

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** October 19, 2021

**CASE NO(S):** PL200630

**PROCEEDING COMMENCED UNDER** subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Referred by:	H&R REIT (2121 Cornwall Road Portfolio Inc.)
Subject:	Site Plan
Property Address/Description:	2175 Cornwall Road
Municipality:	Town of Oakville
OLT Case No.:	PL200630
OLT File No.:	PL200630
OLT Case Name:	H&R REIT vs. Oakville (Town)

**Heard:** September 16, 2021 by video hearing

**APPEARANCES:**

**Parties**

**Counsel**

2121 Cornwall Road Portfolio Inc. Peter Gross

Town of Oakville Jennifer Huctwith

**MEMORANDUM OF ORAL DECISION DELIVERED BY HUGH S. WILKINS ON  
SEPTEMBER 16, 2021 AND ORDER OF THE TRIBUNAL**

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[1] 2121 Cornwall Road Portfolio Inc. ("Appellant") filed a site plan application with the Town of Oakville ("Town") regarding proposed landscaping, parking and other changes to the property located at 2175 Cornwall Road ("subject property"). The Town failed to make a decision regarding the application and the Appellant appealed to the Tribunal.

[2] On September 13, 2021, the Appellant informed the Tribunal that it had reached a proposed settlement of the appeal with the Town and on September 16, 2021, the Tribunal held a settlement hearing to address the proposed settlement.

## **ISSUES**

[3] On a site plan application appeal under s. 41(12) of the *Planning Act*, the issues that the Tribunal must determine are whether the proposed application:

- a) complies with the requirements set out in s. 41 of the *Planning Act*,
- b) is consistent with policy statements issued by the Minister of Municipal Affairs and Housing (in this case, the Provincial Policy Statement, 2020 (“PPS”));
- c) conforms with applicable provincial plans (in the present case, A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (“Growth Plan”)); and,
- d) represents good planning, including conformity with applicable official plans (in the present case, the Region of Halton (“Region”) Official Plan and the Town’s Official Plan) and zoning requirements.

The Tribunal also must have regard to the matters of provincial interest set out in s. 2 of the *Planning Act* and have regard to the information and material that the municipal council received in relation to the matter, as required under s. 2.1(2) of the *Planning Act*.

## **EVIDENCE AND SUBMISSIONS**

### *The Parties’ Evidence and Submissions*

[4] On September 13, 2021, the Appellant filed an affidavit sworn by Benjamin Clare, dated September 13, 2021. He is a land use planner who has been retained by the Appellant. He also provided testimony at the settlement hearing. The Tribunal qualified him to provide opinion evidence in the area of land use planning.

[5] Mr. Clare stated that the proposed settlement would provide site plan approval for the continuation of warehousing uses on the subject property with an increase in parking area, creation of new access points, and enhanced landscaping. He stated that the proposed site plan does not include any new buildings. It would facilitate parking for delivery vans, loading spaces at the rear of the building, and employee parking both inside and outside the existing building. It would allow for a total of 689 parking spaces. He said that under the proposed site plan, the exterior of the existing building would include a new vehicle exit on the north side, a new loading door configuration, and architectural screening of rooftop mechanical units. He said the proposed site plan also includes a noise barrier consisting of a berm and fence north of the warehouse to mitigate noise emissions from trucks and vans.

[6] Mr. Clare opined that the proposed site plan complies with the requirements in s. 41 of the *Planning Act*. He stated that it identifies the existing warehouse and the proposed works to be provided, including the proposed expanded parking area, and includes an architectural site plan and building elevations identifying proposed modifications to the exterior of the existing building. He stated that the proposed site plan includes landscape plans identifying existing vegetation, vegetation proposed for removal, and proposed plantings and other landscape elements within and adjacent to the subject property. He said it also identifies barrier-free site elements, including parking and pedestrian walkway facilities. He said it complies with the s. 41 requirements for conditions to approval of the site plan and he opined that the proposed site plan conditions are appropriate. He said they seek to ensure that outstanding modifications or updates will be completed and the final plans will be coordinated.

[7] Mr. Clare opined that the proposed site plan is consistent with the PPS. He stated that the subject property is located within a Settlement Area, the lands are intended for growth and development and are appropriately serviced, and the proposed site plan facilitates a development that represents an efficient use of available infrastructure, including the existing warehouse. He said the existing road network can accommodate the proposed use.

[8] Mr. Clare opined that the proposed site plan conforms with the Growth Plan. He stated that subject property is located within a Provincially Significant Employment Zone under the Growth Plan and has access to arterial roadway corridors. He said the proposed site plan facilitates a development that would result in increased employment density and that impacts of surface parking would be mitigated through the installation the noise barrier and landscaping.

[9] Mr. Clare opined that the proposed site plan conforms with the Region's Official Plan. He stated that the subject property is designated as Employment Area within the Urban Area under the Region's Official Plan. He stated that the proposed site plan would facilitate a development that accommodates growth and promotes economic prosperity, maintains a high quality, sustainable natural environment, and provides for an appropriate range and balance of employment uses to meet long-term needs. He said it also conforms with the natural heritage policies in the Region's Official Plan and provides for a 10 metre buffer from a protected significant woodland located on the subject property.

[10] Mr. Clare opined that the proposed site plan conforms with the Town's Official Plan. He stated that the subject property is designated as Employment Area within Schedule A1 of the Town's Official Plan, is within the Build Boundary inside the Urban Area on Schedule A2, and is designated Business Employment on Schedule G. He said the proposed site plan facilitates increased employment density in an area where employment-related land uses are permitted and he said the proposed development would contribute to the availability of a range of employment opportunities in the area.

He stated that natural features and natural heritage systems have been considered and that although roughly 200 trees would need to be removed, 167 significant new trees would be added. He said the proposed site plan approval would be compatible with nearby residential uses through landscaping, the noise barrier, and a stone wall around the southern parking area. He noted that truck loading and garbage areas would be located beyond public view. Mr. Clare also stated that the proposed site plan has regard for the Town's Livable by Design Manual, noting that the design and orientation of the buildings are compatible with the nearby neighbourhood and the proposed landscaping and parking address the policy's provisions.

[11] Mr. Clare also noted that the subject property is zoned Business Employment (E2) under the Town's Zoning By-law No. 2014-014, which permits warehousing and office uses and the proposed development complies with the Zoning By-law's regulations.

[12] Mr. Clare stated that the proposed site plan has regard to the matters of provincial interest set out in s. 2 of the *Planning Act*, including those related to ecological protection, transportation, orderly development, employment, and economic well-being.

[13] Mr. Clare also opined that the proposed site plan addresses the concerns raised by the local community, including those related to noise and traffic safety, and constitutes good planning.

[14] The Town supported the Appellant's evidence and submissions.

## **FINDINGS**

[15] Based on Mr. Clare's uncontradicted opinion evidence, the Tribunal finds that the proposed site plan complies with the requirements in s. 41 of the *Planning Act*, is consistent with the PPS, conforms with the Growth Plan, conforms with the Region's Official Plan, conforms with the Town's Official Plan, and constitutes good planning.

The Tribunal has had regard to the matters of provincial interest in s. 2 of the *Planning Act* and the information and materials that Town Council had before it.

## **ORDER**

[16] The Tribunal orders that the appeal is allowed, in part, and that the site plan for the subject property is approved in accordance with the site plan drawings attached as Schedule A to this Order and Decision and subject to the conditions attached as Schedule B to this Order and Decision.

*“Hugh S. Wilkins”*

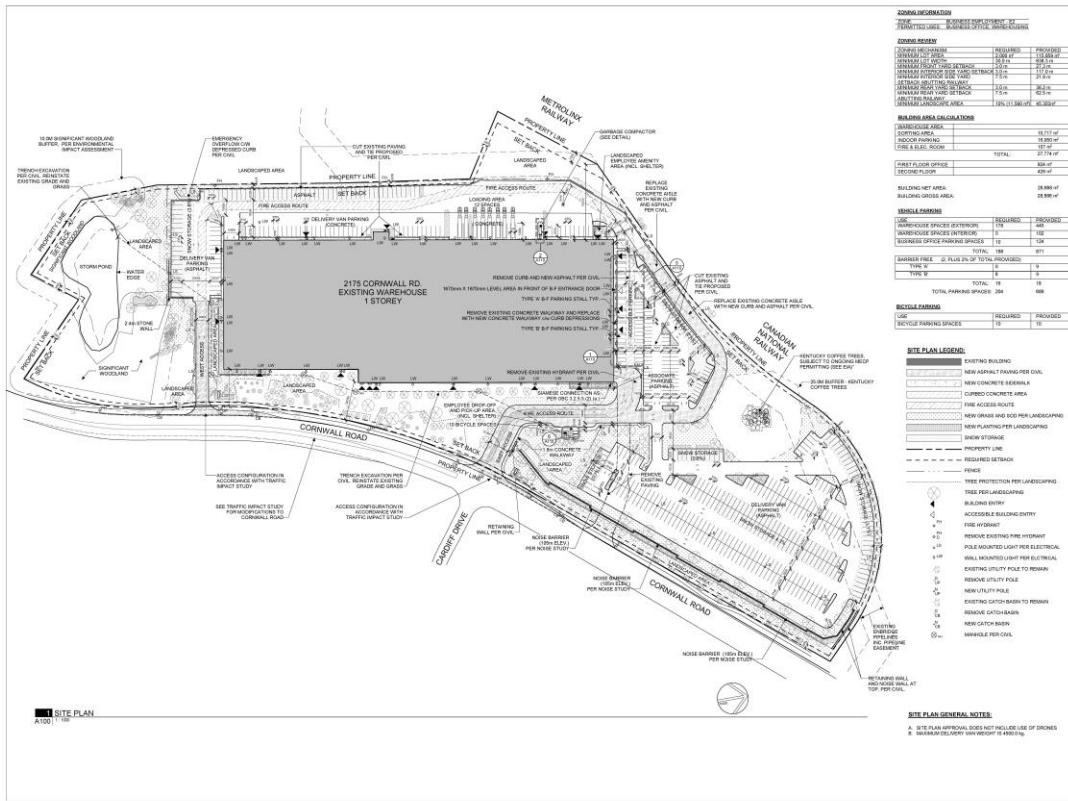
HUGH S. WILKINS  
MEMBER

### **Ontario Land Tribunal**

Website: [olt.gov.on.ca](http://olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

# **SCHEDULE A**



**CSV ARCHITECTS**  
sustainable design - conceptual ecodesign

2121 CORNWALL ROAD  
OAKVILLE, ONTARIO L6M 4K3

**LOCATION MAP**

**CLIENT**  
H&R REIT (c/o 2121 Cornwall Road Portfolio Inc.)  
OAKVILLE, ONTARIO, CANADA

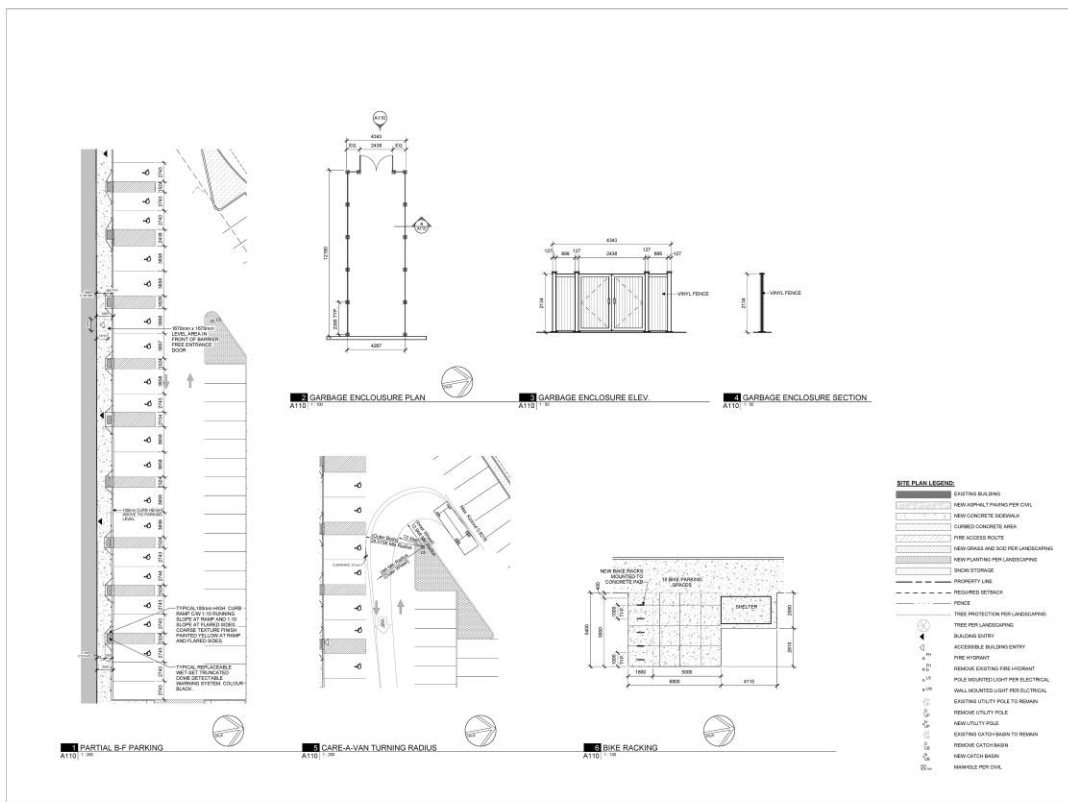
**PROJECT**  
AMAZON OAKVILLE  
SITE PLAN

2121 CORNWALL RD. OAKVILLE, ONTARIO

**SITE PLAN**

PROJECT NO: 2018-1113  
DESIGN: AS  
APPROVED: JS  
SCALE: AS SHOWN  
DATE PRINTED: 8/15/2021 10:28 AM  
REV: 1 (ISSUED)

10 A100



**CSV ARCHITECTS**  
sustainable design - conceptual ecodesign

2121 CORNWALL ROAD  
OAKVILLE, ONTARIO L6M 4K3

**LOCATION MAP**

**CLIENT**  
H&R REIT (c/o 2121 Cornwall Road Portfolio Inc.)  
OAKVILLE, ONTARIO, CANADA

**PROJECT**  
AMAZON OAKVILLE  
SITE PLAN

2121 CORNWALL RD. OAKVILLE, ONTARIO

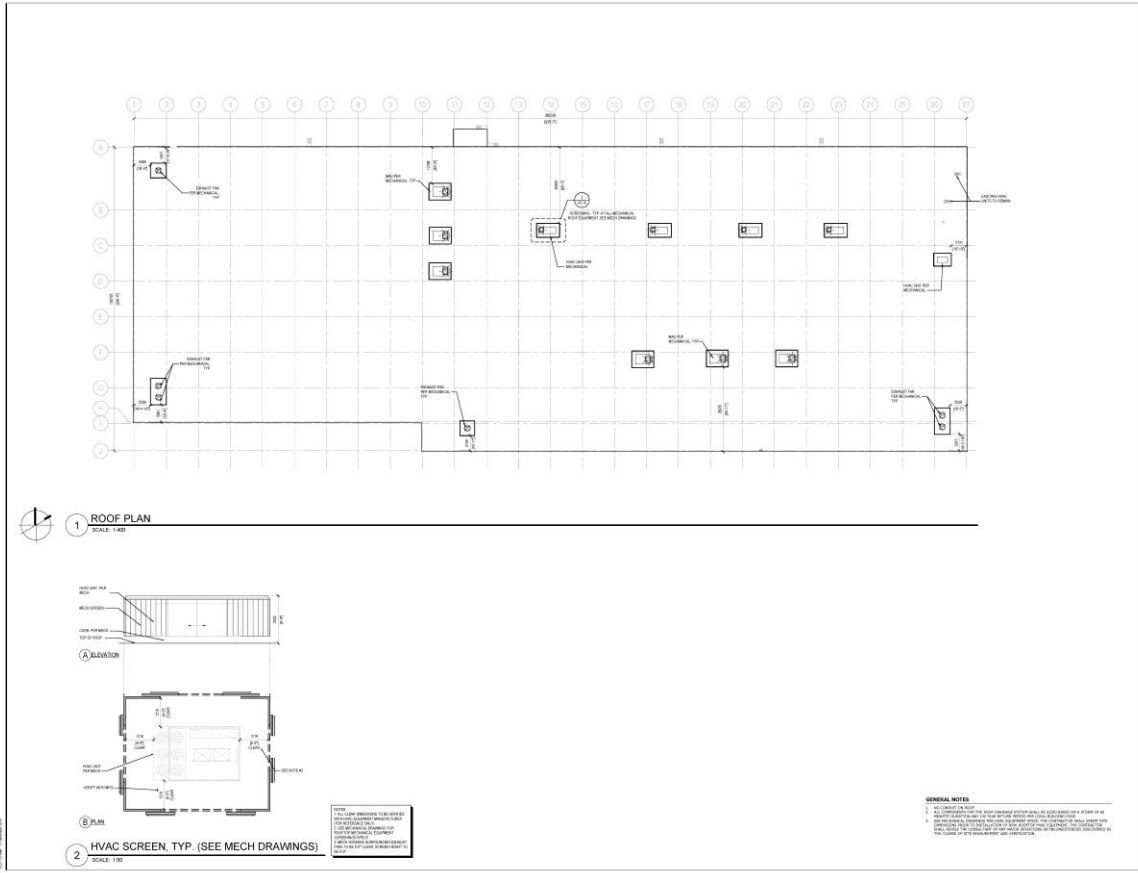
**SITE PLAN DETAILS**

PROJECT NO: 2018-1113  
DESIGN: AS  
APPROVED: JS  
SCALE: AS SHOWN  
DATE PRINTED: 8/15/2021 10:28 AM  
REV: 1 (ISSUED)

10 A110







DT08  
 DELIVERY STATION  
 2700 CORNWALL ROAD  
 CORNWALL, ONTARIO L9A 4G7

DELIVERY STATION - MR  
 DT08  
 2700 CORNWALL ROAD  
 CORNWALL, ONTARIO L9A 4G7 CANADA

NO.	DESCRIPTION	QTY	UNIT	AMOUNT
1	MECH. ROOM FLOOR	1	SQ. FT.	10,000
2	MECH. ROOM ROOF	1	SQ. FT.	10,000
3	MECH. ROOM WALL	1	SQ. FT.	10,000
4	MECH. ROOM CEILING	1	SQ. FT.	10,000
5	MECH. ROOM	1	SQ. FT.	10,000
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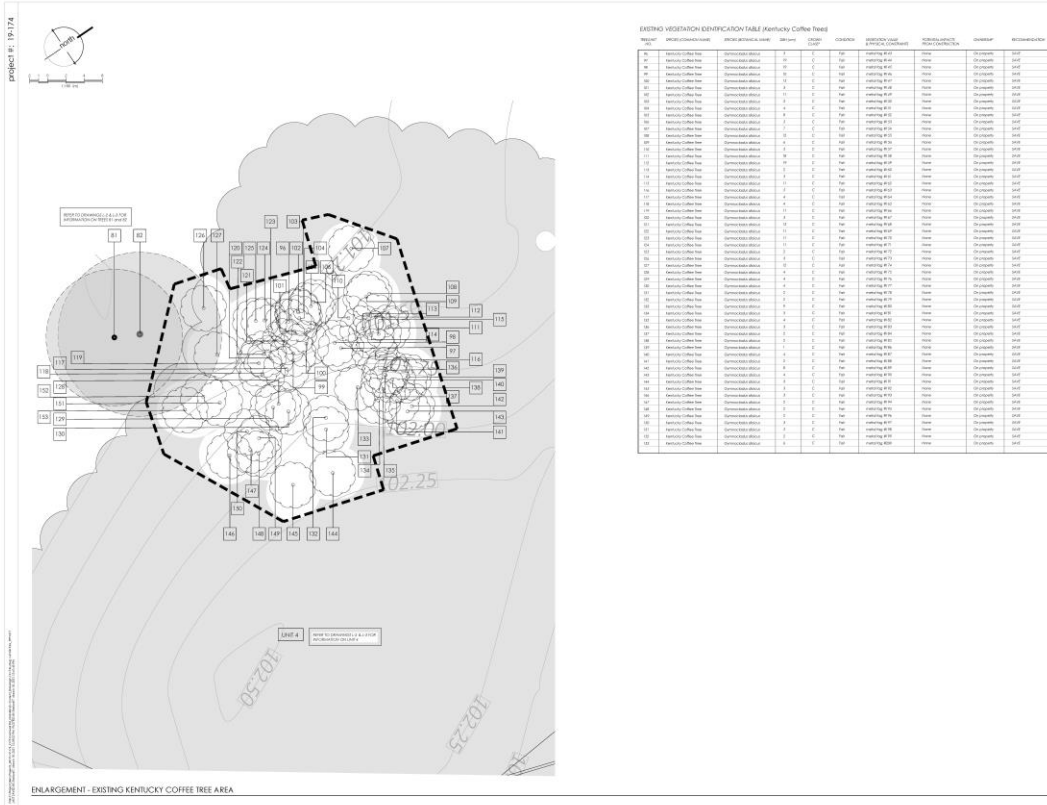
GENERAL NOTES  
 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.  
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.  
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.  
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PROJECT NO. 20001  
 SHEET NO. 10  
 A3.10









KEY MAP

LEGEND

- Existing Vegetation
- Proposed Vegetation
- Proposed Road
- Proposed Utility
- Proposed Structure
- Proposed Fencing
- Proposed Site

NOT FOR CONSTRUCTION  
ISSUED FOR REVIEW & COMMENT ONLY

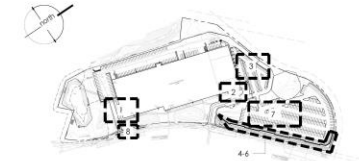
REVISIONS

NO.	DATE	DESCRIPTION
1	01/15/2014	Initial Design
2	02/10/2014	Revised Design
3	03/05/2014	Final Design
4	04/01/2014	Construction Documents
5	05/01/2014	Construction Documents
6	06/01/2014	Construction Documents
7	07/01/2014	Construction Documents
8	08/01/2014	Construction Documents
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KEY MAP

LANDSCAPE NOTES:

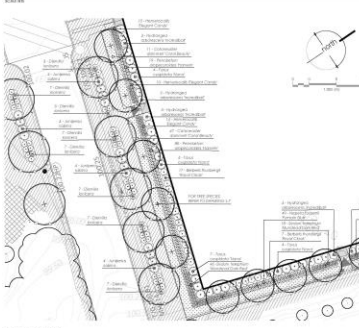
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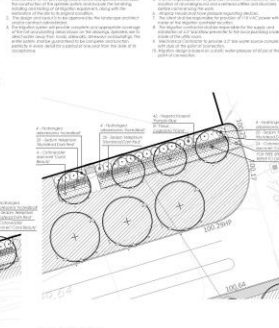
1. The irrigation system shall be designed to provide adequate water to all plants...

PLANT LIST

Table with columns: QUANTITY, SPECIES, SIZE, etc. listing various plants and their quantities.



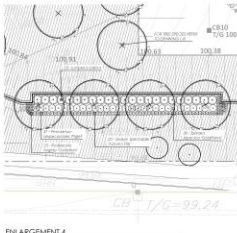
ENLARGEMENT 1



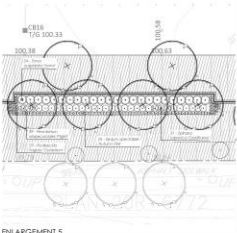
ENLARGEMENT 2



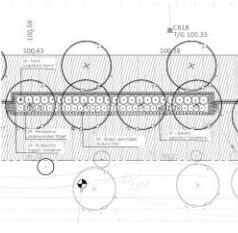
ENLARGEMENT 3



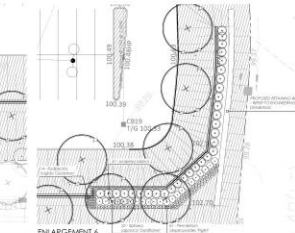
ENLARGEMENT 4



ENLARGEMENT 5



ENLARGEMENT 6



ENLARGEMENT 7

Project information including: KEY MAP, LEGEND, NOT FOR CONSTRUCTION, PROJECT: Amazon Distribution Centre, CLIENT: Amazon, and company logo for adesso design inc.



KEY MAP

LANDSCAPE NOTES:

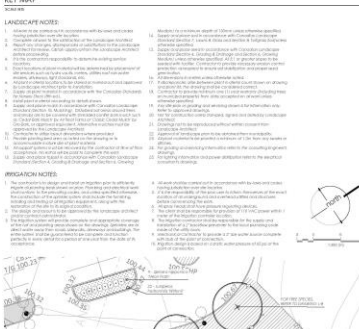
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IRRIGATION NOTES:

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PLANT LIST

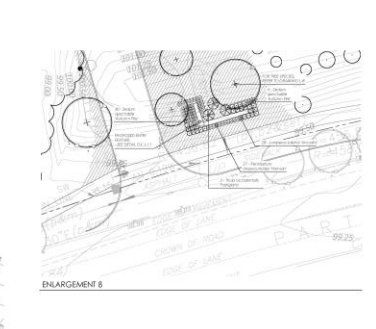
Table with columns: QUANTITY, SPECIES, SIZE, etc. listing various plants and their quantities.



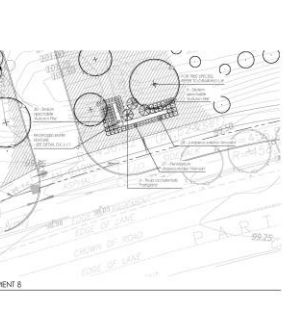
ENLARGEMENT 8



ENLARGEMENT 9



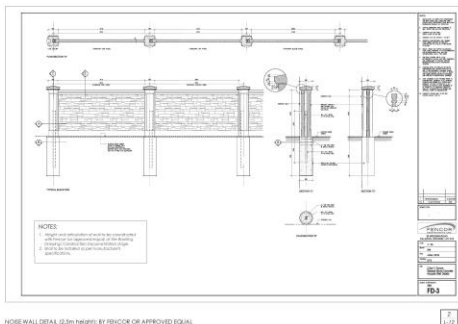
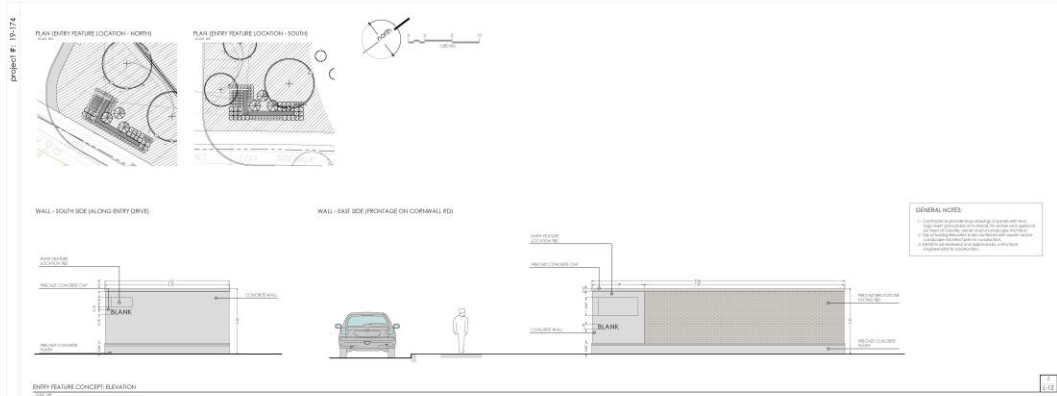
ENLARGEMENT 10



ENLARGEMENT 11

Project information including: KEY MAP, LEGEND, NOT FOR CONSTRUCTION, PROJECT: Amazon Distribution Centre, CLIENT: Amazon, and company logo for adesso design inc.





NOT FOR CONSTRUCTION  
(SEED FOR REVIEW & COMMENTS ONLY)

REVISIONS

DATE

BY

APP'D

PROJECT

Amazon Distribution Centre  
2175 Cornwall Rd

GENERAL REFERENCE  
SP.1604.006/01

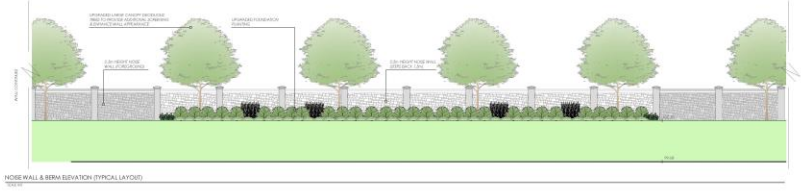
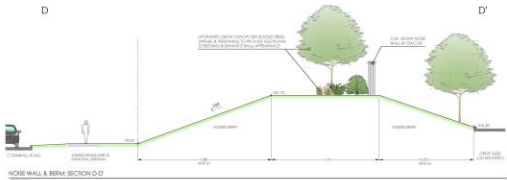
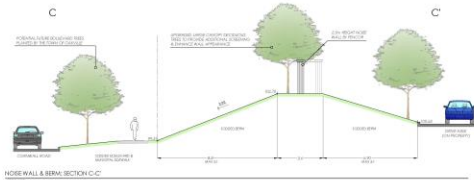
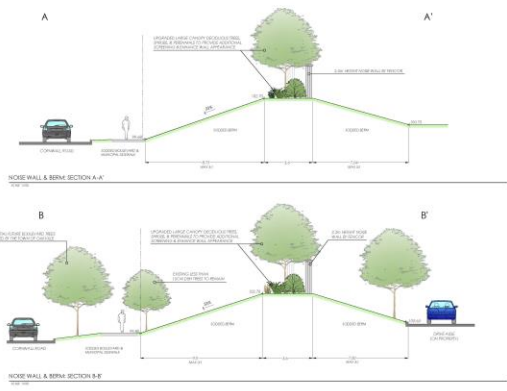
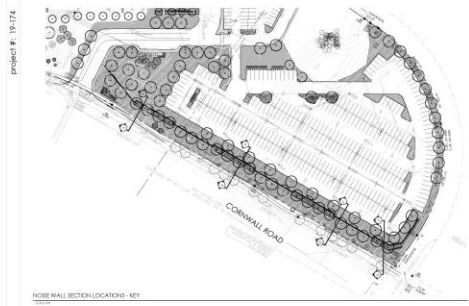
DATE

Entry & Nose Wall  
Details

L-12

odesso design inc.  
landscape architecture

319 Drake Street East, Durham  
North Carolina, USA  
Tel: +1 919 486 8888  
www.odessodesigninc.com



NOT FOR CONSTRUCTION  
(SEED FOR REVIEW & COMMENTS ONLY)

REVISIONS

DATE

BY

APP'D

PROJECT

Amazon Distribution Centre  
2175 Cornwall Rd

GENERAL REFERENCE  
SP.1604.006/01

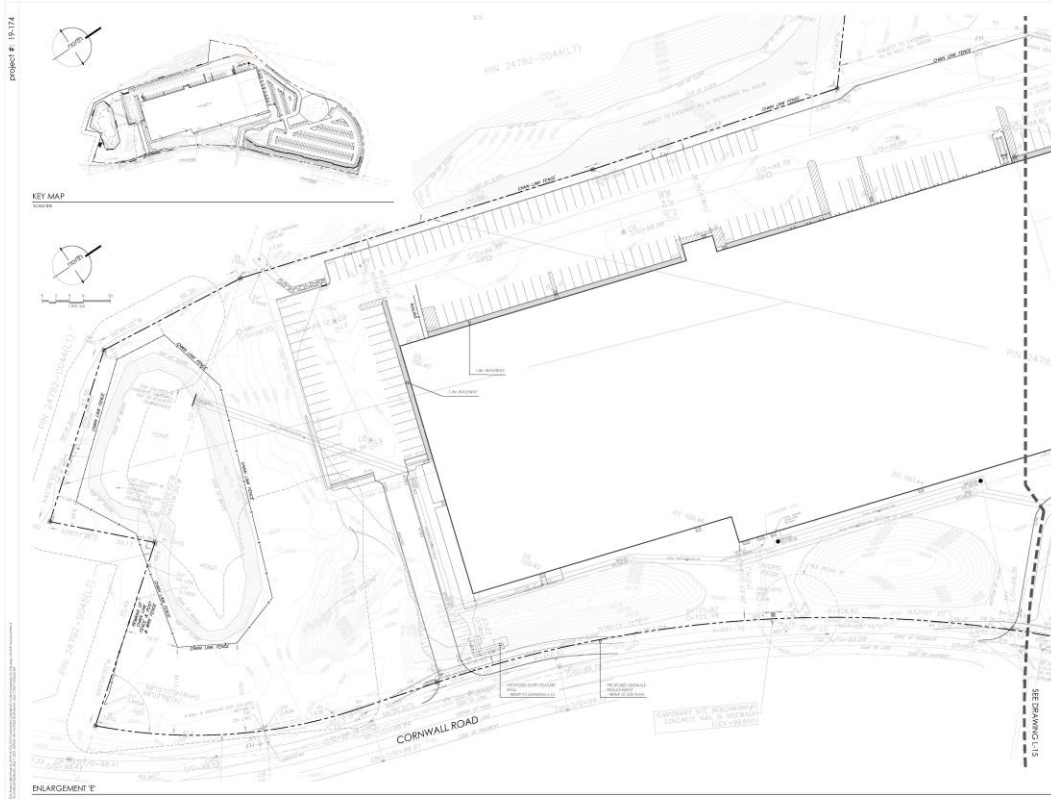
DATE

Berm Elevation,  
Sections & Location

L-13

odesso design inc.  
landscape architecture

319 Drake Street East, Durham  
North Carolina, USA  
Tel: +1 919 486 8888  
www.odessodesigninc.com



KEY MAP - OAKVILLE

LEGEND

- Proposed Noise Wall
- Proposed Access
- Proposed Driveway
- Proposed Parking
- Proposed Road
- Proposed Fencing
- Proposed Landscaping

NOT FOR CONSTRUCTION  
USED FOR REVIEW & COMMENTS ONLY

PROPOSAL SUBMISSIONS

DATE: 01/20/2020

ENGINEER: [Signature]

OWNER: [Signature]

PROJECT: Amazon Distribution Centre  
2175 Cornwall Rd

MUNICIPAL FILE NUMBER: SP.1604.006/01

NOISE WALL LAYOUT PLAN (South)

adesso design inc.  
landscape architecture

3150 Lake Street South, Oak Bay  
Victoria, BC V8R 1G2  
www.adessodesign.com



KEY MAP - OAKVILLE

LEGEND

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NOT FOR CONSTRUCTION  
USED FOR REVIEW & COMMENTS ONLY

PROPOSAL SUBMISSIONS

DATE: 01/20/2020

ENGINEER: [Signature]

OWNER: [Signature]

PROJECT: Amazon Distribution Centre  
2175 Cornwall Rd

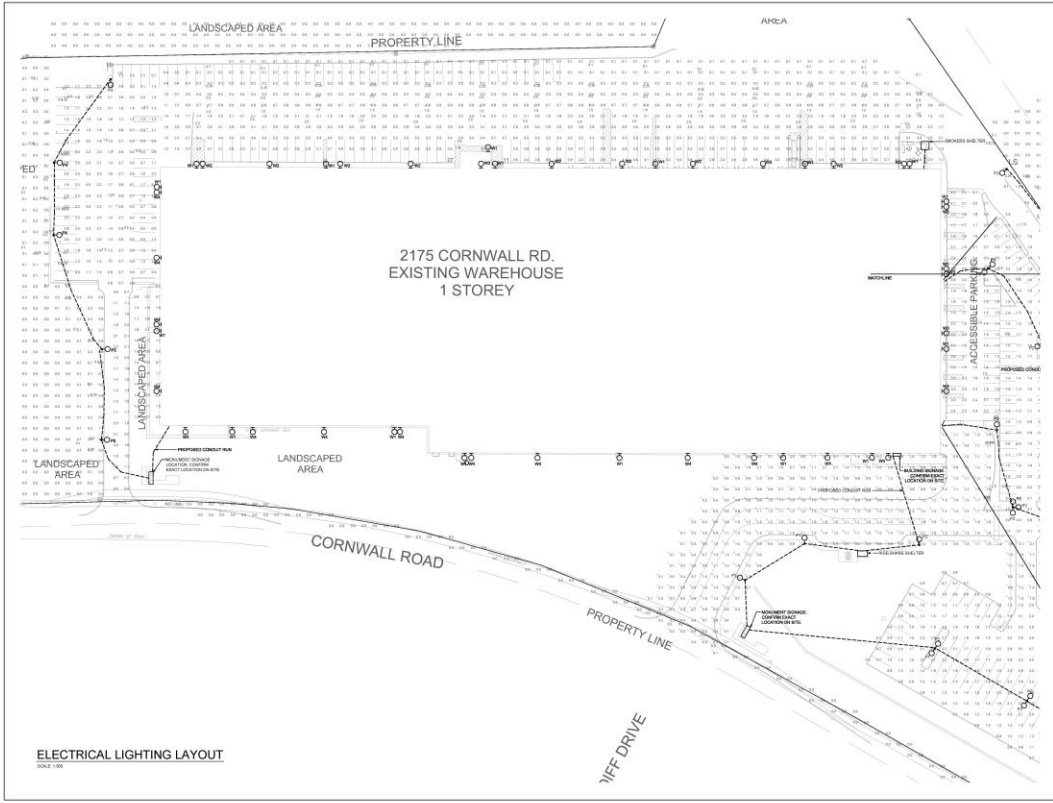
MUNICIPAL FILE NUMBER: SP.1604.006/01

NOISE WALL LAYOUT PLAN (North)

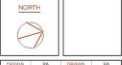
adesso design inc.  
landscape architecture

3150 Lake Street South, Oak Bay  
Victoria, BC V8R 1G2  
www.adessodesign.com





REVISIONS	
NO.	DESCRIPTION
01	ISSUED FOR PERMIT REVIEW
02	ISSUED FOR PERMIT
03	ISSUED FOR BIDDING
04	ISSUED FOR BIDDING



**PROJECT**  
CORNWALL RD.  
SITE LIGHTING

**ADDRESS**  
2175 CORNWALL RD.  
OKMUNCIE, MO.

**PROJECT NO.**  
CE-4655

**DRAWING TITLE**  
ELECTRICAL LIGHTING  
LAYOUT

**DRAWING NUMBER**  
E3 OF 3

## **SCHEDULE B**

SCHEDULE "B"



Conditions of Site Plan Approval	
A.	The following conditions must be satisfied prior to final site plan approval. Read these conditions in conjunction with the most current Comments Report.
1.	<b>Planning Services</b> – That the Owner submits the following, to the satisfaction of the Planning Services Department:
a)	<b>Final Drawings</b> - That the Owner submits coordinated final drawings, to the satisfaction of the Planning Services Department.
b)	<b>Final Reports</b> – That the Owner submit final stamped versions of the technical reports listed in Appendix "A" to these conditions, including any appendices, to the satisfaction of the Planning Services Department.
c)	<b>Traffic/Noise Peer Review</b> – That the Owner reimburses the Town for the cost of the Town's Traffic and Noise peer reviews.
2.	<b>Site Plan Agreement:</b> That the Owner enter into a standard form Site Plan Agreement with the Town, to be registered on title, containing clauses satisfactory to the Director of Planning, Director of Transportation and Engineering, and the Town Solicitor, securing compliance with the conditions of site plan approval, including but not limited to the matters listed in Appendix B to these conditions.
3.	<b>Cost Estimate:</b> That the Owner provide a detailed written estimate of costs for any Off-Site Works including road improvements (turn lanes and pavement widening), traffic signal modifications at Cornwall/Cardiff, traffic sign installation to support left turn prohibition for heavy trucks at west access and transit stop relocation, and on-site costs for the construction of the noise wall and associated landscaping. This estimate is to be reviewed and approved by the Planning Services, Transportation Engineering Departments and Oakville Transit prior to final approval.
4.	<b>Securities:</b> That the Owner deposit securities with the Finance Department, in a form meeting the Finance Department's requirements, covering the full costs of the items specifically noted in these conditions in addition to the Town's standard lump sum security requirements. The reference to specific items in this condition is for the purpose of calculating the total amount of security required and shall not affect the ability of the Town to treat the securities as a single lump sum securing compliance with site plan conditions.
5.	<b>Zoning:</b> That the Owner submits or obtains the following, to the satisfaction of the Building Services Department.
a)	Provide confirmation that the final Approved Site Plan complies with By-law 2014-014, including provisions related to barrier-free parking and ensure all plans are coordinated.
6.	<b>Transportation and Engineering:</b> That the Owner submits or obtains the following, to the satisfaction of the Transportation and Engineering department:
a)	<b>McIntosh Perry Stormwater Management Plan and Report</b> - That the Owner submit a revised and final McIntosh Perry Stormwater Management Report, including an updated JFSA Stormwater Analysis, addressing the detailed comments provided by the Transportation and Engineering Department

b) <b>Tree Protection</b> - The Owner shall install tree protection in accordance with Town standards.
c) <b>Tree Securities</b> – The applicant shall provide a security of \$10,000.00 to ensure the survivability of preserved Town Trees which may be used for the Town to remediate or replace the trees or provide compensation to the Town for the removal of the trees at the Town's discretion. (Trees securities will be added to the overall security once determined).
d) <b>Tree Compensation</b> – The applicant provide the Town compensation for the removal of any municipal trees as a result of road works associated with proposed right or left turns to the site in accordance with the requirements of By-law 2009-025 and the Town's "Tree Protection During Construction" procedure.
e) <b>Arborist Report/Tree Preservation Plan</b> - That the Owner submit a revised and final Arborist report/Tree Preservation Plan to reflect any municipal trees being removed to accommodate a widening of Cornwall Road for the proposed turn lanes.
f) <b>Sustainable Transportation:</b> That the Owner submits a landscape detail addressing bike rack design spacing in accordance with the detailed comments provided by the Transportation and Engineering Department.
g) <b>Transportation:</b> Detailed design drawings are required for review and approval for the proposed road modifications to accommodate the eastbound and westbound turn lanes at the proposed development site access points as well as for the traffic signal modifications at Cornwall/Cardiff.
7. <b>Legal:</b> That the Owner submits, obtains or completes the following, to the satisfaction of the legal department:
a) <b>Road Widening</b> - The lands to be dedicated to the Town of Oakville for the purpose of right-of-way widening and future road improvements shall be dedicated with clear title, free and clear of encumbrances and therefore, all encroachments within the road allowance should be removed. The survey, reference plan and transfer fee to be paid by the Owner.
b) <b>Reference Plan</b> –The Owner shall submit a reference plan as part of any dedication.
c) <b>Environmental Certification of Lands to be Transferred:</b> The applicant shall submit an environmental certification of the lands to be transferred to the Town confirming that the lands are free of contamination to the satisfaction of the Town.
8. <b>Oakville Transit:</b> The applicant provide shall provide a security in the amount of \$5,200 to ensure the design and construction of a 9 m long concrete pad in the boulevard and a concrete pad 5.5 m x1.83 m located between the sidewalk and the lot line to accommodate a future transit shelter and garbage receptacle. (Transit security will be added to the overall security once determined).
9. <b>Oakville Fire:</b> The applicant shall provide confirmation that revised fire hydrant locations satisfy OBC distance requirements and the Owner submits and receives approval for a Fire Route application to the satisfaction of Oakville Fire.
10. <b>Region of Halton:</b> That the Owner receives written approval from the Region of Halton. Items to be addressed include, but are not limited to, the following:
a) The Owner shall contact the Regional Services Permit Section for review and approval of the proposed water and sanitary servicing, to obtain water and sanitary sewer Services Permits, and pay all necessary fees.
b) Any existing water service, sanitary service lateral, watermains and/or sanitary sewers to be disconnected from the system and abandoned must be decommissioned per the

<p>standards and specifications of the Region of Halton. The applicant is advised to contact Halton's Permits and Development Inspection Section for details on abandoning water and sanitary services.</p>
<p>11. <b>Conservation Halton:</b> That, prior to the initiation of works, a Permit pursuant to Ontario Regulation 162/06 be obtained from CH.</p>
<p>12. <b>Enbridge Pipelines:</b> That the Owner receives written approval from Enbridge Pipelines Inc. Items to be addressed include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>a) That the Owner enter into Enbridge's Standard Crossing Agreement.</li> <li>b) That the Owner undertake an engineering assessment to verify heavy vehicles crossing over the pipeline will not negatively impact the pipeline.</li> </ul>
<p><b>B. Notes to the Owner:</b></p> <ul style="list-style-type: none"> <li>1. Site Plan approval does not include approvals of any proposed signage regulated by the Town of Oakville Sign By-law 2018-153, as amended. The applicant has been advised that all proposed signage must comply with the sign by-law or seek a variance to the by-law.</li> <li>2. All works within the road allowance to be completed during the hours of 9 AM – 3PM and will require the applicant to obtain a Temporary Street Occupancy Permit and Excavation Permit from the Transportation and Engineering Department. In addition, the applicant is required to notify the Transportation and Engineering Department 24hours prior to commencement of work.</li> </ul>

**APPENDIX "A"**  
**Technical Reports**

Report/Study	Reference #	Revision/Date	Consultant
Arborist Report		March 18, 2021	Environmental Design Landscape
Environmental Impact Assessment (Addendum 2)	OCP-19-0498	March 19/2021	McIntosh Perry
Noise Feasibility Study and Responses to Peer Review		March 18/2021 July 14, 2021 August 18, 2021	HGC Engineering
Servicing and Stormwater Management Report (including attachments)	CP-19-0498	#4 March 17/2021	McIntosh Perry
Traffic Impact Study as updated.	OCP-19-0498	March 22, 2021 (November 4, 2020)	McIntosh Perry

**APPENDIX "B"**  
**Site Plan Agreement Clauses**

General:

1. *"For the purposes of this agreement:*
  - a. *Approved Site Plan – refers to the final versions of the approved or accepted versions of the plans and drawings forming part of the site plan approval granted by the Ontario Land Tribunal under section 41 of the Planning Act and any additional plans, drawings and reports referred to or required as part of the conditions of such approval.*
  - b. *Required Site Works – refers to all facilities, works, and landscaping identified on the Approved Site Plan located within the limits of the Owner's property.*
  - c. *Off-Site Works – refers to all facilities, works and landscaping identified within the Approved Site Plan, located beyond the limits of the Owner's property.*
2. *"This agreement will be registered against title to the property, and upon registration the municipality is entitled to enforce the provisions of the agreement against the Owner and, subject to the provisions of the Registry Act and the Land Titles Act, any and all subsequent owners of the land."*
3. *"The obligations of the Owner, and any future owners of the property are joint and several. The Town reserves the right to enforce the obligations against either the original or any future Owners."*
4. *"Subject to any extensions that may be granted, the site plan approval shall lapse:*
  - a. *if the conditions of approval required for the granting of final approval have not been satisfied within two years of the date of approval of the site plan by the Ontario Land Tribunal;*
  - b. *If a building permit has not been issued within 2 years of the date of final site plan approval; or*
  - c. *If a building permit issued for the development is revoked."*
5. *"The Owner agrees to develop the property in accordance with the Approved Site Plan and shall provide all Required Site Works and Off-Site Works identified on the approved site plan drawings or required by the conditions of approval to the satisfaction of the Town at the Owners expense. This includes any and all items secured under Schedule "C" – The Financial Obligations."*
6. *"All works associated with this Site Plan approval shall have been completed prior to the 30th of June in the second year following the issuance of the building permit failing which Town staff may proceed to draw on the securities to complete all outstanding site plan conditions, and if the securities are insufficient, exercise its option under section 446 of the Municipal Act, 2001 to add the costs to the tax roll and collect them in the same manner as property taxes."*
7. *"Major municipal road improvements (including pavement widening, turn lanes and storm sewers) shall only be permitted to be constructed by Town approved contractors. The Owner shall contact the Development Engineering Section to obtain approval of any contractors."*
8. *"The Owner agrees to be responsible for the cost of the traffic signs required to support the prohibition of outbound left turns by heavy trucks at the west access, such signs to be provided and installed by the Town."*

9. *"All technical documents, such as the transportation assessment, stormwater management report or arborist's report, must be signed and sealed by a professional engineer or certified arborist, respectively."*
10. *"The owner agrees to implement the recommendations outlined in all studies forming part of the Approved Site Plan, including the Traffic Impact Study, Environmental Impact Assessment addendum, arborist report, noise study and storm water management study."*
11. *"The Owner will maintain a minimum tree canopy cover or potential canopy cover of at least 20% over the site area. Any tree removals authorized by way of Town permits will require the replanting of trees so as to maintain this minimum tree canopy cover target to the satisfaction of the Town."*
12. *"The Owner acknowledges the approval of site plan SP.1604.006/01, does not presuppose the removal of the Kentucky Coffee Trees. Should approval be received from the Ministry of Environment, Conservation and Parks (MECP) for the removal of the Kentucky Coffee trees additional approvals or permits may be required from the Town."*

Prior to Construction:

13. *Prior to construction , the Owner shall contact Development Engineering Section to inquire about and obtain any permits or other approvals that may be required such as the following:*
  - a. *Driveway Permit*
  - b. *Excavation Permit*
  - c. *Sidewalk/Street Occupancy Permit*
  - d. *Boulevard (Streetscape) Permit*
  - e. *Construction Staging and Parking Plan*
  - f. *Any Boulevard & Road Restoration Details to be provided on civil drawings.*
  - g. *Any Major road improvements (pavement widening and storm sewers) shall be provided on standard Town drawing sheets and stamped by the Engineer.*
14. *"The Owner shall prepare a construction schedule demonstrating that Off-Site Works can and will be completed prior to on-site operations commencing and submit it to the town in conjunction with the required pre-construction meeting."*
15. *"The Owner and/or their engineering consultant, shall arrange and hold a pre-construction meeting with the appropriate Town staff and the contractor to review construction staging, traffic control, material delivery routing, trades parking management, etc., prior to the commencement of any works, beyond that of the works approved prior to the date of this agreement."*
16. *"The Owner understands and acknowledges the construction challenges associated with developing this site and agrees to undertake all reasonable efforts to minimize disruption to the abutting road corridors, the users of those corridors and the abutting/nearby lands that operate in vicinity of this development."*
17. *"The Owner understands and acknowledges that any use of the public road allowance (for access, staging, storage, temporary parking, etc) abutting or near to the development is strictly prohibited without the approval of the Town of Oakville by way of permits, which are not anticipated to be granted except in exceptional circumstances related to the Off-Site Works."*
18. *"The Owner shall appoint a community liaison officer to this project. Community liaison officers are used to establish and maintain cooperative and communicative relationships*

*with abutting property owners. The officer shall be an identified person whom is responsible for providing advance information to affected parties/persons of work operations that may cause temporary disruption to normal area activities and to ensure proper approvals are sought and secured before such works operations proceed. In the absence of a community liaison officer, the site-supervisor shall perform these tasks."*

19. *"All erosion and siltation control measures must be installed by the Owner and inspected by the Town's Transportation and Engineering Department prior to any site works being undertaken."*
20. *"The Owner agrees that all drawings for Off-Site Works relating to this project shall be approved by the Town prior to construction to the satisfaction of the Town's Director of Transportation and Engineering."*
21. *"The Owner agrees that the following Off-Site Works are to be completed and operational prior to on-site operation commencing. These improvements include:*
  - *The realignment of Cornwall Road including the implementation of turn lanes at the east and west accesses.*
  - *The traffic signal modifications required to incorporate the east access into the existing traffic signals at the intersection of Cornwall/Cardiff."*
22. *"The Owner agrees to retain a qualified electrical subcontractor to complete the traffic signal modifications required to incorporate the east access into the existing traffic signals at the intersection of Cornwall/Cardiff, according to standards to be provided by the Town, at the owner's expense."*
23. *"That the Owner agrees to construct at their cost, a 9 m long concrete pad in the boulevard and a concrete pad 5.5 m x1.83 m located between the sidewalk and the lot line to accommodate a future transit shelter and garbage receptacle to be supplied by Oakville Transit to the satisfaction of Oakville Transit. "*

Following Construction:

24. *"The Owner agrees to restore the public roadway to Town standards. All restoration works must be to the satisfaction of the Transportation and Engineering Department and completed within a timeframe to the satisfaction of Director of the Transportation and Engineering Department or designate, acting reasonably.*
25. *"The Owner shall not remove or alter or permit the removal or alteration of Required Site Works in a manner that would not comply with the Approved Site Plan without the consent of the Town."*
26. *"The Owner shall maintain all Required Site Works ensuring the Required Site Works function and perform as designed and/or intended. Should any Required Site Works fail to function or perform for any reason, the Owner shall promptly cause them to be repaired and/or replaced."*
27. *"The Town has the right to enter the property to install, inspect and repair at the Owners expense, if necessary, any Required Site Works."*
28. *"The Owner acknowledges and agrees to provide within 30 days of receiving a written request by the Town to do so, confirmation by a Professional Engineer licensed by the Province of Ontario, that the stormwater management components/facilities on and within the property are in-place and functioning as approved for the property."*

29. *"Should the Owner fail to provide the requested performance certification within 30 days due to identified issues with the stormwater management components/facilities, the Owner agrees to cause their repair within a period of time deemed reasonable by the Director of Transportation and Engineering. Follow the completion of repair works, the Owner will have seven (7) days to provide the required Performance Certification."*
30. *"Should the Owner fail to provide the requested performance certification for any other reason than that set out above, the Town may cause the review of the stormwater management components/facilities and all costs for review, remediation, repairs, etc. shall be at the expense of the Owners. If the Owners fail to pay the costs within 30 days of being advised of the amount by the Town, the Town may draw upon the securities and, if the securities are insufficient, may exercise its option under section 446 of the Municipal Act, 2001 to add the costs to the tax roll and collect them in the same manner as property taxes."*
31. *"The Owner agrees shall provide the Town of Oakville with confirmation from the noise consultant that the recommendations from the final noise study have been implemented."*
32. *"The Owner agrees to maintain the noise wall and to keep it in a clean and graffiti-less condition."*
33. *"The Owner is required to maintain all access ramps and driveways, parking and loading areas, and walkways, unobstructed to ensure safe operations within this private development. In no circumstance shall snow cleared from the site be placed in a manner that might damage private or public landscaping, fences, or impinge on adjacent properties or open space. The contracting for private snow clearance/removal from the site shall remain the sole responsibility of the owners and any tenants or future purchasers."*
34. *"The developer shall provide a 2-year warranty/guarantee period as it relates to on-site and municipal street trees to the satisfaction of the Transportation and Engineering department."*
35. *"The Owner agrees to submit an inventory of all public trees planted by species, size, x/y coordinates and tree attributes in a digital format acceptable to Transportation and Engineering and Parks and Open Space prior to Site Plan security reduction"*

Enbridge:

36. *"No permanent structures including trees are permitted within the Enbridge right-of-way area."*
37. *"Enbridge must have the ability to access its' right-of-way at all times for maintenance, inspection and alteration of the pipeline"*
38. *"Any proposed crossings of the right-of-way are permitted in accordance with the regulations of the National Energy Board (NEB) Act and subject to Enbridge's approval. The applicant will be required to enter Enbridge's Standard Crossing Agreement prior to undertaking the following activities:*
  1. *Constructing or installing a facility across, on, along or under an Enbridge pipeline right-of-way*

2. *Conducting a ground disturbance (excavation or digging) on Enbridge's pipeline right-of-way or within 30 meters of centerline of Enbridge's pipe (the "Prescribed Area")*
  3. *Driving a vehicle, mobile equipment or machinery across an Enbridge pipeline right-of-way outside the travelled portion of a highway or public road; and,*
  4. *Using any explosives within 100 meters of Enbridge's pipeline right-of-way"*
39. *"Enbridge is regulated by the National Energy Board (NEB) Act. Section 112 of the Act requires any excavation within 30 meter of Enbridge's right-of-way to be approved by Enbridge."*
40. *"A locate request must be submitted to the local One-Call notification centre ("One-Call Centre") a minimum of three business days in advance of the construction, ground disturbance, or vehicle or mobile equipment crossing in the area of the Enbridge pipeline."*
41. *"The Owner agrees to complete an engineering assessment of all equipment that will cross over the pipeline for construction purposes as well as once the parking area is complete."*
42. *"No storage of materials and/or equipment, grading or placing fill on Enbridge's right-of-way will be permitted."*
43. *"No work shall take place on Enbridge's right-of-way without the presence of an Enbridge inspector."*
44. *"No landscaping shall take place on Enbridge's right-of-way without Enbridge's written approval and is done in accordance with Enbridge's Guidelines"*
45. *"Minimum depth of cover of 1.3m over the pipelines within Enbridge's right-of-way shall be maintained."*
46. *"The Owners Facility shall be constructed to ensure drainage is directed away from the pipeline right-of-way so that erosion that would adversely affect the depth of cover over the pipelines does not occur."*
47. *"Any large scale excavation adjacent to the right-of-way, which is deeper than the bottom of the pipe, must maintain a slope of 3:1 away from the edge of the right-of-way."*
48. *"In no event shall Enbridge be held liable to the Owner respecting any loss of or damage to the Owners Facility which the Owner may suffer or incur as a result of the operations of Enbridge. The Owner shall be responsible for all costs involved in replacing the Owners Facility damaged or removed during Enbridge's operations and shall indemnify and save harmless Enbridge from all actions, proceedings, claims, demands and costs brought against or incurred by Enbridge as a result of the presence of or damage to the Owners Facility on the Enbridge right-of-way."*
49. *"In the event Enbridge's pipelines suffer contact damage or other damage as a result of construction, work shall stop immediately and Enbridge notified at once."*