

REPORT

Planning and Development Council

Meeting Date: June 12, 2023

FROM: Planning Services Department

DATE: May 30, 2023

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

LOCATION: North side of Dundas Street West, midway between Tremaine Road and Regional Road 25

WARD: Ward 7

Page 1

RECOMMENDATION

1. That Zoning By-law Amendment (File Z.1333.01) and Draft Plan of Subdivision (File 24T-11001) applications submitted by bcIMC Realty Corp. c/o QuadReal Property Group, be approved, as revised, on the basis that the Zoning By-law Amendment and Draft Plan of Subdivision are consistent with the Provincial Policy Statement, conform with all applicable provincial plans, the Halton Region Official Plan, the North Oakville West Secondary Plan, have regard for matters of Provincial interest, and represents good planning for the reasons outlined in the report from the Planning Services department dated May 30, 2023.
2. That By-law 2023-014, an amendment to Zoning By-law 2009-189, as amended, be passed.
3. That the Director of Planning Services be authorized to grant draft plan approval to the revised Draft Plan of Subdivision (24T-11001) prepared by WSP on behalf of bcIMC Realty Corp. c/o QuadReal Property Group dated December 14, 2022, subject to the conditions contained in Appendix D of the staff report prepared by Planning Services Department dated May 30, 2023.
4. That once 24T-11001 has been draft approved by the Director of Planning Services, the Town enter into a Subdivision Agreement to the satisfaction of the CAO and Town Solicitor or designates.

5. That the Subdivision Agreement be executed in accordance with By-law 2023-021.
6. That notice of Council's decision reflects that Council has fully considered all the written and oral submissions relating to this matter and that those comments have been appropriately addressed.
7. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary.

KEY FACTS

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

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

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

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

BACKGROUND

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

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

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

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

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

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

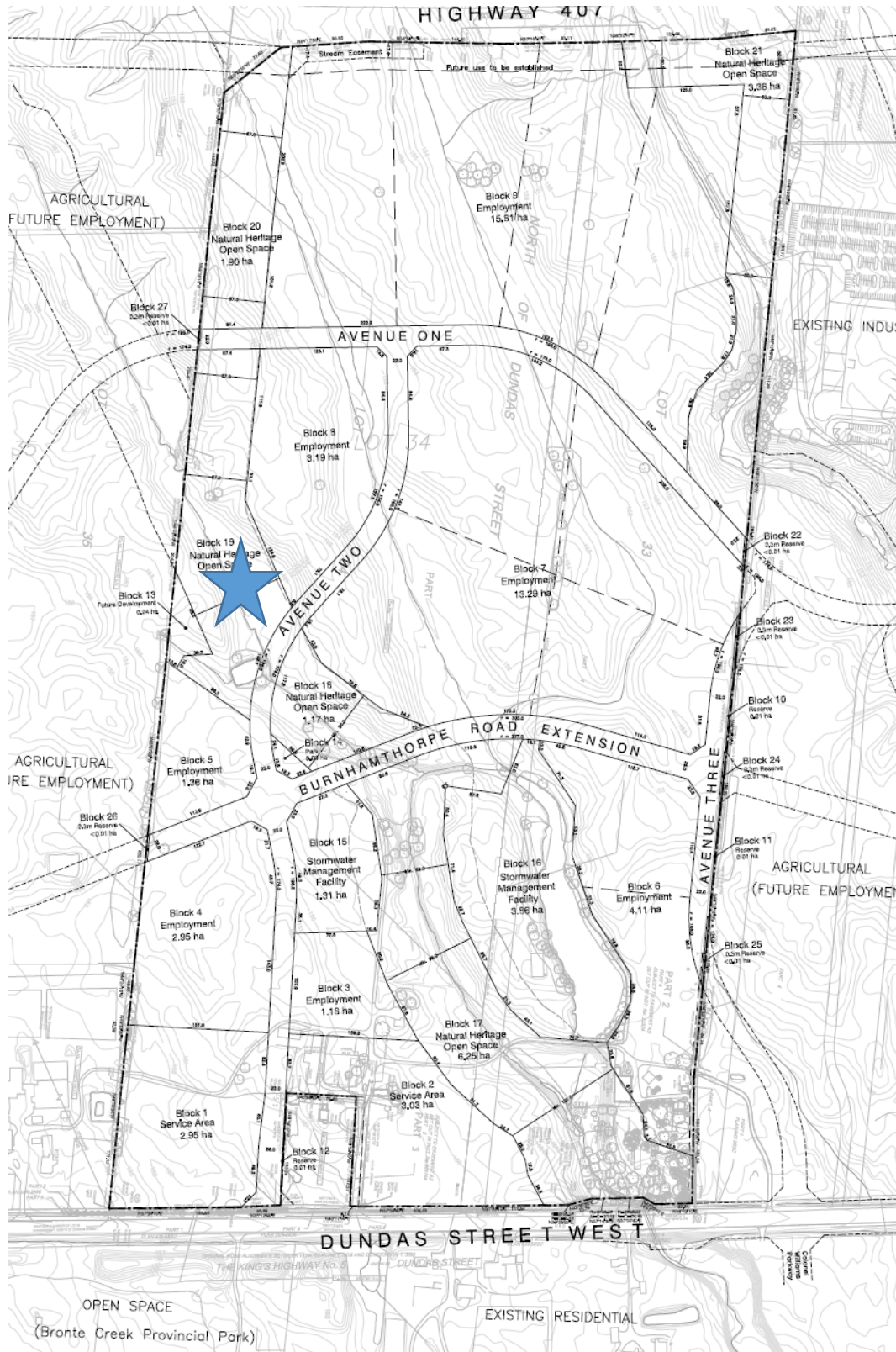


Figure 1a – Original Draft Plan of Subdivision

Updated Proposal

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

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

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

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

The revised draft plan of subdivision would:

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

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

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

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

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

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

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

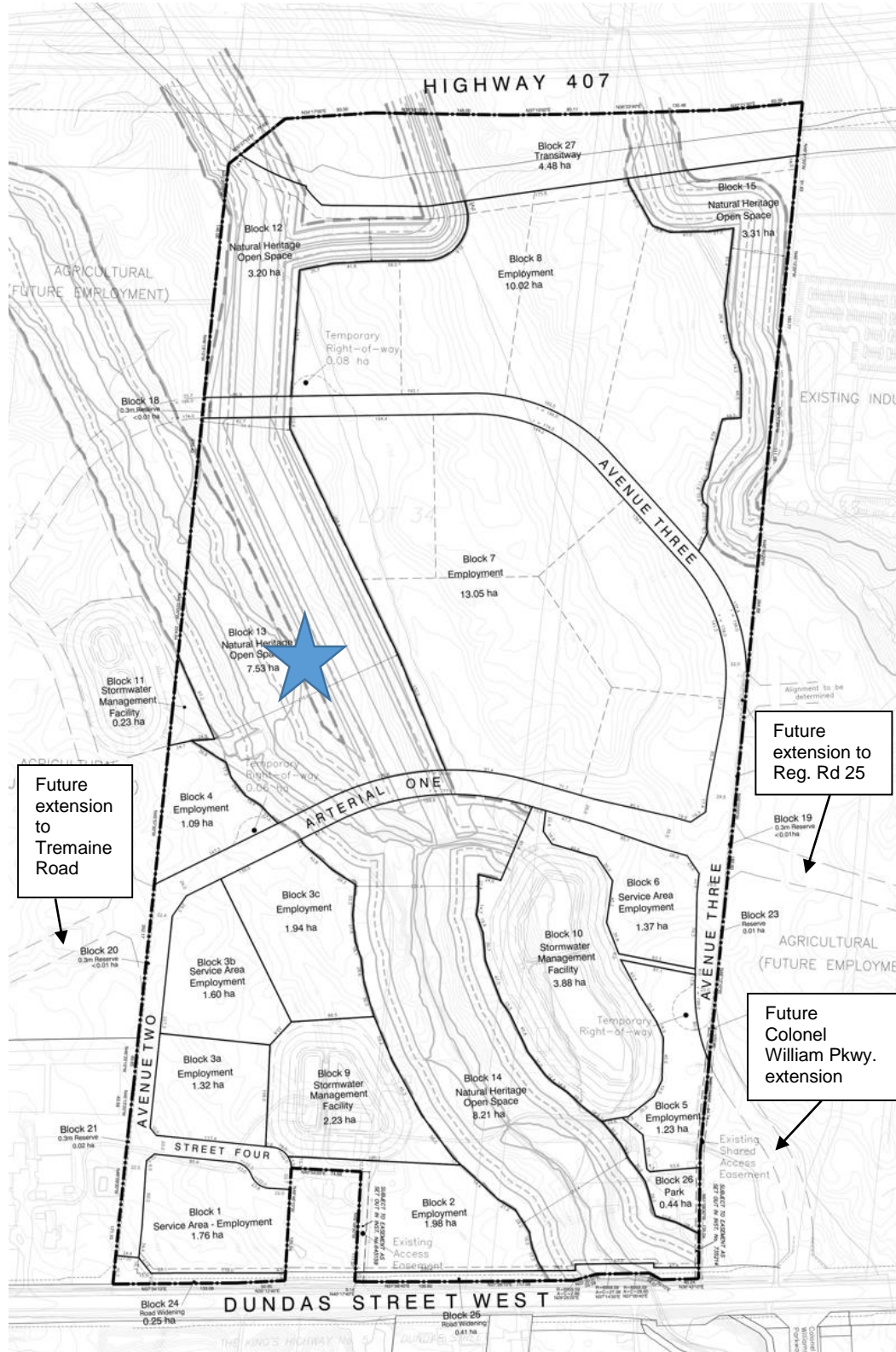


Figure 1b – Latest Draft Plan of Subdivision excerpt

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

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

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

Phasing

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

Phase 1a - Blocks 1, 2, 3 a - c, 4, 9, 11

Phase 1b - Blocks 5, 6, 7, 10, and 26

Phase 2 - Block 8

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

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

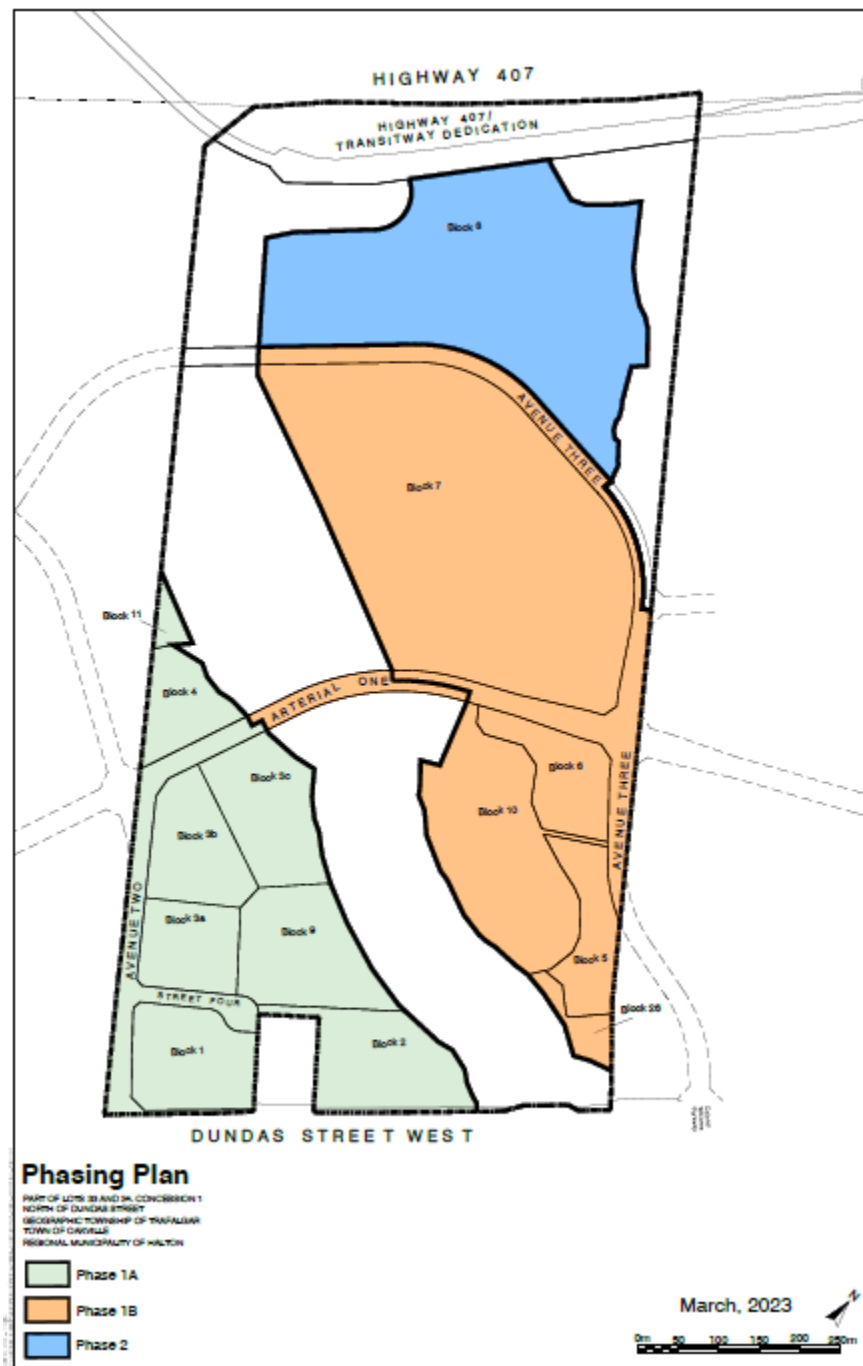


Figure 1c – Preliminary Phasing Plan

Location & Site Description

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

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

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

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

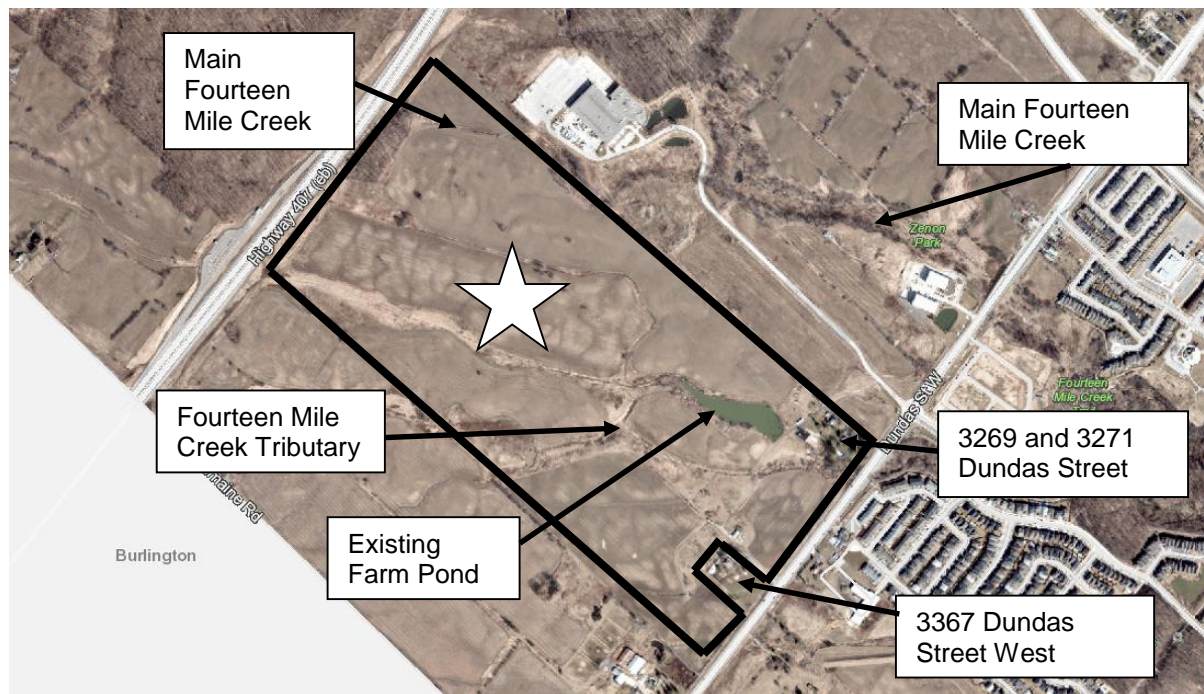


Figure 2 – Location Map

Surrounding Land Uses

The surrounding uses are described as follows:

West – agricultural land

North – Highway 407 and woodland

East – employment, one residential lot, agricultural land and Regional Road 25

South – Dundas Street West, Bronte Provincial Park and residential

3367 Dundas Street West is surrounded by this application.

PLANNING POLICY & ANALYSIS

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

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

Provincial Policy Statement

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

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

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

Growth Plan (2019)

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

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

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

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

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

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

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

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

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

Halton Region Official Plan

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

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

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

Town of Oakville

Urban Structure

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

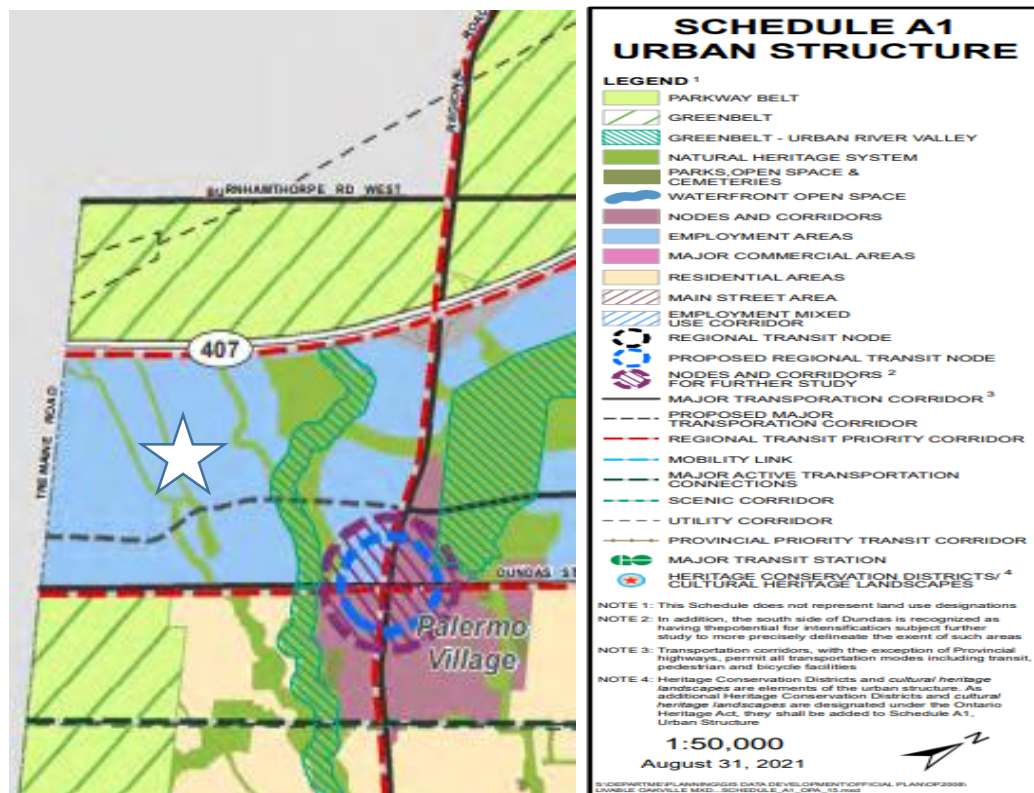


Figure 3 - Town's Urban Structure

North Oakville West Secondary Plan (NOWSP)

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

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

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

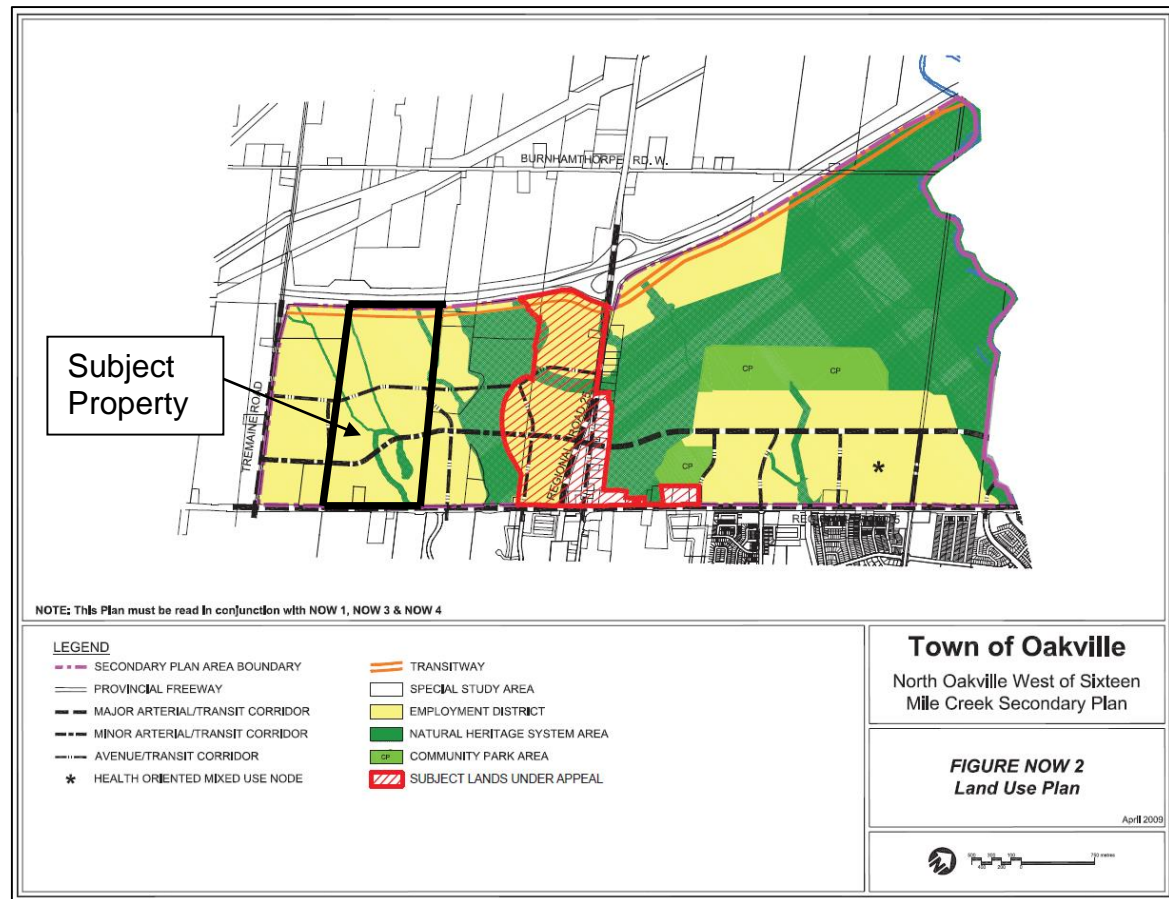


Figure 4 – NOW2 – Land Use Plan

Conformity with NOWSP

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

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

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

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

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

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

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

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

Official Plan Amendments 34, 37 and 38 for the North West Area and Palermo

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

Halton Region is the approval authority for these OPAs. On March 13, 2023, the region issued the notice of decision approving OPAs 34, 37 and 38 with modifications. Those decisions by the region were subsequently appealed to the Ontario Land Tribunal.

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

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

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

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

Proposed Zoning By-law Amendment

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

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

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

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

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

SCHEDULE "A" To By-law 2023-014

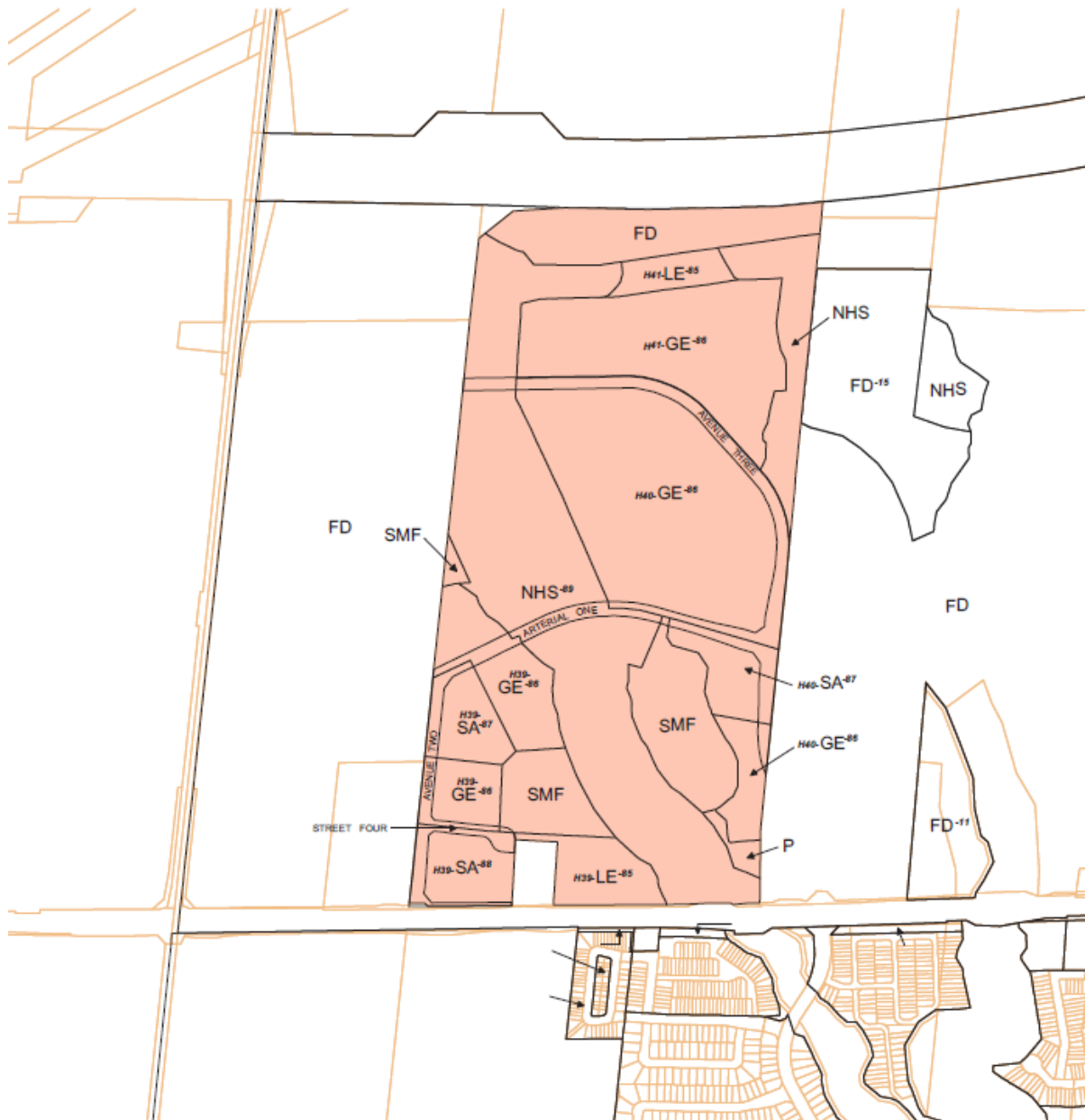


Figure 5 – Excerpt of Proposed ZBA schedule

Draft Plan of Subdivision

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

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

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

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

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

TECHNICAL & PUBLIC COMMENTS

Transportation & Mobility

Transportation Impact Study (TIS)

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

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

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

Roads

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

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

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

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

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

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

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

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

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

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

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

407 Transitway

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

Trails System

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

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

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

Infrastructure

Area Servicing Plan (ASP)

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

Functional Servicing Study (FSS)

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

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

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

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

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

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

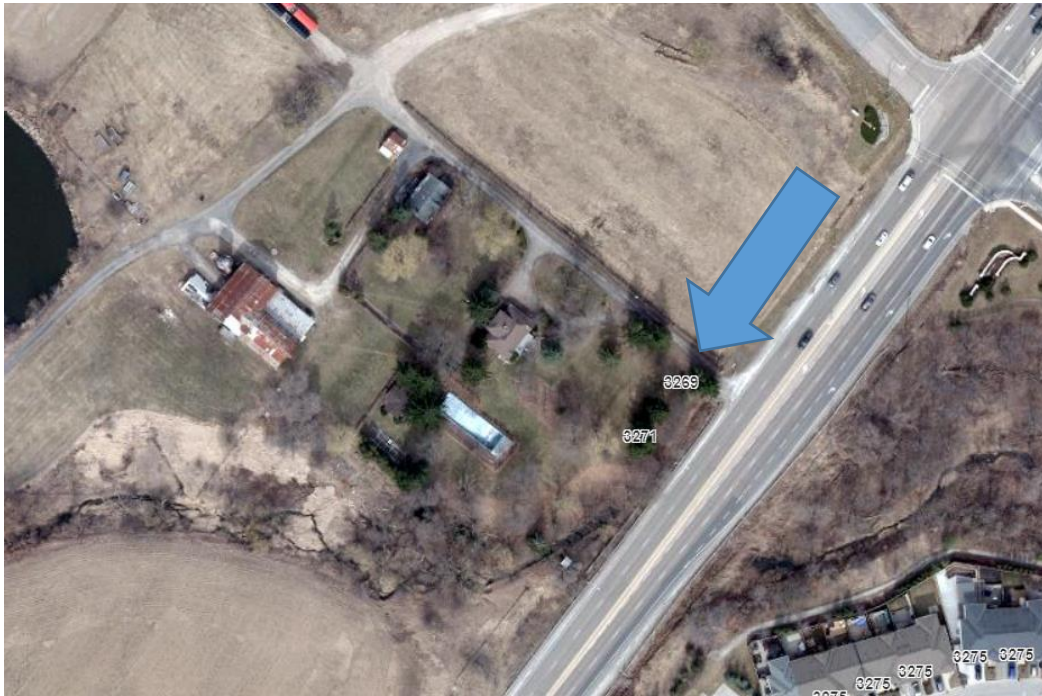


Figure 6 – Plan and Street view of existing entrance to 3269/3271 Dundas Street West

Environmental Impact Report (EIR)

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

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

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

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

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

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

Watercourse Consolidation, Relocation and Re-purposing

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

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

- Medium Constraint Stream Corridor Areas (blue streams) - Reaches 14W-14, 14W-14a (farm pond), 14W-16, 14W-11A. Medium Constraint Stream Corridor Areas (blue) may be deepened and/or relocated and consolidated with other watercourses provided the relocated watercourse maintains the function from hydrological and ecological perspectives.
- Low Constraint Stream Corridor Areas (green streams) – Reach 14W-13. Low Constraint Stream Corridor Areas (green) do not have to be maintained but the function must be addressed.

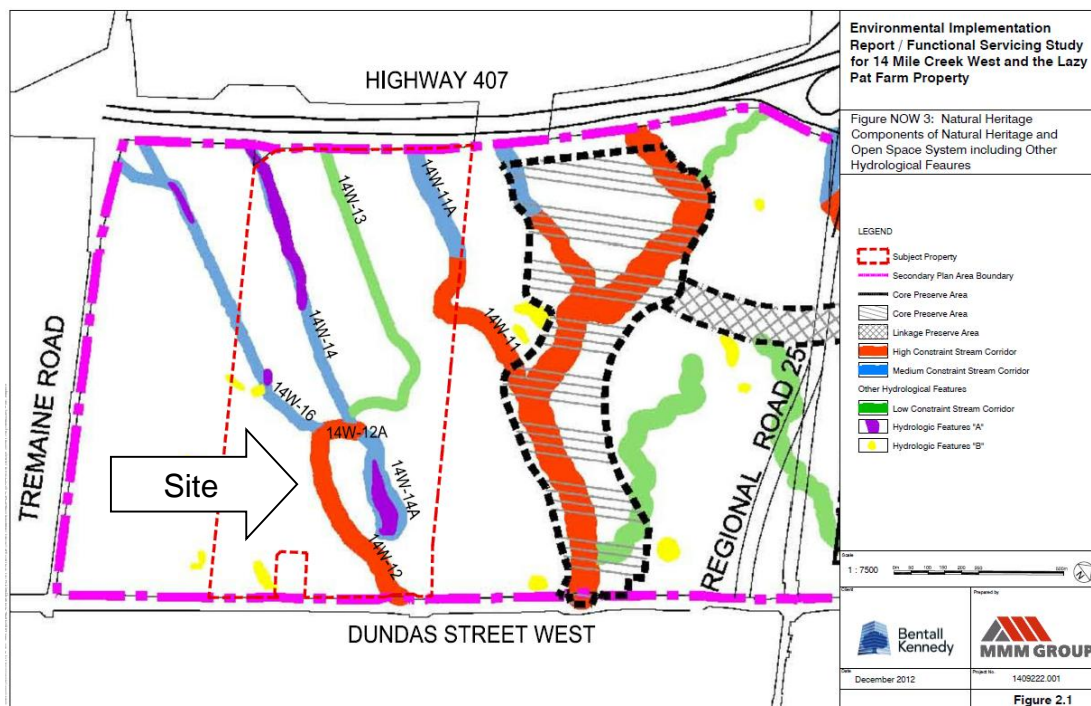


Figure 7 – Watercourse Hierarchy

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

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

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

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

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

Cultural Heritage

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

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

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

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

1. *That the Conservation Management Strategy dated July 2015, be supported in principle for future implementation with particular attention paid to the possibilities of restoration and adaptive reuse of the original farmhouse, the barn and the summer house; and Heritage Oakville Advisory Committee September 22, 2015.*
2. *That a Notice of Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act be issued for the identified cultural heritage landscape of the property at 3269 Dundas Street West.*

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

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

Landowners Coordination Meetings

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

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

The dates of those meetings were:

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

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

Public Comments

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

Access to 3367 Dundas Street West

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

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

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

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

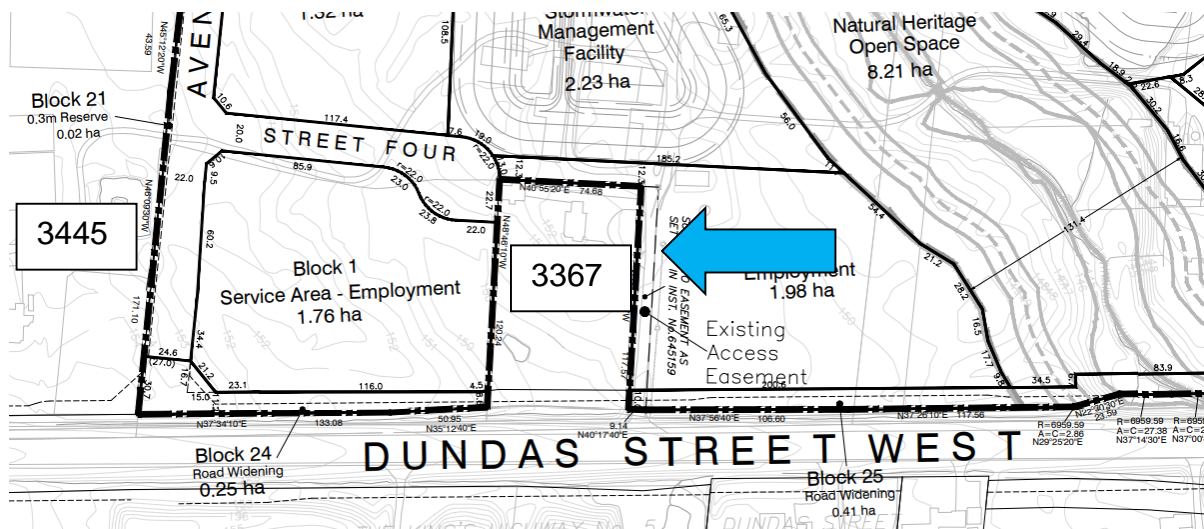


Figure 8 – Draft Plan excerpt related to 3367 Dundas Street West

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

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

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

3239 Dundas Street West - formerly Suez, GE and Zenon

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

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

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

Bill 97

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

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

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

IMPLEMENTATION

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

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

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

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

CONCLUSION

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

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

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

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

CONSIDERATIONS

(A) PUBLIC

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

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

(B) FINANCIAL

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

(C) IMPACT ON OTHER DEPARTMENTS & USERS

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

(D) CORPORATE STRATEGIC GOALS

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

- enhance our natural environment
- enhance our economic environment
- be the most livable town in Canada

(E) CLIMATE CHANGE/ACTION

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

APPENDICES

Appendix A - Regional comments dated December 7, 2022

Appendix B - Draft Plan of Subdivision

Appendix C - Proposed Bylaw 2023-014

Appendix D - Conditions of Draft Plan Approval

Prepared by:

Robert H. Thun, MCIP, RPP

Senior Planner, Current Planning – West District

Recommended by:

Paul Barrette, MCIP, RPP

Acting Manager, Current Planning – West District

Submitted by:

Gabe Charles, MCIP, RPP

Director, Planning Services