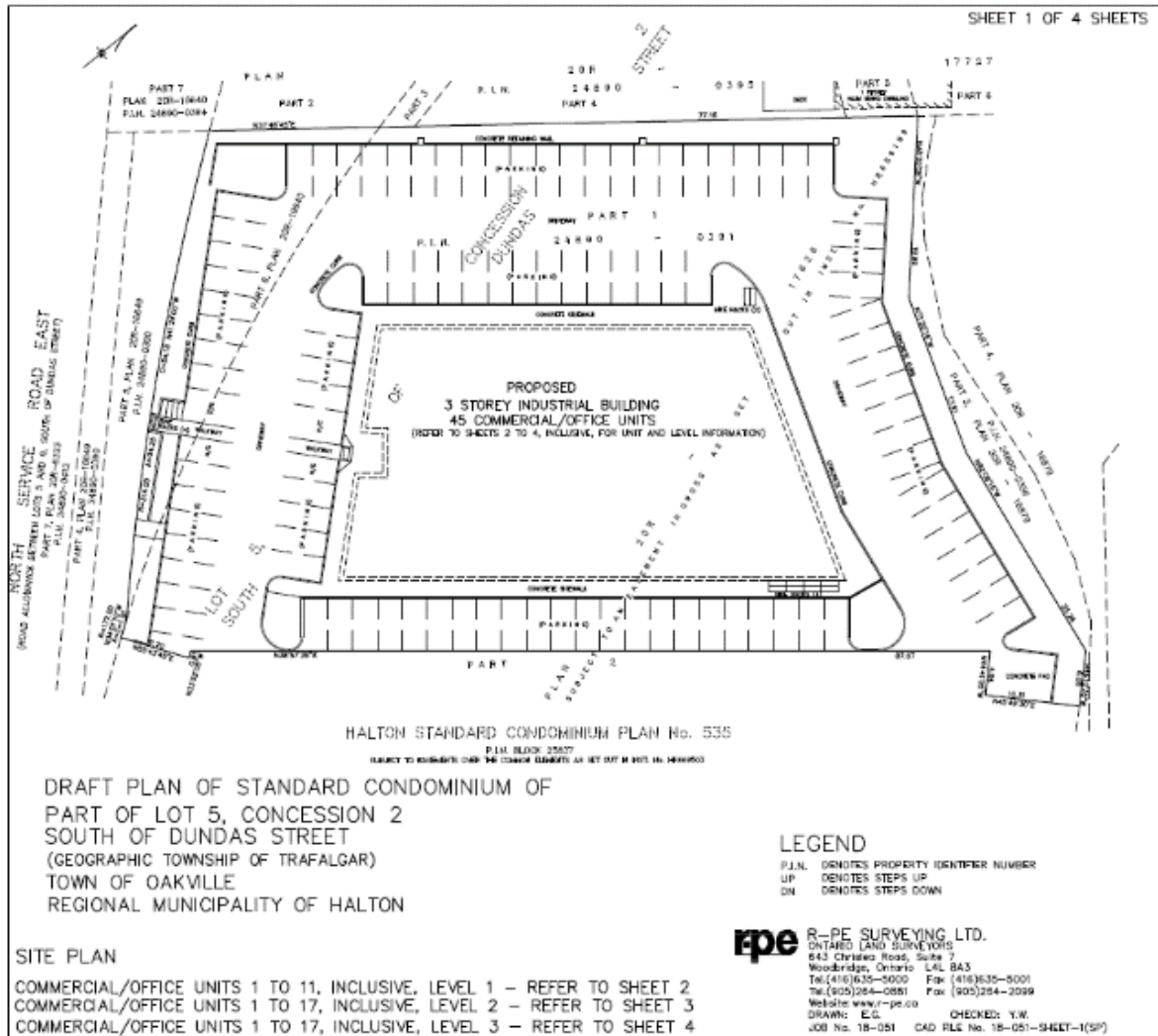


Figure 2: Draft Plan of Condominium

### Location & Site Description

The subject property is approximately 0.51 hectares in size and is located on the east side of North Service Road East, east of Ironoak Way and west of Ford Drive. The site is currently under construction to be developed in accordance with the approved site plan.

### Surrounding Land Uses

The surrounding land uses are predominately commercial and office type uses, with an adjacent natural area (Joshua's Creek) to the north, as shown on Figure 3.



Figure 3: Air Photo Map

**POLICY FRAMEWORK:**

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

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

### **Provincial Policy Statement**

The Provincial Policy Statement (2020), the '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. All planning decisions must be consistent with the PPS.

Draft plan of condominium applications deal with property tenure of otherwise previously approved developments. At the time of Site Plan approval, the subject lands were reviewed for consistency with the PPS, and the development was determined to be consistent with the PPS.

### **Growth Plan**

The 2020 Growth Plan for the Greater Golden Horseshoe, the 'A Place to Grow' is a long-term plan that intends to manage growth, build complete communities, curb sprawl and protect cultural heritage resources and the natural environment. All planning decisions are required to conform to the Growth Plan.

Draft plan of condominium applications deal with property tenure of otherwise previously approved developments. At the time of Site Plan approval, the subject lands were reviewed for conformity with the Growth Plan, and the development was determined to be in conformity with the Growth Plan.

### **Halton Region Official Plan**

The subject lands are designated as 'Urban Area' with an Employment Area overlay on Map 1C and 1H in the 2009 Regional Official Plan. The Region of Halton has no objection or conditions to the application. 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.

The Region of Halton has no objection or conditions for the approval of this application, subject to the notes outlined in Appendix 'A'.



---

### **Livable Oakville Plan**

The subject lands are designated as 'Business Employment, as identified on Schedule J, East Land Use Plan in the Livable Oakville Plan. Office buildings are permitted within this designation and the development conforms to the applicable policies of the Official Plan.

### **Zoning By-law**

The subject lands are zoned Business Employment (E2) in Zoning By-law 2014-014. In this case, the applicant received approval of CAV A/032/2020 during the site plan review process. 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:**

The purpose of the proposed condominium is to create condominium tenure to permit 45 office units within a three-storey office building to allow for the transfer of ownership to the purchasers.

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, canopy coverage and urban design;
- Grading and stormwater management;
- Site servicing;
- Vehicle movements with required easements;
- Conformity with the Livable Oakville Plan; and,
- Compliance with the Zoning By-law 2014-014.

The proposed condominium plan is consistent with the site plan (SP.1505.010/01) approved on July 13, 2021.

The draft plan of 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'.

The financial obligations of the developer as it relates to the construction of the development have been addressed through the site plan approval process. Required on-site and off-site works are secured by a letter of credit collected through the site plan approval.

Lastly, the proposed plan of condominium meets the criteria established in Section 51(24) of the *Planning Act* and is consistent with the Livable Oakville Plan.

---

**CONCLUSION:**

Staff recommends approval of the application, subject to the conditions in Appendix 'A', as the application is consistent with the Provincial Policy Statement, does not conflict with provincial plans or the Region of Halton Official Plan, has regard for matters of Provincial interest, and represents good planning. Further the application is consistent with the Livable Oakville Plan and Zoning By-law 2014-014. The following requirements have been satisfied:

- The proposed plan of condominium meets the criteria established in Section 51(24) of the *Planning Act*;
- 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 conditions of site plan approval;
- Building permits have been issued in accordance with the approved Site Plan;
- There is no need for a Condominium Agreement as all financial, design, and technical requirements have been addressed through the site plan approval process;
- Opportunities for public participation were provided as part of the previous CAV A/032/2020 application process; and
- Approval of the draft plan of condominium is necessary to create each unit as its own legal parcel and is appropriate for the orderly development of the lands.

**CONSIDERATIONS:**

**(A) PUBLIC**

Public input opportunities were provided through the Committee of Adjustment approval processes. No public comments were received with respect to this application.

**(B) FINANCIAL**

Financial requirements specific to construction, such as the payment of development charges and parkland requirements, have been satisfied. A standard condition of approval 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. Any 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 complies with the sustainability objectives of Climate Change Adaptation Initiative.

**APPENDICES:**

Appendix A – Draft Plan of Condominium Conditions

Prepared by:

Brandon Hassan, MCIP, RPP

Planner, Current Planning – East District

Recommended by:

Leigh Musson, MCIP, RPP

Manager, Current Planning – East District

Submitted by:

Gabe Charles, MCIP, RPP

Director, Planning Services

## Appendix A – Draft Plan of Condominium Conditions

### TOWN OF OAKVILLE CONDITIONS FOR FINAL APPROVAL FOR THE REGISTRATION OF THE DRAFT PLAN OF CONDOMINIUM BY Kingridge (Oakville East) Inc.

This approval applies to the Draft Plan of Condominium (File No.: 24CDM-22001/1505) submitted by Kingridge (Oakville East) Inc., prepared by R-PE Surveying Ltd. dated April 09, 2019, for a three-storey building with 45 office units. 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 plans for registration of Kingridge (Oakville East) Inc., Draft Plan of Condominium (File No.: 24CDM-22001/1505) are as follows:

<b>CONDITIONS</b>	<b>CLEARANCE AGENCY</b>
<b>GENERAL</b>	
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.	<b>OAK (F)</b>
2. The owner provide a certificate signed by the surveyor and the owner 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.	<b>OAK (PS)</b>
3. The Owner shall provide 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 Transportation and Engineering have been made for their completion.	<b>OAK (TE)</b>
<b>LEGAL</b>	
4. a. 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: <ul style="list-style-type: none"> <li>• Schedule "A" containing statement from the declarant's solicitor that in this 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 exists in law upon the registration of the Declaration and Description; and</li> <li>• 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.</li> </ul>	<b>OAK (L)</b>

- b. 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."
- c. That the owner provides any necessary easements to the satisfaction of the Town (if necessary).

**ZONING**

- 5. a. That the owner/applicant confirms as-built compliance 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, prior to plan registration. **OAK (Z)**
  - Prior to draft approval an as built survey is required to be submitted or certification of the building location is provided by the surveyor on the draft plan.
  - Please include on the draft plan, the site statistics which include the lot area, lot frontage, net floor area, required and provided parking spaces, barrier free parking spaces and bicycle parking.
  - Please include on the draft plan, typical parking dimensions for drive aisles, parking spaces, barrier free parking and location of bicycle parking with the number provided in each location.

**CANADA POST**

- 6. a. The owner/developer will provide each building with its own centralized mail receiving facility. This lock-box assembly must be provided and maintained by the Owner/Developer in order for Canada Post to provide mail service to the residents of this project. **CP**
- b. The owner/developer agrees to provide Canada Post with access to any locked doors between the street and the lock-boxes via the Canada Post Crown lock and key system. This encompasses, if applicable, the installation of a Canada Post lock in the building's lobby intercom and the purchase of a deadbolt for the mailroom door that is a model which can be retro-fitted with a Canada Post deadbolt cylinder.
- c. As the project nears completion, it is requested that the Developer contact Canada Post directly for a Postal Code as existing postal coding will not apply and new postal codes will be issued for this development.

**BELL CANADA**

- 7. That the owner provides written confirmation that all Bell Canada matters have been satisfactorily addressed. **BC**

**UNION GAS/ENBRIDGE**

8. That the owner/developer provide any necessary easements and/or agreements required for the provision of gas services for this project, in a form satisfactory to Enbridge. **UG**

**CLOSING CONDITIONS**

9. Prior to signing the final plans, the Director of Planning Services shall be advised by Canada Post that condition 6 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied. **OAK (PS), CP**
10. Prior to signing the final plan, the Director of Planning Services shall be advised by Bell Canada that condition 7 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied. **OAK (PS), BC**
11. Prior to signing the final plan, the Director of Planning Services shall be advised by Enbridge Gas Inc. that condition 8 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied. **OAK (PS), UG**
12. Prior to signing the final plans, 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)**

All of the above conditions shall be satisfied within 3 years of the granting of draft approval, being *[Month Day, Year]*. (Date of Draft Approval to be inserted as the day after the last date for appeals if no appeals are received). **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 for each extension to draft approval and for major revisions to the draft plan or conditions and for registration of the plan.
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.

**Halton Region: Requirements at the time of registration**

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

## **LEGEND – CLEARANCE AGENCIES**

OAK (A)	Town of Oakville – Planning Administration
OAK (PS)	Town of Oakville – Current Planning Services
OAK (F)	Town of Oakville – Finance
OAK (L)	Town of Oakville – Legal
OAK (TE)	Town of Oakville – Transportation and Engineering Department
OAK (Z)	Town of Oakville – Building Services Department, Zoning Section
RMH (LPS)	Regional Municipality of Halton – Legislative and Planning Services
CP	Canada Post
BC	Bell Canada
UG	Union Gas/Enbridge



OAKVILLE

## REPORT

### Planning and Development Council

Meeting Date: May 2, 2022

---

**FROM:** Planning Services Department

**DATE:** April 19, 2022

**SUBJECT:** **Public Meeting – Draft Plan of Subdivision and Zoning By-law Amendment - Bronte River LP - 1300, 1316, 1326, 1342 and 1350 Bronte Road, File Nos. 24T-21009/1531 and Z.1531.03**

**LOCATION:** 1300, 1316, 1326, 1342 and 1350 Bronte Road

**WARD:** Ward 1 Page 1

---

#### RECOMMENDATION:

1. That the public meeting report prepared by the Planning Services Department dated April 19, 2022, be received.
2. That comments from the public with respect to the proposed draft plan of subdivision and zoning by-law amendment submitted by Bronte River LP (File Nos.: 24T-210009/1531 and Z.1531.03), be received.
3. 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:

- The applicant has submitted draft plan of subdivision and zoning by-law amendment applications to develop approximately 12ha of land with 39 detached residential units (including an existing dwelling), a future condominium block for up to 96 townhouse dwelling units, and one relocated heritage building, along with a new municipal street and natural heritage system.
- The lands were included in the Merton Planning Study, and as a result of an Ontario Municipal Board hearing, subsequently designated Low Density



Residential, Medium Density Residential, Natural Area, and Greenbelt with a Parkway Belt Overlay with specific exemption policies included in Part E of the Livable Oakville Plan.

- At the time of application, a portion of the lands were within the Parkway Belt West Plan and subject to a Minister's Zoning Order, and since then, applications with the Ministry of Municipal Affairs and Housing to revoke these from the Parkway Belt West Plan Amendment was completed by signature on March 22, 2022 as Amendment 238 and an amending regulation was filed on March 24, 2022 as Ontario Regulation 225/22 for the Minister's Zoning Order amendment.
- The lands are currently zoned ED (Existing Development), PB2 (Parkway Belt), N (Natural Area) and GB (Greenbelt) in Zoning By-law 2014-014.
- The proposed draft plan of subdivision and zoning by-law amendment applications are intended to implement the Official Plan land use designations and policies.
- Both the existing Official Plan designation and zoning are consistent with the Provincial Policy Statement, conform to all applicable Provincial plans, the Region of Halton Official Plan.
- The applications were submitted and deemed complete on January 6, 2022. Bill 108 provides for a 120 day appeal timeframe, which will end on May 6, 2022.

## **BACKGROUND:**

The purpose of this report is to introduce the planning application in conjunction with the statutory public meeting. Council will hear public delegations on the application, ask questions of clarification and identify matters to be considered. The report is to be received and no recommendations on the application are being made at this time.

The report outlines the proposed development and identifies matters raised to date through the technical review and public consultation. Following the statutory public meeting and once the review is complete, staff will bring forward a recommendation report for consideration by Planning and Development Council.

The current applications were submitted and deemed complete on January 6, 2022.

The subject lands are included with lands known as the “Bronte Road West Lands” and 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 Bronte Road West Lands comprise the portion of the Merton Lands located west of Bronte Road and east of the Bronte Creek and were initially included in the Town’s Merton Planning Study. The town decided not to proceed with the Merton Planning Study given an appeal filed relating to a development application also within the Merton Planning Area filed by Bronte Green Corporation.

The Official Plan Amendment filed by Bronte Green Corporation, also included the subject lands. Through an OMB hearing, a settlement was reached, which put in place a policy framework for the subject lands to guide future redevelopment.

At the time of application a portion of the subject lands remained subject to the Parkway Belt West Plan, and Ministerial approval. This has since been resolved, and the lands are no longer subject to the Parkway Belt West Plan policies or Minister’s Zoning Order.

### **Proposal**

The applicant submitted a draft plan of subdivision together with a zoning by-law amendment application to develop a portion of the subject lands for residential uses. The subject lands are approximately 12ha in size, with a developable portion of approximately 4.72ha and the remainder being Greenbelt, Natural Area and Buffer Area lands (also considered natural heritage system). The proposal is for 39 residential lots for detached dwelling units which includes the retention of an existing dwelling unit in-situ at the western limit of the property (Lot 16/Purple Lot on Figure 1 below). The proposal also includes a block for future condominium units consisting of 96 townhouse dwelling units and one relocated listed heritage resource. The Greenbelt, Natural Area and Buffer Area lands are to be conveyed to the town as part of the town’s Natural Heritage System in accordance with the Livable Oakville Land Acquisition Policies in Section 28.12. The proposed Draft Plan of Subdivision is included in Appendix “A”.

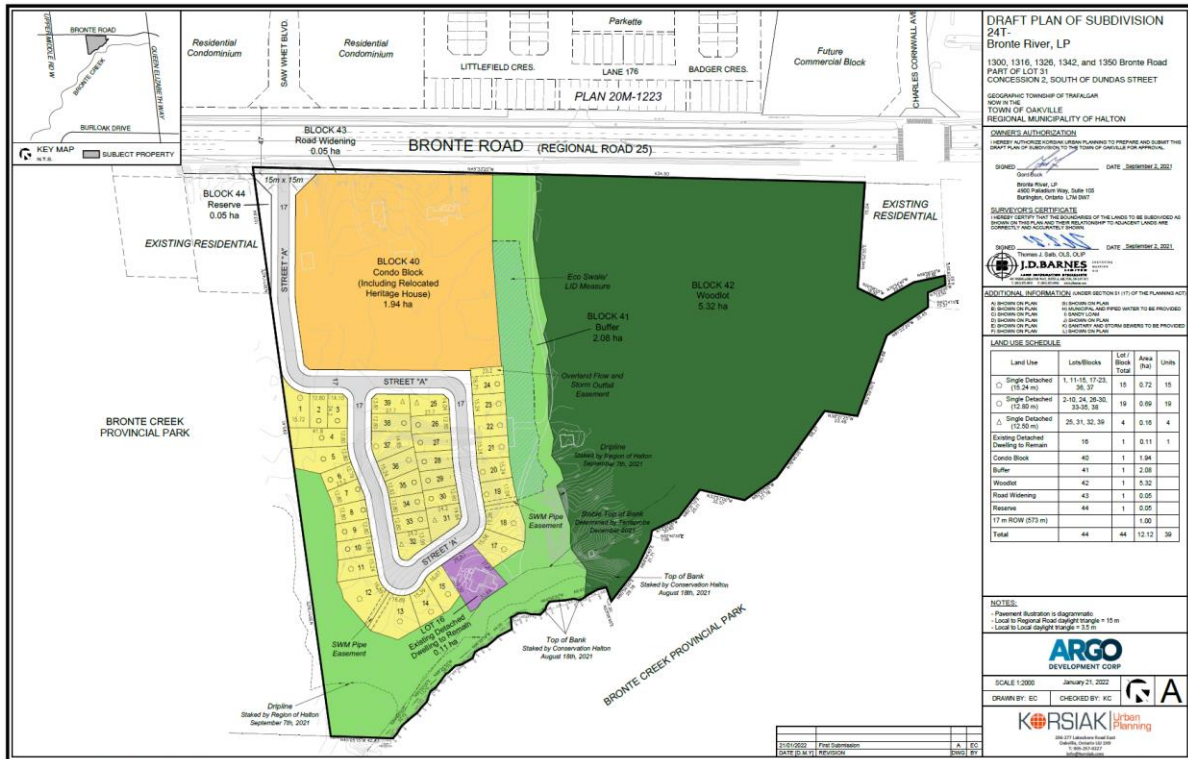


Figure 1 – Proposed Draft Plan of Subdivision

The subject zoning by-law amendment application proposes to establish zoning categories and regulations to permit townhouses built form. The design is anticipated to be refined through an approved Urban Design Brief, and other supportive studies and reports required as part of the subject draft plan of subdivision and rezoning applications. Detailed site plan and condominium / tenure matters would be future advanced through future planning applications comprised of site plan approval and draft plan of condominium. A detailed concept of the future condominium block is provided in Figure 2 below.

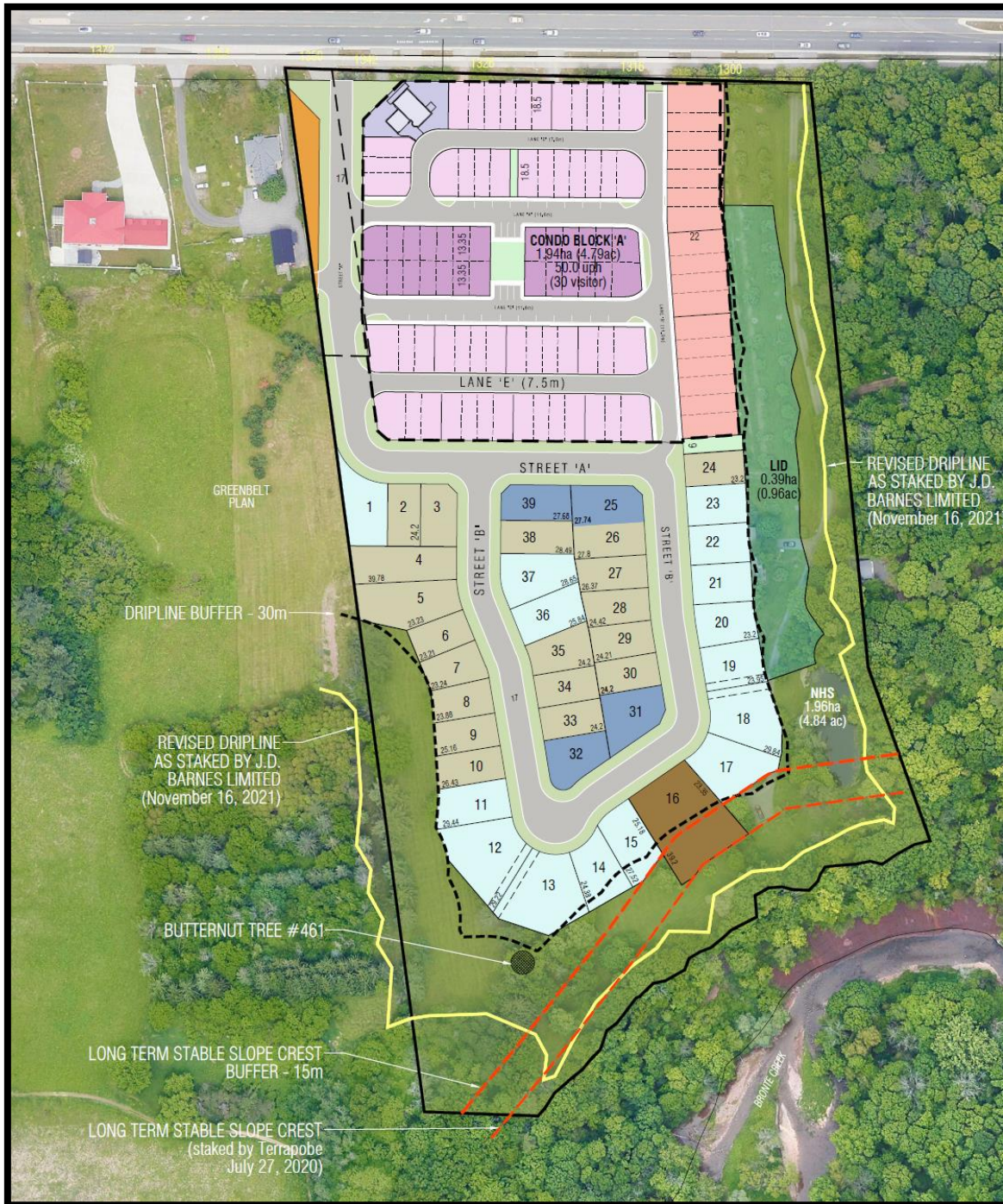


Figure 2 – Proposed Concept Plan

Additionally, a reserve area at the north end of the site (shown in Orange in Figure 2 above) is intended to be merged with lands to the north, also designated for Medium Density Uses. An application for an Official Plan Amendment and Zoning By-law Amendment is currently under review for the lands to the north, and staff will coordinate the reviews of these two development proposals to ensure conformity

with the applicable Official Plan Policies and to optimize the efficient use of land and resources.

### **Location & Site Description**

The subject lands are located on the west side of Bronte Road, south of Upper Middle Road. The subject lands are approximately 12ha in size, with a developable area of approximately 4.72ha and have 434.50m of frontage on Bronte Road, with over half of the frontage being Natural Area that would be conveyed to the town. The site is comprised of five lots known as 1300, 1316, 1326, 1342 and 1350 Bronte Road (see Figure 3) and the legal description of the lands is Part of Lot 31, Concession 2, S.D.S. The properties contain existing dwellings that have not yet been demolished, including one two and a half storey dwelling at 1326 Bronte Road which is listed on the municipal heritage register as a non-designated property. A Heritage Impact Assessment (HIA) had been previously submitted for this property which is discussed later in this report.

### **Surrounding Land Uses**

The surrounding land uses are as follows:

North – Residential and Natural Area  
East – Bronte Road, Residential uses  
South – Residential and Natural Area  
West – Bronte Creek Natural Area



Figure 3 – Aerial Photo

## **PLANNING POLICY & ANALYSIS:**

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

- Greenbelt Plan (2017)
- Provincial Policy Statement (2020)
- Growth Plan for the Greater Golden Horseshoe (2020)
- Halton Region Official Plan
- Livable Oakville Official Plan
- Zoning By-law 2014-014

### **Greenbelt Plan**

The Greenbelt was introduced in 2005 and provides clarity and certainty about urban structure, where and how future growth should be accommodated and what must be protected for current and future generations. The Greenbelt Plan works together with the Oak Ridges Moraine Conservation Plan (ORMCP) and the Niagara Escarpment Plan (NEP) and identifies where urbanization should not occur in order to provide permanent protection to the agricultural land base and the ecological and hydrological features, areas and functions occurring within these areas.

The Greenbelt Plan includes lands within, and builds upon the ecological protections provided by the Niagara Escarpment Plan (NEP) and the Oak Ridges Moraine Conservation Plan (ORMCP). Additionally, the Greenbelt Plan, together with the Growth Plan, the NEP and the ORMCP, builds on the Provincial Policy Statement (PPS) to establish a land use planning framework for the Greater Golden Horseshoe that supports a thriving economy, a clean and healthy environment and social equity.

Portions of the subject lands are designated as “Protected Countryside” within the Greenbelt Plan, and is similarly noted in Figure 4 below. Staff note that these lands are also within natural heritage areas, which are intended to be conveyed to the town in accordance with the applicable Official Plan policies. Through the review of the application, the developable area of the property will be further refined to ensure the areas within the Greenbelt Plan are protected.

A complete list of applicable policies have been included in Appendix “C”.

### **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.

In consideration of new development the PPS (2020) provides direction to ensure that land use is carefully managed to accommodate appropriate development to meet the full range of current and future needs, while also achieving efficient development patterns that avoid significant or sensitive resources and areas which may pose a risk to public health and safety. Further, efficient development patterns are intended to optimize the use of land and resources, rather than maximize.

A complete list of applicable policies have been included in Appendix “C”.

### **Growth Plan**

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 “Built-Up Area”.

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.

Similar to the PPS (2020), growth and development shall occur in manner which optimizes land and resources, and protects significant or sensitive resources and areas that may pose a risk to public health and safety, such as hazard lands. A complete list of applicable policies have been included in Appendix “C”.

### **Halton Region Official Plan**

The subject lands are designated ‘Urban Area’ and ‘Parkway Belt West’ in the Region of Halton Official Plan. The policies of Urban Area designation support the



development of vibrant and healthy mixed use communities which afford maximum choices for residence, work and leisure. As mentioned above, the lands have since been removed from the Parkway Belt West Plan.

At the time of preparing this report, the Region had advised that comments were under internal circulation and therefore, formal comments were not received. However, they were able to provide that at a high level cursory review, the Region may have some concerns with respect to the proposed water servicing and storm drainage impact to Bronte Road, but other matters may be raised as their review continues.

A complete assessment of the Region of Halton Official Plan will be provided through a future Planning Report.

## **Livable Oakville 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 Parkway Belt Area. As discussed above, the lands have since been removed from the Parkway Belt West Plan. On this basis, staff will update the Official Plan schedules through a future housekeeping amendment, and the underlying land use designations will now be in effect.

For reference, Policy 3.2 states:

*“The Parkway Belt and the Greenbelt are areas within the Town where development is limited in accordance with Provincial policy. Lands in the Parkway Belt in Oakville are primarily designed to provide a linked system of open space and recreational facilities and to achieve other objectives including, but not limited to, the protection of infrastructure corridors, utilities, and an inter-urban transitway. Lands in the Greenbelt are part of a broad area of land that is permanently protected, primarily for the purpose of protecting the natural heritage and water resource systems within. Lands in the Greenbelt that are also within the Parkway Belt are only subject to Greenbelt Plan policies 3.2 Natural System and 3.3 Parkland, Open Space and Trails.”*

Further, Policy 27.3.8.3 a) i, which provides more specific direction for the development of the subject lands states:

*“The lands identified by Parkway Belt – Overlay form part of the Parkway Belt West Plan. Until such time that these lands are removed from the Parkway Belt West Plan and come under the jurisdiction of the Town and this Plan, the policies of the Parkway Belt West Plan shall govern the use of land.”*

However, in accordance with Policy 28.1.6:

*“Detailed land use designations and policies for development are found in Part D, Land Use Designations and Policies and on the Land Use Schedules E through K. In the event of a conflict between the boundaries identified on Schedule A1, Urban Structure and the Land Use Schedules E through K, the Land Use Schedules E through K shall prevail.”*

The land use designation as provided on Schedule H – West Land Use Map, provided in Figure 4 below, is further described below.

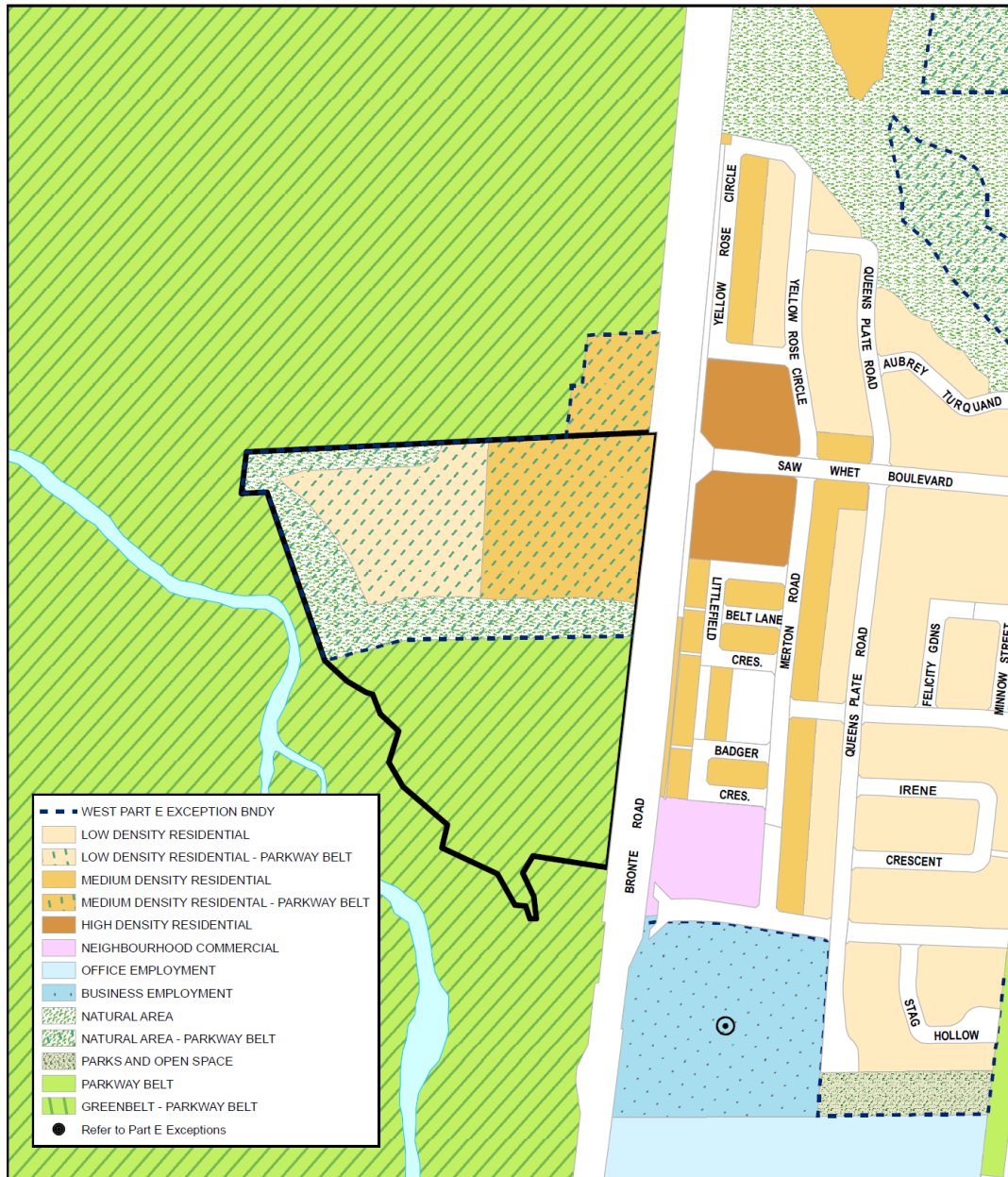


Figure 4 – Official Plan Excerpt

Livable Oakville Land Use Policies

The subject lands are designated Low Density Residential, Medium Density Residential, Natural Area and Greenbelt, all with a Parkway Belt Overlay, making the lands also subject to the Parkway Belt West Plan (1978), as shown in Schedule H – West Land Use Map (Figure 4 above). As discussed above, the Parkway Belt West Plan is no longer applicable for the subject lands.

As discussed above, the subject lands were initially included in the Merton Planning Study. Through a subsequent OMB hearing, a settlement was reached and as a result, a policy framework was established for the future development of the “Bronte West Lands” which include the subject lands. Section 27.3.8 titled “Bronte West Lands” provides a detailed policy framework for the lands at 1300, 1316, 1326, 1342, 1350, 1354 and 1372 Bronte Road. While the proposal only addresses 1300-1350 Bronte Road, consideration must be given to the future development potential of the abutting properties to the north. As discussed, an application for an Official Plan Amendment and Zoning By-law Amendment has been submitted for 1354 Bronte Road, which is currently under review. These developments will also be required to consider the future development potential of the abutting property at 1372 Bronte Road.

The “Development Concept” for the Bronte West Lands, including the subject site shall provide for the long-term protection, preservation and enhancement of the related features, functions and linkages of the natural environment area. Additionally, matters related to Cultural Heritage, Urban Design, Transportation, Community Facilities, Sustainability, and Stormwater Management must be addressed in conformity with the policies set out in Section 27.3.8 and other applicable policies of the Official Plan.

Additionally, lands designated as Greenbelt and Natural Area on the subject lands, including any buffer areas, are required to be conveyed to the town through the draft plan of subdivision in accordance with the Land Acquisition and Parkland Dedication policies of Section 28.12.

The property contains a listed Heritage Resource at 1326 Bronte Road. A Heritage Impact Assessment (HIA) submitted for the application concluded that the property did not form an intact Cultural Heritage Landscape but that the home itself retained cultural heritage value under the criteria in Ontario Regulation 9/06. The applicant has proposed to relocate the building and incorporate it into the proposed development. However, further evaluation respecting the location, position, orientation and proposed additions is still required, which may affect the design of the site.

The applicant has proposed the medium density portion to be developed on a variety of private roads, and also proposes to maintain an existing dwelling on the western portion of the site, which needs to be evaluated further in relation to the “Development Concept” and other applicable policies set out in the Official Plan. Further, the design of the site requires further review with respect to the applicable town’s standards and guidelines in order to best protect the natural heritage features, including an existing Butternut Tree. Therefore, staff will continue to review the layout, orientation, and density of the proposed development and related studies

and reports. Further, approval of the applicable studies and reports may also inform suitable zoning regulations for the proposed development.

In accordance with the “Development Concept” policies provided in the Official Plan (27.3.8.1), Stormwater management facilities and practices shall take into consideration the ecological sensitivity of Bronte Creek and Fourteen Mile Creek and shall adhere to all local, provincial and federal requirements. In this regard, the site is regulated by Conservation Halton and will provide input and approval of the stormwater management scheme for this development.

Town and Conservation Halton staff have identified concerns related to the feasibility of the proposed outfall down the Bronte Creek valley slope. The provided Functional Servicing Study does not provide any other options other than to direct the majority of the sites stormwater down the valley slope, which appears to conflict with the policy direction to protect the natural environment and its features as discussed above. Further review of the Environmental Implementation Report and Functional Servicing Study is required, and the approved document may result in corresponding regulations in the proposed zoning by-law.

A complete list of applicable policies is included in Appendix “C”

### **Zoning By-law**

The subject lands are zoned ED (Existing Development), PB2 (Parkway Belt), N (Natural Area), and GB (Greenbelt) in Zoning By-law 2014-014, shown in Figure 5 below. The applicant has prepared a draft zoning by-law, which is included in Appendix “B”.

The applicant’s draft zoning by-law proposes a change to the zoning to align with the proposed subdivision. The proposed zones include RM1 (Residential Medium 1) to permit street and lane based townhouse units, RM2 (Residential Medium 2) to permit back-to-back townhouse units, and RL6 (Residential Low 6) to permit detached dwelling units. The applicant also proposes further modifications to these zones such as reduced parking space sizes and quantity, reduced lot areas, frontages and yard setbacks, increase in height and balcony permissions, among others. The applicant also proposes to maintain the N (Natural Area) and GB (Greenbelt) zones, but slightly modified to reflect the dimensions of the proposed developable area.

The zoning by-law at this stage has not been fully reviewed, and may be further modified through the review of the application to ensure the by-law adequately implements the “Development Concept” policies set out in the Official Plan.

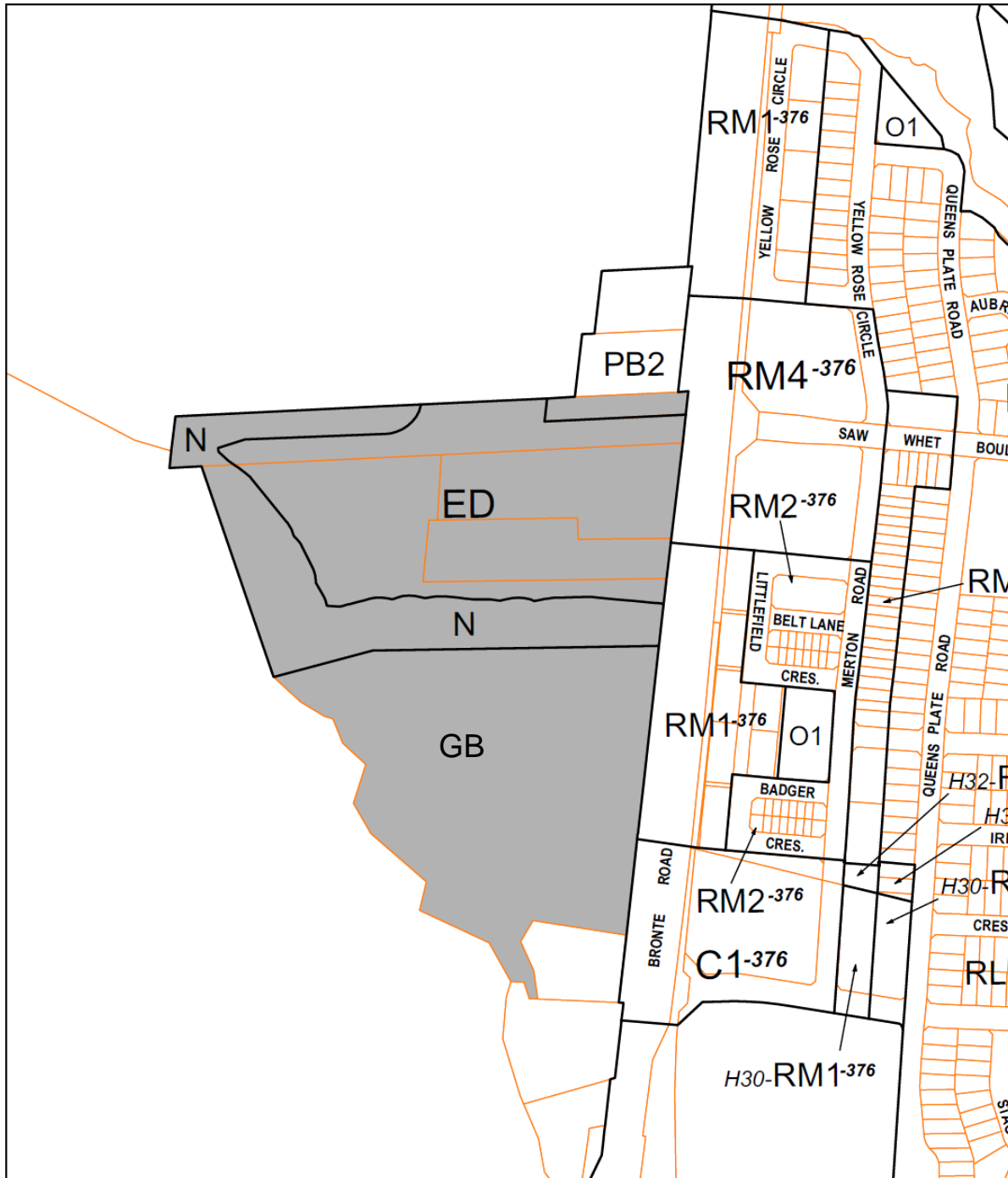


Figure 5 - Zoning

## **TECHNICAL & PUBLIC COMMENTS:**

The applicant has provided numerous studies in support of the application which have been circulated to various public agencies and internal town departments, and which are under review. The following studies and supporting documentation are also accessible on the town's website

(<https://www.oakville.ca/business/da-40445.html>)

- Draft Plan of Subdivision
- Archaeological Assessment
- Concept Plan
- Draft Zoning By-law Amendment
- Geotechnical Report
- Noise Study
- Environmental Implementation Report and
- Functional Servicing Study
- Environmental Site Screening Questionnaire
- Planning Justification Report
- Tree Canopy Coverage Plan
- Urban Design Brief
- Transportation Impact Study
- Slope Stability Study

## **Issues Under Review / Matters to be Considered**

A complete analysis of the applications will be undertaken including the review of the following matters which have been identified to date:

- Alignment with the Climate Emergency declared by Council in June 2019 for the purposes of strengthening the Oakville community commitment in reducing carbon footprints.
- Consistency with the Greenbelt Plan 2017 and Provincial Policy Statement 2020 and conformity to the 2020 Growth Plan for the Greater Golden Horseshoe.
- Conformity with the Region of Halton Official Plan.
- Conformity with the Livable Oakville Official Plan, including the “Development Concept” for the Bronte Road West Lands and other applicable policies included in Section 27.3.8.
- Coordination of the draft plan of subdivision and zoning with the future development to the north.

- Protection of the natural heritage system, including significant woodlands, Bronte Creek and associated valley lands and other natural features together with required buffers.
- The final type, size and location of stormwater management facilities, taking into consideration the ecological sensitivity of Bronte Creek and Fourteen Mile Creek together with all local, provincial and federal requirements.
- Appropriateness of the proposed private roads, considering function, accommodation of required services, intensity of development, provision of visitor parking, landscaping, and sidewalks and conformity to Livable Oakville.
- Design and alignment of proposed public roads, and coordination of roadways and driveways with lands to the north.
- Ensure the efficient and optimized use of the developable area of the subject lands, which protects the surrounding natural environment.
- Conformity with all applicable urban design policies and guidelines, on matters including but not limited to built form, transitions and compatibility with adjacent properties, trees, interface with public realms and vehicular access.
- Conservation of existing cultural heritage resources, and conformity with all applicable Cultural Heritage policies.
- Conveyance of the natural heritage system to the town.
- Design, coordination and location of a new top-of-bank trail system.
- Evaluation of on-street and visitor parking opportunities.
- Evaluation of the proposal with respect to Sections 2 and 51(24) of the *Planning Act*.

Staff note that these matters must be satisfactorily resolved before the preparation of draft plan of subdivision conditions. Further, resolution of these matters are likely to inform suitable regulations for the proposed amending zoning by-law to implement the policies of the Official Plan including the “Development Concept” provided Section 27.8.3 of the Official Plan. As the review of this application continues, resolution of these matters may result in modifications to the application.

## **CONSIDERATIONS:**

### **(A) PUBLIC**

The applicant held a Public Information Meeting on July 14, 2021, and it was attended by the Ward Councillors and the owner of the property to the north. The minutes have been included as Appendix “D”.

Notice of Complete Application was distributed to property owners within 240m of the subject lands in accordance with the town’s current notice requirements.



Following the Notice of Complete application and installation of the development sign, no public comments have been received to-date.

Notice of the Public Meeting has been provided to property owners within 240m of the subject lands in accordance with the town's current notice requirements.

**(B) FINANCIAL**

None at this time. Financial implications will be discussed through a future recommendation report.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

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

**(D) CORPORATE STRATEGIC GOALS**

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

- be the most liveable 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.

**CONCLUSION:**

Planning staff will continue to review and analyze the proposed application and address all technical matters along with submitted public comments, and report to Council at a future meeting. 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.

**APPENDICES:**

Appendix "A": Draft Plan of Subdivision  
Appendix "B": Applicant's Proposed Zoning By-law  
Appendix "C": Applicable Policies  
Appendix "D": Public Information Meeting Minutes

Prepared by:  
Kate Cockburn, MCIP, RPP  
Senior Planner, Current Planning

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

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



## Appendix “B” – Applicant’s Proposed Zoning Regulations

15.*	<b>Bronte River, LP</b> - Part of Lot 31, Concession 2, S.D.S	Parent Zone: RM2, RM1, RL6
Map 19(11)		(2021-###)
<b>15.*.1 General Zone Provisions for All Lands</b>		
The following regulations apply to all lands identified as subject to this special provision:		
a)	Notwithstanding Table 4.3, a <i>porch</i> may encroach up to 1.0 metres from the <i>front lot line</i> or <i>flankage lot line</i> .	
b)	Notwithstanding Table 4.3, access stairs may encroach up to 0.5 metres from the <i>front lot line</i> or <i>flankage lot line</i> .	
c)	Notwithstanding Table 4.3, <i>balconies</i> are permitted in the <i>flankage yard</i> and may encroach up to 1.0 metres from the <i>front lot line</i> or <i>flankage lot line</i> and are not subject to the maximum total projection beyond the main wall in Table 4.3. .	
d)	Notwithstanding Table 4.3, an air conditioner may be installed on a <i>balcony</i> and no maximum height shall apply.	
e)	Notwithstanding Table 4.3, in a RL6 zone and RM1 zone, the maximum encroachment of <i>uncovered platforms</i> and covered lanais with or without a foundation having a floor height up to 3.0 metres shall be 3.0 metres from the <i>rear lot line</i> , except access stairs may encroach up to 1.8 m from the <i>rear lot line</i> .	

f)	Notwithstanding Section 5.2.3 a), the minimum dimensions of a <i>parking space</i> not located in a <i>private garage</i> shall be 2.7 metres in width and 5.5 metres in depth.
g)	Section 5.8.1.c) shall not apply.
h)	Notwithstanding Section 5.2.3 b), the minimum dimensions of a parking space located in a private garage shall have a depth of 5.5 metres, and: <ul style="list-style-type: none"> <li>• Where one parking space is provided, 2.9 metres in width; and,</li> <li>• Where two parking spaces are provided, 5.6 metres in width.</li> </ul>
i)	Notwithstanding Section 5.8.2, the minimum width of a <i>driveway</i> shall be 2.7 metres.
j)	Notwithstanding 5.8.2.c) i), the maximum driveway width is 6.1 metres for a lot having a lot frontage of 12.0 metres or less.
k)	Notwithstanding Section 5.8.7.a, where a <i>private garage</i> has a vehicle entrance facing the <i>flankage lot line</i> or <i>front lot line</i> and the applicable <i>minimum yard</i> is less than 5.5 metres, the <i>private garage</i> shall be set back a minimum of 5.5 metres from the applicable <i>lot line</i> .
l)	Despite j) above, a porte cochere is not considered as part of the <i>private garage</i> and may be setback 3.0 m from the applicable <i>lot line</i> .
m)	Corner lots shall be deemed to be interior lots for the purpose of measuring established grade
n)	Notwithstanding Section 4.11.1 a), the areas under a <i>porch</i> without a foundation shall count towards the <i>landscaping</i> minimum dimension of 3.0 m by 3.0 m.

**15.\*.2 Zone Provisions for RL6 Lands**

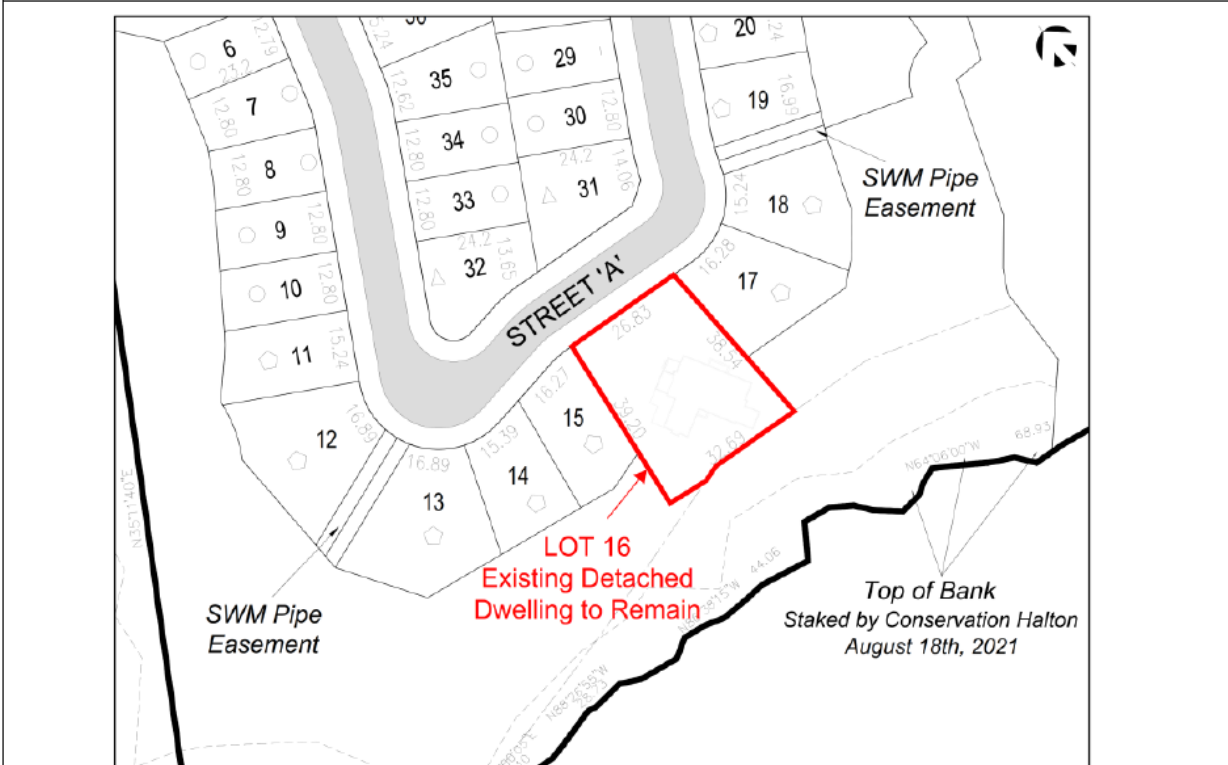
The following regulations apply:

a)	Minimum <i>front yard</i>	2.5 metres
b)	Minimum <i>flankage yard</i>	2.0 metres

c)	Minimum <i>rear yard</i>	7.0 metres, except that the <i>first storey</i> may project a maximum 3.0 m into the rear yard for a maximum of 45% of the dwelling width measured at the rear of the main building. The one storey addition shall have a maximum vertical distance of 6.0 m measured between grade and the highest point of the building.
d)	Notwithstanding the above, the minimum <i>rear yard</i> when abutting open space shall be 6.0 metres, except that the <i>first storey</i> may project a maximum 3.0 m into the rear yard for a maximum of 45% of the dwelling width measured at the rear of the main building. The one storey addition shall have a maximum vertical distance of 6.0 m measured between grade and the highest point of the building.	
e)	Maximum <i>building height</i>	14.0 metres
f)	Maximum number of storeys	3
g)	Maximum <i>residential floor area ratio</i>	n/a
h)	Notwithstanding 5.8.2, the maximum <i>width</i> of the <i>driveway</i> shall not exceed the exterior width of the <i>private garage</i> , except where the <i>driveway</i> abuts a <i>porch</i> , in which case the width of the <i>driveway</i> may extend to the edge of the <i>porch</i> , or building to a maximum 1.0 metre beyond the width of the <i>private garage</i>	
i)	Notwithstanding 5.8.2, one walkway access may be connected to the side of the driveway. The maximum width of the walkway access at the point of attachment shall be 1.0 metre, measured along its entire length	
j)	Section 5.8.6, “ <i>Private Garage Maximum Sizes</i> ” shall not apply	
<b>15.*.3 Additional Zone Provisions for RL6, Lot 16, as Identified on Figure 15.*.1</b>		
The following regulations apply:		
a)	Minimum rear yard	1.9 metres

- b) Notwithstanding Section 5.8.7.c, an attached or detached *private garage* is permitted to project beyond the *main wall* on the *first storey* of the *dwelling* oriented toward the *front lot line*.
- c) Notwithstanding Section 5.8.7.d, where the opening providing access for a *motor vehicle* of a *private garage* is oriented toward an *interior side lot line*, the *private garage* shall be setback 7.0 metres from the *interior side lot line* it faces, and 0.65 metres from the opposite *interior side lot line*.

Figure 15.\*.1



**15.\*.4 Zone Provisions for RM1 Lands**

The following regulations apply:

- a) For the purposed of determining the front lot line:
- For rear lane townhouses and the relocated heritage house, the *front lot line* is deemed to be the *lot line* opposite of the *lot line* crossed by the *driveway* accessing the *lot*.
  - For all other *dwelling* types, the *front lot line* is deemed to be the *lot line* crossed by the *driveway* accessing the *lot*.
- |    |                              |                            |
|----|------------------------------|----------------------------|
| b) | Minimum <i>lot area</i>      | 110 square metres per unit |
| c) | Minimum <i>lot frontage</i>  | 6.0 metres/ unit           |
| d) | Minimum <i>front yard</i>    | 2.5 metres                 |
| e) | Minimum <i>flankage yard</i> | 2.0 metres                 |

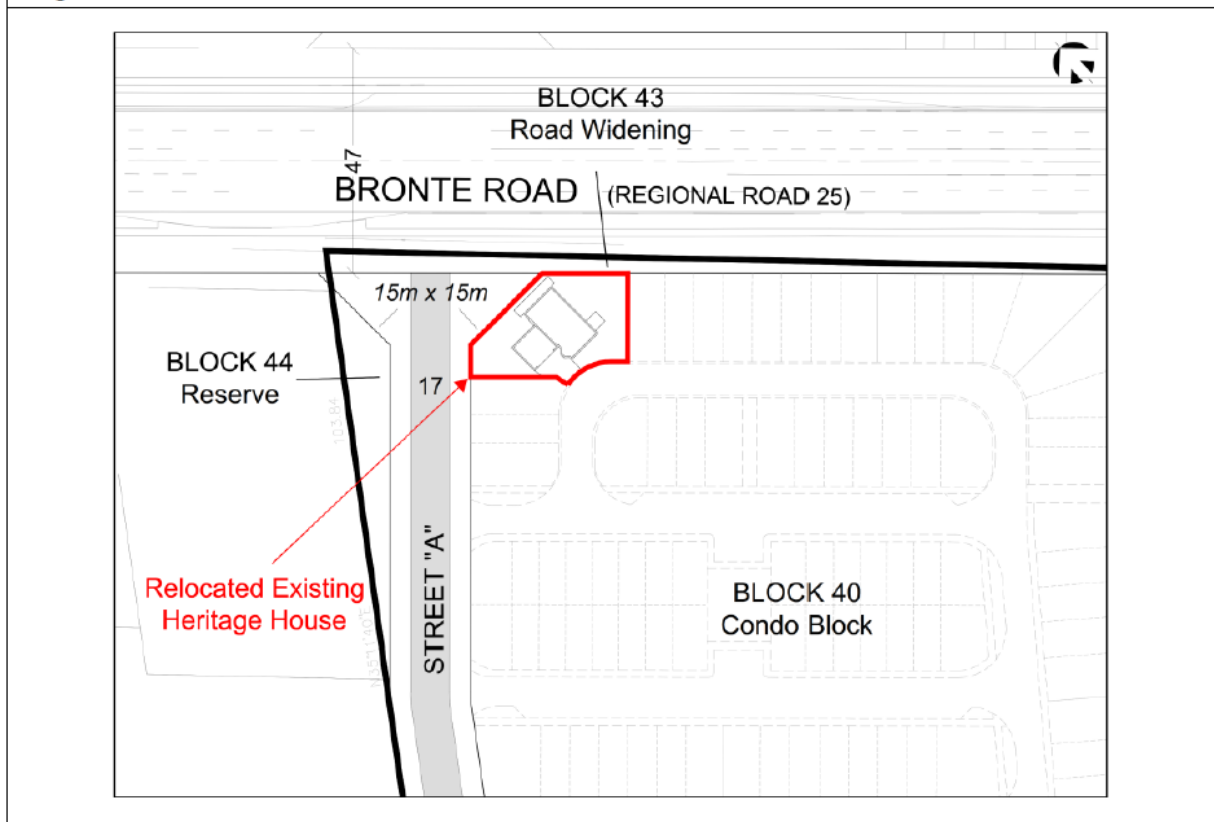
f)	Minimum <i>rear yard</i> , where a <i>private garage</i> is accessed by a <i>driveway</i> crossing a <i>rear lot line</i> from a <i>lane</i>	0.7 metres
g)	Minimum <i>rear yard</i> for all other <i>dwelling</i> s	6.0 metres
h)	Maximum building <i>height</i>	14.0 metres
i)	Notwithstanding anything to the contrary, where a unit has <i>frontage</i> onto Bronte Road, access stairs may encroach up to 0.0 m from the <i>front lot line</i> .	
j)	<i>Established grade</i> to be taken at the centre point of the <i>front lot line</i> of each <i>townhouse dwelling</i> .	
k)	The minimum <i>landscaping coverage</i> means the calculation of the total horizontal area of a townhouse block covered by <i>landscaping</i> .	

**15.\*.5 Additional Zone Provisions for RM1, Relocated Heritage House as Identified on Figure 15.\*\*.2**

The following regulations apply:

a)	Minimum <i>front yard</i>	0.6 m
b)	Minimum <i>interior side yard</i>	1.5 m
c)	Minimum setback to the daylight triangle	0.6 m

Figure 15.\*.2



**15.\*.6 Zone Provisions for RM2 Lands**



The following regulations apply:		
a)	Minimum <i>lot area</i>	75 square metres
b)	Minimum <i>lot frontage</i>	5.6 metres/unit
c)	Minimum <i>front yard</i>	2.5 metres
d)	Minimum flankage yard	2.0 metres
e)	Maximum building <i>height</i>	14.0 metres
f)	Minimum number of <i>parking spaces</i>	1 <i>parking space</i> per <i>dwelling</i> unit.
g)	The minimum number of parking spaces may be provided on the <i>driveway</i> .	
h)	The minimum <i>landscaping coverage</i> means the calculation of the total horizontal area of a townhouse block covered by <i>landscaping</i> .	

## Appendix “C”– 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.

## 2.1 Natural Heritage

- 2.1.1 Natural features and areas shall be protected for the long term.
- 2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.
- 2.1.3 Natural heritage systems shall be identified in Ecoregions 6E & 7E1, recognizing that natural heritage systems will vary in size and form in settlement areas, rural areas, and prime agricultural areas.
- 2.1.4 Development and site alteration shall not be permitted in:
  - a) significant wetlands in Ecoregions 5E, 6E and 7E1; and
  - b) significant coastal wetlands.
- 2.1.5 Development and site alteration shall not be permitted in:
  - a) significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E1;
  - b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)<sup>1</sup>;
  - c) significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)<sup>1</sup>;
  - d) significant wildlife habitat;
  - e) significant areas of natural and scientific interest; and
  - f) coastal wetlands in Ecoregions 5E, 6E and 7E1 that are not subject to policy 2.1.4(b) unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. <sup>1</sup> Ecoregions 5E, 6E and 7E are shown on Figure 1.
- 2.1.6 Development and site alteration shall not be permitted in fish habitat except in



accordance with provincial and federal requirements.

- 2.1.7 Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.
- 2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.
- 2.1.9 Nothing in policy 2.1 is intended to limit the ability of agricultural uses to continue.

## **2.2 Water**

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

Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive ground water features, and their hydrologic functions.

## **2.6 Cultural Heritage and Archaeology**

- 2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.
- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.
- 2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.
- 2.6.5 Planning authorities shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.

## **3.1 Natural Hazards**

- 3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:
  - a) hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;
  - b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and
  - c) hazardous sites.
- 3.1.2 Development and site alteration shall not be permitted within:
  - a) the dynamic beach hazard;
  - b) defined portions of the flooding hazard along connecting channels (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers);
  - c) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and
  - d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.
- 3.1.3 Planning authorities shall prepare for the impacts of a changing climate that may

increase the risk associated with natural hazards.

- 3.1.4 Despite policy 3.1.2, development and site alteration may be permitted in certain areas associated with the flooding hazard along river, stream and small inland lake systems:
- a) in those exceptional situations where a Special Policy Area has been approved. The designation of a Special Policy Area, and any change or modification to the official plan policies, land use designations or boundaries applying to Special Policy Area lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry prior to the approval authority approving such changes or modifications; or
  - b) where the development is limited to uses which by their nature must locate within the floodway, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.
- 3.1.5 Development shall not be permitted to locate in hazardous lands and hazardous sites where the use is:
- a) an institutional use including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
  - b) an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations; or
  - c) uses associated with the disposal, manufacture, treatment or storage of hazardous substances.
- 3.1.6 Where the two zone concept for flood plains is applied, development and site alteration may be permitted in the flood fringe, subject to appropriate floodproofing to the flooding hazard elevation or another flooding hazard standard approved by the Minister of Natural Resources and Forestry.
- 3.1.7 Further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:
- a) development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards;
  - b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
  - c) new hazards are not created and existing hazards are not aggravated; and
  - d) no adverse environmental impacts will result.
- 3.1.8 Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire. Development may however be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards.

## **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 First Nations 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.

## **Section 4.2 - Policies for Protecting What is Valuable**

### **4.2.1 Water Resource Systems**

1. Upper- and single-tier municipalities, partnering with lower-tier municipalities and conservation authorities as appropriate, will ensure that watershed planning is undertaken to support a comprehensive, integrated, and long-term approach to the protection, enhancement, or restoration of the quality and quantity of water within a watershed.
2. Water resource systems will be identified to provide for the long-term protection of key hydrologic features, key hydrologic areas, and their functions.
3. Watershed planning or equivalent will inform:
  - a) the identification of water resource systems;
  - b) the protection, enhancement, or restoration of the quality and quantity of water;
  - c) decisions on allocation of growth; and
  - d) planning for water, wastewater, and stormwater infrastructure.
4. Planning for large-scale development in designated greenfield areas, including secondary plans, will be informed by a subwatershed plan or equivalent.
5. Municipalities will consider the Great Lakes Strategy, the targets and goals of the Great Lakes Protection Act, 2015, and any applicable Great Lakes agreements as part of watershed planning and coastal or waterfront planning initiatives.

### **4.2.2 Natural Heritage System**

1. A Natural Heritage System for the Growth Plan has been mapped by the Province to support a comprehensive, integrated, and long-term approach to planning for the protection of the region's natural heritage and biodiversity. The Natural Heritage System for the Growth Plan excludes lands within settlement area boundaries that were approved and in effect as of July 1, 2017.
2. Municipalities will incorporate the Natural Heritage System for the Growth Plan as an overlay in official plans, and will apply appropriate policies to maintain, restore, or enhance the diversity and connectivity of the system and the long-term ecological or hydrologic functions of the features and areas as set out in the policies in this subsection and the policies in subsections 4.2.3 and 4.2.4.
3. Within the Natural Heritage System for the Growth Plan:
  - a) new development or site alteration will demonstrate that:
    - i. there are no negative impacts on key natural heritage features or key hydrologic features or their functions;

- ii. connectivity along the system and between key natural heritage features and key hydrologic features located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;
  - iii. the removal of other natural features not identified as key natural heritage features and key hydrologic features is avoided, where possible. Such features should be incorporated into the planning and design of the proposed use wherever possible;
  - iv. except for uses described in and governed by the policies in subsection 4.2.8, the disturbed area, including any buildings and structures, will not exceed 25 per cent of the total developable area, and the impervious surface will not exceed 10 per cent of the total developable area;
  - v. with respect to golf courses, the disturbed area will not exceed 40 per cent of the total developable area; and
  - vi. at least 30 per cent of the total developable area will remain or be returned to natural self-sustaining vegetation, except where specified in accordance with the policies in subsection 4.2.8;
6. Beyond the Natural Heritage System for the Growth Plan, including within settlement areas, the municipality:
- a) will continue to protect any other natural heritage features and areas in a manner that is consistent with the PPS; and
  - b) may continue to protect any other natural heritage system or identify new systems in a manner that is consistent with the PPS.

#### **4.2.5 Public Open Space**

1. Municipalities, conservation authorities, non-governmental organizations, and other interested parties are encouraged to develop a system of publicly-accessible parkland, open space, and trails, including in shoreline areas, within the GGH that:
  - a) clearly demarcates where public access is and is not permitted;
  - b) is based on a co-ordinated approach to trail planning and development; and
  - c) is based on good land stewardship practices for public and private lands.
2. Municipalities are encouraged to establish an open space system within settlement areas, which may include opportunities for urban agriculture, rooftop gardens, communal courtyards, and public parks.

#### **4.2.7 Cultural Heritage Resources**

1. Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.
2. Municipalities will work with stakeholders, as well as First Nations and Métis communities, in developing and implementing official plan policies and strategies for the identification, wise use and management of cultural heritage resources.
3. Municipalities are encouraged to prepare archaeological management plans and municipal cultural plans and consider them in their decisionmaking.



#### **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.

#### **Greenbelt Plan, 2017**

##### **1.2.2 Protected Countryside Goals**

To enhance our urban and rural areas and overall quality of life by promoting the following matters within the Protected Countryside:

##### **2. Environmental Protection**

- a) Protection, maintenance and enhancement of natural heritage, hydrologic and landform features, areas and functions, including protection of habitat for flora and fauna and particularly species at risk;
- b) Protection and restoration of natural and open space connections between the Oak Ridges Moraine, the Niagara Escarpment, Lake Ontario, Lake Simcoe and the major river valley lands while also maintaining connections to the broader natural systems of southern Ontario beyond the GGH, such as the Great Lakes Coast, the Carolinian Zone, the Lake Erie Basin, the Kawartha Highlands and the Algonquin to Adirondacks Corridor;
- c) Protection, improvement or restoration of the quality and quantity of ground and surface water and the hydrological integrity of watersheds; and
- d) Provision of long-term guidance for the management of natural heritage and water resources when contemplating such matters as watershed/subwatershed

and stormwater management planning, water and wastewater servicing, development, infrastructure, open space planning and management, aggregate rehabilitation and private or public stewardship programs.

### 3. Culture, Recreation and Tourism

- a) Identification, conservation, use and wise management of cultural heritage resources to support the social, economic and cultural wellbeing of all communities, including First Nations and Métis communities;
- b) Provision of a wide range of publicly accessible built and natural settings for recreation, including facilities, parklands, open space areas, trails and water-based/shoreline uses that support hiking, angling and other recreational activities; and
- c) Enabling continued opportunities for sustainable tourism development.

### 2.3 Lands within the Parkway Belt West Plan Area

The requirements of the Parkway Belt West Plan, deemed to be a development plan under the Ontario Planning and Development Act, 1994, continue to apply to lands within the Parkway Belt West Plan Area and the Protected Countryside policies do not apply, with the exception of sections 3.2 and 3.3.

## Livable Oakville Official Plan

### 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. *Intensification* 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 5 – Cultural Heritage

- 5.3.1 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.
- 5.3.2 A cultural heritage resource should be evaluated to determine its cultural heritage values and heritage attributes prior to the preparation of a heritage impact assessment of a proposed development on the cultural heritage resource.

- 5.3.3 The Town shall conserve cultural heritage landscapes in accordance with the Cultural Heritage Landscape Strategy.
- 5.3.4 Where protected or registered under the Ontario Heritage Act, a Heritage Conservation District or cultural heritage landscape:
- a) shall be identified on Schedule A1, Urban Structure;
  - b) shall be subject to applicable powers and tools for its conservation; and,
  - c) may be subject to an area-specific land use designation and policies consistent with the applicable Heritage Conservation District plan or cultural heritage landscape conservation plan.
- 5.3.5 Heritage Conservation Districts and cultural heritage landscapes on Appendix 1 shall be conserved through the careful consideration of any proposals for change within their boundaries, on adjacent lands, or in their immediate vicinity. In reviewing proposals for construction, demolition, relocation, removal or for alteration within, adjacent to, or in the immediate vicinity of a Heritage Conservation District or cultural heritage landscape identified on Schedule A1, the Town will be guided by the applicable Heritage Conservation District plan or cultural heritage landscape conservation plan.
- 5.3.6 The Town should require a heritage impact assessment where development or redevelopment is proposed:
- a) on, adjacent to, or in the immediate vicinity of, an individually designated heritage property;
  - b) within, adjacent to, or in the immediate vicinity of, the boundaries of a Heritage Conservation District;
  - c) within, adjacent to, or in the immediate vicinity of, a cultural heritage landscape; or,
  - d) on a property listed on the Oakville Register of Properties of Cultural Heritage Value or Interest.
- 5.3.7 The Town may impose, as a condition of any development approvals, the implementation of appropriate measures to ensure the conservation of any affected cultural heritage resources, and where appropriate, their integration into new development.
- 5.3.8 Where the Town is considering a proposal to alter, remove, or demolish a cultural heritage resource that is protected or registered under the Ontario Heritage Act, or repeal a designating by-law under that Act, it shall ensure that it has before it any required heritage impact assessment or sufficient information to review and consider:
- a) how the proposal affects the heritage attributes and the cultural heritage value and interest of the cultural heritage resource; and,
  - b) options that reduce, minimize or eliminate impacts to the cultural heritage resource.
- 5.3.9 Designated or listed heritage buildings shall be exempt from the minimum height requirements of this Plan.

- 5.3.12 Lost historical sites may be documented and are encouraged to be commemorated through the development process or works undertaken by a public agency.
- 5.3.13 The Town shall develop a set of criteria for determining trees of cultural heritage value.

## 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, furnishings, 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.

## **6.10 Landscaping**

- 6.10.1 Landscaping design and treatments should:
  - a) enhance the visual appeal and human scale of *development*;
  - b) create an attractive environment for pedestrian movement;
  - c) frame desired views or focal objects;
  - d) define and demarcate various functions within a *development*; and,
  - e) provide seasonal variation in form, colour, and texture.
- 6.10.2 *Development* should preserve and enhance the urban forest by:
  - a) maintaining existing healthy trees, where possible;
  - b) providing suitable growing environments;
  - c) increasing tree canopy coverage;
  - d) incorporating trees with historic or cultural significance; and,
  - e) integrating a diverse mix of native plant species.
- 6.10.3 Landscaping should be incorporated to provide shade and wind protection.
- 6.10.4 Landscaping treatments should preserve and complement the existing natural landscape.
- 6.10.5 Landscaping shall enhance natural areas and open space features by incorporating native and non-invasive species.

## **6.12 Vehicular Access and Circulation**

- 6.12.1 *Developments* should incorporate safe and direct vehicular access and circulation routes with defined internal driving aisles to direct traffic, establish on-site circulation, and frame parking areas.
- 6.12.2 Consolidated driveway accesses are encouraged to maximize the areas available for landscaping, minimize disruption of the public sidewalk, and minimize expanses of pavement.

## **6.13 Parking**

- 6.13.1 To provide safe and attractive pedestrian environments, surface parking areas should be organized into appropriately sized areas (parking courts) separated by a combination of built form, landscaping, and pedestrian facilities.
- 6.13.2 Surface parking areas should be:
- a) located in the rear or side yard, or in areas that can be appropriately screened, so they do not dominate the streetscape, but are sufficiently visible for safety and functionality; and,
  - b) connected to the on-site pedestrian network and streetscape through landscaped pedestrian linkages.
- 6.13.3 Barrier-free parking spaces should be located in close proximity to principal building entrances.
- 6.13.4 Surface parking areas should incorporate planted landscaped areas that:
- a) effectively screen parked vehicles from view from the public realm;
  - b) provide shade, wind break, and visual relief from hard surfaces;
  - c) clearly define the vehicular circulation route(s); and,
  - d) are sufficiently sized to support the growth of trees and other vegetation.
- 6.13.5 Parking areas within a structure should be screened from view from the public realm. Structured parking facilities should be underground structures, wherever possible.
- 6.13.6 Above-ground structured parking facilities abutting a street in Mixed Use and Commercial areas should:
- a) include active uses at grade,
  - b) locate parking spaces towards the rear of the structure; and
  - c) complement the surrounding local context through well-designed façades.

## **Section 10 – Sustainability**

### **10.9 Subwatershed Planning**

- 10.9.1 Individual plans of subdivision shall be reviewed in conjunction with the overall concept and objectives of the applicable subwatershed study.
- 10.9.2 The Town shall, in partnership with the Conservation Authority, consider an adaptive environmental management approach to existing subwatershed studies. This approach may require applicants to update existing subwatershed studies. The need to update these studies shall be determined jointly by the Town, the Conservation Authority and the Region.
- 10.9.3 The Town, in consultation with the Conservation Authority, may require subwatershed studies to be undertaken prior to, or in conjunction with, Special Policy Area studies. Such studies shall determine the appropriate method and locations of stormwater management facilities. Studies shall be completed prior to the draft plan approval of any plans of subdivision within a subwatershed. The subwatershed study will also update current inventories of natural hazards, groundwater, surface water, fish habitat, water balance, natural features and functions of natural systems, in order to identify constraints, opportunities and appropriate buffers, prior to the approval of a Special Policy Area study.
- 10.9.4 Where there is no existing subwatershed study, and a study is not required under section 10.9.3, an environmental impact statement may be required to be prepared by the proponent of a planning application for lands adjacent to watercourses, headwaters, aquifers, natural features, and related physiographic or topographic formations that contribute to groundwater recharge or discharge.

## **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.
- 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.

### **10.13 Hazard Lands**

- 10.13.1 The delineation and regulation of *hazard lands* are administered by the Conservation Authorities. The general location of floodplain limits and shoreline *hazard lands* are conceptually shown on Schedule B. The limits of *hazard lands* on Schedule B may be updated without a Plan amendment.
- 10.13.2 No new *development* or site alteration is permitted within *hazard lands* without the approval of the Conservation Authority.
- 10.13.3 The Town recognizes the *one zone concept* for floodplain management as administered by the conservation authorities. The following uses may be permitted in the floodplain, subject to Conservation Authority approval:
- a) *flood* or *erosion* control structures;
  - b) *utilities* and other related facilities which by their nature must be located near water or traverse *watercourses*;
  - c) passive recreational facilities; and,
  - d) replacement of legally existing uses, buildings and structures.

## **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.

## **16. NATURAL AREA**

Oakville's rivers and streams, forests and natural areas will be protected and accessible for residents to enjoy their beauty. The purpose of the Natural Area designation is for the long-term preservation of natural features and functions. Therefore the diversity and connectivity of natural features in creating a system, and the long-term ecological function and biodiversity of natural heritage features, should be maintained, restored or, where possible, improved, recognizing links or corridors between and among natural heritage features and areas, surface water features and groundwater features. The features may also have some passive recreational amenity for paths, trails, and education, and contribute to a continuous open space system.

### **16.1 General**

#### **16.1.1 Permitted Uses**

- a) The following uses may be permitted within the Natural Area designation, subject to applicable Conservation Authority policies:
  - i) legally existing uses, buildings and structures including existing agricultural uses;
  - ii) fish, *wildlife* and conservation management including forestry management;
  - iii) essential public works including transportation, *utility*, watershed management, and *flood* and *erosion* control facilities; and,
  - iv) passive recreation features such as trails, walkways, and bicycle paths.
- b) Where planning applications to establish or expand a permitted use are not subject to the *Environmental Assessment Act*, an environmental impact statement (EIS) shall be required, to the satisfaction of the Town, to establish that the use will not negatively impact the natural features or ecological functions contained within the Natural Area designation.

#### **16.1.2 Lands designated Natural Area may contain one or more of the following natural features together with required buffers:**

- a) significant habitat of endangered species and threatened species;
- b) wetlands;
- c) woodlands;
- d) valleylands;
- e) significant *wildlife* habitat;

- 
- f) Environmentally Sensitive Areas;
  - g) areas of natural and scientific interest;
  - h) fish habitat; or,
  - i) natural corridors.
- 16.1.3 Schedule B, Natural Features and Hazard Lands, indicates the general locations of the known natural features which are located within the Natural Area designation. Schedule B may be updated by an official plan amendment as additional features are identified.
- 16.1.4 Lands designated Natural Areas where no *development* is permitted shall be zoned to prohibit the erection, location or use of any buildings or structures other than those which legally exist.
- 16.1.5 Existing agricultural activities may be permitted on lands adjacent to a Natural Area designation or a natural feature without an EIS.
- 16.1.6 Significant Habitat of Endangered Species and Threatened Species
- a) *Development* and site alteration shall not be permitted in the significant habitat of endangered or threatened species.
  - b) *Development* proposed on lands within 120 metres of a significant habitat of endangered species and threatened species shall require a satisfactory EIS to demonstrate that there will be no negative impact on the significant habitat of endangered species and threatened species or its ecological function.
  - c) The Town will work with the Conservation Authorities to implement the recommendations of any approved and final Recovery Strategies document regarding endangered and threatened species.
- 16.1.7 Wetlands
- a) *Development* and site alteration shall not be permitted within provincially, regionally or locally significant wetlands or within the required buffer width, which should be a minimum of 30 metres measured from the boundary of the wetland.
  - b) The final width of the required buffer shall be established through an approved EIS or an approved subwatershed study. A greater buffer width may be required as a result of environmental impacts evaluated by the EIS or subwatershed study. Reduced buffers may only be considered by the Town based upon the existing context and the sensitivity of the wetland.

- c) Unless otherwise directed by the Conservation Authority, *development* proposed on lands within 120 metres of an individual wetland area, or on lands connecting individual wetland areas within a wetland complex, which was not considered during a subwatershed study, shall require a satisfactory EIS. Where *development* is proposed on lands within 120 metres of an individual wetland area, or on lands connecting individual wetland areas within a wetland complex, and a subwatershed study has been completed, the Town and Conservation Authority may require a site-specific EIS to demonstrate no negative impact to the features or ecological functions of the wetland.

#### 16.1.8 Woodlands

- a) *Development* or site alteration shall not be permitted within regionally significant woodlands or within the required buffer width, which should be a minimum of 10 metres measured from the drip line of the woodland.
- b) The final width of the required buffer shall be established through an approved EIS or an approved subwatershed study. A greater buffer width may be required as a result of environmental impacts evaluated by the EIS or subwatershed study. Reduced buffers may only be considered by the Town based upon the existing context and the sensitivity of the woodland.
- c) Unless otherwise directed by the Conservation Authority, *development* proposed on lands within 120 metres of a significant woodland shall require a satisfactory EIS to demonstrate that there will be no negative impact on the woodland or its ecological function.
- d) The Town will pursue forest certification for Town-owned and/or managed woodlands.

#### 16.1.9 Valleylands

- a) Valleylands include lands within a defined setback from the limit of the valleyland as identified in subsections b) and c), and all lands within a valley, from *stable top-of-bank* to *stable top-of-bank* as determined through a geotechnical study completed to the satisfaction of the Town and Conservation Authority.
- b) The valleylands shown on Schedule B, which are subject to the policies of this section are:
  - i) the major valleys and tributaries known as:
    - Bronte Creek
    - Sixteen Mile Creek

- 
- ii) the minor valleys and tributaries known as:
- Fourteen Mile Creek
  - Glen Oak Creek
  - Joshua's Creek
  - McCraney Creek
  - Morrison Creek
  - West Morrison Creek
  - Munn's Creek
  - Osenego Creek
  - Shannon's Creek
  - Sheldon Creek
  - Sheridan Creek
  - Taplow Creek
  - Wedgewood Creek
  - Clearview Creek
  - Falgarwood Creek
- c) *Development* or site alteration shall not be permitted within the valley or within 15 metres of the *stable top-of-bank* of major valleys and tributaries, and 7.5 metres of the *stable top-of-bank* of minor valleys and tributaries, except for *compatible* permitted recreational uses, essential public works and *utilities* subject to the requirements of this Plan. Greater setbacks may be required as a result of environmental impacts evaluated through an approved EIS.
- d) Where feasible, the lands below the *stable top-of-bank* shall be maintained in a natural state. In cases where these lands have been impacted by agriculture or urban uses, the applicant may be required to rehabilitate and revegetate the valleylands, to the satisfaction of the Town and Conservation Authority, as a condition of *development* approval.
- e) No *development*, alterations to *watercourses*, or filling, except where permitted by the Conservation Authority, shall be permitted within the valleylands.

- f) Unless otherwise directed by the Conservation Authority, all *development* on lands within 120 metres of a major valley or directly abutting the top of bank of a minor valley must demonstrate through an EIS that *erosion* and any adverse impacts to water quality, slope stability, *wildlife* habitat, existing vegetation and drainage shall be minimized and existing valley slopes shall not be disturbed.
- g) Geotechnical studies to establish the limit of the *stable top-of-bank*, as required by subsection a), may also be required to provide recommendations to ensure long-term slope integrity, to the satisfaction of the Town and Conservation Authority. However, the setbacks shall not be less than those established in subsection c).
- h) Notwithstanding subsection a), the Town, in consultation with Conservation Halton, may undertake a comprehensive geotechnical study within the Downtown and Midtown Oakville Growth Areas to determine whether modification to the setbacks from Sixteen Mile Creek valley in these areas is appropriate and/or warranted given the location of existing *development* within and immediately adjacent to the valleylands.

## **19. PARKWAY BELT WEST**

The Parkway Belt West Plan, 1978, applies to lands designated as Parkway Belt West on the accompanying schedules.

### **19.1 General**

- 19.1.1 The policies within the Parkway Belt West Plan, 1978, shall govern the use of land within the Parkway Belt West designations on the accompanying schedules.
- 19.1.2 Any *development* within Bronte Creek Provincial Park is subject to the policies of the Parkway Belt West Plan and the provisions of the *Provincial Parks Act*. Lands adjacent to Bronte Creek Provincial Park shall be planned and developed in consultation with the Province.
- 19.1.3 The Town will encourage the Province to continue to remove lands subject to the Parkway Belt West Plan from its jurisdiction. Any such lands will then be under the jurisdiction of the Town and this Plan, unless superseded by another Provincial plan.

### **27.3.8 Bronte Road West Lands**

The Bronte Road West Lands comprise the lands on the west side of Bronte Road municipally known as part of 1300 Bronte Road, and 1316, 1326, 1342, 1350, 1354 and 1372 Bronte Road.

The Bronte Road West 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

Bronte Road West Lands comprise the portion of the Merton Lands located west of Bronte Road and east of the Bronte Creek.

The following policies provide a framework for *development* of the Bronte Road West Lands.



#### 27.3.8.1 Development Concept

The Bronte Road West Lands are adjacent to and include a portion of a preserved natural environment area along Bronte Creek, and Fourteen Mile Creek and its tributaries. *Development* of the Bronte Road West Lands shall provide for the long-term protection, preservation and enhancement of the related features, functions and linkages of the natural environment area.

*Development* of the Bronte Road West Lands shall contribute to a *complete community*.

*Development* within 400 m of Bronte Road, a *higher order transit* corridor with *frequent transit service*, shall be *transit-supportive* with built form oriented toward Bronte Road.

A public road shall be the primary access into the Bronte Road West Lands supporting multiple mobility choices and connections.

The proposed road shall form a minor gateway location at the intersection of Bronte Road.

#### 27.3.8.2 Functional Policies

In addition to the policies in Part C of this Plan, the following policies apply to the Bronte Road West Lands.

##### a) Cultural Heritage

- i) *Cultural heritage resources* shall be maintained and integrated into new *development*.
- ii) A heritage impact assessment shall be required on sites containing *cultural heritage resources*.
- iii) *Cultural heritage resources* shall be *conserved* through *compatible* transition in height and built form from adjacent lands designated Medium Density Residential.

##### b) Urban Design

- i) *Development* should be designed to provide a sense of place and neighbourhood *character*.
- ii) *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.

- iii) *Development* shall be designed to provide for various lot patterns and housing choices.
  - iv) Buildings should be oriented towards higher-order street frontages, parks, if required, and open space to provide interest and comfort at ground level for pedestrians.
  - v) Residential buildings should feature active frontages with living spaces and/or porches to support pedestrian streetscape.
  - vi) Residential uses shall be designed to reduce the visual appearance of garage doors along the street edge.
  - vii) To avoid garage-dominated streetscape where lot frontages are narrow, rear laneways may be permitted.
  - viii) 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.
  - ix) Land uses directly abutting the Natural Area and Bronte Creek shall be comprised of a combination of residential lots and open space.
  - x) Views and pedestrian connections from the developed area into the Natural Area shall be encouraged.
  - xi) Gateways
    - The intersection of Bronte Road with the proposed 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.
- c) Transportation
- i) The development of the proposed road and access to the Bronte Road West Lands shall be on a public road and coordinated with the intersection and access to *development* to the east of Bronte Road.

- ii) For any subsequent planning or *development* applications on the Bronte Road West Lands, the completion of a transportation impact study shall be required to determine the width of the proposed road.
- d) Community Facilities
  - i) A trail system shall be provided primarily within the buffer in the Natural Area and adjacent to the land uses directly abutting the Natural Area.
- e) Sustainability
  - i) *Development* of the Bronte Road West Lands shall 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) The final type, size and location of stormwater management facilities shall be determined through the *development* process.
  - ii) Stormwater management shall not increase risk to downstream flood prone areas.
  - iii) Stormwater management shall take into consideration the ecological sensitivity of Bronte Creek and Fourteen Mile Creek and shall adhere to all local, provincial and federal requirements.
  - iv) Best management practices including low impact *development* shall be required.

### 27.3.8.3 Land Use Policies

Land use designations for the Bronte Road West 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 Road West Lands.

- a) Parkway Belt West Plan
  - i) The lands identified by Parkway Belt – Overlay form part of the Parkway Belt West Plan. Until such time that these lands are removed from the Parkway Belt West Plan and come under the jurisdiction of the Town and this Plan, the policies of the Parkway Belt West Plan shall govern the use of land.

- b) Transit-supportive density targets
  - i) Residential *development* within 400m of Bronte Road shall achieve an overall minimum *transit-supportive* density target of 37 units per net hectare.
- c) Low Density Residential
  - i) Development shall be on public roads.
- d) Medium Density Residential
  - i) On the lands designated Medium Density Residential adjacent to Bronte Road the minimum building height shall be 3 storeys and the maximum building height shall be 6 storeys.
  - ii) An office use may be permitted in conjunction with adaptive reuse and conservation of the identified *cultural heritage resources*.
- e) Natural Area
  - i) The Natural Area as shown on Schedule H includes the buffer to the natural heritage features and corresponds to a refinement to the boundaries of the Regional Natural Heritage System on the Bronte Road West Lands. A minimum 30 m buffer shall be required from the following components of the Regional Natural Heritage System on the Bronte Road West Lands: significant wetlands, significant woodlands and watercourses that are within a Conservation Authority Regulation Limit or that provide a linkage to a wetland or significant woodlands and watercourses, as such components are defined in sections 115.3(1) b), 115.3(1) d) and 115.3(5), respectively, of the Regional Official Plan. The 30 m buffer, as shown on Schedule H, West Land Use may only be further refined through an EIA approved by the Region.

#### 27.3.8.4 Implementation Policies

- a) The uses and buildings that legally existed prior to the adoption of this Plan may be permitted to continue, however, they are intended to be redeveloped in conformity with this Plan
- b) For any subsequent planning or *development* applications on the Bronte Road West Lands, the completion of a noise study shall be required to confirm there are no negative impacts from adjacent land use and transportation facilities.
- c) For any subsequent planning or *development* applications on the Bronte Road West Lands, the proposed *development* must be supported by a geotechnical assessment to confirm there are no negative impacts to slope stability.
- d) Any *development* or site alteration, as these terms are defined in the Regional Official Plan, on the Bronte Road West Lands shall be subject to the policies of the Regional Official Plan, including without limitation section 118(3).

# Appendix “D” – Public Information Meeting Minutes

December 13, 2021

Town of Oakville  
Planning Services Department  
1225 Trafalgar Road  
Oakville, ON L6H 0H3

Attention: Gabe Charles, MCIP, RPP  
Acting Director, Planning Services Department

Re: **Public Information Meeting Minutes**  
**Zoning By-law Amendment (ZBA) and Plan of Subdivision Applications**  
**Bronte River, LP**  
**1300, 1316, 1326, 1342, & 1350 Bronte Road**  
**Town of Oakville**

Per the pre-consultation application checklist, our client was required to host an informal Public Information Meeting in advance of submitting the Zoning By-law Amendment and Plan of Subdivision applications. The Public Information Meeting was held virtually via a Microsoft Teams meeting on July 14, 2021, from 6:30 to 7:30 pm. Notice of the Public Information Meeting was provided to residents, interested parties, and regulating authorities on June 22, 2021.

The Public Information Meeting was attended by 2 councillors and representatives from Vallery Homes (Owners of 1354 Bronte Road). The list of attendees has been attached to this letter as *Appendix A*. Comments and questions raised by attendees regarding the proposed development included:

- 1. Consideration should be made for the use of permeable pavers in the driveways.**  
A: Bronte River, LP, are developers, not builders, but will pass this information on to their builders.
- 2. There are many concerns regarding parking in Oakville. Will the development provide sufficient parking?**  
A: Sufficient parking is provided and is justified via a Transportation Impact Study and Parking Justification Study. Further, additional on-street parking spaces will be provided for visitors.
- 3. How will future residents access the commercial uses in the Bronte Green Subdivision?**  
A: Street ‘A’ will act as the extension of Saw Whet Boulevard and a full turn intersection with traffic controls will be created at the intersection of Street ‘A’/Saw Whet Boulevard and Bronte Road. This will provide pedestrians, cyclists and vehicles with access to the commercial uses within the Bronte Green Subdivision.
- 4. Is there a possibility to create a trail connection through the woodlot block?**  
A: The woodlot block will be dedicated to the Town of Oakville and they will be the determinants of whether trails will be provided in the woodlot block. There are currently a number of trails

within the woodlot block and we would welcome the creation of formal trails within the woodlot block and have proposed to retain them, to provide residents with increased recreational opportunities.

**5. Is there a possibility we can provide access to the Bronte Creek Provincial Park?**

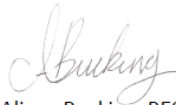
A: We would welcome the creation of a trail access to Bronte Creek Provincial Park. Further discussions need to be held to determine if this were something the Bronte Creek Provincial Park would permit

Consideration has been given to these comments and our responses have been provided in the Planning Justification Report.

Please feel free to contact me directly should you have any questions or require any further information.

Sincerely yours,

**KORSIAK URBAN PLANNING**



Alison Bucking, BES, RPP

Encl.

Copy: Scott Bland, Bronte River, LP  
Julian Pompeo, Bronte River, LP



OAKVILLE

## REPORT

### Planning and Development Council

Meeting Date: May 2, 2022

---

**FROM:** Planning Services Department

**DATE:** April 19, 2022

**SUBJECT:** Public Meeting Report, Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, Sixth Oak Inc., 103 Burnhamthorpe Road West, File No.: OPA.1216.01, Z.1216.01, 24T-22002/1216

**LOCATION:** Northwest corner of Sixth Line and Burnhamthorpe Road West

**WARD:** Ward 7 Page 1

---

#### RECOMMENDATION:

1. That the public meeting report, prepared by the Planning Services Department dated April 19, 2022, be received.
2. That comments from the public with respect to the Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision by Sixth Oak Inc., File No.: OPA.1216.01, Z.1216.01, 24T-22002/1216, be received.
3. That staff consider such comments as may be provided by Council.

#### KEY FACTS:

- Sixth Oak Inc. has submitted an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision to redevelop approximately 23 hectares of land at the northwest corner of Burnhamthorpe Road West and Sixth Line as follows:
  - one employment block (Block 1)
  - one secondary school block (Block 2);
  - a stormwater management pond (Block 3); and,
  - three natural heritage system blocks associated with the West Morrison Creek - Core 6 woodlot and linkages (Blocks 4, 5 and 6).

- 
- Future access to the site will be from Burnhamthorpe Road West, Sixth Line and the future extension of William Halton Parkway.
  - The subject lands are designated *Natural Heritage System Area, Transitional Area and Employment District* within the North Oakville East Secondary Plan (Figure NOE2). The NOESP Master Plan also locates a stormwater management facility on the site. From a zoning perspective, the site is zoned *Future Development (FD)* within Zoning By-law 2009-189, as recently amended by By-law 2022-007.
  - The existing Official Plan designations and Zoning By-law are consistent with the Provincial Policy Statement, conform to all applicable Provincial plans, the Region of Halton Official Plan. The in-effect policy allows for development and provides for the conveyance and protection of the natural heritage system in accordance with the Town's established urban structure.
  - The application was deemed complete on February 17, 2022. The *Planning Act* provides for a 120 day timeline to make a decision on this application (June 17, 2022) after which the applicants can file an appeal for non-decision.

## **BACKGROUND:**

The purpose of this report is to introduce the planning application in conjunction with the statutory public meeting. Council will hear public delegations on the application, ask questions of clarification and identify matters to be considered. The report is to be received. No recommendations on the application are being made at this time.

The report outlines the proposed development and identifies matters raised to date through the technical review and public consultation. Following the statutory public meeting and once the review is complete; staff will bring forward a recommendation report for consideration by Planning and Development Council.

## **Proposal**

The submitted Official Plan Amendment proposes to:

- re-designate a portion of the site from Employment District to Transitional Area consistent with ROPA 48;
- relocate the secondary school symbol from the northwest corner of Neyagawa Boulevard and Dundas Street West to this site on Block 2; and,
- introduce new Official Plan policies related to the proposed secondary school use.

The applicant's proposed Official Plan Amendment can be found in Appendix A1.



Concurrently, a Zoning By-law Amendment and Draft Plan of Subdivision have been submitted.

The applicant's Zoning By-law Amendment proposes to rezone the site from Future Development (FD) to site specific Light Employment (LE), Institutional (I), Stormwater Management Facility (SMF) and Natural Heritage System (NHS) zones. Specific regulation amendments are proposed for the Light Employment and Institutional zones. The full amendment with proposed regulations can be found in Appendix A2.

The draft plan of subdivision application proposes to develop the lands as follows:

- one employment block (Block 1, approximately 6.5 ha)
- one secondary school block (Block 2, approximately 6.1 ha);
- a stormwater management pond (Block 3); and,
- three natural heritage system blocks associated with the West Morrison Creek (Core 6 woodlot and linkages (Blocks 4, 5 and 6).

Future access to the site will be from Burnhamthorpe Road West, Sixth Line and the future extension of William Halton Parkway.

Figure 1a below is an excerpt from the proposed draft plan of subdivision, as shown in Appendix A3.

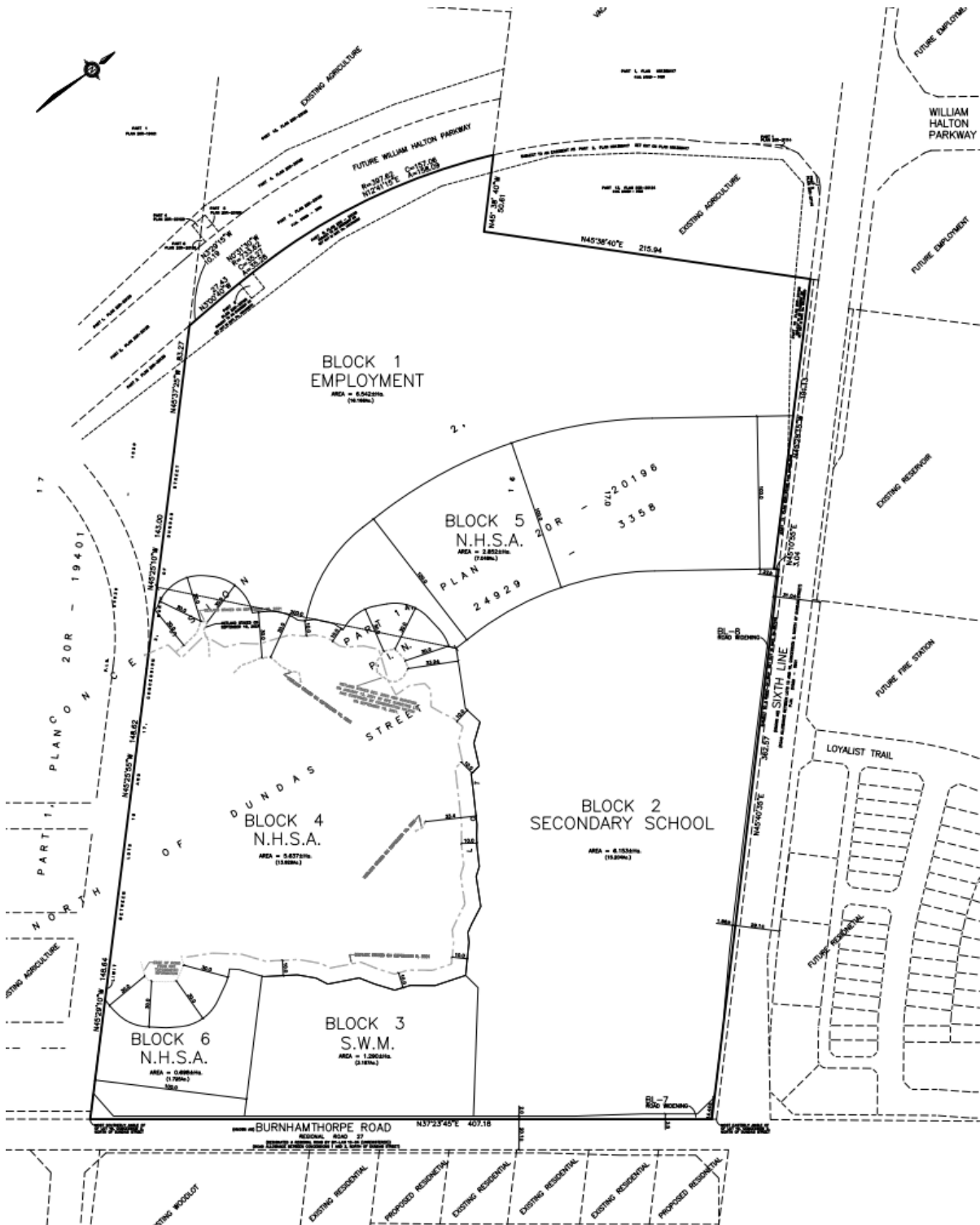


Figure 1a – Draft Plan of Subdivision Excerpt without Contour Lines - NTS

The draft plan of subdivision breakdown is as follows:

<b>Draft Plan Feature</b>	<b>Area (ha)</b>
Block 1 Employment	6.542
Block 2 Secondary School	6.153
Block 3 Stormwater Management Pond	1.290
Block 4, 5 and 6 Natural Heritage System	9.187
Blocks 6 and 7 Road Widening	0.152
<b>TOTAL</b>	<b>23.324</b>

All application submission material are found on the town's website site at <https://www.oakville.ca/business/da-40680.html>.

Specific details for the employment area are not know at the present time. However, access to that portion of the site will be from the future extension of William Halton Parkway and from Sixth Line.

#### Secondary School Concept Plan

With regard to the proposed secondary school site, the applicant's initial concept is shown below as Figure 1b.

Access to the school site is proposed from Sixth Line across from Loyalist Trail, and from Burnhamthorpe Road West. Block 2 is proposed for the secondary school, a day care, a future administrative building, an area for future portables and at the north end of the site, a lit sport field with consideration of a dome to allow for four season use of the field. The Halton District School Board is continuing to refine the uses and design of this block. Development of this block will also be subject to a future Site Plan approval process.

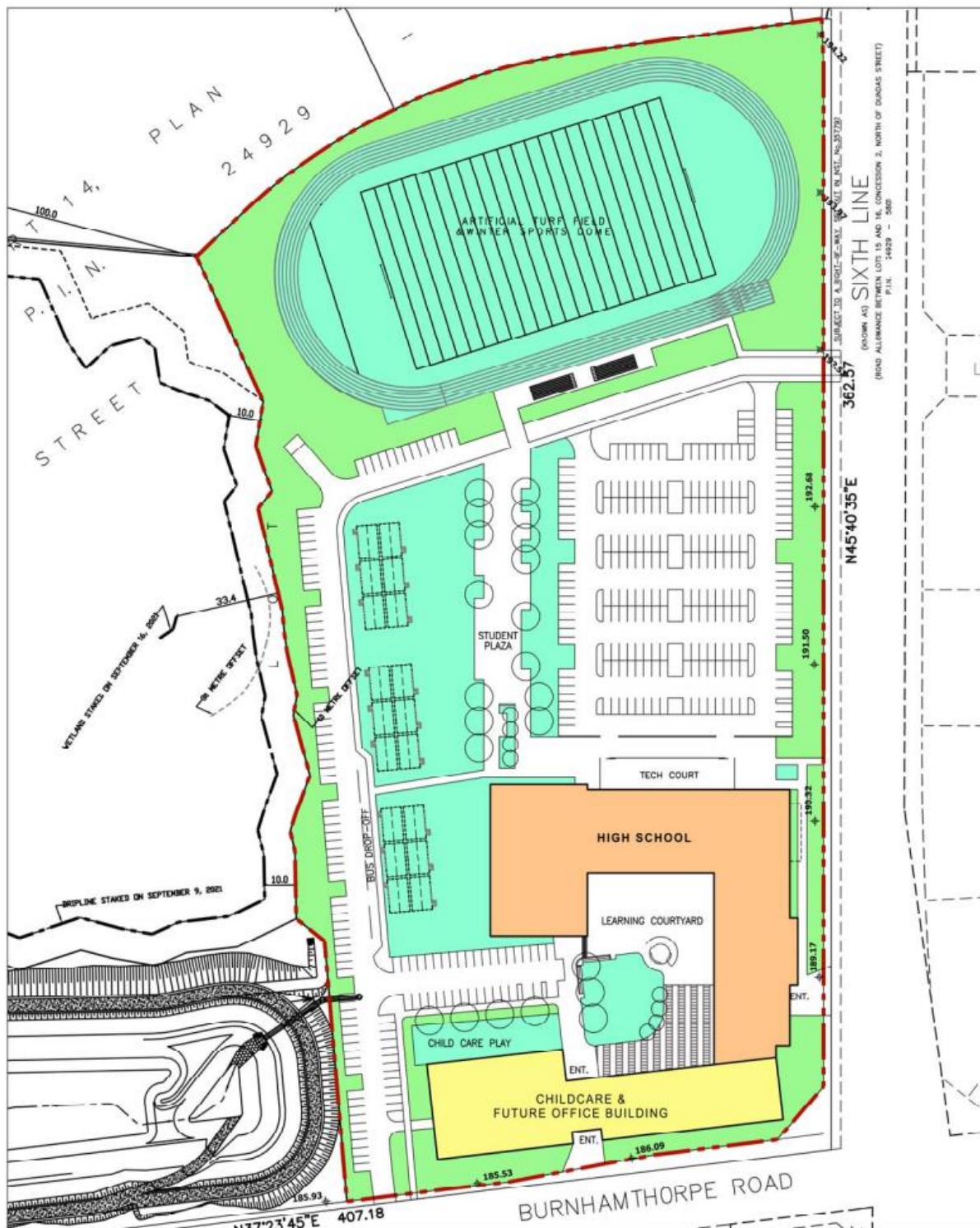


Figure 1b – Secondary School Initial Development Concept

## Location / Site Description / Surrounding Land Uses (Figure 2)

The subject land is located at the northwest corner of Burnhamthorpe Road West and Sixth Line.

These lands are remnant agricultural lands with a wooded area (Core 6 as identified by the North Oakville Creeks Subwatershed Study).

The majority of the property is contained within the West Morrison Creek subcatchment area with a portion of the employment area (Block 1) contained with the 16 Mile Creek subcatchment area.

Lands to the east have been developed for residential uses and a Halton Region water reservoir. Development applications for the lands to the south have been presented previously at Planning and Development Council meetings (Statutory Public Meetings).

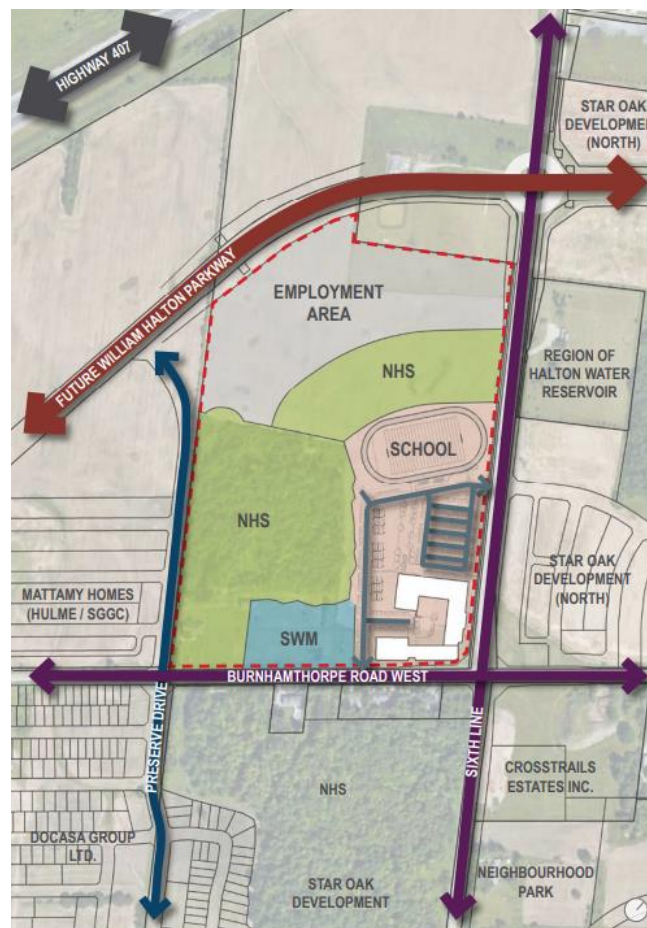


Figure 2: Site Location / Proposed and Surrounding Uses  
Taken from Applicant's Urban Design Brief NTS

## **PLANNING POLICY & ANALYSIS:**

### **Provincial Policy Statement (2020)**

The Provincial Policy Statement (2020) ('PPS') 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.

Policies applicable to this application can be found in Appendix B.

### **Growth Plan (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. 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.

Policies applicable to this application can be found in Appendix B.

### **Halton Region Official Plan**

The subject lands are designated "Urban Area" in the Halton Region Plan based upon the provincial approval of Regional Official Plan Amendment 48. Lands within the "Urban Area" are intended for residential and employment growth. 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.

As can be seen from the excerpt below from provincially approved Regional Official Plan Amendment No.48 (ROPA 48), the northerly area of Block 2, the proposed secondary school site, has already been re-designated from Employment Area to Urban Area (see location of arrow). The white area to the north of the arrow remains as Regional Natural Heritage System. Proposed Block 1 remains as part of the regional Employment Area designation. ROPA 48 was undertaken as part of the Region’s municipal comprehensive review process.

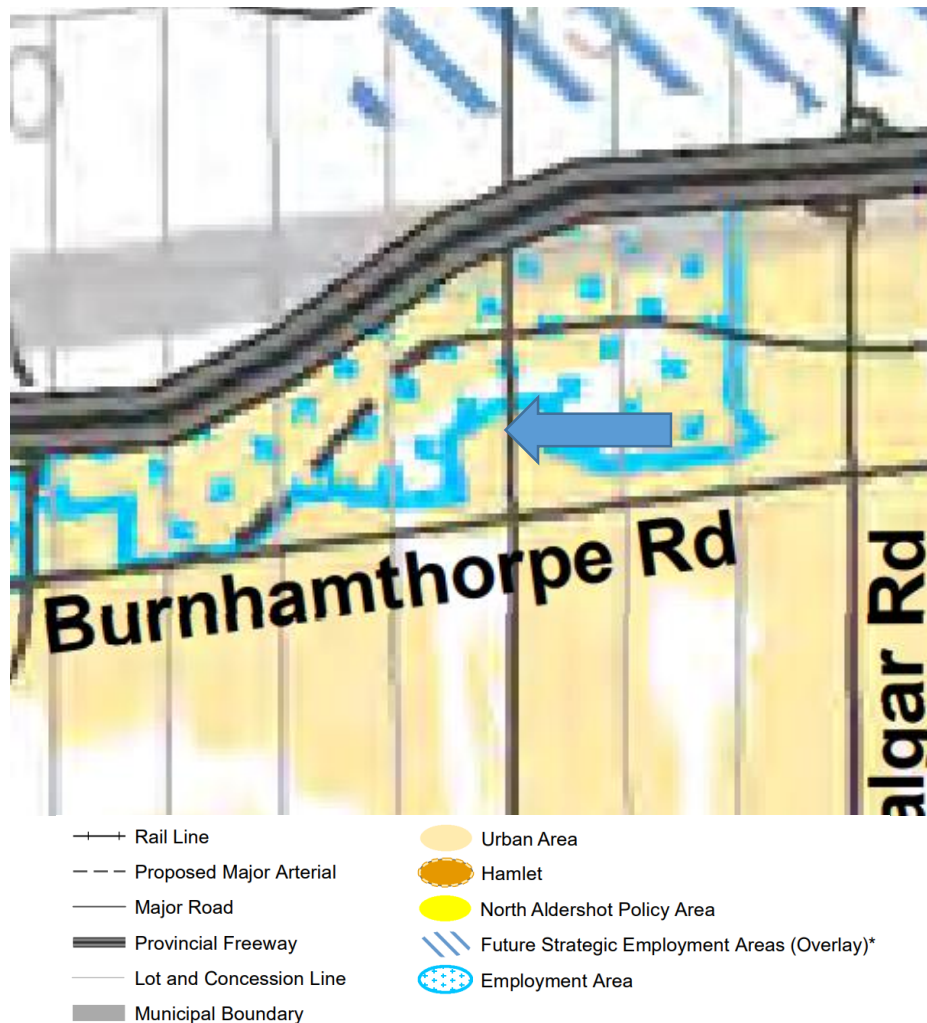


Figure 3 - ROPA 48 Excerpt

Burnhamthorpe Road West, west of Sixth Line, remains a regional road. It is anticipated that this section of roadway will be conveyed to the town in 2025 following the completion of William Halton Parkway.

As of the date of writing this report, regional comments have not been received.

## **North Oakville East Secondary Plan – NOESP (OPA 272)**

### Urban Structure

Official Plan Amendment 317 to the *North Oakville East Secondary Plan* confirms the Town's existing urban structure. OPA 317 was approved by Halton Region on April 26, 2018 and deemed to conform to the Growth Plan and is consistent with the PPS.

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

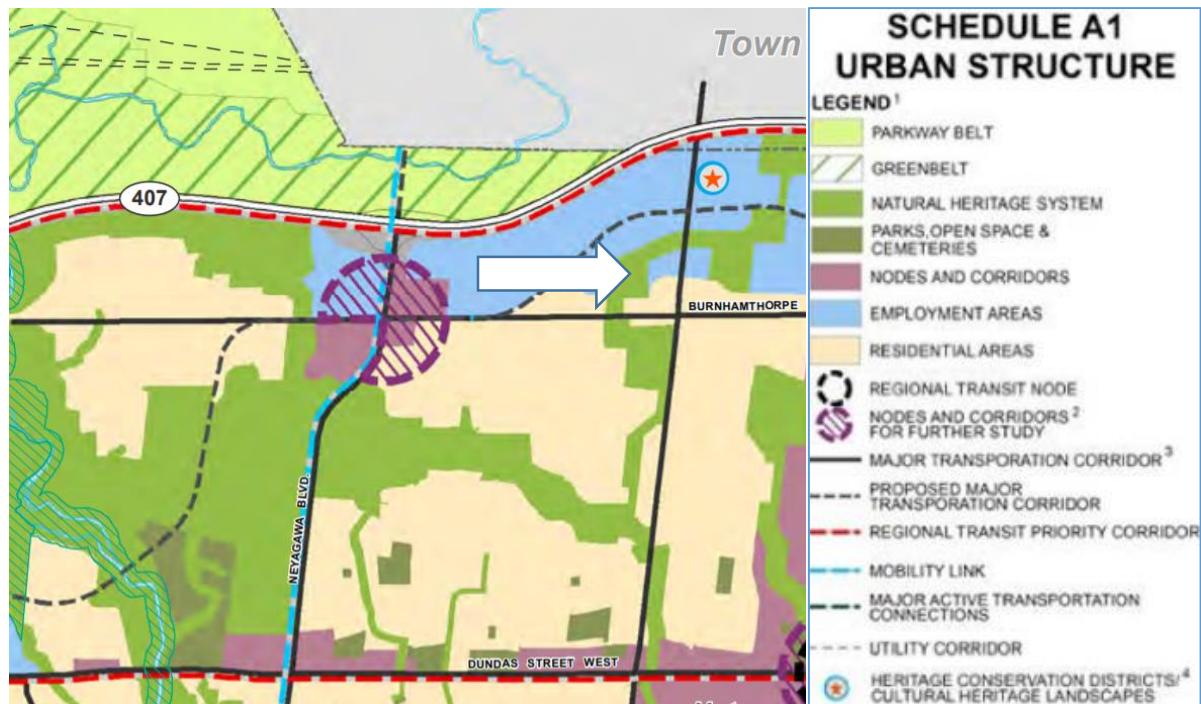


Figure 3 – Schedule A1 Livable Oakville Plan

### Land Use Policies

The North Oakville East Secondary Plan (NOESP) was approved by the Ontario Municipal Board in 2008 through OPA 272 and was prepared to be consistent with the 2005 PPS and in conformity with the 2006 Growth Plan. The Secondary Plan includes detailed policies establishing general development objectives to guide the future development of the area covered by the Plan.



The subject land, as highlighted below, is designated *Natural Heritage System Area, Employment District and Transitional Area*, on Figure NOE2 of the NOESP and as illustrated on Figure 3a below.

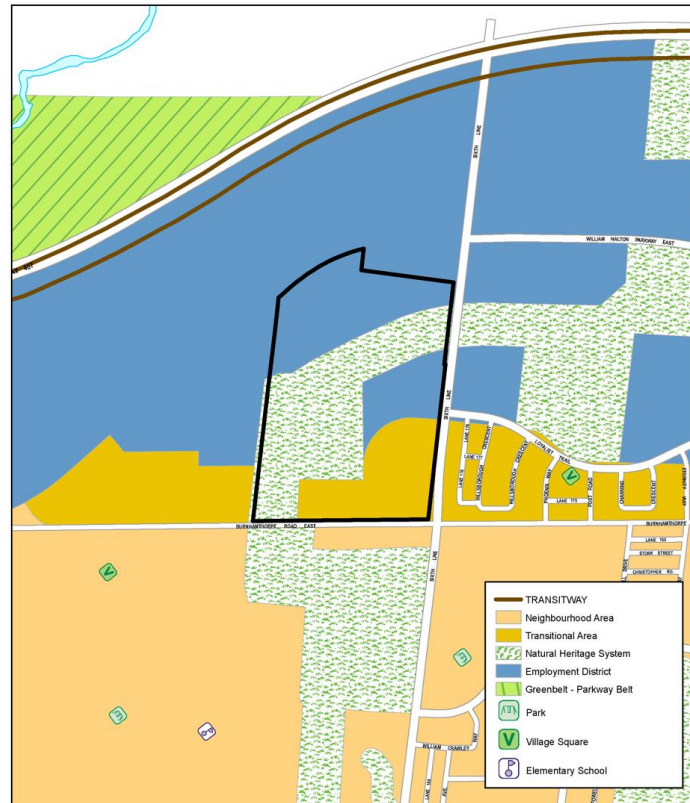


Figure 3a – North Oakville East Secondary Plan - Figure NOE2

Educational Facilities are a permitted use in most land use designations subject to some conditions within the North Oakville East Secondary Plan as outlined in Section 7.6.2.2. Within Section 7.6.9.2, Transition Area, institutional uses are a permitted use. The full policies can be found in Appendix B.

This development application, if approved, would bring this area of the North Oakville East Secondary Plan into alignment with Regional Official Plan Amendment 48, as discussed above.

### Master Plan - Appendix 7.3

The North Oakville Master Plan illustrates a conceptual design and land use categories for the North Oakville East planning area.

Development applications are reviewed in the context of the Master Plan in order to evaluate consistency. Minor variations from the Master Plan may be considered, assuming the general intent and direction of the Master Plan is maintained.

The land are further identified in the North Oakville Master Plan as Natural Heritage System Area, Transitional Area, and Employment Area with an overlay for a stormwater management facility (Figure 3b, excerpt below).



**LEGEND**

	SECONDARY PLAN AREA BOUNDARY		INSTITUTIONAL AREA		UTILITY CORRIDOR
	OAKVILLE / MILTON MUNICIPAL BOUNDARY		STORMWATER MANAGEMENT FACILITY (final location tbd)		NEIGHBOURHOOD ACTIVITY NODE
	TRANSITWAY		COMMUNITY PARK AREA		CEMETERY AREA
	DUNDAS STREET URBAN CORE AREA		NEIGHBOURHOOD PARK AREA		NEIGHBOURHOOD CENTRE AREA
	NEYAGAWA BLVD. URBAN CORE AREA		VILLAGE SQUARE/URBAN SQUARE		GENERAL URBAN AREA
	TRAFALGAR ROAD URBAN CORE AREA		ELEMENTARY SCHOOL SITE		SUB URBAN AREA
	TRANSITIONAL AREA		SECONDARY SCHOOL SITE		HIGH DENSITY RESIDENTIAL AREA
	EMPLOYMENT AREA		JOSHUA CREEK FLOODPLAIN AREA		POLICY REFERENCE - SEE POLICY SECTION 7.4.7.2
	NATURAL HERITAGE SYSTEM AREA				

Figure 3b – North Oakville Master Plan Excerpt

Applicable North Oakville East Secondary Plan policies are contained within Appendix B attached to this report.

The applicant's site specific Official Plan Amendment proposes to:

- re-designate for a portion of the site from Employment District to Transitional Area consistent with ROPA 48;
- relocates the secondary school symbol at the northwest corner of Neyagawa Boulevard and Dundas Street West to the site on Block 2; and,
- introduce new Official Plan policies related to the proposed secondary school use.

The applicant's proposed OPA is found in its entirety in Appendix A1 to this report.

### **Burnhamthorpe Road Character Study**

On February 9, 2015, town council approved the Burnhamthorpe Road Character and Environmental Assessment Study.

Burnhamthorpe Road (Regional Road 27) is currently designated as a regional arterial road under the jurisdiction of Halton Region. However, once constructed and in service, the William Halton Parkway will replace Burnhamthorpe Road's regional road function. Burnhamthorpe Road East, east of Sixth Line, was transferred to the town on April 30, 2021. The section of Burnhamthorpe Road, west of Sixth Line, is to be transferred to the town upon completion of the construction of William Halton Parkway. Construction is currently scheduled to be complete at the end of 2024 and the transfer of this section of roadway is currently anticipated in 2025. It is classified as a "character road" as described in the North Oakville East Secondary Plan (NOESP). Burnhamthorpe Road will retain its name.

The NOESP envisions Burnhamthorpe Road as a vibrant, pedestrian-friendly and transit supportive roadway that acts as the transition between the residential to the south and employment land uses to the north. Additionally, the NOESP notes that design standards will respect the existing character of the road and its abutting uses, to which may require unique considerations to matters such as grading and preservation of vegetation along this roadway. The Burnhamthorpe Road Character Study implements the NOESP's vision by establishing an appropriate road design for Burnhamthorpe Road between Ninth Line and Sixteen Mile Creek to serve the evolving needs of the North Oakville community. Varying cross-sections along the Burnhamthorpe Road corridor will support the proposed land uses.

Within this section of the overall Burnhamthorpe Road, a 24 metre right-of-way is required by this study.

## Zoning By-law

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

The subject lands are zoned Future *Development* (FD), as amended by the recently approved By-law 2022-007 as illustrated on Figure 4 below. The *Future Development* (FD) zone only allows uses that legally existed on the date the parent by-law came into effect.

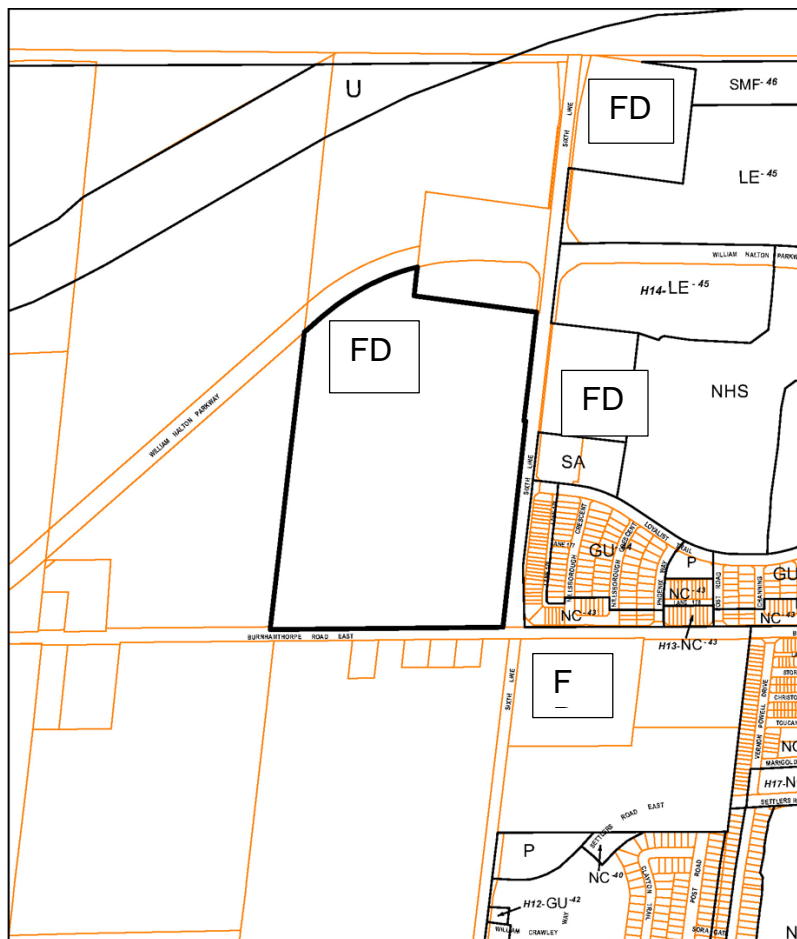


Figure 4 – Zoning By-law Excerpt

The Zoning Bylaw Amendment proposes to rezone the site from Future Development (FD) to site specific Light Employment (LE), Institutional (I), Stormwater Management Facility (SMF) and Natural Heritage System (NHS) zones. Specific regulations for the Employment Area and Institutional zone are proposed

The applicant's proposed zoning regulations can be found within Appendix A2.

### **TECHNICAL & PUBLIC COMMENTS:**

The proponent has provided numerous studies in support of the application which have been circulated to various public agencies and internal Town departments, and which are under review. The following supporting documents are accessible on the town's website (<https://www.oakville.ca/business/da-40680.html>):

- Aerial
- Secondary School Concept Plan
- Draft Official Plan Amendment
- Draft Zoning Bylaw Amendment
- Draft Plan of Subdivision
- Drainage Plan
- EIR/FSS Report, Appendices and Drawings
- Phase One ESA
- ESSQ
- Public Information Meeting Minutes
- Planning Justification Report
- Planning Statistics
- Survey
- Transportation Impact Study
- Urban Design Brief
- Waste Management Brief

### **Issues Under Review/Matters to be Considered**

The following issues and matters have been identified to date for further review and consideration. Not all circulation comments have been received to date, but will be considered in the future recommendation report.

- Alignment with the Climate Emergency declared by Council in June 2019 for the purposes of strengthening the Oakville community commitment in reducing carbon footprints.
- Confirmation of being a member of the North Oakville East Developers Group and party to the Cost Sharing Agreement.
- Consistency with the Provincial Policy Statement, 2020 and conformity to the 2019 Growth Plan for the Greater Golden Horseshoe.

- 
- Conformity to the Region of Halton Official Plan.
  - Conformity of the proposal with the land use and policies of the North Oakville East Secondary Plan.
  - Justification for the proposed modifications to the North Oakville East Secondary Plan and North Oakville Zoning By-law ensuring the proposed amendments appropriately implements the vision of the North Oakville East Secondary Plan.
  - West Morrison Creek - EIR/FSS Addendum – does it appropriately implement the North Oakville Creeks Subwatershed Study? Have the Natural Heritage System limits (Core 6) been appropriately identified? Has the proposed stormwater management pond (Pond 17), its various functions and the lands on the south side of Burnhamthorpe Road West been appropriately assessed? This study remains in technical review and coordination with Conservation Halton and Halton Region is necessary.
  - Sixteen Mile Creek - EIR/FSS information related to the 16 Mile Creek subcatchment area is required since the north portion of the site within the proposed Employment block is part of the 16 Mile Creek drainage area.
  - Proposed trail to be relocated so it does not bisect the secondary school site.
  - Conformity with urban design policies on matters such as built form, interface with public realms, such as Burnhamthorpe Road West, Sixth Line, future William Halton Parkway, the stormwater management pond and the existing residential east of Sixth Line.
  - Proposed school playing field with potential dome
    - does it appropriately consider the easterly residential development?
    - lighting information for the playing field, both domed and not domed, is necessary in consideration of the town's Property Standards (Bylaw 2007-143, as amended) and Nuisance Bylaw (Bylaw 2017-007, as amended). Staff presented a report at the Community Services Committee meeting of March 30, 2010, wherein the lighting of sports fields in residential neighbourhoods was reviewed.
    - how will a proposed dome be operated, by the school board or by a third party? Specific operational details necessary to further review the proposal.
  - Proposed school parking. While zoning provides a standard rate for secondary schools/daycare/office, what is actually necessary for the site considering the proposed operation of Block 2?

- Sixth Line Coordination - Phase 2 engineering drawings are nearing completion. The project is expected to commence with the relocation of hydro services in the Fall 2022. The target startup date for the reconstruction of the road is April/May 2023. Coordination with the town's Sixth Line reconstruction project is necessary. Have all road widenings been appropriately identified?
- Transportation
  - Assessment of the number of buses to be accommodated during peak hours and associated number of laybys.
  - Reassessment of traffic controls for future horizon years (2025 and 2030)
- Burnhamthorpe Road West - Has the proposed widening along Burnhamthorpe Road West been appropriately identified in relation to the requirements as outlined within the Burnhamthorpe Road Character Study?

A complete analysis of this application will be undertaken including the foregoing matters, and other matters, which may be subsequently identified.

#### **CONSIDERATIONS:**

##### **(A) PUBLIC**

Notice of the complete application and for this meeting was distributed to all properties within 240 m of the subject property and is included on the sign posted at the site.

The applicant undertook a combined community consultation process with a virtual meeting held on December 6, 2021. Two members of the public attended this virtual meeting. Based upon the information submitted, no concerns were raised at the virtual PIM. As of the date of writing this report, no public comments have been submitted.

##### **(B) FINANCIAL**

Development Charges will be applicable to this development. Parkland dedication is applicable and may be satisfied following confirmation that the developer is in good standing with the North Oakville East Developers Group and party to the Cost Sharing Agreement.

##### **(C) IMPACT ON OTHER DEPARTMENTS & USERS**

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

**(D) CORPORATE STRATEGIC GOALS**

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

- be the most liveable 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 Plan.

**CONCLUSION:**

Planning staff will continue to review and analyze the proposed application and address all technical matters along with submitted public comments, and report to Council at a future meeting. 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.

**APPENDICES:**

- Appendix A1 - Applicant's Proposed Official Plan Amendment
- Appendix A2 - Applicant's Proposed Zoning By-law Amendment
- Appendix A3 - Applicant's Proposed Draft Plan of Subdivision
- Appendix B - Applicable Policies

Prepared by:

Robert Thun, MCIP, RPP, Senior Planner, Planning Services

Recommended by:

Paul Barrette on behalf of Charles McConnell, MCIP, RPP, Manager, West District, Planning Services

Submitted by:

Gabe Charles, MCIP, RPP, Director, Planning Services



**Appendix A1  
Applicant's Draft Official Plan Amendment  
As Submitted**

**Official Plan Amendment Number \_\_\_\_\_  
To the Town of Oakville 2009 Official Plan  
and to the North Oakville East Secondary Plan  
forming part of the Official Plan of the Oakville Planning Area  
of the Town of Oakville**

**Constitutional Statement**

The details of the Amendment, as contained in Parts 2 and 3 of this text, constitutes Amendment Number \_\_\_\_\_ to The Town of Oakville Official Plan 2009 and to the North Oakville East Secondary Plan forming part of the Official Plan of the Oakville Planning Area.

**Part 1 - Preamble**

**A. Purpose**

The purpose of this amendment is to modify a schedule of the Town of Oakville Official Plan (2009) and to modify the text and schedules of the North Oakville East Secondary Plan to permit a secondary school and related uses.

**B. Location**

The site subject to this Official Plan Amendment (the "Subject Lands) legally described as Part of Lot 16, Concession 2 North of Dundas Street. The 6.15 hectare site is located in the Northwest quadrant of Sixth Line and Burnhamthorpe West.

**C. Basis**

1. On November 10, 2021, Regional Official Plan Amendment 48 was approved by the Minister of Municipal Affairs and Housing. Among other actions, Regional Official Plan Amendment 48 removed the Employment Area symbol from an approximately 2 hectare portion of the Subject Lands. Schedule A1 – Urban Structure of the Town of Oakville Official Plan (2009) categorizes said 2 hectare portion of the Subject Lands as *Employment Areas* while Figure NOE 1 – Community Structure and NOE 2 – Land Use Plan of the North Oakville East Secondary Plan designate said 2 hectare portion of the Subject Lands as *Employment District*. Section 27(1) of the Planning Act, R.S.O. 1990, requires the official plan of a lower-tier municipality to conform with a plan that comes into effect as the official plan of the upper-tier municipality.
2. Three secondary school sites are conceptually illustrated within the North Oakville East Planning Area including a site in the Northwest quadrant of Dundas Street and Neyagawa

Boulevard which has been determined by the Halton District School Board as being unsuitable for its intended use. Consequently, a new secondary school site is required to serve anticipate population growth within the North Oakville East Planning Area.

3. Educational facilities are generally permitted within most land use designations of the North Oakville East Secondary Plan, including the Transitional Area designation though education facilities are generally not permitted on lands designated Employment. an Amendment to the land use designation is required to permit a secondary school use and its related uses.
4. Development criteria for the Transitional land use designation do not provide the site design flexibility necessary for a secondary school on the Subject Lands to effectively function resulting in the need for amendment.
5. A statutory public meeting on the proposed Official Plan Amendment was held on \_\_\_\_\_.
6. The proposed Official Plan Amendment has regard for matters of Provincial interest, is consistent with the Provincially Policy Statement, conforms with the Growth Plan, conforms with the Region of Halton Official Plan, conforms with applicable policies of the Town of Oakville Official Plan, and conforms with the applicable policies of the North Oakville East Secondary Plan.
7. The Subject Lands are contextually appropriate for a secondary school and its related uses due to its proximity to existing and future residential areas while still allowing enough distance separation to maintain compatibility.
8. An urban design report has demonstrated a secondary school and its related uses can be located on the Subject Lands in a manner sensitive to the surrounding uses and natural features.
9. A transportation analysis has concluded the abutting public road infrastructure can accommodate a secondary school and it related uses at an acceptable level of service.

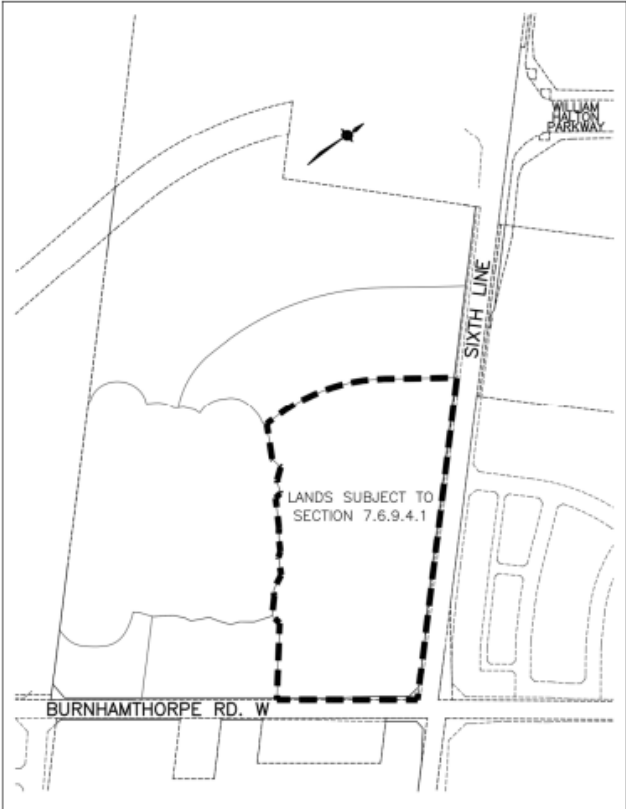
**Part B – The Amendment to the Town of Oakville Official Plan (2009)**

This Official Plan Amendment includes the modifications to Schedule A1 – Urban Structure of the Town Oakville Official Plan (2009) as shown in **Attachment 1**

**Part C – The Amendment to the North Oakville East Secondary Plan**

1. Text changes

The amendment includes the changes to the text of the North Oakville East Secondary Plan listed in the following table. Text that is bolded and underlined is new text to be inserted into the North Oakville East Secondary plan

Item No.	Section	Description of Change
1	<b><u>7.6.9.4</u></b> <b><u>EXCEPTIONS</u></b>	<p>Insert new policies as follows:</p> <p><b><u>7.6.9.4.1 The following additional policies apply to the land identified in Figure 7.6.9.4.1:</u></b></p> <ul style="list-style-type: none"> <li>a) <b><u>No maximum height and no minimum height shall apply;</u></b></li> <li>b) <b><u>No maximum Floor Space Index and no minimum Floor Space Index shall apply;</u></b></li> <li>c) <b><u>Office uses, day care centres, and air-supported dome-structures shall be permitted in addition to the uses permitted in Section 7.6.9.2.</u></b></li> </ul> <p><b><u>Figure 7.6.9.4.1</u></b></p>  <p>The map shows a parcel of land outlined with a thick dashed line. The parcel is bounded by Burnhamthorpe Rd. W to the south and Sixth Line to the east. A north arrow is located in the upper left quadrant of the map. The text 'LANDS SUBJECT TO SECTION 7.6.9.4.1' is centered within the dashed boundary. Other roads shown include William Halton Parkway to the northeast.</p>

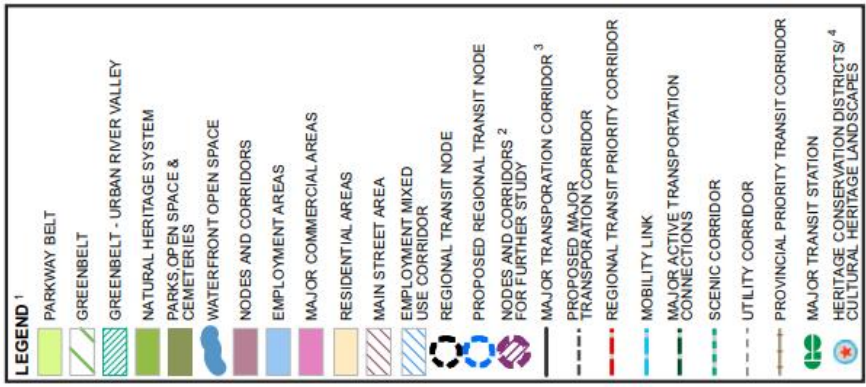
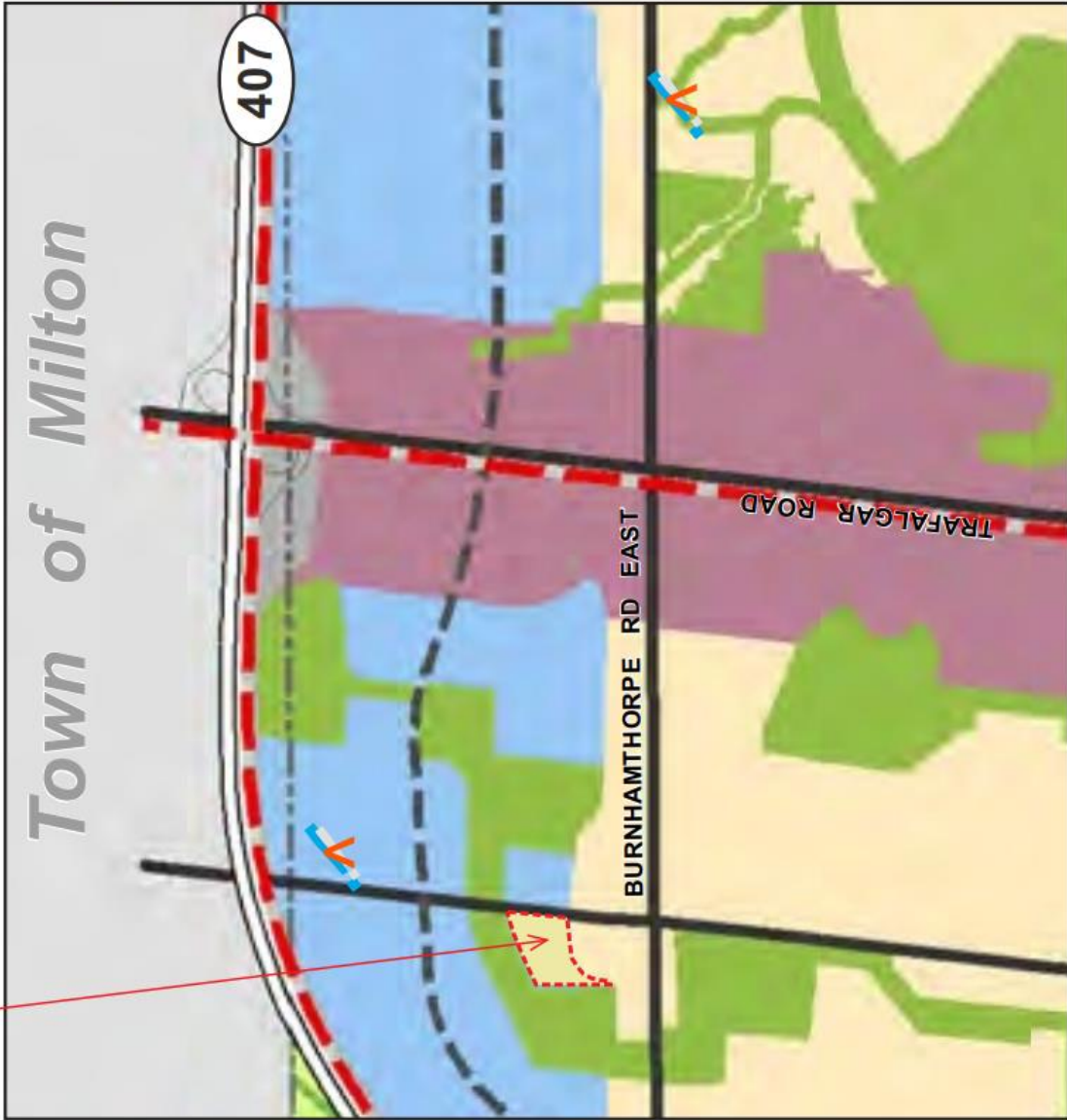
2. Figure changes

This Official Plan Amendment includes the modifications to Figure NOE 1 – Community Structure, Figure NOE 2 – Land Use Plan, and Appendix 7.3 – Master Plan of the Town Oakville Official Plan as shown in **Attachment 2**

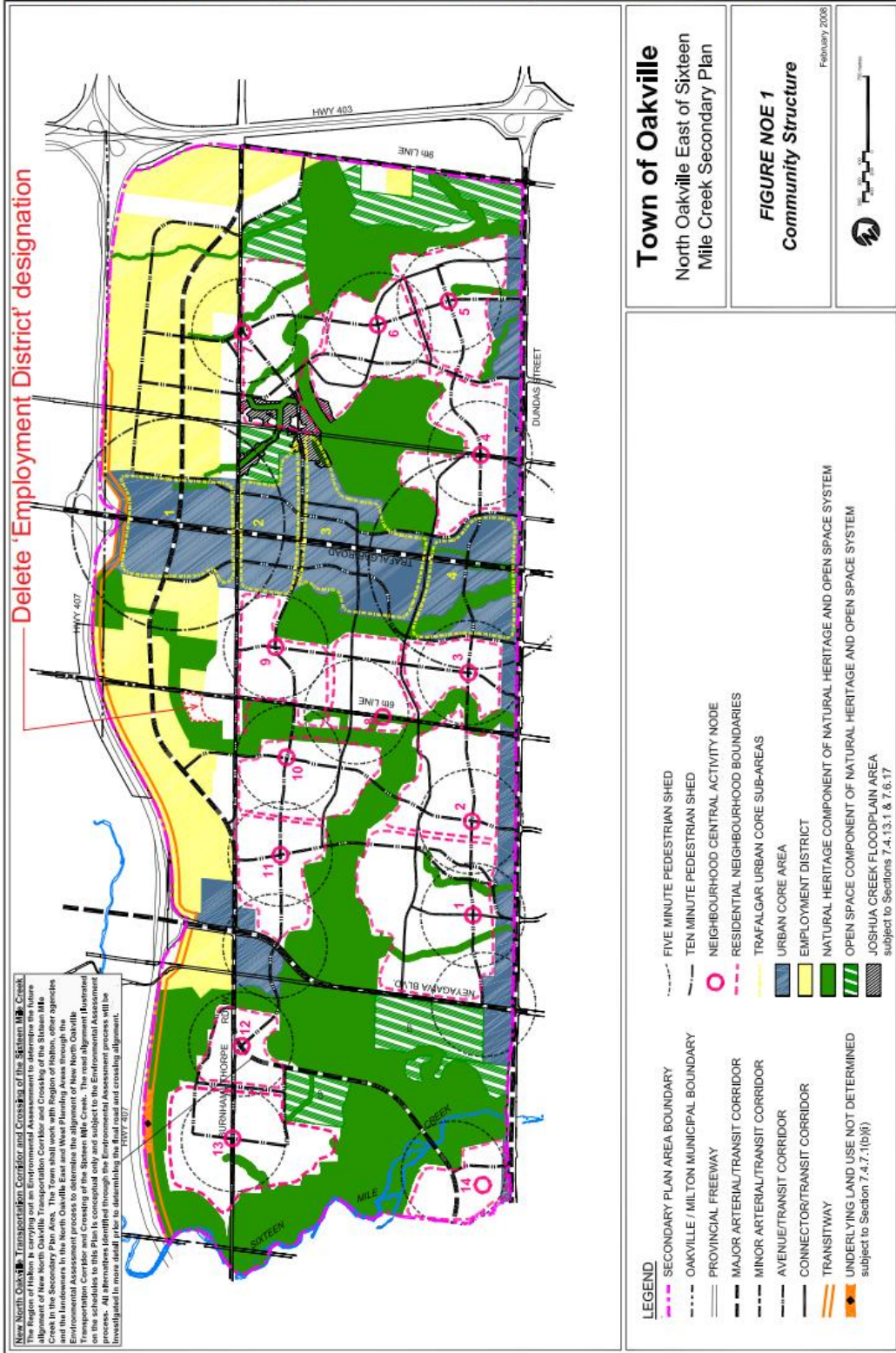
**Attachment 1**

**EXCERPT OF  
SCHEDULE A1 -  
URBAN STRUCTURE  
TOWN OF OAKVILLE  
OFFICIAL PLAN 2009**

Delete 'Employment Areas' land use category and replace with 'Residential Areas' land use category



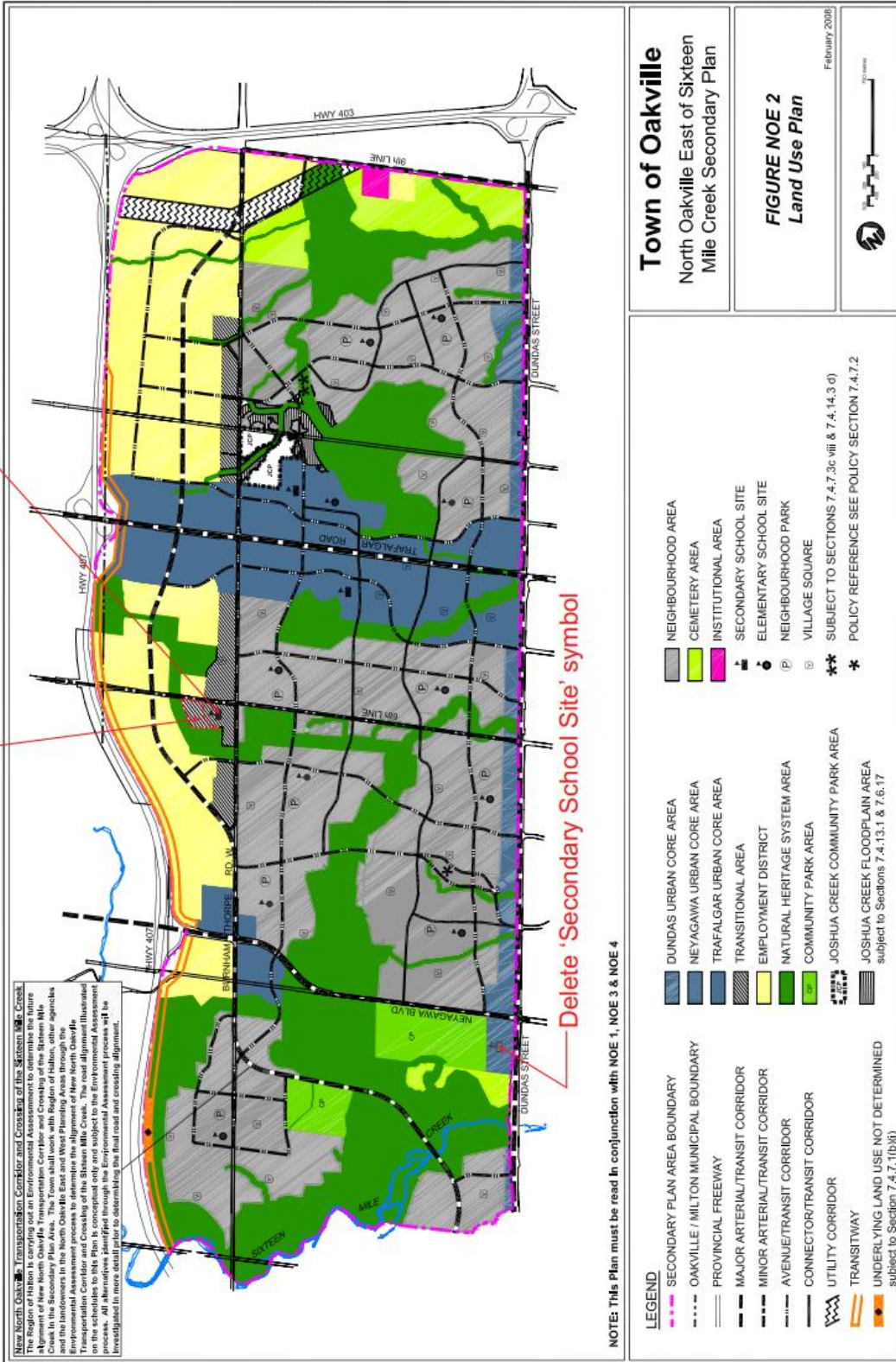
**Attachment 2**





Delete 'Employment District' designation and replace with 'Transitional Area' designation

Add 'Secondary School Site' symbol



**Town of Oakville**  
North Oakville East of Sixteen  
Mile Creek Secondary Plan

**FIGURE NOE 2**  
**Land Use Plan**

February 2008



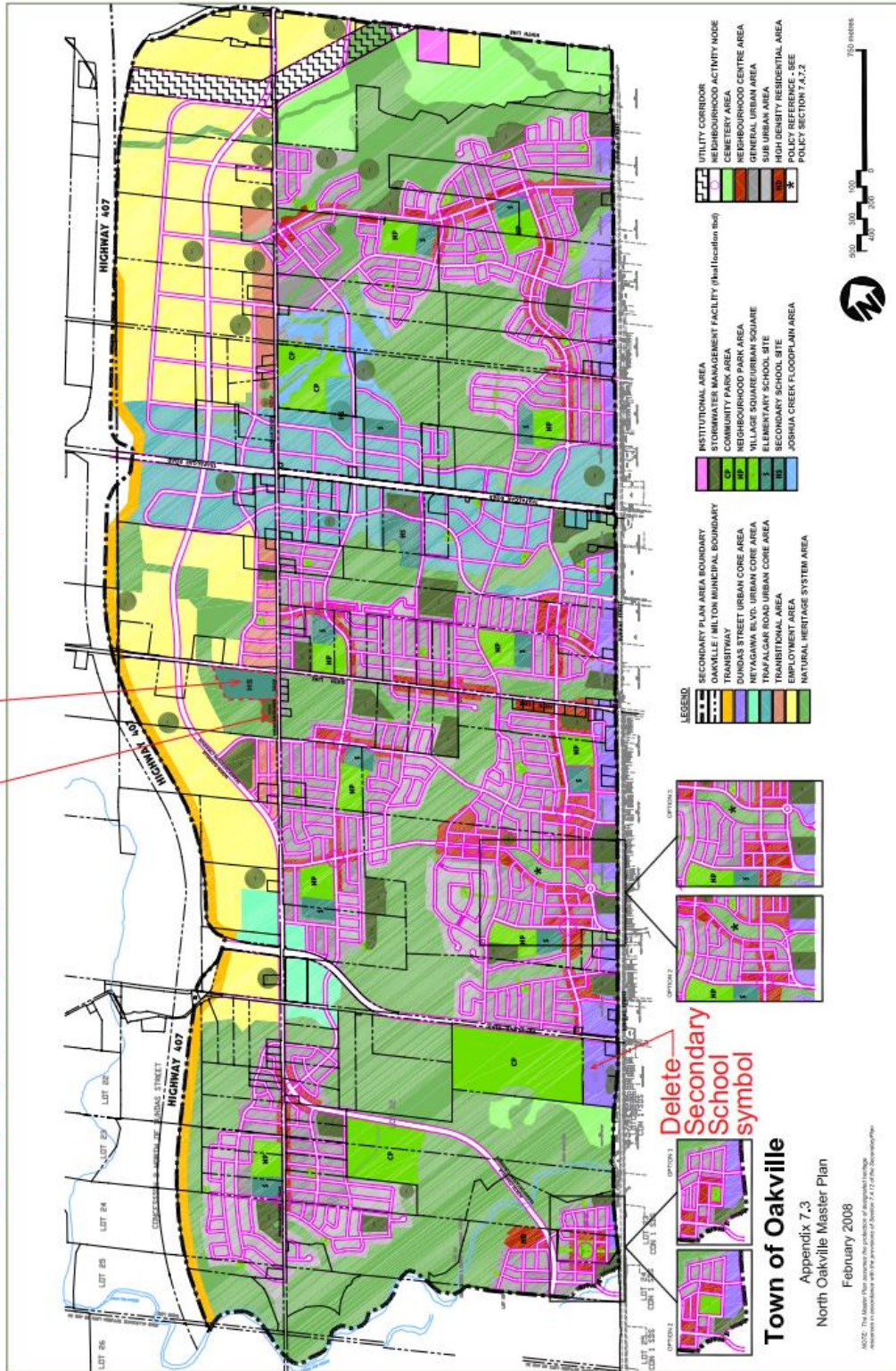
**NOTE: This Plan must be read in conjunction with NOE 1, NOE 3 & NOE 4**

LEGEND			
Secondary Plan Area Boundary	Dundas Urban Core Area	Neighbourhood Area	Neighbourhood Area
Oakville / Milton Municipal Boundary	Neysawwa Urban Core Area	Cemetery Area	Cemetery Area
Provincial Freeway	Trafalgar Urban Core Area	Institutional Area	Institutional Area
Major Arterial/Transit Corridor	Transitional Area	Secondary School Site	Secondary School Site
Minor Arterial/Transit Corridor	Employment District	Elementary School Site	Elementary School Site
Avenue/Transit Corridor	Natural Heritage System Area	Neighbourhood Park	Neighbourhood Park
Connector/Transit Corridor	Community Park Area	Village Square	Village Square
Utility Corridor	Joshua Creek Community Park Area	**	SUBJECT TO SECTIONS 7.4.7.3c-viii & 7.4.14.3.d)
Transitway	Joshua Creek Floodplain Area subject to Sections 7.4.13.1 & 7.6.17	*	POLICY REFERENCE SEE POLICY SECTION 7.4.7.2
Underlying Land Use Not Determined subject to Section 7.4.7.10(f)			

Delete Employment Area and Transitional Area colour, SWM symbol, and road; replace with Secondary School Site colour and notation

Delete Transitional Area colour and replace with SWM colour

Delete Secondary School symbol



**Appendix A2  
Applicant's Draft Zoning Regulations  
As Submitted**

**BY-LAW NUMBER 2022-xxx**

A by-law to amend the  
North Oakville Zoning By-law 2009-189, as amended,  
to permit the use of lands described as  
Part of Lot 16, Concession 2, NDS  
(Sixth Oak Inc., File No.: Z.\_\_\_\_\_)

1. Map 12(4) of By-law 2009-189, as amended, is 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 amended by adding new Sections 8.A and 8.B, as follows:

<b><u>A</u></b>	<b>Sixth Oak Inc.</b>	Parent Zone: LE
Map 12(4)	(Part of Lot 16, Concession 2, NDS)	(2022-xxx)
<b>8.A.1 Zone Regulations for all buildings</b>		
The following regulations apply:		
a)	Notwithstanding Section 5.6.3, <i>loading docks</i> when required or provided, shall be prohibited in the <i>front yard</i> and shall be located on the same <i>lot</i> as the <i>use</i> , or combination of <i>uses</i> , for which the <i>loading docks</i> are required or are being provided. However, where <i>loading docks</i> are located in any <i>yard</i> abutting a <i>residential zone</i> or a <i>street</i> , they must be screened from view by an opaque screen with a minimum height of 1.5 metres.	

<b><u>B</u></b>	<b>Sixth Oak Inc.</b>	Parent Zone: I
Map 12(4)	(Part of Lot 16, Concession 2, NDS)	(2022-xxx)
<b>8.B.1 Additional Permitted Uses</b>		
The following additional uses are permitted:		
a)	<i>Day Care</i>	
b)	Air-supported Dome-like Structure including use for a rental period.	

3209DES7-ZONTEXT4

8.B.2 Zone Regulations for all buildings and air-supported dome – like structure	
The following regulations apply:	
a)	The <i>lot line</i> abutting Burnhamthorpe Road West is deemed to be the <i>front lot line</i> .
b)	Minimum <i>Floor Space Index (FSI)</i> shall not apply.
c)	Maximum <i>Floor Space Index (FSI)</i> shall not apply
d)	Maximum <i>front yard</i> 35.0 metres
e)	Maximum <i>flankage yard</i> 10.0 metres
f)	Minimum <i>height</i> shall not apply
g)	Maximum <i>height</i> 21.5 metres
h)	Required parking spaces for <i>Public school secondary</i> or <i>Private school secondary</i> 1 <i>parking space</i> per classroom minimum. No maximum number of <i>parking spaces</i> per classroom shall apply
i)	Required parking spaces for a <i>Air-supported Dome-like Structure</i> No minimum or maximum number of <i>parking spaces</i> shall apply

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

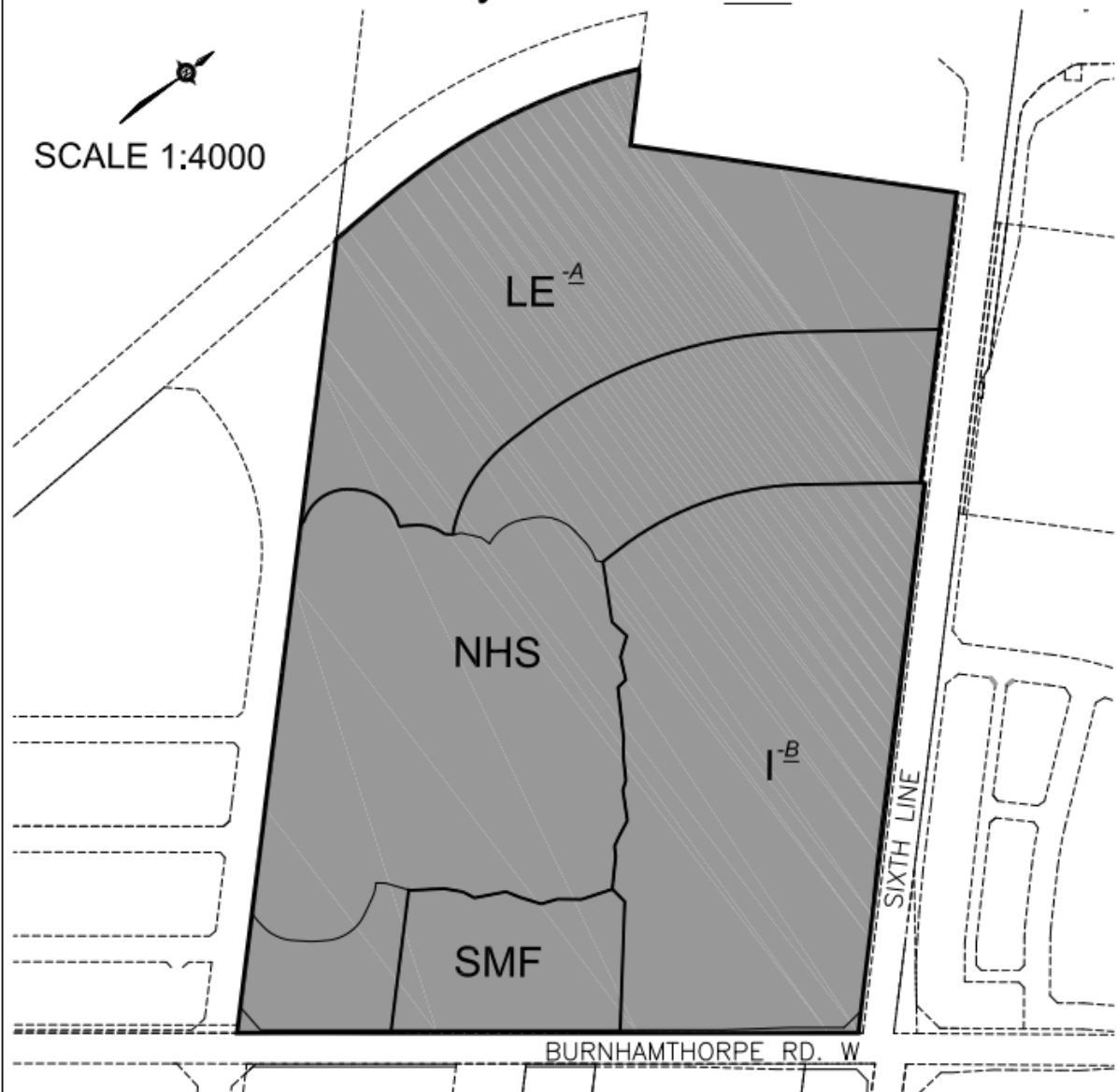
PASSED this \_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

# SCHEDULE "A" To By-law 2022-

SCALE 1:4000



## AMENDMENT TO BY-LAW 2009-189

- Rezoned from Existing Development (ED) to Light Employment (LE sp A);
- Institutional (I sp B);
- Stormwater Management Facility (SMF);
- Natural Heritage System (NHS);

EXCERPT FROM  
MAP 12(4)

3000EST-ZONSCHE-1

**Appendix A3  
Applicant's Draft Plan of Subdivision (with contour layer)**

DRAFT PLAN OF SUBDIVISION  
PART OF LOT 16, CONCESSION 2  
NORTH OF DUNDAS STREET  
(GEOGRAPHIC TOWNSHIP OF TRAFALGAR)  
TOWN OF OAKVILLE  
REGIONAL MUNICIPALITY OF HALTON  
SCALE 1:1500



**SECTION 51, PLANNING ACT,  
ADDITIONAL INFORMATION**

- A. AS SHOWN ON DRAFT PLAN
- B. AS SHOWN ON DRAFT PLAN
- C. AS SHOWN ON DRAFT PLAN
- D. SEE SCHEDULE OF LAND USE
- E. AS SHOWN ON DRAFT PLAN
- F. AS SHOWN ON DRAFT PLAN
- G. AS SHOWN ON DRAFT PLAN
- H. MUNICIPAL PIPED WATER AVAILABLE AT TIME OF DEVELOPMENT
- I. CLAY-LOAM
- J. AS SHOWN ON DRAFT PLAN
- K. SANITARY AND STORM SEWERS, GARBAGE COLLECTION, FIRE PROTECTION
- L. AS SHOWN ON DRAFT PLAN

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE CORRECTLY SHOWN.

DATE JANUARY 4, 2022

*Ross Denbroeder*  
ROSS DENBROEDER OLS

**OWNER'S CERTIFICATE**

I AUTHORIZE KLM PLANNING PARTNERS INC. TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE TOWN OF OAKVILLE FOR APPROVAL.

OWNER

**SIXTH OAK INC.**

145 REYNOLDS STREET  
SUITE 400  
OAKVILLE, ONTARIO  
L6J 0A7

*Silvo Guglietti*  
SILVO GUGLIETTI A.S.O.

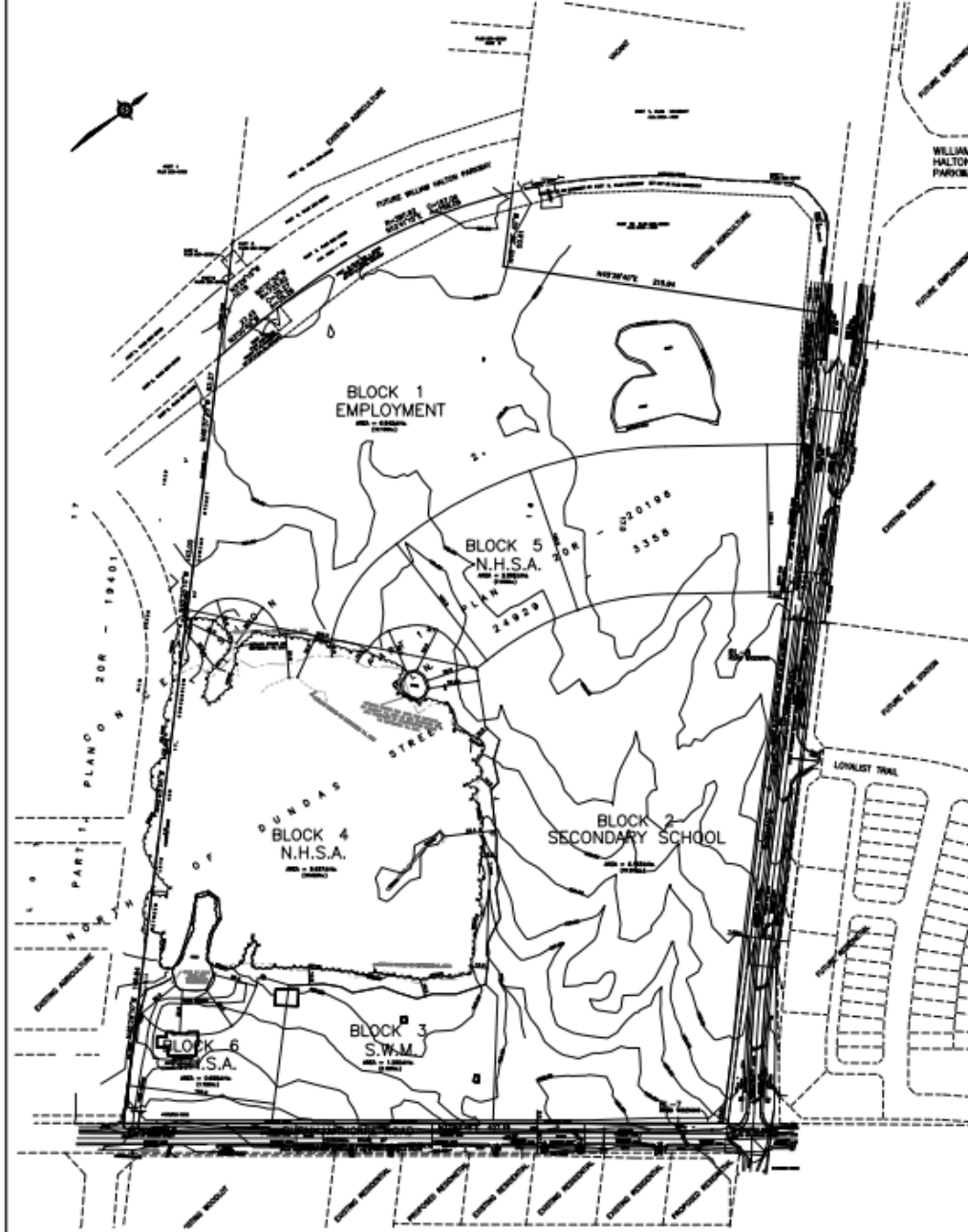
**SCHEDULE OF LAND USE**

TOTAL AREA OF LAND TO BE SUBDIVIDED=23.324±Ha. (57.635±Ac.)

BLOCKS	SHa.	±Ac.
BLOCK 1 - EMPLOYMENT	1	6.542 16.166
BLOCK 2 - SECONDARY SCHOOL	1	6.153 15.204
BLOCK 3 - STORM WATER MANAGEMENT	1	1.290 3.187
BLOCKS 4-6 - NATURAL HERITAGE SYSTEM AREA	3	9.187 22.702
BLOCKS 7 & 8 - ROAD WIDENING	2	0.152 0.376
<b>TOTAL</b>	<b>8</b>	<b>23.324 57.635</b>

NOTE - ELEVATIONS RELATED TO CANADIAN GEODETIC DATUM

**KLM** PROJECT No. P-3209  
PLANNING PARTNERS INC. SCALE 1:1500 JANUARY 21, 2022  
DWG. No. - 22:1  
Planning • Design • Development



# APPENDIX B – POLICIES

## Provincial Policy Statement 2020

### 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.

a.1.3.1 *Settlement areas* shall be the focus of growth and development.

a.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 their 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.

## **1.3.2 Employment Areas**

- 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.
- 1.3.2.2 At the time of the official plan review or update, planning authorities should assess employment areas identified in local official plans to ensure that this designation is appropriate to the planned function of the employment area. 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.

- 1.3.2.4 Planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.
- 1.3.2.5 Notwithstanding policy 1.3.2.4, and until the official plan review or update in policy 1.3.2.4 is undertaken and completed, lands within existing employment areas may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation working together with affected upper and single-tier municipalities and subject to the following:
- a) there is an identified need for the conversion and the land is not required for employment purposes over the long term;
  - b) the proposed uses would not adversely affect the overall viability of the employment area; and
  - c) existing or planned infrastructure and public service facilities are available to accommodate the proposed uses.
- 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.
- 1.3.2.7 Planning authorities may plan beyond 25 years for the long-term protection of employment areas provided lands are not designated beyond the planning horizon identified in policy 1.1.2.

## **2.1 Natural Heritage**

- 2.1.1 Natural features and areas shall be protected for the long term.
- 2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.
- 2.1.3 Natural heritage systems shall be identified in Ecoregions 6E & 7E1, recognizing that natural heritage systems will vary in size and form in settlement areas, rural areas, and prime agricultural areas.
- 2.1.4 Development and site alteration shall not be permitted in:
- a) significant wetlands in Ecoregions 5E, 6E and 7E1; and
  - b) significant coastal wetlands.
- 2.1.5 Development and site alteration shall not be permitted in:
- a) significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E1;
  - b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)<sup>1</sup>;
  - c) significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)<sup>1</sup>;
  - d) significant wildlife habitat;
  - e) significant areas of natural and scientific interest; and
  - f) coastal wetlands in Ecoregions 5E, 6E and 7E1 that are not subject to policy 2.1.4(b) unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

- 2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.
- 2.1.7 Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.
- 2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.
- 2.1.9 Nothing in policy 2.1 is intended to limit the ability of agricultural uses to continue.

## Growth Plan 2019

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;
- 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

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*.

2.2.6.3 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.

## **North Oakville East Secondary Plan**

### **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.

### **7.3.5 NATURAL HERITAGE AND OPEN SPACE SYSTEM**

The Natural Heritage and Open Space System for North Oakville East is part of a larger system which is intended to extend through all of North Oakville. It forms a central feature of the North Oakville East Planning Area. It is comprised of two components, a Natural Heritage component and an Open Space component.

- a) The Natural Heritage component of the System is comprised of the following key areas as identified by the policies in the Plan:
  - i) Core Preserve Areas

The Core Preserve Areas include key natural features or groupings of key natural features, together with required buffers and adjacent lands intended to protect the function of those features and ensure the long term sustainability of the Natural Heritage component of the System within the urban context.
  - ii) Linkage and Optional Linkage Preserve Areas Linkage and Optional Linkage Preserve Areas include areas which are designed to link the Core Preserve Areas together to maintain and enhance their environmental sustainability. They follow natural features whenever possible and are intended to be of sufficient size and character, including buffers, to ensure the functionality

### **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 EMPLOYMENT DISTRICT**

### **7.6.8.1 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, Buildings and Structures**

Permitted uses may include:

- a) light industrial operations, including light manufacturing, assembling, processing, fabricating, repairing, warehousing, distribution and wholesaling;
- b) business and professional office uses and medical clinics;
- c) service establishments such as print shops, equipment rental establishments, restaurants, hotels, banquet halls, financial institutions, and service establishments which primarily provide services at the customer's location such as electricians and plumbers and limited retail commercial development such as business supply and industrial supply establishments subject to the requirements of Section 7.6.8.3 and 7.6.8.4d);
- d) public uses, institutional uses including places of worship, vocational schools;
- e) sport and recreation, and place of amusement uses;
- f) automobile related uses, including gas stations; and,
- g) ancillary retail sales of products produced, assembled and/or repaired on the premises,
- h) as part of a distribution use, the ancillary retail sale of the products distributed from an ancillary showroom;
- i) research and development;
- j) information processing, call centres and similar uses; and,
- k) computer based services including design studios.

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;
- ii) outside storage, and outside operations incidental to industrial operations;
- iii) transportation terminal, works yard and outside storage yard;
- iv) waste processing station subject to a zoning by-law amendment, and,
- v) waste transfer station, subject to a zoning by-law amendment.

### **7.6.8.3 Retail and Service Commercial Uses**

Limited retail and service commercial uses permitted in Section 7.6.8.2 shall be clustered at the intersections with Arterial, Avenue and Connector roads.

In addition, service establishments which primarily provide services at the customer's location may be located throughout the Employment Area designation, subject to the provisions of the zoning by-law, provided that if they include open storage, they shall be restricted to areas which

do not abut residential, Urban Core, Institutional or Transition Area designations, major arterial roads and Highway 407.

The zoning by-law will establish specific limitations on the area which can be used for the ancillary retail sales permitted by sub-sections 7.6.8.2 g) and h) to ensure that the retail sales use is clearly accessory to the primary production, assembly, repair and/or distribution use.

#### 7.6.8.4 Land Use Policies

- a) 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. In particular, the lands in the Employment Area designation abutting the Institutional Area designation on the Ninth Line will be subject to a site specific zoning amendment and any proposed use will be carefully evaluated to ensure that it does not adversely impact on the existing school use to the north.
- b) All development shall be subject to the site plan control provisions of the Planning Act and shall comply with all Federal and Provincial regulations.
- c) Where lands in the Employment District designation are located adjacent to residential or institutional development, including development in the Transitional Area or the Institutional Area designations, matters such as the location of loading bays and other sources of light, noise and fumes shall be reviewed to ensure that any impact on the residential use complies with Provincial guidelines and regulations.

These matters will be addressed by:

- the Town at a general level as a basis for the development of regulations in the zoning by-law and the Urban Design and Open Space Guidelines; and,
  - the applicant in detail through the site plan approval process.
- d) Development shall conform to the following additional criteria:
    - Main building shall be designed and located to assist in the creation of an attractive street edge, to provide for a strong pedestrian connection to the sidewalk, and to recognize any potential future intensification of the site:
    - The balance between the areas of the lot occupied by buildings and the service and parking areas will be designed, wherever feasible, to reduce the extent of the street frontage occupied by service and parking areas. Where street frontage is occupied by parking and service areas, enhanced landscaping shall be provided;
    - Maximum height -15 storeys;
    - Minimum Floor Space Index –0.25 for retail and service commercial uses; and regard shall be had for the provisions of Subsection e) below with respect to all other uses;
    - Maximum Floor Space Index – 3 and;
    - Service establishments shall be located in clusters at intersections with Arterial, Avenue and Connector Roads.
  - e) While there is no minimum density for employment uses, a density of 0.35 FSI will be a general objective. To this end, the draft plan, zoning by-law and site plan approval processes where applicable, will consider measures such as minimum setbacks, innovative stormwater controls,

siting arrangements, parking reductions and other possible measures to encourage a maximization of intensity of development.

- f) A portion of the lands between Sixth Line and Trafalgar Road, shown on Figures NOE 1, NOE2, NOE 3, and NOE 4, fall within the Town of Milton. If these lands become part of the Town of Oakville, the land use designations as illustrated on Figure NOE 2 will apply.

#### **7.6.2.2. Permitted in Most Land Use Designations**

The following land uses shall be permitted in all designations except the Core and Linkage Preserve Areas, and High Constraint Stream Corridor Area designations, or where Medium Constraint Stream Corridors are ultimately located, unless otherwise noted:

- b) Educational Facilities, including public and private schools, day care and day nursery uses subject to the policies of Part D, Section 5.2 a), i) through vi) and viii) of the Official Plan and the regulations of the Zoning By-law, provided that such uses will not be permitted in the Employment Area designation unless they are related to or supportive of an employment use;

### **7.6.9 TRANSITIONAL AREA**

#### **7.6.9.1 Purpose**

The intent of the Transitional Area designation on Figure NOE2 is to provide for an interface and buffer between the more intensive concentration of industrial, office and service employment uses located in the Employment District designation, and adjacent residential uses.

#### **7.6.9.2 Permitted Uses, Buildings and Structures**

Transitional Area uses may include:

- a) uses permitted in the General Urban Area designation;
- b) uses permitted in the Community and Neighbourhood Park designations;
- c) small scale convenience retail, personal service and business activity, particularly in areas abutting the Employment District designation;
- d) cemetery uses;
- e) institutional uses; and,
- f) high density residential uses, where such uses can be appropriately buffered from adjacent industrial and low density residential uses.

#### **7.6.9.3 Land Use Policies**

- a) It is not intended that the full range of permitted uses will be permitted in all locations so designated. The precise range of uses and form of development shall be determined through an area design plan for the area which must be completed prior to any major new development. The area design plan will:
- Create a logical land use boundary with the adjacent Employment District, provided that there shall be no significant reduction in either the Employment Area or Transitional Area designations;
  - Establish design parameters to mitigate environmental impacts on proposed residential and other sensitive development. In particular, consideration will be given to locating roads which serve both the Transitional Area and Employment District so that they create a

buffer between residential development and lands in the Employment District designation. The design parameters will serve as a basis for the development of specific regulations in the zoning by-law and the Urban Design and Open Space Guidelines; and,

- Address Provincial noise and air quality guidelines and regulations;
- Consider compatibility with existing uses including an appropriate range of adjacent uses and an illustration of how proposed development can be integrated with existing uses which are being maintained.

b) Development shall conform to the following additional criteria:

- Uses permitted in accordance with the General Urban Area designation shall be developed in accordance with the policies of that designation;
- Uses developed in accordance with the Community and Neighbourhood Park Area designations will be developed in accordance with the policies of those designations; and,
- All other uses shall have: - Maximum height - 4 storeys; - Minimum height - 5 metres for a commercial building and 2 storeys for other development; - Maximum Floor Space Index - 2; - Minimum Floor Space Index - 0.4 except as set out in Subsection c) below.

c) Where the minimum standards are not proposed to be achieved with the initial development proposals, the applicant shall be required to submit an intensification plan demonstrating how the ultimate density and other objectives for the site can be achieved. The intensification plan shall address:

- the provision of local roads and small blocks;
- the means to achieve a safe pedestrian and transit friendly streetscape with the initial uses;
- the siting and orientation of buildings within the block and to the street for the initial development and longer term intensification;
- the siting and orientation of parking for the initial development and changes to parking to accommodate the intensification process; and
- the ability to achieve both short term and longer term intensification, the former potentially through intensification around initial buildings or reserved sites and the latter through possible redevelopment of the initial buildings themselves.

Based on this information, the Town will consider a reduction in the minimum density on specific sites to the following minimum densities:

- 0.25 for retail and service commercial uses provided the interim development also complies with the design policies of Section 7.5.16 b) and the land use policies of this section; and
- 0.3 for all other uses; except for cemeteries, which shall have no minimum density.

### **7.9.3 LANDOWNERS AGREEMENT(S)**

In order to ensure the appropriate and orderly development of the Secondary Plan area, and to ensure the costs associated with the development of the Secondary Plan are equitably distributed among all landowners, development within the Secondary Plan area shall only be permitted to proceed when a significant number of landowners in the Secondary Plan area have entered into a cost sharing agreement or agreements amongst themselves to address the distribution of costs associated with development in a fair and equitable manner. Individual



developments in the Secondary Plan area shall generally not be approved until the subject landowner has become a party to the landowners' cost sharing agreement.



OAKVILLE

## REPORT

### Planning and Development Council

Meeting Date: May 2, 2022

---

**FROM:** Planning Services Department

**DATE:** April 19, 2022

**SUBJECT:** Recommendation Report 2317511 Ontario Inc., Official Plan and Zoning By-law Amendment, Z.1614.77, OPA1614.77 – By-laws 2022-046 and 2022-047

**LOCATION:** 70 Old Mill Road

**WARD:** Ward 3 Page 1

---

#### RECOMMENDATION:

1. That the proposed Official Plan Amendment and Zoning By-law Amendment applications were submitted by 2317511 Ontario Inc. (File Nos. Z. 1614.77, OPA1614.77), be approved on the basis that the applications are consistent with the Provincial Policy Statement, conforms with all applicable Provincial plans, the Region of Halton Official Plan, the *Livable Oakville* Plan, has regard for matters of Provincial interest, and represents good planning for the reasons outlined in the report from the Planning Services Department dated April 19, 2022.
2. That By-law 2022-046, a by-law to adopt an amendment to the *Livable Oakville* Plan, be passed.
3. That By-law 2022-047, an amendment to the Zoning By-law 2014-014, be passed.
4. That the notice of Council's decision reflect that Council has fully considered all of the written and oral submissions relating to these matters and that those comments have been appropriately addressed.
5. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary.

6. That the site plan for the proposed development be designed in accordance with the urban design requirements in Appendix 'B' to this report from the Planning Services Department dated April 19, 2022.

**KEY FACTS:**

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

- This report recommends approval of an Official Plan amendment and zoning by-law amendment to facilitate the development of a twelve storey residential building consisting of 154 residential units, and underground parking.
- As part of the Town's on-going Official Plan review, Staff are undertaking the Midtown Oakville Growth Area Review and evaluating the development policies for Midtown Oakville within the *Livable Oakville* Plan to confirm future planned intensification and high density growth.
- The statutory public meeting was held on February 15, 2022, comments raised at that meeting are addressed in this report.
- The application is considered under Bill 108, which provides for a 120-day timeline before an appeal can be filed for lack of decision. The application was deemed complete on November 1, 2021. The statutory timeframe for processing this application expired on March 1, 2022.
- Staff recommend approval of the Official Plan and Zoning By-law Amendment applications as the proposed development is consistent with the Provincial Policy Statement, conforms and does not conflict with the Growth Plan, conforms to the Region of Halton Official Plan and the general intent and purpose of the *Livable Oakville* Plan. The application conforms to the Town's Urban Structure as the proposed development aids in the achievement of complete communities.

**BACKGROUND:**

The Old Mill properties, including this site, have a redevelopment history that started in 1994 when the property was rezoned by Genstar Development Company Ltd., to permit residential apartment buildings and multiple family dwellings as well as a health club and local commercial uses. By-law 1994-144 included regulations for 285 residential dwelling units for the entire parcel (1.75 ha) and 2,300 m<sup>2</sup> of commercial uses. The construction of 50 Old Mill Road (ten storeys) was completed in 1999, and 60 Old Mill Road (ten storeys) was constructed in 2000. In 2001, Oakridge Heights Limited submitted a rezoning application to increase the maximum height of 40 Old Mill Road to sixteen storeys and to permit an additional 22 units at 70 Old Mill Road. The application was refused by the Town of Oakville and resulted in an Ontario Municipal Board hearing that focused on the development of the lands at 40 Old Mill Road and a decision to permit a twelve storey residential building which had the effect of increasing the number of residential units across the four

sites to 307 units. The Board decision did not address 70 Old Mill Road and required a separate rezoning application to be submitted for that property.

In 2013, 2317511 Ontario Inc., submitted a rezoning application for 70 Old Mill Road for a nine storey mixed use building. By-law 2013-106 was approved which amended the previous zoning by-law approvals and provided further regulations for the empty lot at 70 Old Mill Road. The effect of this by-law was to limit the number of units to 29 (plus a superintendent unit), provide a maximum height of 36.0 metres and reduce the net floor area for non-residential uses to 155 m<sup>2</sup>.

In 2015, 2317511 Ontario Inc. submitted a site plan application to permit the construction of a nine storey building with 29 residential units and a superintendent suite that was consistent with special provision 191 within By-law 2014-014. The application received conditional site plan approval, and permits were issued for excavation and shoring as final approval was imminent. The below grade site works were underway when the Provincial Covid order to cease non-essential construction was issued on April 4, 2020. While construction was halted the owner of the lands reached out to Town Staff to discuss opportunities to increase density on the site given its proximity to the GO station.

The following table summarizes the existing conditions today:

Condominium Building	Height (in storeys)	Number of Units
40 Old Mill Road	12	113 plus superintendent
50 Old Mill Road	10	102 plus superintendent
60 Old Mill Road	10	92 plus superintendent
Permissions for the Vacant lot of 70 Old Mill Road	9	29 plus superintendent

### **Proposal**

The purpose of this report is to provide a full staff review of the application and a recommendation of the Official Plan and Zoning By-law amendment applications.

The effect of Official Plan Amendment No.43 and Zoning By-law 2022-046 would be to permit a twelve storey building with a height limit of 46 metres and an overall maximum site density of 300 units per site hectare, whereas the maximum height is 36 metres (9 storeys), with a residential unit cap of 29 units and a maximum density of 185 upsh. In addition, Zoning By-law 2022-047 proposes to modify the existing Special Provision 191 to facilitate the proposal by regulating yard setbacks, parking ratios, and lot coverage, among other matters, for the subject lands.

In addition, the proposed Zoning By-law 2022-047 provides for Holding (“H”) provisions that must be satisfied prior to building permit issuance. The ‘H’ provision would require the owner to confirm that there is sufficient water and wastewater capacity and provide an updated Functional Services Report to the satisfaction of

Halton Region, as well as an updated Transportation Impact Study to the satisfaction of the Town of Oakville.

The proposed building includes 154 residential units with 166 parking spaces, inclusive of visitor parking, in an underground parking garage. The development will also include 67 bicycle parking spaces. Vehicular access is proposed from Old Mill Road. The residential unit breakdown consists of approximately 70% one bedroom units and 30% two bedroom units. The discussion over possibly incorporating three bedroom units will continue during the future site plan application process.

The subject lands are highlighted in Figure 1 below.



Figure 1: Air Photo

The overall site plan is included as Figure 2 and the site plan for 70 Old Mill Road is shown below in Figure 3.

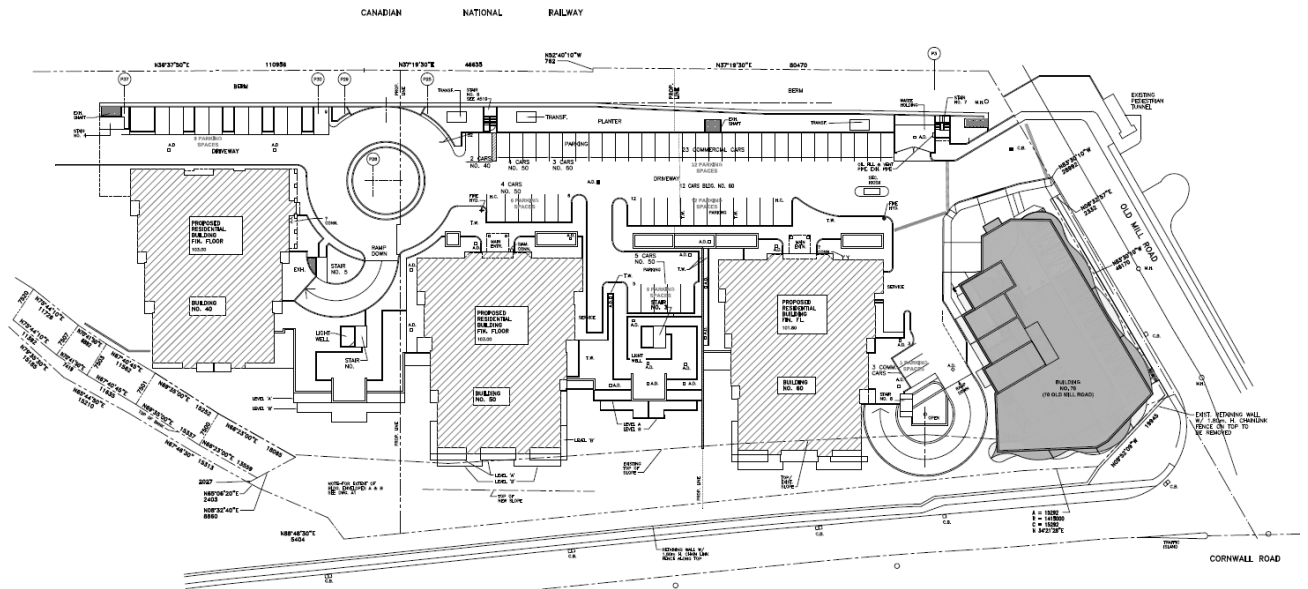


Figure 2: Context Plan identifying 70 Old Mill (grey building) to the east of 60, 50 and 40 Old Mill Road

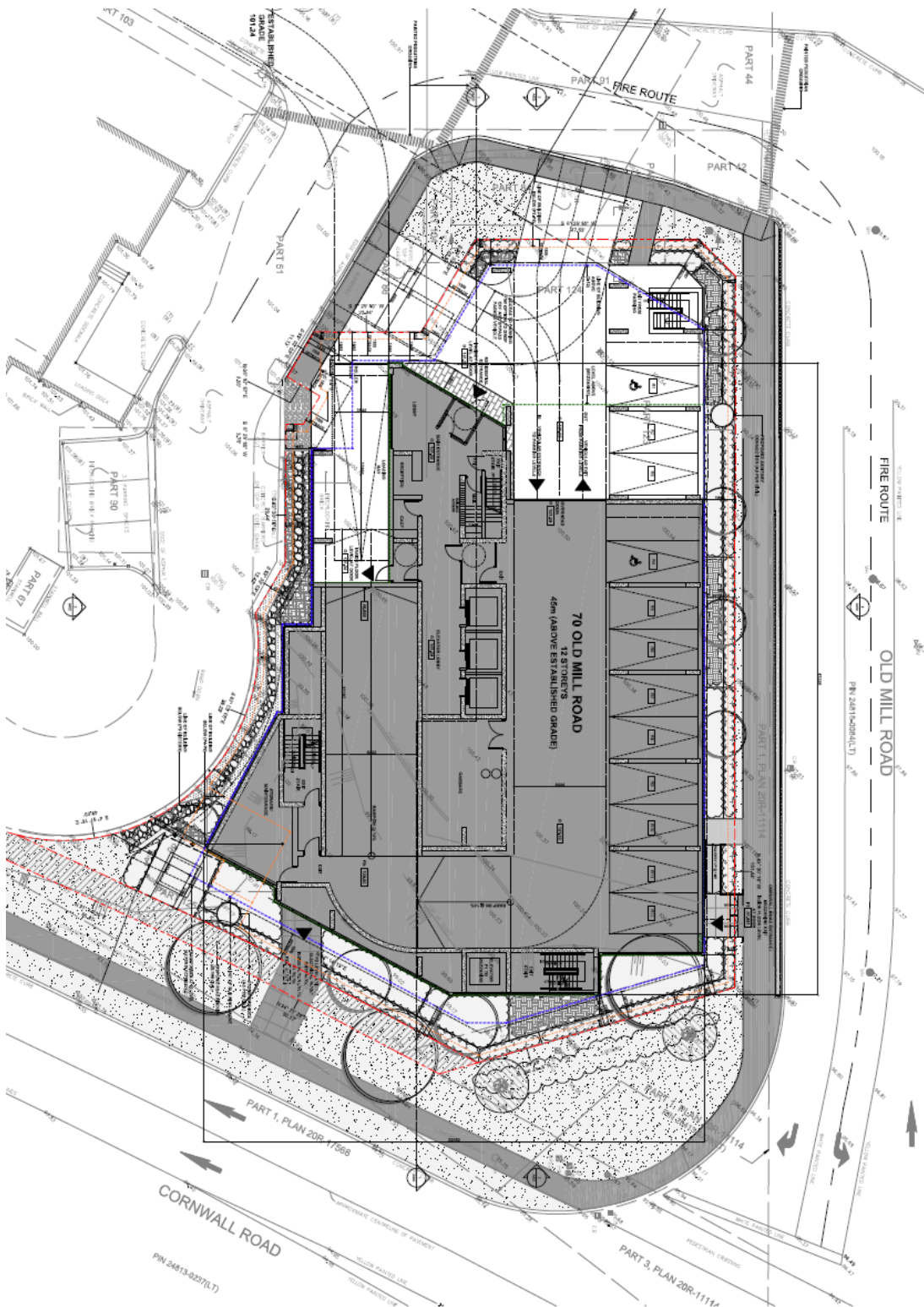


Figure 3: Site Plan

Figure 4 provides a conceptual rendering of 70 Old Mill in context with the existing buildings along Old Mill Road.



Figure 4: Conceptual rendering of 70 Old Mill Road looking west towards 60, 50 and 40 Old Mill Road. The proposed design will be further reviewed as part of the future site plan application.

### **Location & Site Description**

The subject lands are located within the Midtown Oakville growth area, a designated *Urban Growth Centre* by the Province. The property is located on the south side of the Oakville GO/VIA Lakeshore West Line, which is the hub of this *major transit station area*. The site has direct pedestrian access to the station. Midtown Oakville is considered a major transit station area within a designated settlement area.

The subject property is the last of the four building sites on Old Mill Road to develop. The entire property is 1.893 ha and 70 Old Mill Road has a lot area of approximately 0.158 hectares. The lot has 46.17 metres of frontage on Old Mill Road and 19.95 metres on Cornwall Road.



---

## Surrounding Land Uses

The surrounding land uses are as follows:

North: Metrolinx Rail Corridor

East: Old Mill Road and the Oakville GO parking garage

South: Cornwall Road

West: 40, 50 and 60 Old Mill Road residential towers

## PLANNING POLICY & ANALYSIS:

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

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

## 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 compact development form 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 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.

The subject lands are located within a settlement area, which is to be the focus of growth and development. The land use patterns within the settlement areas 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. On this basis, the proposed Official Plan Amendment and rezoning are consistent with the PPS (2020).

Excerpts of relevant PPS policies to the application are attached as Appendix 'A'.

---

## Growth Plan for the Greater Golden Horseshoe

The Growth Plan (2020) 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 an identified “Built-Up Area” and a “Settlement Area”, and are located adjacent to a “Priority Transit Corridor”. The lands are also within an “Urban Growth Centre” where intensification is encouraged to efficiently make use of the existing infrastructure, municipal servicing availability and convenient access to services that meet the daily needs of residents. Key principles, set out in Section 1.2.1 include prioritizing intensification and higher densities to make efficient use of land and infrastructure and support transit viability while at the same time considering adjacent uses, compatible built form and transitioning.

Support for the development of complete communities and transit supportive development is emphasized in Section 2.1:

*“To support the achievement of complete communities that are healthier, safer, and more equitable, choices about where and how growth occurs in the GGH need to be made carefully. Better use of land and infrastructure can be made by directing growth to settlement areas and prioritizing intensification ... concentrating new development in these areas provides a focus for investment in transit as well as other types of infrastructure and public service facilities to support forecasted growth, while also supporting a more diverse range and mix of housing options. It is important that we maximize the benefits of land use planning as well as existing and future investments in infrastructure so that our communities are well-positioned to leverage economic change.”*

In addition, the Growth Plan establishes intensification targets for development within “Delineated Built-Up Areas”, stating in Section 2.1 the importance:

*“...on optimizing the use of the existing urban land supply represents an intensification first approach to development and city-building, one which*

---

*focuses on making better use of our existing infrastructure and public service facilities, and less on continuously expanding the urban area.”*

The Town of Oakville is included within these areas and it is anticipated that a minimum of 50 percent of all residential development occurring annually will be within the delineated built-up area. On this basis, the proposed Official Plan Amendment and rezoning are consistent with the Growth Plan and contributes to the achievement of complete communities.

Excerpts of relevant Growth Plan policies to the application are attached as Appendix ‘A’.

### **Halton Region Official Plan**

The subject lands are designated “Urban Area” in 2009 Regional Official Plan (ROP). The Urban Area is “planned to accommodate the distribution of population and employment for the Region and the four Local Municipalities”. The policies of the Urban Area designation (Policy 72 of Part III) support a form of growth that is compact and supportive of transit and reduces the dependence on the private automobile, and the development of vibrant and healthy mixed-use communities which afford maximum choices for housing, work and leisure. The Urban Area is intended to facilitate and promote intensification and increased densities by attracting a significant portion of population growth, and by achieving higher densities than the surrounding areas that will, in turn, support transit and active transportation for everyday activities.

The subject lands are within the identified “Built-Up Area”. Regional Phasing policies require the Town of Oakville to intensify within the built boundary. 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.

Halton’s planning vision for a healthy community is found in Policy 31(3) stating that a healthy community is physically designed to minimize the stress of daily living and meet the life-long needs of its residents where a full range of housing, social, health and recreational opportunities are present and where mobility is provided primarily through an affordable, convenient, safe and efficient public transportation system.

The subject lands are approximately 400 metres from the Midtown GO/VIA Transit Station platforms, at the station. Policy 80 provides that Major Transit Station Areas (including Metrolinx-designated Mobility Hubs) are areas for a higher concentration of residential and employment uses with development densities and patterns supportive of public transit and pedestrian traffic. Policy 81(1) states that it is the policy of the Region to direct development with higher densities and a mix of uses to Intensification Areas and to require Local Municipalities to do the same.

Halton Region has advised Town Staff that they have no objection to the Official Plan Amendment and Zoning By-law Amendment, subject to the inclusion of two Holding conditions.

### **Livable Oakville Plan**

The *Livable Oakville* Plan was approved by the Ontario Municipal Board on May 10<sup>th</sup>, 2011. The subject lands are located within the Midtown Growth Area that is planned to accommodate intensification and high density growth in accordance with the policies of *Livable Oakville*:

**Section 2.2.1 b)** reinforce the Town’s Urban Structure:

*“b) direct the majority of growth to identified locations where higher density, transit and pedestrian oriented development can be accommodated.”*

### **Section 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) Providing 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.”*

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.

### Urban Structure

*Schedule A1, Urban Structure*, of the *Livable Oakville* Plan provides the basic structural elements for the Town. The Town’s urban structure most recently updated through Official Plan Amendment 15 provides for nodes and corridors, where higher intensity forms of mixed use growth that would support frequent transit service are to be accommodated. Nodes include the Town’s growth areas, such as Midtown Oakville. These areas will accommodate intensification through development and redevelopment.

As part of the Town’s Official Plan Review the growth area reviews will examine the policies introduced through *Livable Oakville* in 2009. The Midtown Oakville Review is underway and will account for revised growth targets (existing population and

employment, and the addition of residential units) to align with the PPS, Growth Plan and Halton Region’s Integrated Growth Management Strategy.

The subject lands are identified on *Schedule A1 – Urban Structure* and within a *Regional Transit Node* and a *Provincial Priority Transit Corridor* (Figures 5a and 5b). Regional Transit Nodes are located at key locations to integrate with the town-wide transportation system and to provide a focus for transit supportive development.



Figure 5a: Urban Structure –Schedule A1



Figure 5b: Urban Structure –Schedule A1- Extract

The Official Plan Amendment and Zoning By-law Amendment are consistent with provincial and municipal land use directions to assess opportunities within designated growth areas and corridors for intensification. The current site permissions do not support the efficient development and utilization of a site that is located on, and has pedestrian access to, the Metrolinx Rail Corridor/Lakeshore West Line. It is Staff’s opinion that the proposal does not conflict with the Midtown Oakville Growth Area Review that will be presented at a future Planning and Development Council Meeting.

#### Official Plan Objectives

Midtown Oakville is one of 25 areas identified as an “Urban Growth Centre” in the Province’s Growth Plan for the Greater Golden Horseshoe. Urban Growth Centres are to be transit-supportive regional focus areas that accommodate a significant portion of future population and employment growth in the Greater Golden Horseshoe. Midtown Oakville is an area identified for the highest intensification in the Town as an Urban Growth Centre.

The goal for Midtown Oakville, through development and redevelopment, is to create a vibrant, transit-supportive mixed use community and Employment Area. The subject lands are located within the Cornwall District which is planned to include a mix of use uses and taller residential buildings located in the vicinity of Sixteen Mile Creek and Trafalgar Road.

As Midtown Oakville develops, the Town will, through public consultation and through the process of reviewing planning applications, use the objectives below to

guide decisions that contribute to the required growth targets, as outlined in Section 20.2.3:

- a) promoting and enabling the evolution of Midtown Oakville as an urban growth centre and the Town's primary Growth Area;*
- b) ensuring a minimum gross density of 200 residents and jobs combined per hectare – a combined total of approximately 20,000 residents and jobs – by 2031 in accordance with the Growth Plan;*
- c) providing opportunities for increased building height through bonusing; and,*
- d) ensuring that development occurs in a comprehensive and progressive manner by monitoring key development indicators at regular intervals.*

The subject lands are located within the Midtown Oakville growth area within the *Livable Oakville Plan*. The site is designated High Density Residential on Schedule L1: Midtown Oakville Land Use Plan (Figure 6). Policies within Part D of the *Livable Oakville Plan* state that the High Density Residential designation has a density range up to 185 units per site hectare.

The subject lands are also located within the *Cornwall District* of Midtown Oakville.

#### Section 20.3.5 – Cornwall District

*“The Cornwall District shall include a mix of uses that define the southern edge of Midtown Oakville and are compatible with the residential neighbourhood south of Cornwall Road. Commercial areas and active parkland will serve the needs of residents and workers in Midtown Oakville and the surrounding area. Taller residential and mixed use buildings shall be located in the vicinity of Sixteen Mile Creek and Trafalgar Road.”*

Schedule L1: *Midtown Oakville Land Use* is included as Figure 6 below. The lands are subject to Exception 20.6.1 which states:

*The lands designated High Density Residential at the northwest corner of Cornwall Road and Old Mill Road are subject to the following additional policies:*

- A neighbourhood shopping centre with a maximum of 930 square metres of gross leasable area may also be permitted.*

- A maximum of 2,300 square metres of non-retail service commercial area, including office and private recreational uses, may also be permitted.

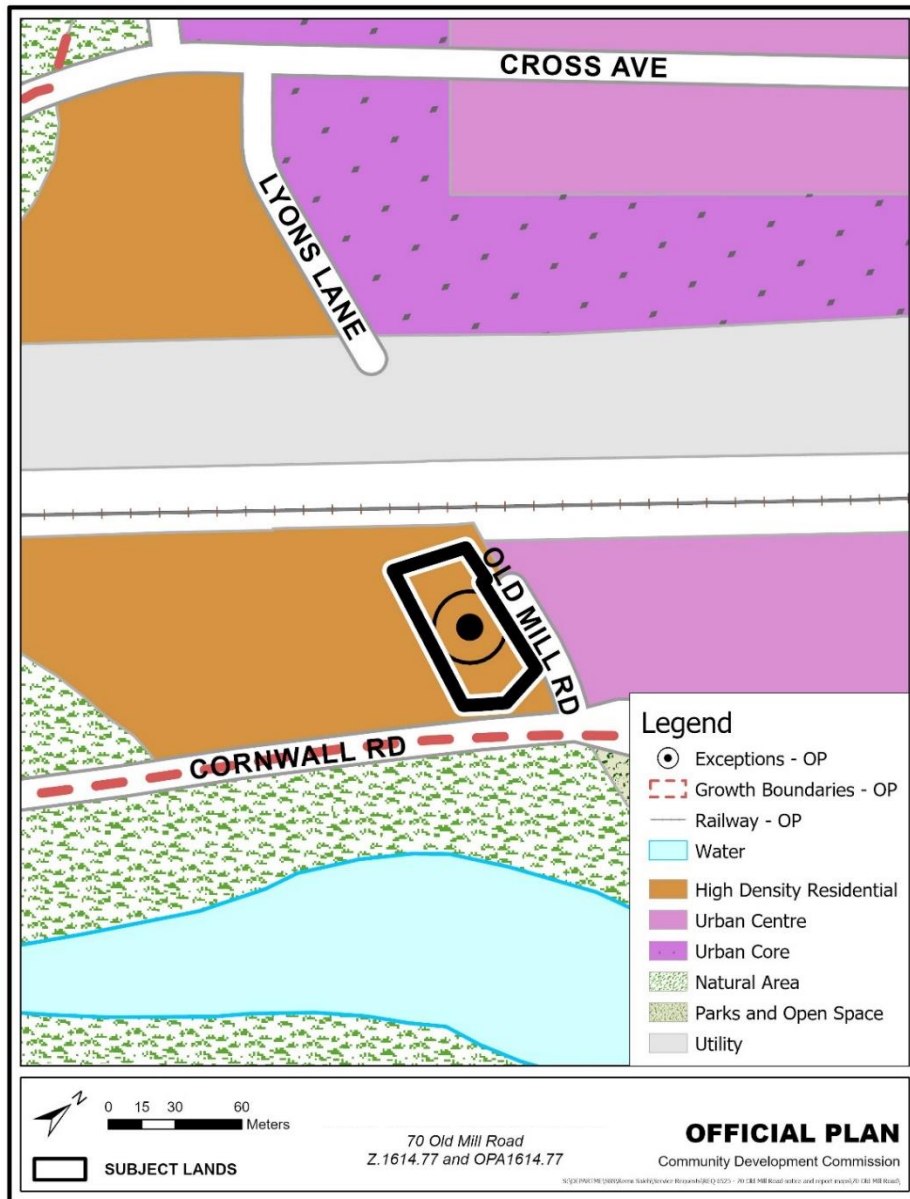


Figure 6: Official Plan Land Use Excerpt

Schedule L2: Midtown Oakville Building Heights identifies building heights for the subject lands as six to twelve storeys (Figure 7).



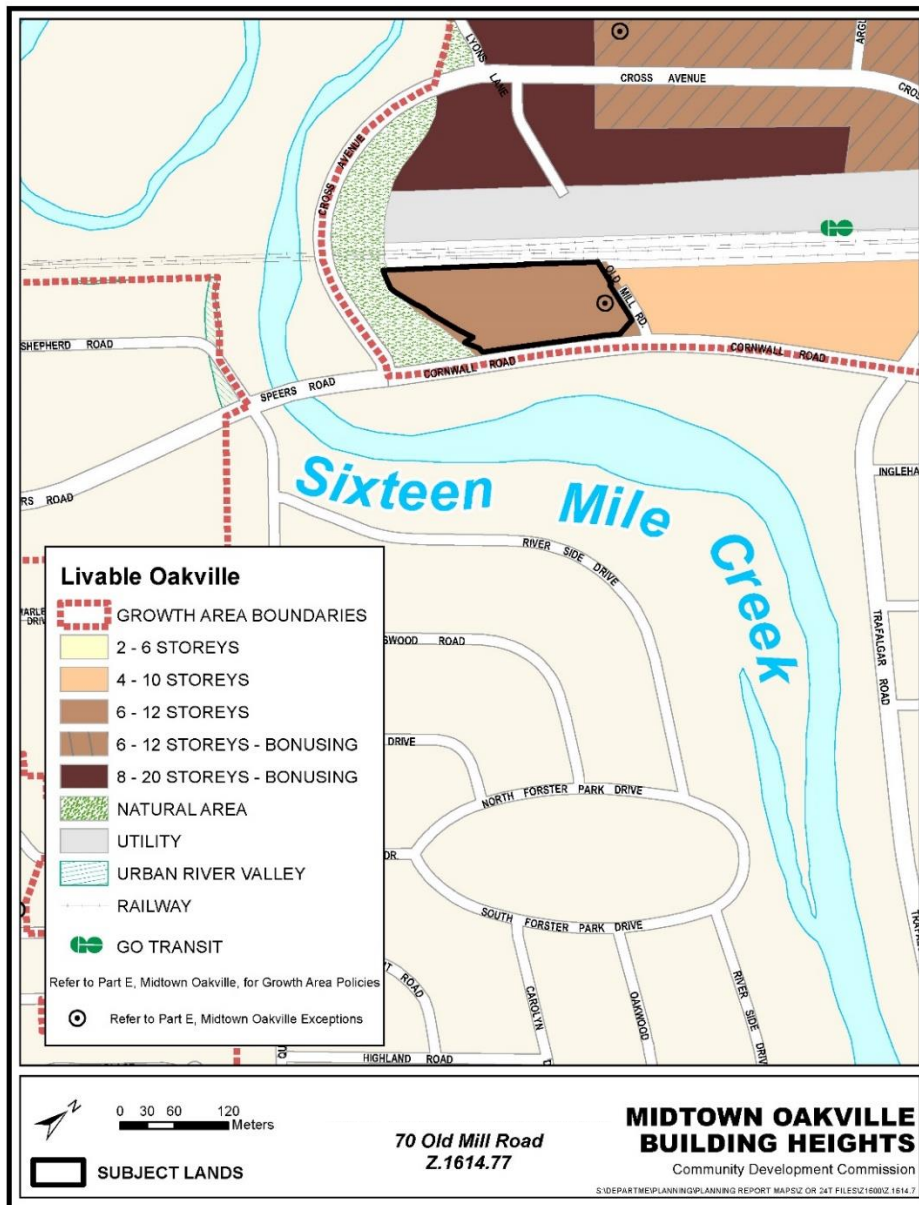


Figure 7: Official Plan Building Heights Excerpt

The *Livable Oakville* Plan objectives and policies encourage transit-supportive intensification within Midtown Oakville. It is staff's opinion that the proposed amendments to the Official Plan and Zoning By-law to facilitate the development of the site to permit a twelve storey residential building, with increased densities, contributes to meeting the minimum growth target objectives of 200 units per site hectare listed in Section 20.2.3 (above).

### Urban Design Requirements

The proposal is being reviewed in context of the Livable by Design Manual and the Designing Midtown Oakville guidance document. The Livable by Design Manual provides a comprehensive and detailed design direction for development to ensure new development is integrated with its surroundings and results in projects that are functional, support community vitality, and improve the overall livability of the area.

Section 3.1 Tall and mid-rise buildings state *“Successful tall and mid-rise buildings are architecturally interesting and create a cohesive design composition through their proportion, scale, massing, building materials, and architectural character. These building forms typically feature a defined base that can emphasize human scale and create a pedestrianized environment, a middle section that reduces the potential appearance of bulk, and a top section that can create an interesting Skyline.”*

*“Most mid-rise and tall buildings will typically be located within the Town’s Growth Centres and along Intensification Corridors.”*

The location of the site within Midtown Oakville, fronting Old Mill Road and Cornwall Road, adjacent to the Lakeshore West rail line will play an important role in the evaluation of the urban design principles used on this site. Relevant urban design policies can be found in Section 20.4.2 – Urban Design.

- a) *In addition to the urban design policies of this Plan, development and the public realm shall address the urban design direction provided in the Livable by Design Manual and the Designing Midtown Oakville document.*
- b) *Midtown Oakville shall be designed as a regional destination and an urban centre with a focus on creating a safe and attractive public realm that encourages walking, cycling and transit use. New development shall support this objective through its form, scale and detail.*
- c) *A network of public spaces, or varying sizes and activity, should be planned for Midtown Oakville to support residents and employees throughout.*
- d) *Development shall promote safe, convenient and attractive pedestrian access to transit stops or stations. Barriers, such as boundary fences, shall be discouraged.*
- e) *It is intended that some of the town’s tallest buildings locate in Midtown Oakville. These buildings shall be designed to the highest architectural quality and detail to create landmark buildings and contribute to a distinct skyline.*

Urban Design staff have reviewed the proposal and have no objection to the amendments subject to the implementation of the Livable by Design Manual and additional Urban Design Requirements (Appendix 'B'). Staff have had the opportunity to hold a pre-consultation meeting with the owner of the lands to discuss the future site plan application and feel it is appropriate to include the Urban Design Requirements as part of this report, and approvals.

The Urban Design Requirements are included to raise awareness of the distinctive and enhanced architectural design that is encouraged on this corner site due to the multiple façades of the building being highly visible from the public realm. There is a unique change in grade at this site which must be considered in the design of the building to accentuate the main entrances as well as ensure they are functional and accessible. Staff are supportive of the massing of the building and the architectural style will be reviewed in greater detail at the site plan stage to ensure it complements the existing built form to the west.

#### Proposed Official Plan Amendment

In 2013, By-law 2013-106 was approved, which had the effect of amending the previous zoning approvals for the Old Mill Road property, specifically 70 Old Mill Road. This by-law capped the maximum number of units, provided a maximum building height, included specific parking provisions, and reduced the maximum net floor area of non-residential uses to 155 square metres. Section 20.6.1 of the *Livable Oakville* Plan was not updated at that time to modify the existing site exceptions for 70 Old Mill Road, which remained as follows:

“20.6.1 The lands designated High Density Residential at the northwest corner of Cornwall Road and Old Mill Road are subject to the following additional policies:

- a) A neighbourhood shopping centre with a maximum 930 square metres of gross floor leasable area may also be permitted.
- b) A maximum of 2,300 square metres of non-retail service commercial area, including office and private recreational uses, may also be permitted.”

Proposed OPA No. 43 will delete the existing Site Exception and replace it with the following:

“20.6.1 The lands designated High Density Residential at the northwest corner of Cornwall Road and Old Mill Road are subject to the following additional policies:

- a) A maximum of 300 units per hectare is permitted.
- b) A maximum of 12 storeys, plus an additional storey may be permitted as a mezzanine for 70 Old Mill Road.

- c) A maximum of 155 square metres of net leasable commercial floor area may also be permitted for 70 Old Mill Road.”

### **Zoning By-law (2014-014)**

The subject lands are zoned RH - Residential High, subject to special provision 191 (Figure 8). The *Residential High* zone permits apartment dwellings in addition to:

- daycares;
- long term care facilities/retirement homes; and
- accessory retail stores

The current zoning for this development site has a maximum height of 36 metres and a residential unit cap of 29 units. The special provision also permits shared visitor parking for the four condominium buildings within the existing surface parking area, relief from landscape requirements as well as a reduced setback to the railway corridor.

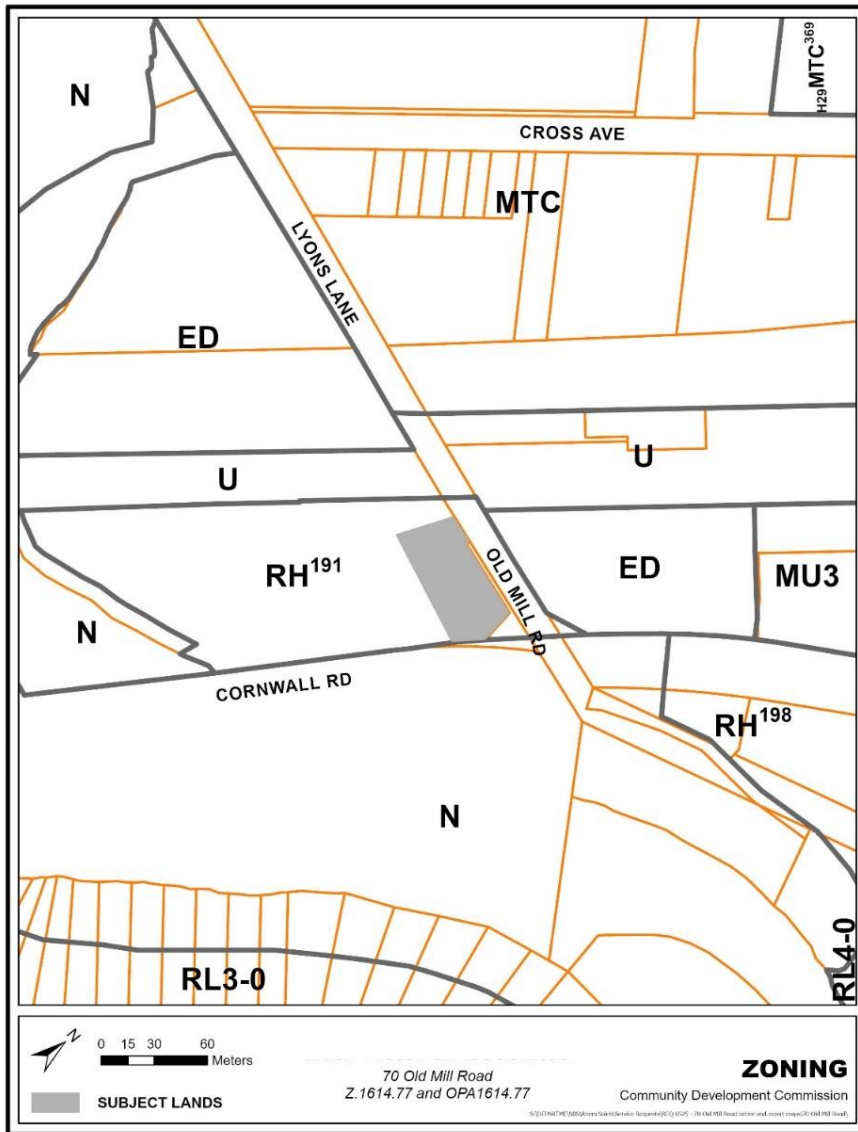


Figure 8: Zoning Excerpt

### Proposed Zoning By-law Amendment

The entirety of the Old Mill Road property (40, 50, 60 and 70 Old Mill Road) is subject to Special Provision 191 which was placed on the lands in 2013 (By-law 2013-106). This by-law recognized existing development on the site and allowed for the future development of vacant block 70 Old Mill Road. The regulations and permissions included as part of the existing special provision does not anticipate the level of intensification that is planned for Midtown Oakville as an Urban Growth Centre.

The following is an overview of the proposed By-law 2022-047 modifications to SP191:

- modifications to the yard setbacks and lot coverage to permit the construction of the building as proposed;
- reduction of the setback from a railway corridor from 30 metres to 25 metres;
- provisions for a minimum and maximum height limit of eight to twelve storeys;
- set the maximum number of residential units at 154;
- provisions for balconies to project into any yard;
- reduce requirements for landscape setbacks;
- establish a minimum (0.75/unit) and maximum (1.1/unit) parking rate for residential and visitor parking (0.15/unit);
- permit visitor parking within the overall site's surface parking to be shared with the subject lands;
- require electric vehicle charging stations; and
- restrict locations of air vents and stairs associated with the parking garage;

At the request of the Region of Halton the following "H" Provisions are included within By-law 2022-047:

1. That sufficient water and wastewater services are available to the satisfaction of the Regional Municipality of Halton and the Town of Oakville. In this regard, downstream sewer constraints shall be addressed and any upgrades and/or replacement be constructed and in operation, or arrangements, satisfactory to Halton Region, have been made for the provision of wastewater services.
2. That an updated FSR be approved by Halton Region and any requirements of Halton Region be addressed to their satisfaction in relation to the findings and/or recommendations of the report.
3. That an updated Transportation Impact Study be approved to the satisfaction of the Town of Oakville demonstrating that sufficient road infrastructure capacity is available to accommodate the development.

#### **TECHNICAL & PUBLIC COMMENTS:**

The proponent has provided technical studies in support of the application which have been circulated to various public agencies and internal town departments. A full circulation and assessment of the application was undertaken to ensure that all technical matters have been satisfactorily addressed.

The following studies and supporting documentation are also accessible on the town's website <https://www.oakville.ca/business/da-39703.html>:

- Planning Justification Report
- Transportation Impact Study

- 
- Conceptual Site Plan
  - Functional Servicing Report
  - Phase 1 Environmental Site Assessment
  - Urban Design Brief
  - Shadow study
  - Building Elevations/Floor Plans
  - Streetscape Plan
  - Pedestrian Plan
  - Arborist Report, Tree Inventory Plan
  - Vehicle Maneuvering Plan
  - Noise Impact Study
  - Waste Management Plan
  - Summary of the applicant hosted Public Information Meeting

### **Resolution of Issues Raised at the Public Meeting**

The Statutory Public Meeting hosted by Oakville Council was held on February 15, 2022, and four members of the public participated virtually. The following is an overview of the matters that were identified in the public meeting report and the analysis and resolution of the issues:

Alignment with the Climate Emergency declared by Council:

- Compact urban form with its increased densities is inherently more transit supportive as the market tends to attract residents that will utilize alternative modes of transport, thereby lessening the carbon footprint.
- Findings of the Oakville Energy Task Force show that 48% of the greenhouse gas emissions in Oakville are coming from transportation related sources (i.e. the use of personal and commercial vehicles). Intensifying sites in a designated growth area, along a Provincial Priority Transit Corridor, supports the objectives of the Town's urban structure, nodes and corridors, and can have an impact on the amount of transportation emissions measured in the town.
- Staff will continue discussions with the applicant, through the future site plan application, to encourage more sustainable construction and building practices to reduce the carbon footprint of the construction process and the operation of the building.
- The requirement to provide electric vehicle equipment is included within the by-law (see Proposed Zoning section for details).
- Transportation Demand Management (TDM) initiatives such as real-time transit information in the lobby, car and cycling share programs on-site, and unbundling parking opportunities are options to explore during the review of a future site plan application.

---

Consistency with the Provincial Policy Statement, 2020 and conformity to the 2019 Growth Plan for the Greater Golden Horseshoe, Metrolinx's RTP 2041, Regional Official Plan and the *Livable Oakville* Plan:

- The site is located within a Settlement Area and a Built-Up Area, providing growth in an Urban Growth Centre. The Midtown Growth Area and Major Transit Station Area must be supported by intensification (see Appendix A for relevant policies).
- This particular site is a key location for transit supportive density as it abuts the Oakville GO Station. The property is the last block to develop on Old Mill Road and the proposal is consistent with achieving an urban fabric that provides a mix of residential units and sizes along a priority transit corridor.
- The proposed development contributes to provincial and municipal complete community objectives for the number of units in the built-up areas.
- The addition of housing units supports Metrolinx's planned delivery of the future rail improvements for the Midtown Oakville Mobility Hub along the Lakeshore Line.
- The proposal to develop the last block on this site at a density of 264 units per site hectare is consistent with the densities permitted along the Trafalgar Road Corridor (up to 300 units per site hectare) and the Midtown Oakville Growth Centre (200 units per site hectare). This is considered an appropriate location for this form of development because it will allow for transit-supportive intensification along the GO Lakeshore Rail Line and the site is located within a Provincial Urban Growth Centre. It is Staff's opinion that the proposal is consistent with the Provincial Policy Statement 2020 and conforms to the 2019 Growth Plan, the Region of Halton Official Plan and the *Livable Oakville* Plan.

Compliance with the Livable by Design Guidelines Parts A and C, including scale, massing, appropriate existing and proposed separation distances and shadow impacts:

- The applicant submitted an Urban Design Brief to reflect the proposal as well as address staff comments.
- An assessment of the proposed density and height was undertaken by staff and concluded that the built form and density proposed by the applications is considered compatible with the surrounding context of 40, 50 and 60 Old Mill Road, and aligns with the policies and growth objectives of the *Livable Oakville* Plan. The other three buildings along Old Mill Road are ten and 12 storeys with 307 units among the sites. The height of the proposed building sits lower in grade than the rest of the buildings and will not appear out of context.
- Separation distances between the proposed building and the existing buildings are appropriate.
- The applicant's sun / shadow study demonstrates the shadows generated by the proposed development fall within the parameters of the Towns terms of



reference for shadow impact analysis and that adequate sunlight on adjacent properties and the public realm are met.

- The Cornwall Road/Old Mill Road building façade and treatment of the ground floor enhances the public-private interface and will be further reviewed through the future site plan application.
- Planning and Urban Design Staff will continue to work with the applicant on the proposed design, colour palette and materials through the future site plan application.

Justification for the proposed modifications to the Official Plan policies to remove the density cap of 185 units per site hectare, and to By-law 2014-014 to permit an increased height in this location:

- The development proposal contributes to Provincial and municipal policies and objectives for complete communities, intensification and transit supportive development.
- The massing is in keeping with the High Density Residential land use designation and height provisions.
- Developing an under-utilized vacant property adjacent to the GO Lakeshore Rail Line is a realized opportunity in the build out of Midtown Oakville.
- There is the potential to provide a range of residential units (e.g. sizes and number of bedrooms).
- Through the review and evaluation of the proposal it has been determined that there are minimal negative impacts to the existing Old Mill Road residents and surrounding area.

Appropriateness of the proposed zoning regulation modifications:

- The proposed zoning modifications are discussed earlier in this report.

Establishment of an appropriate parking standard for residential parking including visitor parking.

- All required parking is to be located within an underground garage and a minimum (0.75/unit) and maximum (1.0/unit) parking ratio have been provided to control the parking supply available to residents while reflecting the locational context and proximity to the GO Station, access to local transit, commercial services, pedestrian and cycling facilities.
- Visitor parking is regulated (0.15/unit) and it is recognized that visitor spaces may be provided within the underground garage as well as shared with the visitor parking spaces existing within the surface parking area of 40, 50 and 60 Old Mill Road.

In addition to comments raised by Staff, at the Statutory Public Meeting of February 15, 2022, members of Planning & Development Council approved a resolution that identified the following matters:

---

Provide clarity on the density calculation over the entirety of the site:

- The High Density Residential land use designation has a density capacity of 185 units per site hectare.
- The entire property consisting of 40, 50, 60 and 70 Old Mill Road is 1.893 hectares in size with a total number of 307 residential units.
- With the addition of 154 residential units at 70 Old Mill Road, the updated total of residential units across the site is 461 giving a density of 264 units per site hectare.

Consider options to increase the mix of unit sizes/types:

- Currently, the proposed unit mix is approximately 70% one-bedroom and 30% two-bedrooms.
- The request for the applicant to further consider increasing the percentage of two and possibly three-bedroom units has been raised by Council and Staff, and will be further discussed with the owner of the lands during the future site plan application.
- Encourage the owner to unbundle the residential parking spaces from the sale of the units. Unbundling the parking from the purchase of a condo unit can reduce the cost of a unit and allow a future resident of this building the flexibility in choosing to not own a vehicle. Providing this opportunity to allow residents to opt out of a parking space leaves additional spaces for those interested in purchasing/renting additional spaces.

In reviewing the transportation study, consider the future development potential of the adjacent Metrolinx parking lot, as well as better understand future growth rates and how that could affect the road network:

- The applicant has provided a Transportation Impact Study that is being updated to respond to Staff and public comments regarding future growth rates and the planned road network improvements. It is not anticipated that there will be any significant impacts on the road system resulting from the proposed development. A Holding Provision is included in the by-law to allow for that study to be submitted and reviewed by Staff.
- The adjacent Metrolinx vacant lot has the potential to be developed as a 2<sup>nd</sup> GO parking garage or as a future residential or mixed use development. Regardless of the type of development, future improvements to the Old Mill Road ingress/egress will likely be required to ensure the safe utilization or closure of the access point. Staff are aware of the concern and will require the appropriate studies to assess the development impact when a pre-consultation meeting is scheduled.

Can the site accommodate an underground parking garage of six levels:

- A geo-technical study has been prepared to support the development and evaluated the viability of the proposed depth of the underground garage. The study will be submitted as part of a future site plan application.

What are the options for reducing the number of cars parked at the termination of Old Mill Road and the entrance to the GO parking garage:

- Staff have been made aware that this is an on-going concern of the existing residents of Old Mill Road. The applicant has asked a surveyor to prepare a sketch showing a reconfiguration of the existing treatment that would discourage the use of the turnaround as a waiting area for drivers wishing to avoid the GO Kiss & Ride.
- Through the future site plan application staff will work with the applicant to resolve this matter.

### **CONSIDERATIONS:**

#### **(A) PUBLIC**

A Public Meeting was held on February 15, 2022. Written correspondence received since the public meeting is included as Appendix 'C'. Notice of the May 2, 2022 Planning and Development Council meeting has been provided to those who participated in the process.

#### **(B) FINANCIAL**

Development charges and parkland dedication are applicable to this development, net of any demolition credits, and will be payable at building permit stage.

#### **(C) IMPACT ON OTHER DEPARTMENTS & USERS**

The applications were circulated to internal and external departments and agencies for comment.

The application will be considered under Bill 108, which provides for a 120-day timeline before an appeal can be filed for lack of decision. The application was deemed complete on November 1, 2021. The statutory timeframe for processing this application expired on March 1, 2022.

#### **(D) CORPORATE STRATEGIC GOALS**

This report addresses the corporate strategic goal(s) to:  
The proposed development generally complies with the Town's sustainability objectives of the *Livable Oakville* Plan.

#### **(E) CLIMATE CHANGE/ACTION**

The proposed development generally complies with the Town's sustainability objectives of the *Livable Oakville* Plan. The proposal has 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. A

---

detailed description of the merits of the development with respect to the Climate Change Emergency starts on page 21.

**CONCLUSION:**

Staff recommend approval of the Official Plan Amendment and Zoning by-law Amendment which will permit the development of a twelve storey residential building, with a maximum of 154 residential units and an underground parking garage at 70 Old Mill Road.

The proposed development conforms to the applicable policy framework of the *Livable Oakville* Plan and is considered an appropriate level of intensification for this site as it is within a Provincial Growth Centre and Regional Transit Node, as well as abuts the Oakville GO Station. The site will be well-served by the existing transit system infrastructure and planned transportation network. The proposed Official Plan amendment and implementing zoning promote the Town's growth management and transit supportive development policies.

The Urban Design requirements (Appendix 'B') will ensure that the proposed building will maintain a distinctive and enhanced architectural design and that the design criteria and standards of the *Livable By Design* Manual are implemented through the site plan application.

Staff are 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 Town's approved Urban Structure and the principles and overall policy direction of the *Livable Oakville* Plan. Staff recommend that OPA No. 43 be adopted and By-law 2022-047 be passed as the following requirements have been satisfied:

- A full circulation has been undertaken and there are no outstanding planning issues to be resolved.
- The proposal implements the vision, development objectives, community design strategy and land use strategy of the *Livable Oakville* Plan.
- Comments from Council have been appropriately addressed.

By-laws 2022-046 and 2022-047 are attached as Appendix "D" and "E".

**APPENDICES:**

Appendix “A” – PPS (2020), Growth Plan and *Livable Oakville* policy excerpts

Appendix “B” – Urban Design Requirements

Appendix “C” – Public Comments

Appendix “D” – By-law 2022-046

Appendix “E” – By-law 2022-047

Prepared by:

Tricia Collingwood, MCIP, RPP

Senior Planner, Current Planning

East District

Recommended by:

Leigh Musson, MCIP, RPP

Manager, Current Planning – East District

Submitted by:

Gabriel A.R. Charles, MCIP, RPP

Director, Planning Services

## APPENDIX A: Provincial Policy and Growth Plan Excerpts

### **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 (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.

1.4.2 Where planning is conducted by an upper-tier municipality:

- a) the land and unit supply maintained by the lower-tier municipality identified in policy 1.4.1 shall be based on and reflect the allocation of population and units by the upper-tier municipality; and
- b) the allocation of population and units by the upper-tier municipality shall be based on and reflect *provincial plans* where these exist.

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.

## 1.6 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*.

### **1.6.7 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.
- 1.6.8.3 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.

## **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 “Built-Up Area.”

### **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*;
  
- 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*;

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.

### 2.2.3 – Urban Growth Centres

1. *Urban Growth Centres* will be planned:

- a) as focal areas for investment in regional *public service facilities*, as well as commercial, recreational, cultural and entertainment uses;
- b) to accommodate and support the transit network at the regional scale and provide connection points for inter-and intra-regional transit;
- c) to serve as high density major employment centres that will attract provincially, nationally or internationally significant employment uses; and
- d) to accommodate significant population and employment growth.

2. *Urban growth centres* will be planned to achieve, by 2031 or earlier, a minimum density target of 200 residents and jobs combined per hectare.

### 2.2.4 – Transit Corridors and Station Areas

1. The *priority transit corridors* shown in Schedule 5 will be identified in official plans. Planning will be prioritized for *major transit station areas* on *priority transit corridors*, including zoning in a manner that implements the policies of this Plan.

9. Within all *major transit station areas*, development will be supported, where appropriate, by:
  - a. planning for a diverse mix of uses, including second units and *affordable housing*, to support existing and planned transit service levels;
  - b. fostering collaboration between public and private sectors, such as *joint development* projects;
  - c. providing alternative development standards, such as reduced parking standards; and
  - d. prohibiting land uses and built form that would adversely affect the achievement of *transit-supportive* densities.
10. Lands adjacent to or near to existing and planned *frequent transit* should be planned to be *transit-supportive* and supportive of *active transportation* and a range and mix of uses and activities.
11. In planning lands adjacent to or near *higher order transit* corridors and facilities, municipalities will identify and protect lands that may be needed for future enhancement or expansion of transit *infrastructure*, in consultation with Metrolinx, as appropriate.

### **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 – Policies for Infrastructure to Support Growth**

### **3.2.1 – Integrated Planning**

1. *Infrastructure* planning, land use planning and *infrastructure* investment will be co-ordinated to implement this Plan.
2. Planning for new or expanded *infrastructure* will occur in an integrated manner, including evaluations of long-range scenario-based land use planning, environmental and financial planning, and will be supported by relevant studies and should involve:
  - a) leveraging *infrastructure* investment to direct growth and development in accordance with the policies and schedules of this Plan, including the achievement of the minimum intensification and density targets in this Plan;
  - b) providing sufficient *infrastructure* capacity in *strategic growth areas*;
  - c) identifying the full life cycle of *infrastructure* and developing options to pay for these costs over the long-term; and
  - d) considering the impacts of a changing climate.
3. *Infrastructure* investment and other implementation tools and mechanisms will be used to facilitate *intensification* and higher density development in *strategic*

*growth areas*. Priority will be given to *infrastructure* investments made by the Province that support the policies and schedules of this Plan.

4. Municipalities will assess *infrastructure* risks and vulnerabilities, including those caused by the impacts of a changing climate, and identify actions and investments to address these challenges, which could be identified as part of municipal asset management planning.
5. The Province will work with public sector partners, including Metrolinx, to identify strategic infrastructure needs to support the implementation of this Plan through multi-year infrastructure planning for the transportation system and public service facilities.

### 3.2.2 – Transportation General

1. *Transportation system* planning, land use planning, and transportation investment will be co-ordinated to implement this Plan.
2. The *transportation system* within the *GGH* will be planned and managed to:
  - a. provide connectivity among transportation modes for moving people and for moving goods;
  - b. offer a balance of transportation choices that reduces reliance upon the automobile and promotes transit and *active transportation*;
  - c. be sustainable and reduce greenhouse gas emissions by encouraging the most financially and environmentally appropriate mode for trip-making and supporting the use of zero- and low-emission vehicles;
  - d. offer *multimodal* access to jobs, housing, schools, cultural, and recreational opportunities, and goods and services;
  - e. accommodate agricultural vehicles and equipment, as appropriate; and
  - f. provide for the safety of system users.
4. Municipalities will develop and implement *transportation demand management* policies in official plans or other planning documents or programs to:
  - a. reduce trip distance and time;
  - b. increase the *modal share* of alternatives to the automobile, which may include setting *modal share* targets;
  - c. prioritize *active transportation*, transit, and goods movement over single-occupant automobiles;
  - d. expand *infrastructure* to support *active transportation*; and
  - e. consider the needs of *major trip generators*.

## APPENDIX B: Urban Design Requirements

In addition to the implementation of the Livable by Design Manual design direction and the final Urban Design Brief (as prepared by the applicant), the following Urban Design Requirements for the subject application shall be addressed in the architectural design and site plan details through the Site Plan process:

- As a corner lot, the overall design and architectural elements of the building main wall shall continue along the east facade (flankage yard) and address both frontages, as well as continue along the west façade (interior yard), which is highly visible from the public realm.
- Utilize the unique change in grade on the site within the design of the building and in positioning and orienting the main entrance towards Cornwall Road to ensure it is fully functional and accessible.
- Provide a creative and innovative building design consisting of varied architectural elements in a cohesive and coherent composition. The building design should complement the neighbouring existing and planned development.
- Articulate the massing of the façades by dividing the architectural detailing into smaller elements by incorporating layered elements, modulations, projections and recesses, pronounced vertical elements, well-defined corner feature(s), and a distinctive roofline.
- Accentuate the principal building entrance(s) through expansive glazing, architectural treatments, canopies, accent illumination and landscaping.
- Provide streetscape improvements along Cornwall Road and Old Mill Road, including a cohesive interface between public and private lands.
- Locate utility installations, vents and service entrances away from public views and in discreet settings. Utility installations and vents should not be located between the building face and property line abutting a roadway. Exit stairs for underground structured parking should be integrated into the main built form and not a stand-alone access.
- Incorporate the mechanical penthouse as an integral part of the building design to complement and enhance the building top.
- Incorporate private outdoor amenity space in common roof terrace(s) and/or as a balcony for each unit.



- Incorporate safe, convenient and predictable pedestrian connections from the municipal sidewalk and from on-site perimeter walkways to each of the building entrances, including emergency exits.

## APPENDIX C: Public Comments

April 5, 2022

Good morning Tricia

Malvinder has requested that I contact you regarding his development on Lot 70. The working group discussions and the communications to our respective owners has focused on the maximum height of 45 metres (only 2 metres taller) than the previously approved project and the number of units. The number of levels/storeys within that maximum height has not been a relevant topic.

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

Sandra Montgomery

April 1, 2022

Hi Tricia - with reference to Lot 70 and the virtual meeting that took place late last year/earlier this year.

The fact that there will be a building occupying the empty hole is a good idea, however, what troubles most residents at Building 60 and I is the number of units that are being considered within the building which I understand is approximately 150 as opposed to the original plan of 30+ units.

I recall Sandra Montgomery, a non-resident (I understand) from the Building 60 Board, made a statement that did not sit well with most residents of Building 60 including myself.

The statement that I heard on the call that was made by Sandra Montgomery on behalf of the residents of Building 60, was confusing and new to myself and most residents - she mentioned that "the residents of Building 60 were in agreement with the revised proposal of Lot 70" which I and most residents found surprising. We do not recall being surveyed or invited to a meeting discussing the context of Lot 70 and therefore I and other residents of Building 60 do not agree with the statement made by Sandra Montgomery.

I/we are not sure why such a statement was made by Sandra Montgomery on behalf of the residents of Building 60, especially without our permission.

That statement should be removed from the minutes of the meeting.

Hoping to have a mutually beneficial decision made (between the Builder and the residents of Building 60) regarding Lot 70 soon - as the current site is not a favourable site.

thank you



**THE CORPORATION OF THE TOWN OF OAKVILLE**

**BY-LAW NUMBER 2022-046**

Official Plan Amendment 43

A by-law to adopt an amendment to the Livable Oakville Official Plan, Official Plan Amendment Number 43 (70 Old Mill Road, 2317511 Ontario Inc., File No.: OPA.1614.77)

**WHEREAS** subsection 21(1) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, states that the provisions of the *Act* with respect to an official plan apply, with necessary modifications, to amendments thereto and section 17 applies to any such amendment; and,

**WHEREAS** subsection 22(1) of the *Planning Act* provides that a person or public body may request a council to amend its official plan; and,

**WHEREAS** the owner of the lands known as 70 Old Mill Road has requested that Council amend the Livable Oakville Official Plan to modify the site-specific policy applying to the lands with respect to maximum residential densities and Council is willing to grant the request.

**COUNCIL ENACTS AS FOLLOWS:**

1. The attached Official Plan Amendment Number 43 to the Livable Oakville Official Plan is hereby adopted.
2. This Official Plan Amendment is subject to appeal rights set out in section 17 of the *Planning Act*, R.S.O. 1990, c. P.13, and shall come into effect once the deadline for filing appeals has passed or all appeals have been withdrawn or finally disposed of.
3. If the Regional Municipality of Halton, being the Approval Authority, does not exempt this Official Plan Amendment from its approval, the Clerk is hereby authorized and directed to apply to the Approval Authority for approval of this Official Plan Amendment.

PASSED this 2nd day of May, 2022

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

## Official Plan Amendment Number 43 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 43 to the Livable Oakville Plan.

### **Part 1 – Preamble**

#### **A. Subject Land**

The subject land is located at the northwest corner of Cornwall Road and Old Mill Road, is legally described as Part of Lots 14 & 15, Concession 3, S.D.S., and municipally known as 70 Old Mill Road.

#### **B. Purpose and Effect**

The purpose of this official plan amendment (OPA) is to replace the existing site-specific exception policy with a new one that increases the High Density Residential designation's maximum density from 185 to 300 units per site hectare for the subject land, and provides for limited commercial uses, to facilitate the development of a 154-unit apartment building.

#### **C. Background and Basis**

- The subject land is approximately 0.158 hectares of a 1.893 hectare block immediately adjacent to the Oakville GO Station. The entire block is designated High Density Residential and is subject to a "6-12 storeys" height limit in the Livable Oakville Plan. The block currently contains three apartment buildings.
- The existing Livable Oakville Plan policies include site-specific exception policy 20.6.1 (below):

*The lands designated High Density Residential at the northwest corner of Cornwall Road and Old Mill Road are subject to the following additional policies:*

- a) A neighbourhood shopping centre with a maximum of 930 square metres of gross leasable area may also be permitted.*

*b) A maximum of 2,300 square metres of non-retail service commercial area, including office and private recreational uses, may also be permitted.*

- The policies of the Livable Oakville Plan including section 20.6.1 originated in the 1984 Town of Oakville Official Plan, as amended, and were carried forward in the 2009 Livable Oakville Plan. The policies pre-date the Province's establishment of the Midtown Oakville Urban Growth Centre (around the Oakville GO Station) in the Growth Plan for the Greater Golden Horseshoe. Section 20.6.1 also predates the construction of the three existing apartment buildings.
- In 2013, the zoning permissions for the subject land were amended through By-law 2013-016 to permit a revised development concept which capped the maximum number of units on the site at 29 (plus a superintendent unit), provided a maximum building height of 36.0 metres, and permitted a maximum net floor area for non-residential uses of 155 square metres. The total number of residential units for 40, 50, 60 and 70 Old Mill Road was based on the maximum density of 185 units per site hectare applied to entire block.
- The Owner of the subject lands has requested relief from the maximum density provisions to allow for a revised development concept which provides for 154 residential units in a 12 storey mixed use building. This proposal would result in a density across the block of approximately 264 units per site hectare.
- As detailed in the staff report dated April 19, 2022, based on staff's review and analysis of the materials submitted in support of the currently proposed development, and the issues raised by Council and the public, it is appropriate to amend the Livable Oakville Plan. The amendment will have the effect of increasing the residential density cap to a maximum of 300 units per hectare for the entire block, and providing for a net leasable commercial floor area of 155 square metres at 70 Old Mill Road.
- The corresponding zoning by-law amendment (By-law 2022-046) provides site-specific land use regulations in conformity with OPA 43. Design principles have also been established to help ensure, through the site plan approval process, that the proposed development will be constructed as intended with a well-designed built form that contributes to community image and identity.
- Planning and Development Council hosted the statutory public meeting regarding this official plan amendment on February 15, 2022.

## **Part 2 – The Amendment**

The Livable Oakville Plan is amended as follows:

### **A. Text Changes**

Part E Section 20.6, Midtown Oakville Exceptions – Schedules L1, L2 and L3, is amended by removing the existing exception policy 20.6.1 in its entirety, and replacing it with the following new policy:

“20.6.1 The lands designated High Density Residential at the northwest corner of Cornwall Road and Old Mill Road are subject to the following additional policies:

- a) A maximum residential density of 300 units per site hectare is permitted.
- b) A maximum building height of 12 storeys, excluding one interior mezzanine level, may be permitted at 70 Old Mill Road.
- c) A maximum of 155 square metres of net leasable commercial floor area may also be permitted at 70 Old Mill Road.”



**THE CORPORATION OF THE TOWN OF OAKVILLE**

**BY-LAW NUMBER 2022-047**

A by-law to amend the Town of Oakville Zoning By-law 2014-014, as amended, to permit the use of lands described as 70 Old Mill Road (2317511 Ontario Inc., File No.: 1614.77)

**COUNCIL ENACTS AS FOLLOWS:**

1. Map 19(8b) 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 further amended by deleting Subsection 15.191.1 and replacing it with a new Subsection 15.191.1 as follows:

<b>191</b>	<b>70 Old Mill Road</b>	Parent Zone: RH
Map 19(8b)	Part of Lots 14 & 15, Concession 3, S.D.S	(1994-144)(2002-018) (2003-138)(2007-096) (2008-051)(2013-06) (2015-018)(2015-079) (2022-047)
<b>15.191.1 Additional Permitted Uses for Block 2</b>		
The following additional <i>uses</i> are permitted on lands identified as Block 2 on Figure 15.191.1:		
a)	<i>Retail store</i>	
b)	<i>Service commercial establishment</i>	
c)	<i>Business Office</i>	
d)	<i>Medical Office</i>	
e)	<i>Restaurant</i>	



3. Part 15, Special Provisions, of By-law 2014-014, as amended, is further amended by deleting Subsection 15.191.3 and replacing it with a new Subsection 15.191.3 as follows:

15.191.3 Zone Provisions for Block 2		
The following regulations apply to the lands identified as Block 2 on Figure 15.191.1:		
a)	The <i>lot line</i> abutting Cornwall Road shall be deemed the <i>front lot line</i> .	
b)	<i>Minimum front yard</i> (Cornwall Road)	1.8 m
c)	<i>Minimum flankage yard</i> (Old Mill Road)	1.8 m
d)	<i>Minimum interior side yard</i>	1.5 m
e)	<i>Minimum rear yard</i>	1.5 m
f)	<i>Minimum setback or yards for any portion of a parking structure</i>	0.0 m
g)	<i>Minimum building setback from a railway corridor</i>	25.0 m
h)	Maximum number of <i>dwelling units</i>	154
i)	Maximum net <i>floor area</i> for non-residential uses	155.0 sq.m
j)	Maximum <i>height</i>	46.0 m
k)	Minimum number of <i>storeys</i>	8
l)	Maximum number of <i>storeys</i>	12
m)	Notwithstanding section 15.191.3 l), additional <i>storey</i> permitted for a <i>mezzanine</i> that is open and unenclosed except for the partitions associated with an elevator	1
n)	<i>Floor area</i> for the <i>mezzanine</i> permitted as an additional <i>storey</i> shall be a maximum of 40% of the <i>floor area</i> in which it is located.	
o)	Maximum total projection of a <i>balcony</i> beyond the <i>main wall</i> of the second <i>storey</i> in any <i>yard</i>	3.5 m
p)	Maximum total projection of a <i>balcony</i> beyond the <i>main wall</i> above the second <i>storey</i> in any <i>yard</i>	2.0 m
q)	<i>Balconies</i> may encroach into <i>flankage</i> and <i>interior side yards</i>	
r)	Minimum <i>lot area</i>	Shall not apply

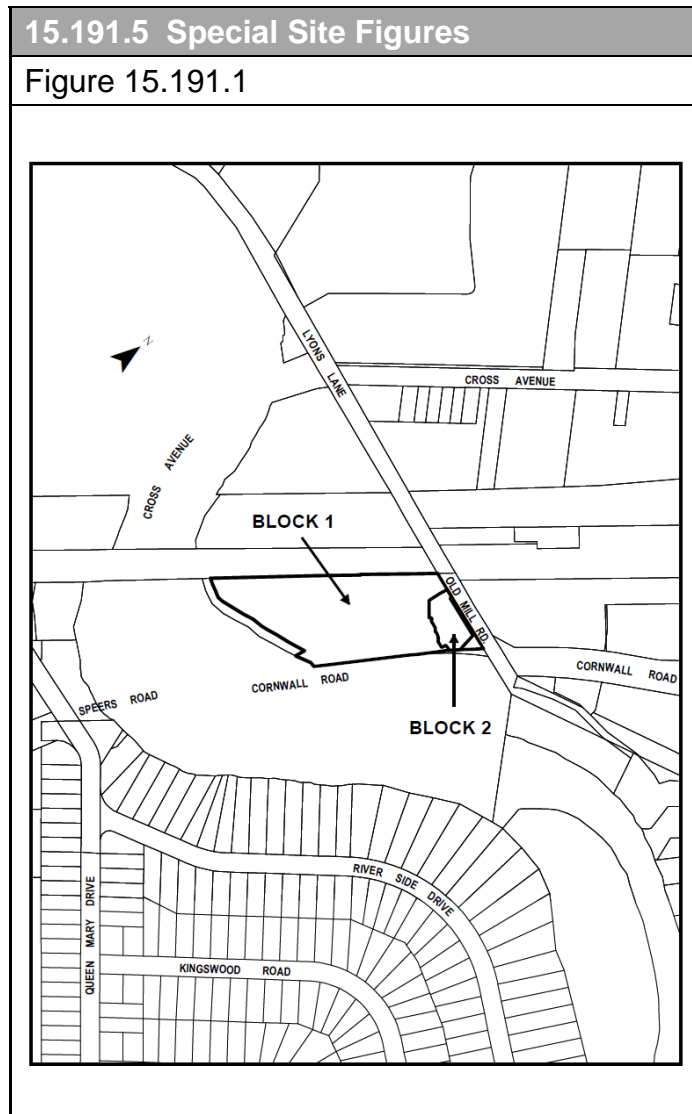
s)	Minimum <i>lot frontage</i>	Shall not apply
t)	Maximum <i>lot coverage</i>	Shall not apply
u)	Minimum width of <i>landscaping</i> required along any lot line and any <i>surface parking area</i>	0.0 m
v)	Minimum setback for a <i>surface parking area</i> from a <i>building</i> or structure	0.0 m
w)	Minimum setback for <i>landscape</i> features from any lot line	0.0 m

4. Part 15, Special Provisions, of By-law 2014-014, as amended, is further amended by deleting Subsection 15.191.4 and replacing it with a new Subsection 15.191.4.1 and 15.191.4.2 as follows:

15.191.4.1 Parking Provisions for Block 1		
The following parking regulations apply to lands identified as Block 1 on Figure 15.191.1:		
a)	Minimum number of <i>parking spaces</i> permitted to be provided as <i>tandem parking spaces</i>	20%, and visitor <i>parking spaces</i> shall not be permitted to be provided in tandem
b)	Minimum number of <i>parking spaces</i> for a superintendent suite	1 per suite
c)	Minimum number of <i>parking spaces</i> for all non-residential <i>uses</i>	0
d)	Visitor <i>parking spaces</i> can be located on any <i>lot</i> subject to this Special Provision	
15.191.4.2 Parking Provisions for Block 2		
The following parking regulations apply to lands identified as Block 2 on Figure 15.191.1:		
a)	Minimum number of <i>parking spaces</i> for an <i>apartment dwelling</i>	0.75 per <i>dwelling unit</i> , plus 0.15 <i>parking spaces</i> per <i>dwelling unit</i> for visitors <i>parking spaces</i>
b)	Maximum number of <i>parking spaces</i> for an <i>apartment dwelling</i>	1.1 per <i>dwelling unit</i> , plus 0.15 <i>parking spaces</i> per <i>dwelling unit</i> for visitors <i>parking spaces</i>

c)	Ventilation shafts, stairs and stairways associated with a <i>parking structure</i> are not permitted in the <i>front yard</i> or <i>flankage yard</i> .
d)	A minimum of 20% of the <i>parking spaces</i> in a <i>building</i> shall include the provision for the installation of electric motor vehicle supply equipment.
e)	Visitor <i>parking spaces</i> can be located on any <i>lot</i> subject to this Special Provision.

5. Part 15, Special Provisions, of By-law 2014-014, as amended, is further amended by deleting Subsection 15.191.5 and replacing it with a new Subsection 15.191.5 as follows:



6. Part 16, Holding Provisions, of By-law 2014-014, as amended, is further amended by adding a new Section 16.3.48 as follows:

<b>H48</b>	<b>70 Old Mill Road</b>	Parent Zone: RH
Map 19(8b)	(Part of Lots 14 & 15, Concession 3, S.D.S)	(1994-144)(2002-018) (2003-138)(2007-096) (2008-051)(2013-06) (2015-018)(2015-079) (2022-047)
<b>16.3.48.1 Only Permitted Uses Prior to Removal of the “H”</b>		
For such time as the “H” symbol is in place, these lands shall only be <i>used</i> for the following:		
a)	Legal <i>uses, buildings and structures</i> existing on the <i>lot</i> .	
<b>16.3.48.2 Conditions for Removal of the “H” for Block 2 Lands</b>		
The “H” symbol shall, upon application by the landowner, be removed by <i>Town Council</i> passing a By-law under Section 36 of the <u>Planning Act</u> . The following condition(s) shall first be completed to the satisfaction of the <i>Town of Oakville</i> :		
a)	That sufficient water and wastewater services are available to the satisfaction of the Regional Municipality of Halton and the Town of Oakville. In this regard downstream sewer constraints shall be addressed and any upgrades and/or replacement be constructed and in operation, or arrangements, satisfactory to Halton Region, have been made for the provision of wastewater services.	
b)	That an updated FSR be approved by Halton Region and any requirements of Halton Region be addressed to their satisfaction in relation to the findings and/or recommendations of the report.	
c)	That an updated Transportation Impact Study be approved to the satisfaction of the Town of Oakville demonstrating that sufficient transportation infrastructure capacity is available to accommodate the development.	

7. This By-law comes into force in accordance with Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

PASSED this 2nd day of May, 2022

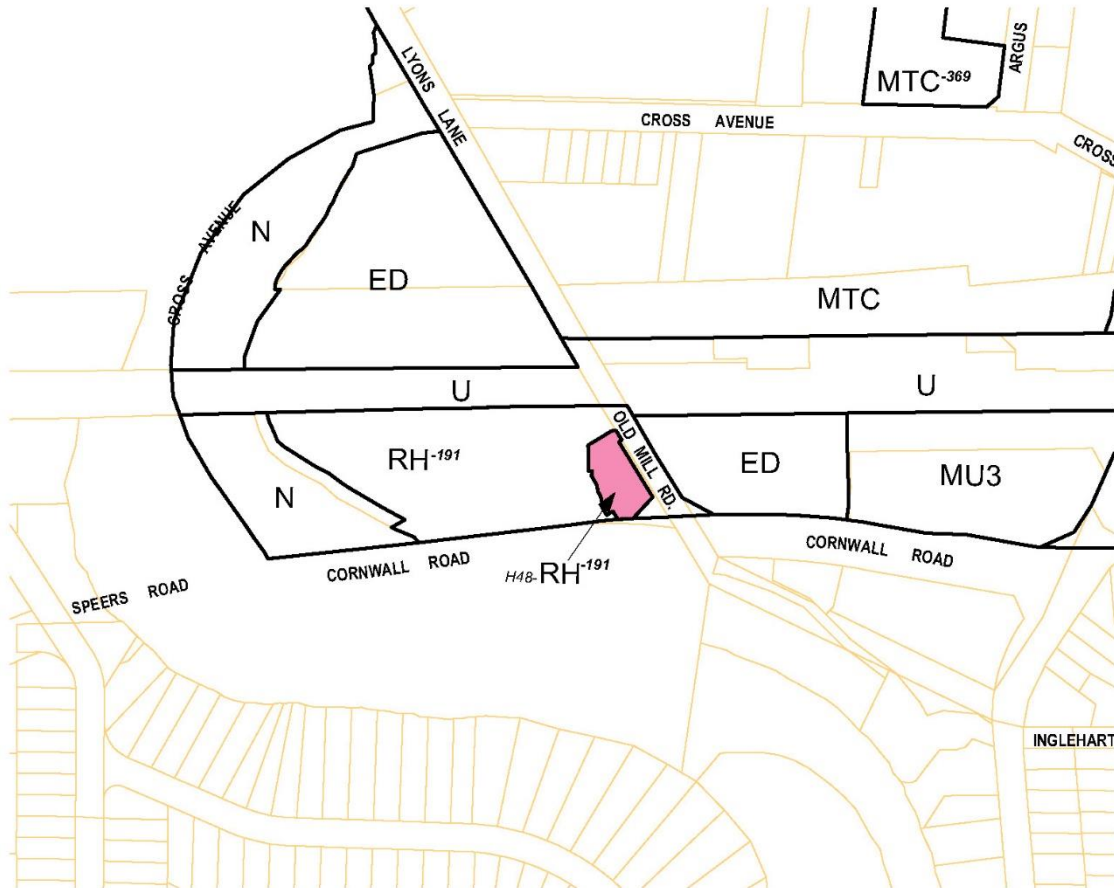
---

MAYOR


---

CLERK

**SCHEDULE "A"**  
**To By-law 2022-047**



**AMENDMENT TO BY-LAW 2014-014**

 Re-zoned From: Residential High (RH sp: 191) to Residential High (H48 - RH sp: 191)

**EXCERPT FROM MAP 19 (8b)**



**SCALE 1 : 4000**



OAKVILLE

## REPORT

### Planning and Development Council

Meeting Date: May 2, 2022

---

**FROM:** Legal Department

**DATE:** April 19, 2022

**SUBJECT:** Ontario Land Tribunal Appeal – OLT-22-002119, 2262-2266 Lakeshore Road and 83 East Street (Z.1728.66)

**LOCATION:** 2266 Lakeshore

**WARD:** Ward 1

Page 1

---

#### RECOMMENDATION:

That comments from the public related to the development options provided through the settlement offer in OLT-22-002119, submitted by 2266 Lakeshore LP be received prior to Council making a decision with respect to the offer through the related confidential report.

#### KEY FACTS:

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

- Applications for Official Plan and Zoning By-law amendments were submitted by 2266 Lakeshore LP to permit the development of a 15 storey, mixed use building, providing 245 rental apartments and 446 m<sup>2</sup> at-grade retail uses, subject to bonusing.
- Current maximum heights under the Livable Oakville Official Plan are six storeys or 10 storeys with bonusing.
- A statutory public meeting was held before Council on October 4, 2021. Comments from members of the public were mixed, with the majority raising concerns with respect to the application.
- An appeal based on a lack of decision was filed on January 11, 2022.
- The applicant has provided the town with a settlement offer based on two alternative versions of their development proposal (a 10 storey option and a 13 storey option).
- If this matter proceeds to a hearing, the applicant would continue to seek approval of the original 15 storey option. No hearing dates have been set.

- The local Councillors have requested and the applicant has agreed to provide an opportunity for members of the public to provide comments with respect to the settlement proposals.
- Since this matter is subject to ongoing litigation, legal advice and recommendations with respect to both the settlement offer and the possibility of opposing the application at a hearing are provided separately in a confidential report on this agenda. Council will be making a decision on the town's position in the appeal through that report.

## **BACKGROUND:**

The application which is the subject of this appeal was submitted on August 13, 2021 and includes proposed amendments to both the Livable Oakville Official Plan and Zoning By-law 2014-014:

- The current provisions of the Official Plan permit 4- 6 storeys with an additional 4 storeys (for a total of 10 storeys) being achievable through the provision of community benefits under section 37 of the *Planning Act* ("bonusing"). The Official Plan amendment would permit an additional 5 storeys of height through bonusing for a total overall building height of 15 storeys (9 of which would be subject to bonusing).
- The Zoning By-law amendment maintains the MU1 zone, with site specific provisions related to matters such as height, setbacks, step backs and parking. A total of 273 parking spaces (245 for residents and 28 commercial/visitor) were proposed.

Section 37 of the *Planning Act*, has been amended by the province to replace the permissions for bonusing with a new community benefits charge. Nevertheless, bonusing provisions requiring community benefits as a condition of extra height may still be included in by-laws passed on or before September 18, 2022.

A statutory public meeting was held before Council on October 4, 2021, as Item 6.1 on the agenda. The staff report, original application materials and materials submitted in support of the settlement offer are available on the town's website at <https://www.oakville.ca/business/da-38994.html>.

Several residents made submissions to Council on the application at the public meeting. Most, including a petition were opposed to the development but some were supportive.



- Concerns raised by members of the public included:
  - Objections to there being further changes to the Official Plan and Zoning By-law following recent studies
  - Height and massing (including shadowing, loss of views and change to the “village” character)
  - Separation distances from existing buildings, including privacy impacts
  - Inadequacy of parking
  - Increased traffic
  - Pedestrian safety/sight lines.
  - Construction Impacts
  
- Positive comments provided by members of the public related to:
  - Architecture and design
  - the proposed urban square
  - Benefits of additional residents to existing area merchants.

Planning staff had identified a number of issues to be considered as part of their staff report. Council had identified additional issues to be included in any future staff report, including providing a better understanding of the potential gateway function of the site, information related to active transportation and transportation management, and questions related to the privately-owned publicly accessible space (“POPS”) easement that was proposed for the urban square.

The applicant has provided the town with a settlement offer in the appeal based on one of two alternative concepts, referred to in this report as the “13 storey option” and the “10 storey option”.<sup>1</sup>

The applicant has agreed to make the drawings associated with their settlement offer available to the public to allow for public consultation prior to Council making any decision with respect to its position for the hearing. The applicant remains of the opinion that the original 15 storey building represents good planning and has reserved its right to seek approval of the original application if the matter proceeds to a hearing.

---

<sup>1</sup> In each option (including the earlier 15 storey option), there is an enclosed mezzanine which is proposed to be incorporated into the first storey of the building. The Building Code and Zoning By-law 2014-014 counts a mezzanine as a storey if it is (a) enclosed and occupies more than 10% of the relevant floor area or (b) unenclosed and occupies less than 40% of the relevant floor area. The proposed mezzanine is enclosed and represents approximately 30% of the floor area. From the perspective of the Building Code, the buildings are 11/14/16 storeys instead of 10/13/15. The physical height of the building in metres would not be affected by the proposed mezzanine. The physical height of the first storey is the result of the proposal to provide for garbage removal within the building.

Plans and drawings for each of the 10 storey and 13 storey options have been added to the webpage at <https://www.oakville.ca/business/da-38994.html>. Excerpts from the drawings for each concept are attached to this report.

## **COMMENT/OPTIONS:**

A summary of some of the similarities and differences between the original application and the two alternative proposals is provided in the table below:

### **Summary of Options:**

	<b>Original</b>	<b>13 storey</b>	<b>10 storey</b>
Height (Storeys) <sup>2</sup>	15	13	10
Height (metres) <sup>3</sup>	50.5 m	43.85 m	34.35 m
# units (total)	245	244	244
Retail Area	446 m <sup>2</sup>	394 m <sup>2</sup>	586 m <sup>2</sup>
# Parking Spaces (Total)	273	268	268
Residential (1/unit)	245	244	244
Visitor/Retail	28	24	24
Urban Square (POPS)	Yes	Yes	No

Changes to some of these numbers may be achievable through further negotiations or required as a result of detailed design. Significant changes may only be achievable through a hearing.

Since this matter is subject to an ongoing appeal, staff is not providing detailed public opinions. Instead, a confidential report appears on this agenda.

While any comments received from the public may influence Council's priorities for its position at the hearing, the decision on the application will ultimately be made by the Ontario Land Tribunal based on its consideration of evidence and the application of relevant planning policies and principles. Information with respect to relevant policies and issues was provided in the staff report to the October 4, 2021 Planning and Development Council meeting.

## **CONSIDERATIONS:**

### **(A) PUBLIC**

Notice of this meeting was provided to the Bronte Village Residents Association and to individuals who had made submissions to Council at the public meeting.

---

<sup>2</sup> Not adjusted for the inclusion of the mezzanine

<sup>3</sup> Excludes mechanical equipment/elevator in accordance with By-law 2014-014

**(B) FINANCIAL**

There are no direct financial impacts of this report. Potential financial impacts of the settlement or hearing options are described in the confidential report.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

Members of the Planning Service Department have been consulted in the preparation of this report and would be involved in any future hearing process.

**(D) CORPORATE STRATEGIC GOALS**

This report addresses the corporate strategic goal(s) to:  
Provide accountable government by providing the maximum possible degree of transparency in Council's decision making processes.

**(E) CLIMATE CHANGE/ACTION**

Opportunities to refine the development in a manner that may have benefits related to climate changes will continue to be explored through other processes or discussions.

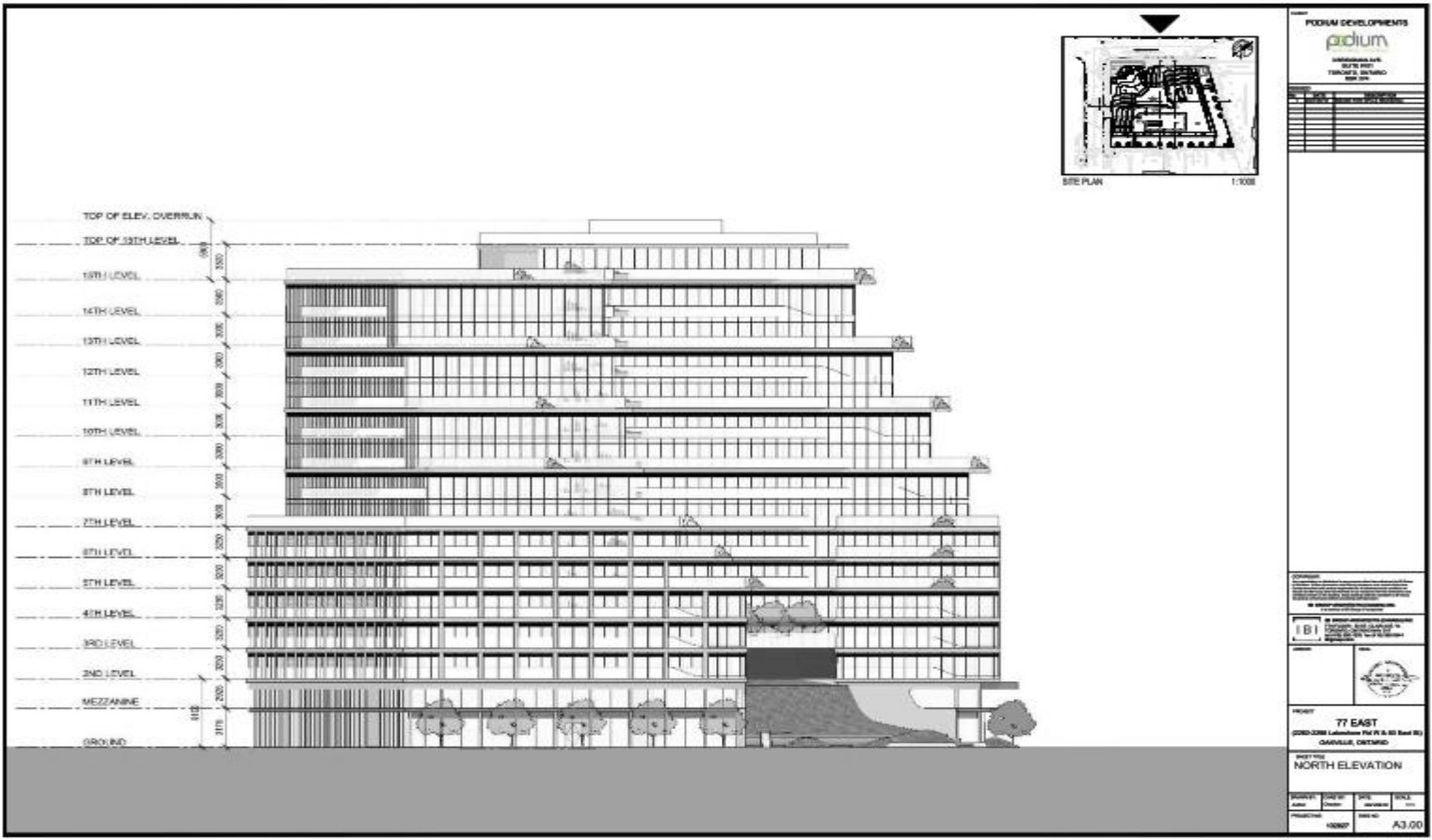
**APPENDICES:**

Appendix A – Excerpts from Plans for 15/13/10 storey options.

Prepared and Recommended by:  
Jennifer L. Huctwith, Assistant Town Solicitor

Submitted by:  
Doug Carr, Town Solicitor





IBI 77 EAST STREET 2260-2266 Lakeshore Rd W & 83 East St 1387 Option - Design MARCH 2022

ELEVATIONS 13ST | NORTH ELEVATION

podium EAST-WEST-CENTRAL

SCALE: NTS 20

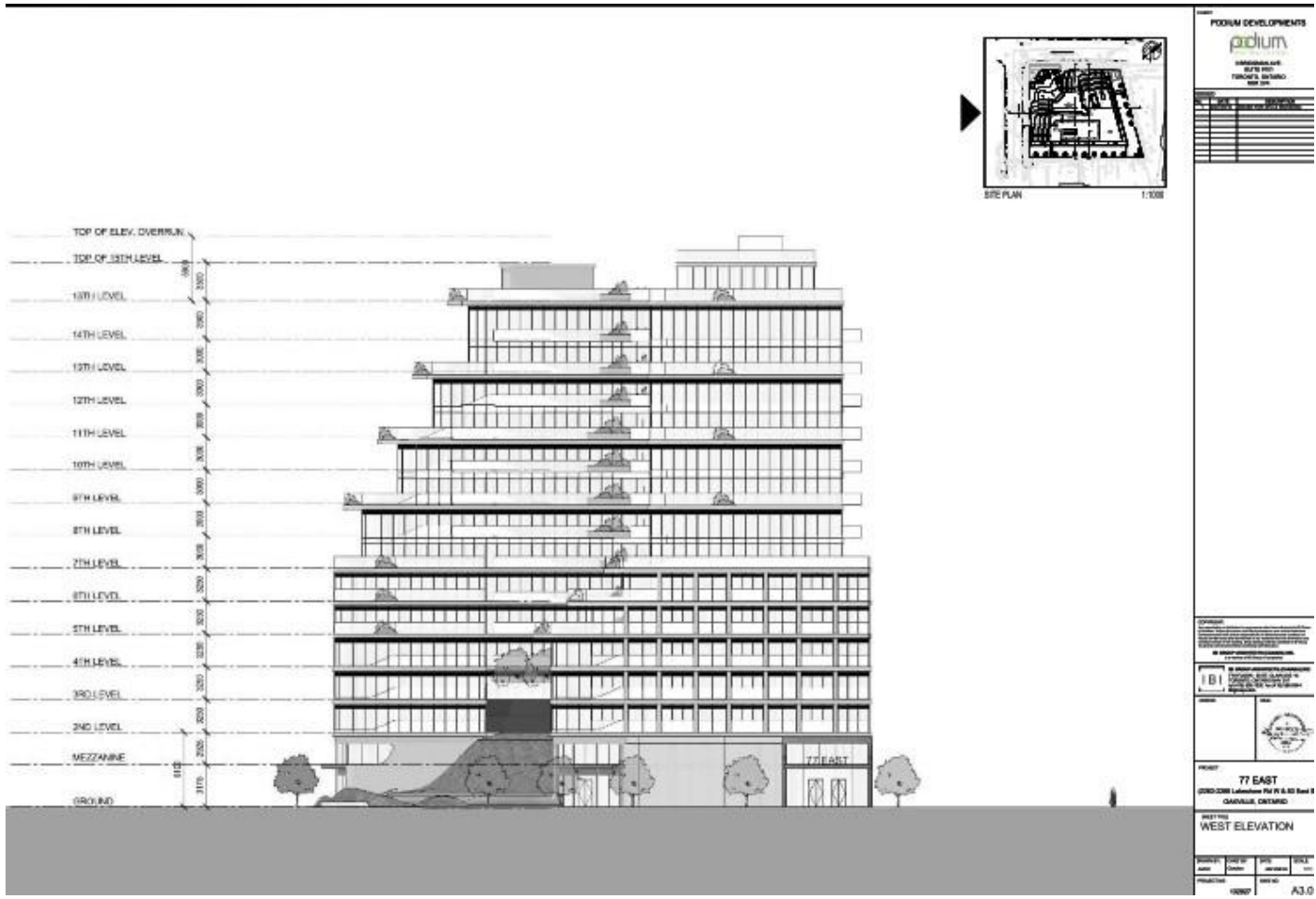


IBI 77 EAST STREET 2260-2266 Lakeshore Rd W & 83 East St 1087 Option - Design MARCH 2022

ELEVATIONS 10ST | NORTH ELEVATION

podium EAST-WEST-CENTRAL

SCALE: NTS 19



**IBI** **77 EAST STREET**  
 2260-2266 Lakeshore Rd W & 83 East St  
 10ST Option - Design  
 MARCH 2022

**ELEVATIONS 10ST | WEST ELEVATION**

SCALE: NTS

**adlum**  
 ARCHITECTURAL CONSULTANTS

22



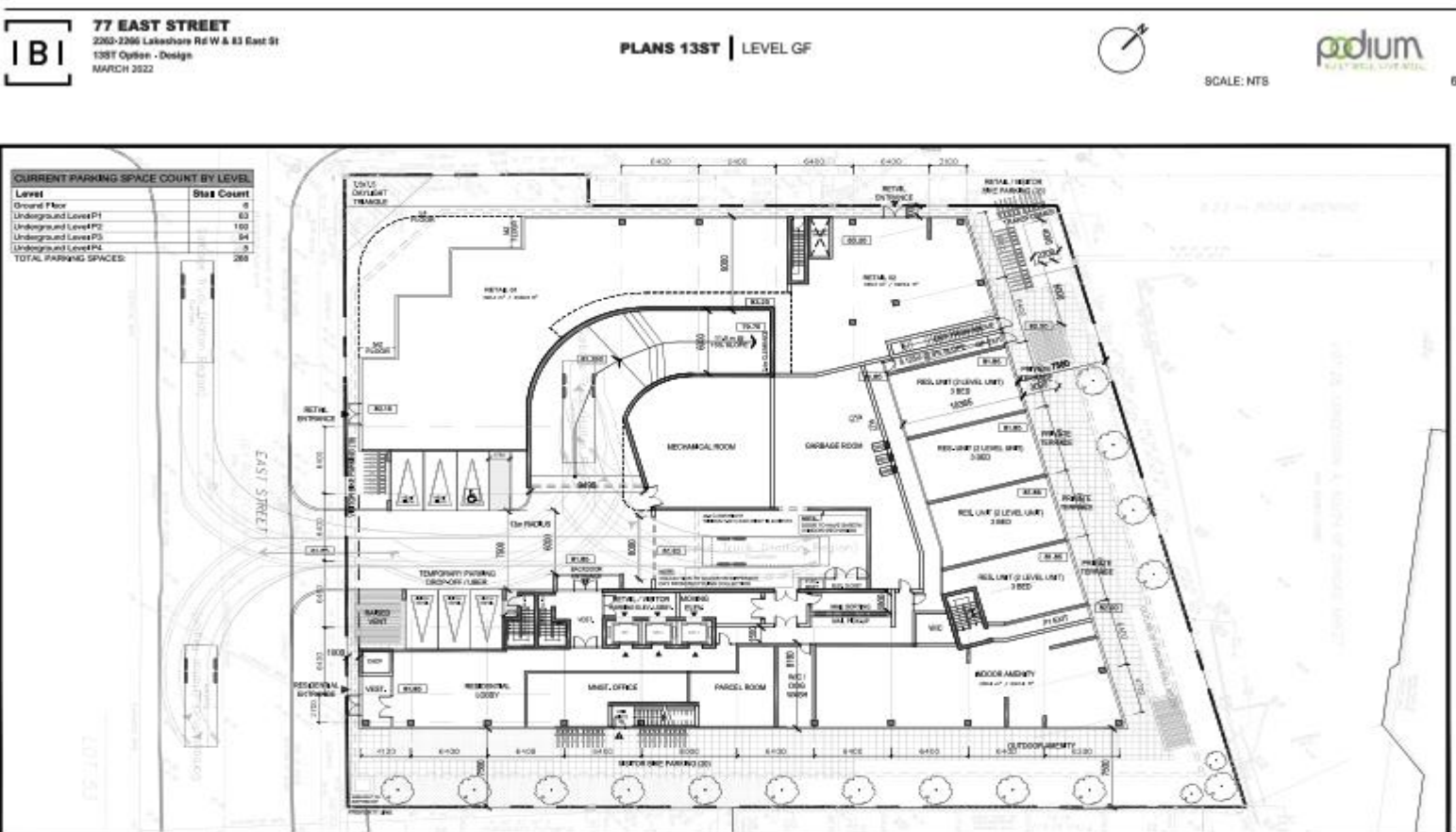
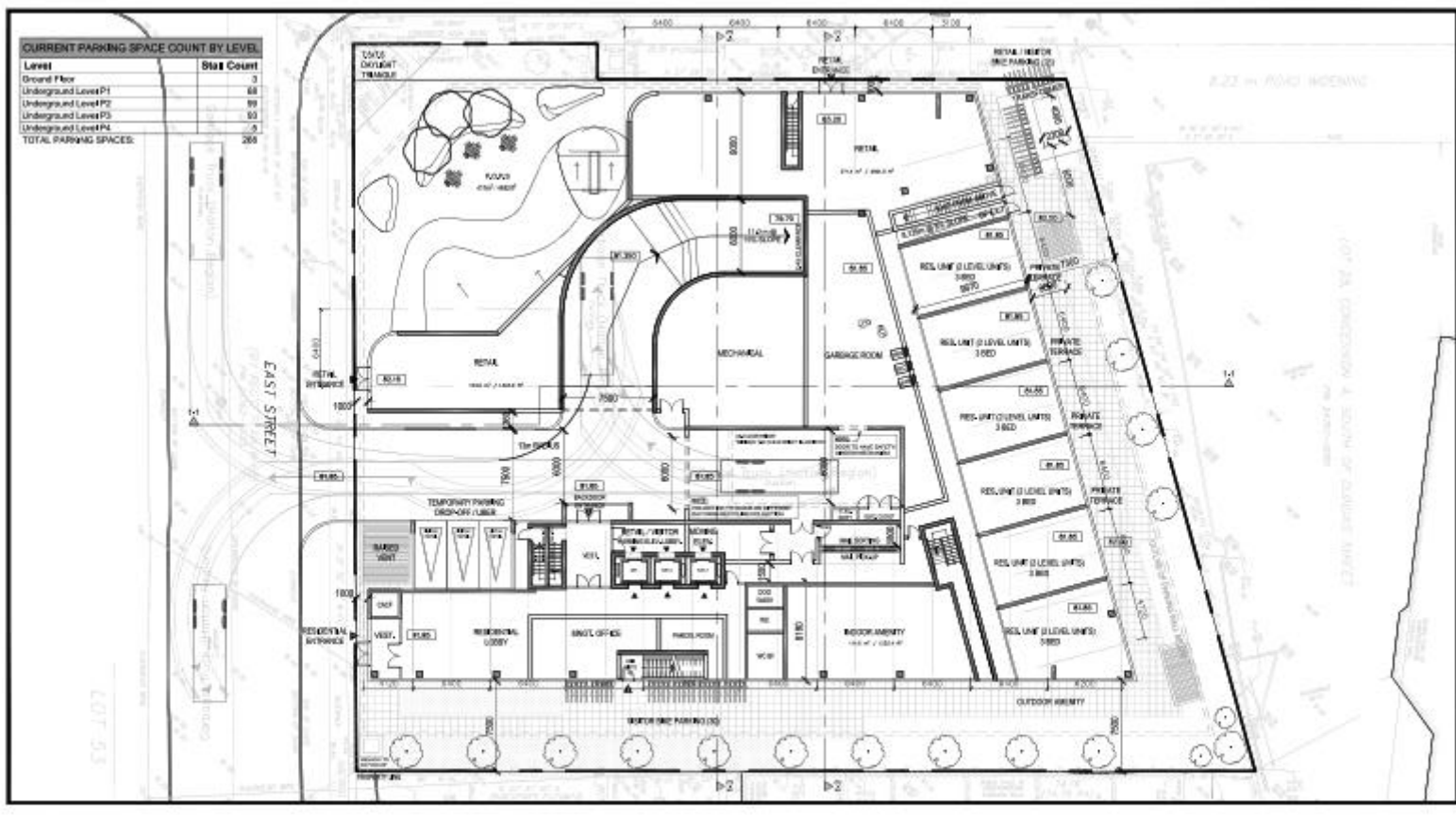
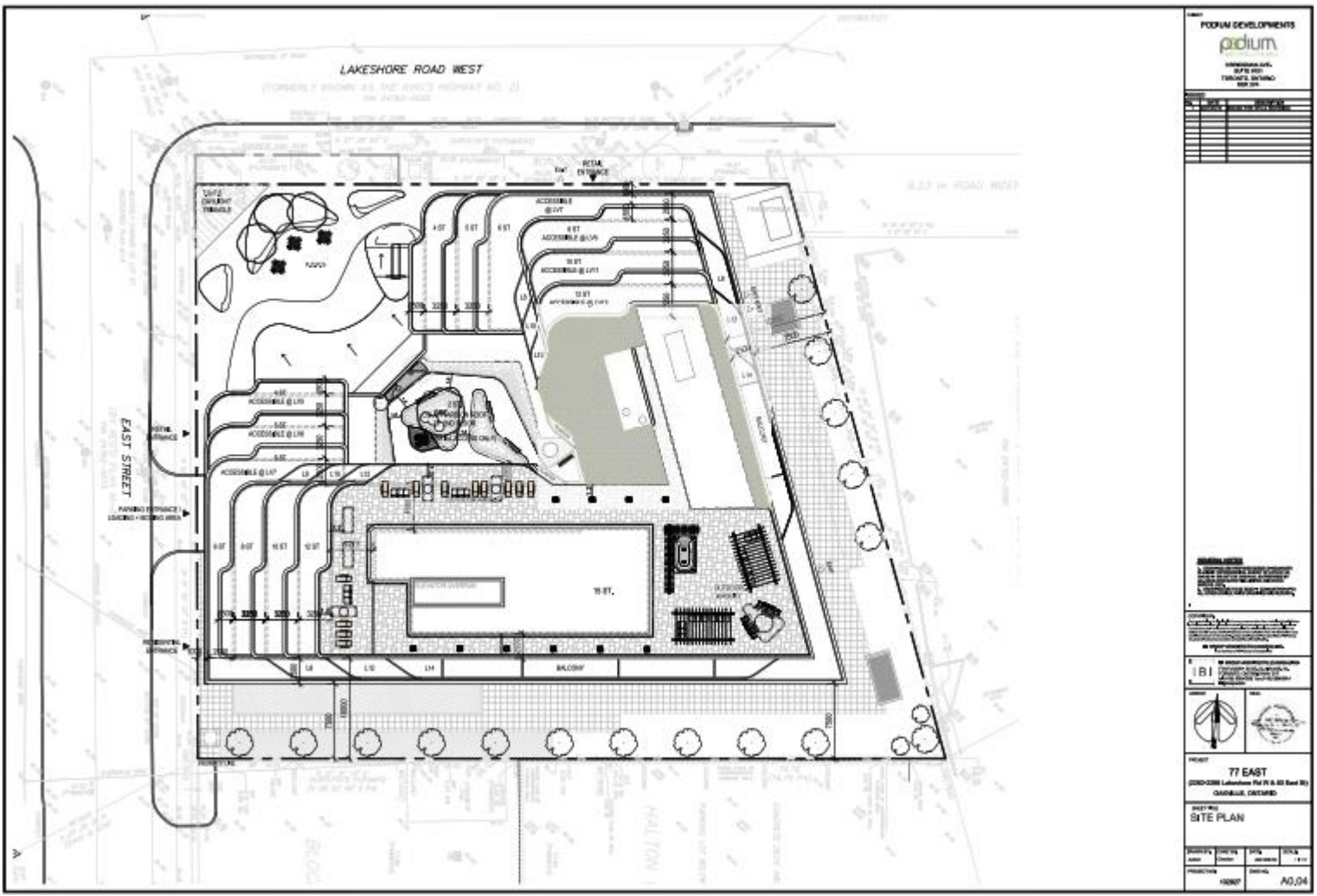
**IBI** **77 EAST STREET**  
 2260-2266 Lakeshore Rd W & 83 East St  
 13ST Option - Design  
 MARCH 2022

**ELEVATIONS 13ST | WEST ELEVATION**

SCALE: NTS

**adlum**  
 ARCHITECTURAL CONSULTANTS

2





## Heritage Oakville Advisory Committee

### MINUTES

**Date:** April 19, 2022  
**Time:** 9:30 am  
**Location:** Virtual Meeting

**Members:** Drew Bucknall, Chair  
Gerarda (Geri) Tino, Vice-Chair (As of 9:32 a.m.)  
Councillor Duddeck  
Councillor Gittings  
Russell Buckland  
Robert Ferguson  
George Gordon  
Daniela Hampton-Davies  
Susan Hobson  
Brenda Sweeney

**Regrets:** Kerry Colborne

**Staff:** Gabe Charles, Director of Planning Services  
Susan Schappert, Heritage Planner  
Carolyn Van Sligtenhorst, Heritage Planner  
David Addington, Heritage Planner  
Jill Marcovecchio, Council and Committee Coordinator (In person)

**A virtual meeting of the Heritage Oakville Advisory Committee was held on April 19, 2022, 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 May 2, 2022, for approval. Please view those minutes to note any changes Council may have made.**



**1. Regrets**

As noted above.

**2. Declarations of Pecuniary Interest**

No declarations of pecuniary interest were declared.

**3. Confirmation of Minutes of Previous Meeting(s)**

Moved by George Gordon

That the minutes of the Heritage Oakville Advisory Committee meeting of March 22, 2022, be approved.

CARRIED

**4. Discussion Item(s)**

**4.1 Heritage permit application HP016/22-42.20R - 183 Reynolds Street – New two-storey rear addition, replacement of garage and alterations to windows**

Moved by Daniela Hampton-Davies

1. That Heritage Permit Application HP016/22-42.20R for the construction of the new two-storey rear addition, replacement of the existing detached garage and alterations to windows at 183 Reynolds Street, as attached in Appendix B to the report dated April 12, 2022 from Planning Services, be approved subject to the following:
  - a. That final details on cladding materials, windows and doors be submitted to Heritage Planning 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 HP017/22-42.20S 46 Second Street – Demolition of existing house and construction of new house**

Moved by Brenda Sweeney

1. That Heritage Permit Application HP017/22-42.20S for the demolition of the existing house and the construction of a new house at 46 Second Street, as attached in Appendix B to the report dated April 12, 2022 from Planning Services, be approved subject to the following:
  - a. That final details on the windows, doors and cladding material, including colour, be submitted to Heritage Planning staff for final approval; and
2. That this heritage permit expire two years from the date of final approval by Council.

CARRIED

#### **4.3 Heritage Grant Program 2022**

The committee was pleased with the success of the 2022 Heritage Grant Program. The committee recognized and appreciated the value of the Town of Oakville investing in this great grant program to assist property owners with projects and improve conditions of properties in heritage conservation districts. The committee acknowledged the amount of money that property owners are spending to maintain heritage homes, and restoration and conservation work on designated heritage properties. The committee thanked staff and the working group for their work in processing, reviewing, and evaluating this year's heritage grant applications.

A separate staff report will be forwarded to the May 2, 2022 Planning and Development Council for consideration.

Moved by Robert Ferguson

That the 2022 funding allotment as attached in 'Appendix A - Recommended Grant Projects and Maximum Approved Amounts' to the report titled Heritage Grant Program 2022 dated April 12, 2022, be endorsed.

CARRIED

#### **4.4 Member Resignation**

Chair Drew Bucknall thanked Daniela Hampton-Davies for her contributions and serving on the committee.

Moved by Councillor Duddeck

That with regrets, the Heritage Oakville Advisory Committee accepts the resignation of Daniela Hampton-Davies.

CARRIED

**5. Information Item(s)**

There were no information items.

**6. Date and Time of Next Meeting**

May 24, 2022

Oakville Municipal Building

Virtual Meeting - 9:30 a.m.

**7. Adjournment**

Moved by George Gordon

That this meeting be adjourned.

CARRIED

The meeting adjourned at 10:22 a.m.



OAKVILLE

**THE CORPORATION OF THE TOWN OF OAKVILLE**

**BY-LAW NUMBER 2022-055**

A by-law to designate the Glenclare Farmhouse on Part 4 of Plan 20R-22101, being a portion of 4243 Sixth Line, as a property of cultural heritage value or interest.

**WHEREAS** pursuant to Section 29, Part IV of the *Ontario Heritage Act*, R.S.O. 1990, chapter O.18, the council of a municipality is authorized to enact by-laws to designate a real property, including all buildings and structures thereon, to be of cultural heritage value or interest;

**WHEREAS** the property described in Schedule “A” to this By-law (“the Property”) being Part 4 on Plan 20R-22101 contains the cultural heritage resource known as the Glenclare Farmhouse;

**WHEREAS** the council of the Corporation of the Town of Oakville, by resolution passed on December 7, 2021, has caused to be served on the owner of the lands and premises at 4243 Sixth Line, Oakville, ON and upon the Ontario Heritage Trust, notice of intention to designate Part 4 of Plan 20R-22101 being the Glenclare Farmhouse at 4243 Sixth Line as a property of cultural heritage value or interest, and further, has caused the notice of intention to be published in the Oakville Beaver, being a newspaper of general circulation in the municipality;

**WHEREAS** no objection to the proposed designation was served on the municipality by April 11, 2022, being the last date for filing an objection;

**WHEREAS** the Town Council has described the Property, set out the statement of cultural heritage value or interest for the Property, and described the heritage attributes of the Property in Schedule “B” to this By-law, which forms part of this By-law;

**COUNCIL ENACTS AS FOLLOWS:**

1. That the real property legally described in Schedule “A” to this By-law, is hereby designated to be of cultural heritage value or interest under Section 29 of the *Ontario Heritage Act*.
2. That the attached Schedules form part of the By-law.

3. And that the Town Solicitor be authorized to cause a copy of this by-law to be registered against the property described in Schedule "A" at the Land Registry Office.

PASSED this 2nd day of May, 2022

---

MAYOR

---

CLERK

SCHEDULE "A" TO  
BY-LAW 2022-055

In the Town of Oakville in the Regional Municipality of Halton, property description as follows:

Glenclare Farmhouse  
4243 Sixth Line, Oakville, Ontario  
Part of Lot 15, Concession 2 Trafalgar North of Dundas Street, designated as  
Part 4 on Plan 20R-22101; Oakville

PIN: part of 24929-0012

## SCHEDULE “B” TO BY-LAW 2022-055

### Description of Property

The Glenclare Farmhouse at 4243 Sixth Line is located on the east side of Sixth Line, north of Burnhamthorpe Road, south of Highway 407 in the Town of Oakville. The Farmhouse is a two-storey structure with stone foundation, red brick cladding, hipped roof with asphalt shingles, and contains a single-storey frame tail section with stone foundation at the rear. The Farmhouse was constructed in 1898, according to the date stone set into the front façade.

The legal description for land registration purposes for the Glenclare Farmhouse cultural heritage resource is Part 4 on Plan 20R-22101.

### Statement of Cultural Heritage Value or Interest

#### *Design and Physical Value*

The house demonstrates design/physical value as a representative example of a Queen Anne Revival dwelling. The subdued Queen Anne style is reflected in the two-storey, irregular plan of the building with hipped roof, bay window projection on the south elevation, decorative terra-cotta brick inset on the south elevation, and rectangular window openings with rusticated stone sills and lintels. A two-storey bay projection on the south elevation, inset wooden porch with decorative wooden trim is located on the south elevation, between the main brick house and frame tail. Historically, the house had additional Queen Anne decorative elements, including a full-width wooden porch with elaborate spindle work and paired brackets at the eaves of the second storey.

#### *Historical and Associative Value*

The house demonstrates historical value due to its associations with the Biggar Family. The Biggar family was an early settler family in Trafalgar Township, purchasing the property in 1854 and became a prominent farming family on the subject property. One member of the family, Michael Biggar, served as Deputy Reeve of Halton County in 1890-91. Descendants of the Biggar family, Albert and Harriet, constructed the existing dwelling in 1898 and named the farm “Glenclare Farm”. Members of the Biggar family owned Glenclare Farmhouse and farmed the Glenclare Farm until 1985.

Description of Heritage Attributes:

Key attributes of the Farmhouse that exemplify its value as a representative example of a Queen Anne Revival dwelling include:

- Two storey height, irregular plan, hipped roof
- Stone foundation, red brick cladding and frame tail section with wooden clapboard cladding
- Large rectangular window openings with rusticated stone sills and lintels
- Inset porch between brick house and frame tail, with decorative wooden trim
- Decorative terra cotta tiling on the south elevation below the second storey window
- Two storey bay projection on the south elevation
- Brick chimneys on the south and north elevations





**THE CORPORATION OF THE TOWN OF OAKVILLE**

**BY-LAW NUMBER 2022-056**

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 2<sup>nd</sup> day of May, 2022.

\_\_\_\_\_  
Rob Burton

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Kathy Patrick

\_\_\_\_\_  
Acting Town Clerk