



Town of Niagara-on-the-Lake

1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0
905-468-3266 www.notl.com

REPORT #: CDS-25-032 **COMMITTEE DATE:** 2025-03-18
DUE IN COUNCIL: 2025-03-25
REPORT TO: COTW-Planning
SUBJECT: 353 Townline Road Draft Plan of Subdivision (26T-18-24-01) – Recommendation Report

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The Application for Draft Plan of Subdivision (File No. 26T-18-24-01) for lands municipally described as 353 Townline Road, attached as **Appendix I** to this report, subject to the conditions of final approval contained in **Appendix IV** to this report, **BE APPROVED**; and,
- 1.2 The Lord Mayor be authorized to **ENDORSE** the Draft Plan of Subdivision for lands municipally described as 353 Townline Road, as approved, 20 days after notice of Council's decision has been given, provided that no appeals have been received.

2. EXECUTIVE SUMMARY

- This report provides a Staff recommendation to Council regarding an application for a Draft Plan of Subdivision for lands known municipally as 353 Townline Road regarding a proposed industrial subdivision in the urban area of Glendale.
- The Draft Plan of Subdivision application proposes the creation of four (4) blocks for industrial development, two (2) blocks for environmental protection, a block for stormwater management, a block for an existing drainage channel, and the extension of a public road northerly from Westwood Court.
- The subject lands are designated and zoned for employment and industrial uses. They are also within the Regionally identified Employment Area. No amendments to the Official Plan or Zoning By-law are required to facilitate the proposal.
- Staff recommend approval of the Application, as detailed in this report and subject to the recommended conditions, attached as **Appendix IV**, as the proposal conforms to *Planning Act* requirements, is consistent with the Provincial Planning Statement, and conforms to Provincial, Regional, and Town planning policies.

3. PURPOSE

This report provides a recommendation to the Committee and Council regarding an Application for a Draft Plan of Subdivision to accommodate the creation of new blocks for future industrial development on lands known municipally as 353 Townline Road.

The Draft Plan of Subdivision proposes to create a total of 9 blocks, including four (4) development blocks, two (2) blocks for the natural heritage system and associated buffer, one (1) block for stormwater management, one (1) block for a drainage channel, and one (1) block for a reserve associated with the proposed public road extension northerly from Westwood Court. The Draft Plan of Subdivision provides for approximately 81 metres of frontage on Townline Road; one (1) industrial block will be accessible from Townline Road, and the remaining three (4) industrial blocks will be accessible from the proposed extension of Westwood Court. The Draft Plan of Subdivision is attached as **Appendix I** to this report.

The Application was deemed complete by Town Staff on March 4, 2024.

4. BACKGROUND

4.1 Site Description and Surrounding Lands

The subject lands are located on the east side of Townline Road, south of Queenston Road, in the urban area of Glendale. The location of the subject lands is shown on **Map 1 of Appendix II** to this report.

The subject lands have an area of 11.34 hectares, with 81 metres of frontage on Townline Road. The lands are currently vacant and contain a portion of the Six Mile Creek with associated valleylands and woodlands on the eastern side of the property.

The surrounding land uses are residential to the north, industrial to the west and south, and conservation/open space to the east.

5. DISCUSSION / ANALYSIS

5.1 Policy and Legislative Framework

The Application has been evaluated for consistency and conformity with the relevant Provincial, Regional, and local planning policies and legislation, as discussed in the following report sections. Applicable policies and legislation are provided in **Appendix III** to this report.

5.1.1 Planning Act, R.S.O. 1990, c. P.13

The Application supports the matters of provincial interest, is consistent with policy statements and conforms to provincial plans and upper-tier and lower-tier Official Plans, as demonstrated in the analysis provided in the following sections of this report.

5.1.2 Provincial and Regional Planning Documents

The subject lands are designated as being within a “Settlement Area” according to the Provincial Planning Statement, 2024 (the “PPS”) and “Designated Greenfield Area” according to the Niagara Official Plan (the “NOP”). Further, the lands are within the Glendale District Plan Area on Schedule B and a Regionally identified “Knowledge and Innovation Employment Area” as per Schedule G (Employment Areas) of the NOP.

5.1.2.1 Density

The subject lands are within a designated Strategic Growth Area in the NOP (Glendale). Strategic Growth Areas are the highest priority for development and intensification, and serve as the primary location for major uses, including commercial uses. Glendale provides for a

density target of 100 people and jobs per hectare by 2051. The Glendale Employment Area (NOTL-2 Glendale Momentum District) identifies a minimum overall density target of 60 jobs per hectare.

As the Application is only for the subdivision of the lands, no future uses or building footprints have been provided or determined at this time. The subject lands are currently vacant and zoned for industrial and employment uses; therefore, the future development of the lands will further contribute to the overall density targets identified. Subdividing the subject lands into four (4) blocks for future industrial development will assist the Town with achieving the overall density target for Glendale. The densities of the future developments on the proposed blocks will be evaluated at the future Site Plan Approval stage, to ensure that the overall target is achieved.

5.1.2.2 Employment

The subject lands are considered as an employment area, per the PPS, which is intended to be planned for, protected and preserved for current and future employment uses. The *Planning Act* defines employment areas as those areas designated in an official plan for clusters of business and economic uses, and which meet the following criteria:

1. The uses consist of business and economic uses...including any of the following:
 - i) Manufacturing uses.
 - ii) Uses related to research and development in connection with manufacturing anything.
 - iii) Warehousing uses, including uses related to the movement of goods.
 - iv) Retail uses and office uses that are associated with uses mentioned in subparagraphs i to iii.
 - v) Facilities that are ancillary to the uses mentioned in subparagraphs i to iv.
 - vi) Any other prescribed businesses and economic uses.
2. The uses are not any of the following uses:
 - i) Institutional uses.
 - ii) Commercial uses.

The PPS directs municipalities to provide an appropriate mix of employment uses to meet long-term needs and opportunities for a diversified economic base, and encourages compatible intensification of employment uses to achieve complete communities. Knowledge and Innovation Employment Areas identified in the NOP are planned to contain land uses that facilitate partnerships and promote the sharing of ideas and information, attain high-quality urban design, encourage transit-supportive densities and incorporate active transportation facilities along active transportation networks.

The subject lands are zoned to permit a range of industrial uses that would provide more employment opportunities to the Town. Items related to urban design, active transportation, and transit-supportive densities, will be reviewed at the time of the Site Plan Application process.

5.1.2.3 Land Use Compatibility

The PPS permits industrial, manufacturing, and small-scale warehousing uses adjacent to sensitive land uses provided that adverse effects are not incurred. The Provincial D-6 Land Use Guidelines provide direction on compatibility between industrial areas and sensitive land uses. The NOP directs that sensitive land uses shall be limited in employment areas and only permitted if such use complies with the D-6 Guidelines. While industrial development has already been established as a permission on the subject lands through the current designation and zoning, directly abutting properties to the north and east are comprised of residential and environmental uses, which are considered to be sensitive land uses.

The Prestige Industrial (PI) Zone on the northern portion of the subject lands abuts residential properties directly to the north. The PI zone requires minimum setbacks and a buffer strip to residential uses; the buffer strip must be a minimum of 6 metres in width and must be landscaped with coniferous plantings to a minimum 2 metre height. The Light Industrial (LI) Zone on the southern portion of the lands abuts environmental lands to the east which warrants a minimum 3 metre buffer. The LI zone also has minimum setback requirements.

Through the attached Conditions (**Appendix IV**), a clause that will be required to be included in all future purchase and sale agreements for future owners of the proposed subdivision blocks to conform to the D-6 Guidelines and implement any recommended mitigation measures to ensure compatibility with the residential uses to the north of the subject lands. Any subsequent mitigation measures will be formalized through the Site Plan Approval process.

Given that the proposal does not facilitate any specific development of the blocks, land use compatibility will need to be addressed once plans are submitted for future development within the proposal blocks. In accordance with the applicable zone requirements, Provincial direction, through the D-6 Guidelines, and the subsequent Site Plan Approval process, land use compatibility will be achieved.

5.1.2.4 Natural Environmental System

The PPS directs that natural features and areas shall be protected for the long-term. The PPS further restricts development and site alteration on lands adjacent to natural heritage features unless no negative impacts are evaluated and demonstrated appropriately. The NOP contains detailed policies and direction regarding natural heritage/environmental features and their protection.

The northeast corner of the subject lands contains a portion of the Six Mile Creek and its associated valleylands regulated by the Niagara Peninsula Conservation Authority (the "NPCA"). The NPCA has provided comments related to their regulated lands specific to stormwater management, erosion, obtaining work permits, and the ownership of Blocks 6 and 7 (natural environmental system and associated buffer). The NPCA had recommended inclusion of a condition related to ownership of Blocks 6 and 7, which provided an opportunity for the Town to own these lands. Based on additional Staff review and input, the Town does not have the means or capacity to maintain Blocks 6 and 7. Through consultation with the NPCA, the ownership of Blocks 6 and 7 will be the responsibility of a public agency or group.

Further discussion on these matters is provided under Section 5.1.3.1 of this report.

The lands are also impacted by the Region's Natural Environment System (the "NES"), consisting of significant woodland, other woodland, other wetland, and watercourse features. With the submission of the application, a Scoped Environmental Impact Study ("EIS") and associated addendums and memorandums were provided, prepared by Colville Consulting Inc., dated January 2024, July 2024, and November 2024, respectively.

The NPCA and Niagara Region were circulated and consulted with throughout the review of this Application. Their detailed comments are provided under Section 5.4.2 of this report and further attached as **Appendix V**.

Through the review of the applicant's EIS, Regional Environmental Staff confirmed that various features on the property achieve the criteria to be considered as part of the Region's NES and required further assessments prior to determining that no negative impacts would arise from the proposal. Feature "FODM12" is further considered as an "Other Woodland" and features "MAM2-2" and "SWD1-3" are considered an "Other Wetland," based on the Region's comments and the natural environment policies of the NOP.

The applicant, Regional Staff and Town Staff met on separate occasions to discuss the Regional environmental comments and policies, as well as management or mitigation of any potential environmental impacts as a result of the proposed subdivision. A summary of these discussions is provided below:

- Town Planning Staff are of the opinion that the increased buffer requirement (recommended 20 metres from the Region, in comparison to the 10-metre buffer proposed) can be addressed at the subsequent Site Plan Approval (SPA) stage when the proposed use, building footprint, and site layout is available. With the submission of future SPAs, the development proponent must submit a scoped EIS with each proposal to determine appropriate mitigation measures, including buffer widths, based on the proposed use/building. Through discussions with Regional Staff, a condition has been imposed to require the submission of the subsequent studies to further determine the necessary buffer to the NES as a result of future development and site alteration.
- Regional Environmental Staff have advised that feature "FODM12" achieves "Other Woodland" criteria in the NOP, and note that there must be no negative impacts to this feature to permit development and site alteration within the area of the feature. To date, subsequent information has not been provided to confirm no negative impacts. Town Planning Staff have worked with Regional Staff to create conditions that will ensure that this information is provided prior to any alteration to the FODM12 feature. Requirements of the conditions include the submission of an EIS Addendum, a Tree Inventory and Preservation Plan, and tree replacements. Should any tree removal be proposed by the applicant, they may replant the trees elsewhere in the Town's urban area or provide a combination of cash-in-lieu and replanting on and/or off-site in the Town's Urban Area, provided that 75% of the trees are replanted.
- Regional Environmental Staff have identified that the "Other Wetland" feature "SWD1-3" and "MAM2-2" may achieve "Significant Woodland" or "Other Woodland" criteria as per the NOP. The applicant's EIS did not discuss the potential woodland criteria within this

feature based on the Regional comments as their environmental planning consultant provided a different evaluation. Provided that the applicant can appropriately demonstrate that the wetland does not achieve woodland criteria, the wetland and its ecological and hydrological functions may be maintained through on-site restoration works, recreating the vernal pool/habitat elsewhere on the property. Town Planning Staff have worked with Regional Staff to create conditions that will ensure that this information is provided to confirm no woodland criteria are achieved in relation to the wetland, and that a vernal pool/habitat creation plan be submitted to confirm no negative impacts and that the functions of the wetland will be maintained.

Based on the materials submitted with the Application, Staff note that the proposed road network (northern extension of Westwood Court) dissects the “Other Wetland” feature and the northwestern portion of the “Other Woodland” feature. The boundaries of the woodland feature further extend into the stormwater management block and one of the future development blocks (Block 4). The proposed layout of the subdivision will result in direct impacts to the FODM12, MAM2-2, and SWD1-3 features, resulting in their partial or entire displacement from the current locations. Conditions related to the FODM12, MAM2-2 and SWD1-3 features have been included in **Appendix IV**). The clearance of conditions relating to the regulated features (FODM12, SWD1-3, and MAM2-2) will be completed in consultation with Regional Environmental Planning Staff, per the service agreement, to ensure that the environmental interests and policies of the NOP are upheld. Provided that the attached Conditions are satisfied, Town Planning Staff are of the opinion that the Application ensures long-term protection of the NES.

5.1.2.5 Archaeology

Provincial and Regional policies aim to protect and conserve archaeological resources through prohibiting development on lands that are deemed to have archaeological potential unless archaeological resources have been evaluated and conserved. Stage 1 and 2 Archaeological Assessments, dated March 12, 2020, and January 17, 2023, respectively, were prepared for the subject lands, confirming that no resources were found and that the lands no longer retain archaeological potential. A Ministry Compliance Letter has not been received for the Stage 1 Archaeological Assessment. A Ministry Compliance Letter has been received for a Stage 2 Archaeological Assessment, dated December 31, 2024. The letter confirms that the Stage 2 assessment was conducted in accordance with Provincial standards and guidelines; however, Staff have not received a copy of the December 31, 2024, Stage 2 Archaeological Assessment

Conditions are included to require the submission of the applicable assessment and letter(s) prior to final plan approval, as well as to implement the standard discovery protocol. No demolition, grading, or other soil disturbances shall take place on the subject lands prior to the issuance of a letter from the Ministry through Niagara Region and the Town, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

5.1.3 Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended

The subject lands are currently designated as “Prestige Industrial,” “Light Industrial,” “Conservation,” and further designated as a “Greenfield Area” in the Town’s Official Plan (the “Town OP”). The Town OP designations of the subject lands are shown on **Map 2** of

Appendix II to this report. The lands are further designated for employment and industrial uses; future housing is not permitted within the subject lands.

The goals and objectives of the Industrial designations are to provide and expand employment opportunities in the Town, to diversify the local economy through new industries, to efficiently use services to support development, to protect and conserve environmentally sensitive areas, and to minimize conflicts between industrial and residential land uses. Appropriate landscaping and buffering shall be incorporated to protect adjacent residential properties.

The proposed Application would facilitate the subdivision of lands that are designated and zoned for industrial development. The Application provides for additional development blocks that will encourage a diverse range of industrial uses, expand employment opportunities, and make efficient use of Town services. Through the subsequent SPA process for the development of the blocks, mitigation measures will be put in place to ensure no adverse impacts result from industrial uses abutting the residential properties to the north. This includes appropriate buffering and landscaping to achieve land use compatibility.

The goals and objectives of the Conservation designation are to protect wetlands and the retention of woodlots, regulate development on lands with physical environmental constraints, and preserve and enhance the Town's natural areas.

As discussed in Section 5.1.2.4 of this report, the subject lands contain a portion of the Six Mile Creek and its associated valleylands, and are further impacted by the Region's NES, containing significant woodland, other woodland, other wetland and watercourse features. Through the recommended conditions, attached as **Appendix IV**, it must be adequately demonstrated that no negative impacts from future development will result related to the environmental features. Detailed discussion on how this can be achieved is provided earlier in this report. Provided that these items are satisfied, the Application will uphold and protect the Conservation designation of the lands.

The Town's Greenfield density target is 50 people and jobs per hectare. Development of the lands for employment uses will contribute to this target by adding new jobs to the Glendale Employment Area.

5.1.3.1 Glendale Secondary Plan Policies

The subject lands are located within the Glendale Secondary Plan Area. At the time of preparation of this report, the Glendale Secondary Plan (2010) is still in effect. On January 28, 2025, Town Council approved the updated Glendale Secondary Plan through Official Plan Amendment No. 99. The Glendale Secondary Plan (2025) was appealed by several landowners, and is therefore not in force or effect at this time. The Application has been reviewed against the policies in place at the time of application submission as well as recommendation. Future planning applications on the subject lands would be subject to the policies and direction contained in the Glendale Secondary Plan (2025) once it is in force and effect.

The below sections are prepared to provide an analysis based on the policies applicable on the date that the Application is considered.

5.1.3.1.1 Glendale Secondary Plan (2010)

The subject lands are within the Glendale Secondary Plan (2010) and are designated “Industrial Park,” “Prestige Employment,” and “Environmental Conservation Area.”

The objectives of the Glendale Secondary Plan include, but are not limited to, compatible built form, accommodating a diversity of employment uses, and preservation of natural heritage features. The permitted uses in the Industrial Park Area and Prestige Employment Area include a range of industrial uses. The Industrial Park Area further states that lots should have a minimum width of 30 metres, while the Prestige Employment Area states that lots along secondary roads should be a minimum width of 30 metres and a minimum depth of 60 metres.

The proposed lots (Blocks 3 and 4) within the Industrial Park Area exceed the minimum 30 metre lot width. In addition, the proposed lots (Blocks 1 and 2) within the Prestige Employment Area also exceed the minimum width of 30 metres and minimum depth of 60 metres for lots.

The intent of the Environmental Conservation Area is to protect the natural features associated with the Six Mile Creek and any other regulated natural environment feature(s). Main uses permitted in this area include wildlife management, waterfowl protection, floodplains, and environmental protections. Further, the Niagara Region’s policies respecting natural heritage and development adjacent to natural heritage features shall apply in Glendale. Applications for development within or adjacent to Environmental Conservation Areas require the submission of an EIS confirming that no negative impacts will result on the natural feature or its ecological functions.

The applicant submitted an EIS to support the Application. The NOP policies require the assessment of natural environment features to determine their classifications and applicable requirements. As detailed in Section 5.1.2.4 of this report, Regional Environmental Staff confirmed that two features on the subject lands meet “Other Wetland” and “Other Woodland” criteria. Through the conditions of draft approval, the applicant is required to further demonstrate no negative impacts to these features through an EIS Addendum. Additional conditions are included with respect to the submission of a Tree Inventory and Preservation Plan, a vernal pool/habitat creation plan, and tree replacements.

5.1.3.1.2 Glendale Secondary Plan (Council Approved 2025)

The subject lands are within the Glendale Secondary Plan and are designated “Industrial/Business Park,” “Environmental Protection.” The lands are further within the “Adjacent Lands Overlay,” which triggers the requirement for the preparation of an EIS to support an application for development within this overlay.

The fundamental principles of Glendale include protecting and enhancing natural features and functions, promoting compact development and intensification, and providing a full range and mix of land uses. Economic development is a key element in building a successful community and recognizes that the Industrial/Business Park lands are an important resource to attract

high quality jobs and businesses. Direct access to main roads, including the QEW and Highway 405, is essential. Urban design also plays a role in ensuring that development is compatible and that the built form is consistent with the vision for this area in Glendale.

The Industrial/Business Park designation permits a range of industrial uses and further identifies an overall density target of 60 jobs per hectare. Development within this designation must be compatible with existing surrounding sensitive land uses, such as residential properties. Compatibility can include enhanced setbacks, landscaping, height reductions or other mitigation techniques to resolve any adverse impacts that may result from the permitted industrial uses on any existing sensitive land uses in proximity.

The Environmental Protection designation permits conservation uses and municipal service infrastructure, provided that it is supported by an EIS or similar study. General development policies in this designation include limiting development, such as no new lot creation, buildings or structures, or tree removal, except with the approval of the Town and in consultation with other approval agencies. Other policies include the need for an EIS to confirm that no negative impacts will result to any natural heritage features and/or their ecological functions. Further, the designation recognizes that environmental lands may be dedicated to a public agency for ongoing maintenance and protection of its features. The Adjacent Lands Overlay contains similar policies in requiring an EIS to support the proposed development and to ensure that the development does not result in negative impacts to the natural heritage features.

The Application would allow for future industrial development that is compact and provides for additional employment opportunities in the Town. The lands are also conveniently accessed by local roads, with the QEW and Highway 405 being in proximity. While specific plans for the future uses are not available at this time, the densities of the developments will be evaluated at the time of Site Plan Approval to ensure that the overall density target is met. Compatibility with adjacent sensitive land uses will also be addressed through subsequent Site Plan Control processes for the development of each lot, to ensure that the proposed uses and mitigation measures are appropriate for the ongoing protection of the residential properties to the north and the environmental lands to the east. The Town's applicable zoning of the lands further requires minimum setbacks and buffers/landscaping strips along lot boundaries that are shared with sensitive land uses.

The applicant's EIS assessed all natural environmental features on-site and proposed mitigation measures to ensure ongoing protection and maintenance of the features and their ecological functions. Through conditions of draft plan approval, the applicant must sufficiently demonstrate no negative impacts to these features and the overall natural environmental system through an EIS Addendum that further assesses the features.

5.1.3.3 Servicing and Stormwater Management

The Application proposes to connect future developments to municipal water, sanitary and storm sewer services. The Application proposes a stormwater management block (Block 5) with a stormwater pond on the east side of the subject lands. The stormwater pond proposes to discharge/drain into the abutting Six Mile Creek. Development on the subject lands also

requires an extension to Westwood Court, which is a public right-of-way, to allow for access to three (3) internal industrial blocks.

The NPCA has noted that the proposed stormwater outfall and potential associated erosion must be addressed through subsequent NPCA Work Permits. NPCA Staff have requested conditions to require the submission of detailed designs of the outfall, including design elements for potential erosion mitigation, to be addressed through conditions of Draft Plan Approval. The design must also incorporate vegetation that will provide stabilization into the valley bank and wall. Grading, servicing, stormwater management, and construction sediment control drawings must be provided to the NPCA for review and approval as required through the conditions of Draft Plan approval.

The proposed infrastructure and stormwater management approaches have been reviewed by the Town's Operations Department. A number of Draft Plan conditions have been required to ensure that service extensions and connections are constructed in accordance with Town requirements, as the Town would be assuming the proposed road extension and infrastructure. In addition to this, a condition has been required for the applicant to confirm through a letter prepared by a Professional Engineer, that any adverse downstream impacts from the stormwater management discharge will be minimized or mitigated, as to not impact other lands adjacent to the creek to the Town's satisfaction. Provided that any adverse downstream impacts will be minimized or mitigated as confirmed by the Professional Engineer, the Application would facilitate appropriate servicing connections and infrastructure to support future industrial development. Overall, the Town's Operations Department accepts the findings of the submitted servicing reports and plans.

5.1.3.4 Tree Removal

The OP policies require that existing mature trees be preserved wherever possible. Development proposals may be subject to submitting a tree preservation plan to demonstrate this.

The Environmental Protection designation on the subject lands generally covers the eastern portion of the property. No removal of trees within this designation is permitted without the approval of the Town and relevant agencies. A detailed discussion on the classification of the features and future requirements is provided under Section 5.1.2.4 of this report. These trees are not regulated under Town or Regional Tree By-laws, but are subject to the policies of the NOP.

For the trees that currently exist outside of the regulated features, the applicant has agreed to follow the requirements of the Town's Private Tree By-law for replacement and compensation, as detailed in the draft plan conditions. includes, but is not limited to: a tree inventory and preservation plan to appropriately assess the trees and determine removals, protection zones and replanting requirements. All replanted trees are to be native species.

Through the future Site Plan Approval process for the development of each block, additional landscaping and tree plantings will be considered and implemented where appropriate based on the proposed uses and building footprints.

5.1.3.5 Urban Design

The Glendale Secondary Plan contains urban design guidelines for all new developments. Through future Site Plan Approval Applications, design of the proposed building(s) and associated site layout features (e.g., parking, landscaping) will be reviewed to ensure that the proposed development plans reflect and incorporate the urban design requirements.

5.2 Town of Niagara-on-the-Lake Zoning By-law 4316-09, as amended

The subject lands are zoned “Light Industrial (LI)” and “Prestige Industrial (PI)” under Zoning By-law 4316-09, as amended. The existing zoning on the lands is shown on **Map 3** to **Appendix III** of this report.

Development Blocks 1 and 2 would be subject to the “Prestige Industrial (PI) Zone,” and Blocks 3 and 4 would be subject to the “Light Industrial (LI) Zone.”

No change in the applicable zoning is proposed at this time. Any future development in these blocks must be in accordance with and comply to the prescribed zone, its permitted uses, built form requirements, and any required buffers. Any subsequent owner is required to adhere to these provisions.

5.4 Consultation

The Application was circulated to Town departments and external agencies. Notice of the Application was provided as required by the *Planning Act*. Comments received from external agencies and the public are attached as **Appendix V** to this report, with overall comments summarized below.

Town Comments

Building – No objections.

Finance – No objections.

Fire and Emergency Services – No objections.

Heritage – No objections. Condition included for the submission of the Ministry Compliance Letter associated with the archaeological assessments.

Operations – No objections. Conditions included regarding the submission and approval of detailed servicing and engineering plans and reports, and confirmation that any adverse downstream impacts from the stormwater management discharge will be minimized or mitigated, so as to not impact other lands adjacent to the creek, to the Town’s satisfaction.

Urban Forestry – No objections. Conditions included regarding the submission of an Arborist Report, Tree Inventory and Preservation Plan, replanting/replacement requirements, and to implement the recommendations of the submitted Arborist Report and Plans.

Agency Comments

Accessibility – No objections.

Bell Canada – No objections. Conditions included regarding easements.

Canada Post – No objections. Conditions included regarding centralized mailbox locations and requirements.

Enbridge Gas – No objections. Conditions included to determine gas availability and regarding easements.

Hydro One – No objections.

Niagara Peninsula Conservation Authority (NPCA) – The NPCA is supportive of the Application, provided that requirements with respect to stormwater outfall, emergency spillway, and erosion be addressed through NPCA Work Permits. Conditions include the submission of servicing drawings, sediment and erosion control measures, confirmation of stable top of slope, detailed design of stormwater outfall and spillway, obtaining Work Permits, and the dedication of Blocks 6 and 7 (environmental and associated buffer blocks). It should be noted that, through subsequent discussions with the NPCA, the condition requiring the dedication of Blocks 6 and 7 has been since revised to remove reference to the Town, and replace it with a public agency.

Niagara Region – Regional Staff are generally satisfied that the application is consistent with the PPS and conforms to Provincial and Regional policies, subject to the Town's satisfaction from a local planning perspective and the outstanding environmental concerns. The table below summarizes these items and the Region's position:

Interests	Regional Response
Overall density target of 60 jobs per hectare, as per the Glendale Secondary Plan	Regional Staff acknowledge that the proposal will contribute to the density target, but no specific density has been identified at this time. The Town is to monitor the achievement of this density target.
Archaeological potential	Stage 1 and Stage 2 Archaeological Assessments were submitted with the Application. The Town and Region both have an interest in archaeology. As a condition of draft approval, the applicant must provide the Ministry clearance letter associated with the assessments.
Natural heritage	The Region continues to maintain interest regarding natural heritage. Through discussions between Town and Regional Staff, these interests will be addressed through conditions to ensure no negative impacts to the natural environmental system and its ecological functions.
Servicing	Servicing is under the jurisdiction of the Town. The proposal requires the construction of new watermain, sanitary and storm systems, which are subject to Environmental Compliance Approvals from the Ministry of the Environment, Conservation and Parks.
Stormwater management	Stormwater management also falls under the jurisdiction of the Town; however, the Region and the NPCA also provided comments on the

	proposed SWM approach. The Region offers no objections on the proposed approach, and have included a condition to require the owner to provide details of the orifice in the outlet structure through future detailed design. A condition is also requested by the Town to require confirmation from a professional engineer that no adverse downstream impacts will occur as a result of the proposed drainage outfall.
Waste collection	The subject lands are eligible to receive Regional curbside waste collection. Future engineering plans must ensure the design and road configuration meets the current Regional Waste Collection Policy.

Public Comments

An electronic Open House was held on March 20, 2024, which was attended by five (5) residents.

In accordance with Provincial planning changes, under Bill 23 (the *More Homes Built Faster Act, 2022*), municipalities are no longer required to hold public meetings for draft plans of subdivision; however, municipalities are still required to provide Notice of the Application to all entitled persons and public bodies. Given that this Application was submitted after the implementation of Bill 23, no statutory Public Meeting was held for the draft plan of subdivision. Required notice of the Application was provided to all entitled persons and public bodies. Staff has received one written correspondence from a resident. The comments provided during the Open House and in writing are summarized below, with Staff's responses:

Public Comment	Response
Concerns with environmental impacts, including wildlife habitats and erosion	A detailed discussion on environmental impacts is provided under Sections 5.1.2.4 and 9 of this report. With respect to erosion, the NPCA has reviewed the Application and imposed conditions to require erosion control and any associated mitigation measures.
Concerns with noise and dust during future construction and industrial activities	The Town has standards for controlling noise and dust caused by developments. Any future development on the subject lands must adhere to the Town's applicable policies and by-laws to ensure no adverse impacts arise from construction. Any future industrial development on the lands is subject to Site Plan Approval, where noise and dust impacts to neighbouring properties will be addressed.
Concerns with future lighting	Street lighting for the proposal development will be addressed through the Subdivision Agreement process and detailed design. Any future development on the proposed lots is subject to Site Plan Approval. Through this process, lighting will be reviewed to ensure no negative impacts to abutting properties; Town staff will require that light pollution be addressed through future development.
Concerns with servicing capacity and stormwater drainage	The Application has been reviewed by the Town's Operations Department to ensure that the development can be appropriately serviced. It has been determined that municipal

	services can accommodate the proposed subdivision and any future developments on the lands. Conditions have been included to ensure that the servicing is built out in accordance with Town standards, and to confirm that any adverse downstream impacts to the creek and abutting properties from the stormwater management discharge will be minimized or mitigated.
Concerns with sizing and scale of future developments, including any necessary buffers and/or landscaping	While the Application does not currently propose any uses or buildings, future development on these lands is subject to Site Plan Approval and the applicable Zoning By-law provisions. Appropriate mitigation measures will be implemented to ensure compatibility with adjacent residential properties, and to ensure that future industrial operators are aware of any requirements associated with the existing nearby sensitive land uses.
Tree removal and retention	The Application proposes to remove a number of trees, including those regulated under the policies of the NOP. A Tree Inventory and Preservation Plan is required to confirm the number of trees to be removed and replanting requirements. Discussions on tree removal and retention is provided under Sections 5.1.2.4 and 5.1.3.4 of this report.

5.4 Future Site Plan Matters

As noted throughout the report, there are a number of items to be addressed through the future Site Plan Approval process to facilitate development on each of the development blocks proposed the subject lands, including but not limited to:

- Urban Design
- Land Use Compatibility
- Lighting
- Bird-Friendly Guidelines (with respect to building and lighting design)
- Landscaping
- Buffers and other mitigation measures

6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar

1. Vibrant & Complete Community

Priority

1.1 Planning for Progress

Action

1.1 b) Planning for Progress Initiatives

7. OPTIONS

The Committee may approve, refuse or modify the proposed Draft Plan of Subdivision or any

of the conditions. The Committee may also choose to refer the Report back to Staff, with specific direction for review and response.

8. FINANCIAL IMPLICATIONS

The applicant is responsible for all costs associated with the development and the registration of legal documents and/or agreements. The Town will collect Development Charges at the time of issuance of building permits. The Town will also hold securities as part of the future Subdivision Agreement, and any Site Plan Agreements.

9. ENVIRONMENTAL IMPLICATIONS

The northeast corner of the subject lands contains a portion of the Six Mile Creek and its associated valleylands regulated by the Niagara Peninsula Conservation Authority (the “NPCA”). The lands are also subject to the Region’s Natural Environment System (the “NES”) polices, consisting of significant woodland, other woodland, other wetland and watercourse features. There are also a number of trees (outside of the regulated woodlots) that would be impacted by the proposal. As detailed throughout the report, in Sections 5.1.2.4 and 5.1.3.4, conditions have been imposed that will ensure protection of the regulated environmental features and for tree replacements/requirements where necessary to offset any required tree removals.

10. COMMUNICATIONS

Once Council has made a decision on the Application, notice of the decision will be given as required in the *Planning Act*. The decision of Council is subject to a 20-day appeal period. If no appeals are received during the appeal period, the decision of Council is final.

Changes to provincial legislation have been made through Bill 23 and third-party appeals are restricted.

11. CONCLUSION

Community and Development Services Staff recommend approval of Draft Plan of Subdivision Application 26T-18-24-01, as detailed in this report and subject to the attached conditions (**Appendix IV**), since the Application meets *Planning Act* requirements, is consistent with the Provincial Planning Statement, and conforms with the Niagara Official Plan and Town Official Plan.

12. PREVIOUS REPORTS

Not applicable.

13. APPENDICES

- **Appendix I –** Draft Plan of Subdivision
- **Appendix II –** Maps
- **Appendix III –** Planning Policies and Legislation
- **Appendix IV –** Conditions of Draft Plan Approval
- **Appendix V –** Agency and Public Comments

Respectfully submitted:

Prepared by:




**Victoria Nikoltcheva
Senior Planner, Community &
Development Services**

Recommended by:



**Aimee Alderman, MCIP, RPP
Manager of Development Planning
Community & Development Services**

Recommended by:



**Kirsten McCauley, MCIP, RPP
Director, Community & Development
Services**

Submitted by:



**Jay Plato
Chief Administrative Officer (Acting)**