

May 8, 2025

Conor Warren  
Development Services  
City of Thorold  
3540 Schmon Parkway  
Thorold, ON L2V 4A7

Dear Mr. Warren,

**Re: *Planning Rationale Letter***  
***Zoning By-law Amendment and Modification to Draft Plan Approval (File No. D12-01-2019)***  
***Upper's Grove Subdivision – Rolling Meadows Secondary Plan Area***

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## **1.0 INTRODUCTION**

Bousfields Inc. is the planning consultant to Parkbridge Lifestyle Communities Inc. (c/o QuadReal Property Group (“**QuadReal**”)), the owner of the 14.9-hectare site (36.9 acres) within the Rolling Meadows Secondary Plan. These lands are referred to as the “**Upper's Grove Subdivision**” and legally identified as Parts 1-6, Part Lot 67 and Part of Road Allowance between lots 67 and 68, Uppers Lane in the City of Thorold (the “**subject site**”).

Prior to QuadReal's ownership of the lands (which they acquired in July 2022) City Council approved By-law 01-2021 and By-law 03-2021 on March 23, 2021, which amended the zoning for the subject site to permit the development of 328 residential dwelling units. At that time, City Council also approved a Draft Plan of Subdivision application (“**Approved Draft Plan**”) (File No. D12-01-2019), subject to the clearance of a set of draft plan conditions prior to the registration of the plan of subdivision. Draft Plan approval was granted for a period of three years until March 23, 2024, and on March 18, 2024, the draft plan approval was extended by City staff, as the delegated authority, for an additional one-year extension. Subsequently on March 12, 2025, the draft plan approval was extended again by City staff to March 23, 2026.

Since acquiring the lands, QuadReal has been working to clear the draft plan conditions, including submitting detailed design drawings to City and agency staff for review (June 23, 2023). Because of comments received on the circulation of the detailed design drawings submitted in support of clearing conditions, before proceeding with registering the plan, QuadReal is proposing minor revisions to the Approved Draft Plan. Specifically, these revisions are to address comments received from the TransCanada Pipeline (“**TCPL**”) following the first detailed design engineering submission. In their comments, TCPL stated

that they require that no infrastructure (i.e., servicing connections, street intersections, cul-de-sacs) be located within a 7-metre setback from edge of the pipeline right-of-way. In this regard, the Approved Draft Plan did locate some of this infrastructure within this TCPL setback. To address TCPL's requirement, QuadReal is proposing modifications to the Approved Draft Plan that include the realignment of Street E and shifting Street B cul-de-sac to be completely outside the TCPL setback. Further modifications to the Approved Draft Plan are proposed to address TCPL setback limitations for dwellings on Street A and for lot efficiencies at the intersection of Street C and Street D. The proposed modifications result in a total of 324 residential units (the "**Proposed Revisions**").

These modifications to the Plan of Subdivision mean that the approved Zoning By-law Amendment also needs to be modified. This is because of the way that the City structured the approved Zoning By-law Amendment to align the zoning with boundaries of the new lots created in the Approved Draft Plan. Moving the lot lines means that line work for the zoning needs to be updated and therefore a Zoning By-law Amendment is also required to implement the proposed modifications to the Approved Draft Plan. Furthermore, at the time of the original approval the City's comprehensive zoning by-law, Zoning By-law 60-2019, remained under appeal as it related to the residential zones. The residential zone section of the new zoning by-law has since been revised and is now in force based on the Ontario Land Tribunal (OLT) order issued on May 23, 2024 (OLT-22-002825).

This Planning Letter has been prepared in support of the proposed modifications to the Approved Draft Plan and the proposed Zoning By-law Amendment to provide an overview of the subject site and surroundings, outline the relevant policy framework, describe the proposed modifications to the Approved Draft Plan and provides our analysis and opinion on the revised subdivision design and proposed rezoning.

This Planning Letter concludes that the Proposed Revisions are consistent with the planning and urban design framework established in the Provincial Planning Statement, conforms with the Region of Niagara Official Plan, the City of Thorold Official Plan and the Neighbourhoods of the Rolling Meadows Secondary Plan, and represents good planning.

## **2.0 SUBJECT SITE & SURROUNDINGS**

### *2.1 Subject Site*

The subject site is located north of the future extension of Upper's Lane in the Rolling Meadows Neighbourhood and is identified as Part of Lot 67 and Part of Road Allowance Between Lots 67 and 68 in the City of Thorold, in the Region of Niagara (see **Figure 1**).

The subject site is rectangular in shape with an area of approximately 14.9 hectares (36.9 acres) and will have approximately 263 metres of frontage on the future extension of

Upper's Lane. The site is currently accessed via a temporary driveway from the intersection of Upper's Lane and Barker Parkway, which was constructed by QuadReal for the purposes of preliminary site work associated with the proposed development.

The subject site is currently used for agricultural purposes. Trees and hedgerows are present along the edges of the property boundary, and the edge of a woodlot is located immediately east of the subject site along a portion of the eastern property boundary. A TransCanada pipeline easement spans diagonally across the mid-portion of the subject site from the southwest to the northeast, splitting the subject site generally into two parts.



**Figure 1 – Aerial of the subject site**

## 2.2 Surroundings

The subject site is in the northeastern part of the Rolling Meadows neighbourhood. The neighbourhood is generally bounded by Davis Road (also known as Highway 58) to the west, the hydro transmission corridor to the north, Thorold Townline Road to the east, and the properties on the south side of Lundy's Lane to the south.

Currently, the area includes a mix of low-density residential uses, agricultural lands, wooded areas open green spaces, various automotive and landscaping services uses, light industrial uses, commercial uses and places of worship. Land use and development within the Rolling Meadows neighbourhood is guided by the Rolling Meadows Secondary Plan, which is further discussed in Section 4 of this letter.

Over the last fifteen years, the Rolling Meadows neighbourhood has undergone development from an agricultural area to a new community area through the introduction of low-rise residential uses, institutional uses, new public roads, and public parkland. To date, the Secondary Plan area is partially built out, with completed and occupied residential uses constructed generally in the northwest, central and southwest portions of the Secondary Plan area.

To the immediate north of the subject site is a second property owned by QuadReal. A hedgerow separates the two properties. This second QuadReal property (known as “Upper’s Lane Subdivision”) is predominantly agricultural land but also includes a portion of the woodland that abuts the subject site. A Zoning By-law Amendment and Draft Plan of Subdivision application was submitted to the City in February 2024 for this abutting property, which included the development of 603 single detached and townhouse dwellings, a public community park block, a natural heritage area, a pipeline corridor block, and three new public streets, including the extension of the existing Venture Way. Further north of the proposed Upper’s Lane subdivision development is the Hydro One transmission corridor and existing agricultural lands. The hydro transmission corridor is designated for open spaces and parks and is the edge of the urban area boundary in the Rolling Meadows Secondary Plan.

To the immediate east of the subject site is an agricultural field and woodlot that also make up the lands of the Upper’s Lane Subdivision, as detailed above. Further east are lands designated for employment uses in the Rolling Meadows Secondary Plan. Currently, these lands are used for agricultural purposes and outdoor recreational uses, including the Niagara Cricket Centre (5114 Thorold Townline Road) and the DMZ Paintball and Airsoft Field (2711 Thorold Townline Road). Thorold Townline Road is located further east and separates the City of Thorold and the City of Niagara Falls.

To the immediate south of the subject site is the unopened right-of-way of Upper’s Lane, which will serve as a connection from Davis Road and Thorold Townline Road. This extension of Upper’s Lane will provide connections to the proposed future development in the Rolling Meadows Secondary Plan area, including several phases of the Rolling Meadows master planned community. The Rolling Meadows subdivision is approximately 160 hectares in size and is adjacent to the subject site’s south and west property lines. These lands received Draft Plan of Subdivision Approval in 2008 and have been developed in multiple phases. Several phases have been developed and are under construction or occupied by residents. Based on the approved Draft Plan of Subdivision for these lands, once a full build out is complete, the community will include five parks, two elementary schools (located to the immediate south of the subject site), one church, commercial uses, and residential dwellings in single-detached, semi-detached, and townhouse form.

To the immediate west of the subject site is a hydro easement. Further west is the above noted Rolling Meadows subdivision, which includes two mixed-use blocks located on the east side of Barker Parkway, on both the north and south side of Upper's Lane. Residential uses in the form of single detached and townhouse dwellings continue further west. The Niagara Detention Centre (1355 Upper's Lane) and JM's Banquet & Event Centre (1368 Upper's Lane) are located further west, at the intersection of Upper's Lane and Davis Road. The TransCanada pipeline that transects the subject site continues to the southwest.

### *2.3 Transportation Network*

Upper's Lane is identified in the City of Thorold Official Plan Schedule 'A-3' – The Neighbourhoods of Rolling Meadows Secondary Plan, extending from Davis Road to the west and connecting to Thorold Townline Road to the east (see **Figure 4**). It is one of the two planned Arterial Roads within the Rolling Meadows Secondary Plan, with the other planned arterial road known as Barker Parkway. Based on the City of Thorold Official Plan, the minimum right-of-way width for all new municipal roads shall generally be 20 metres, provide two-way traffic with one lane in each direction and have public sidewalks on both sides of the street. Arterial Roads are considered intermediate roads, which are intended to carry significant volumes of traffic from local roads to Regional Roads.

With respect to public transit, the Rolling Meadows neighbourhood is serviced by the existing public transit through the Niagara Region Transit Services. The 322 Thorold South route operates out of the Thorold Towpath Terminal and services Davis Road, Allanburg Road, and Niagara Falls Road. The 322 route runs morning to evening, every hour, from Monday – Saturday. There is a stop located at Barker Parkway and Sunset Way, which is approximately 350 metres west of the subject site. Additional transit connections are available from the Towpath Terminal to serve throughout the Niagara Region, including a GO bus stop and two GO/VIA train stations.

### *2.4 Application History*

QuadReal acquired the subject site in July 2022. Prior to QuadReal's ownership of the lands, the previous owner submitted a Zoning By-law Amendment and Draft Plan of Subdivision application on December 20, 2018. On July 3, 2018, Council approved By-law 80-2018 which declared Parts 4, 5 and 6 of "Part of Road Allowance between Lots 67 and 68" as surplus and included these lands in the draft plan of the subject site. On March 23, 2021, City Council approved the Zoning By-law Amendment application through By-law 01-2021 and By-law 03-2021, which amended the zoning of the subject site to permit the development of 328 residential dwelling units. City Council also approved a Draft Plan of Subdivision application on March 23, 2021, (File No. D12-01-2019 (see **Attachment A**), which was approved based on:

- 103 single detached lots;
- 16 semi-detached lots;
- 208 street townhouse lots;
- 1 additional single detached lot (residential reserved – to be temporarily used for a turning circle);
- Approximately 1.6 hectares of open space (including public parkland and open space associated with the existing TransCanada Pipeline easement right-of-way);
- Approximately 0.5 hectares of natural heritage and vegetation protective zone (VPZ);
- A public road network including collector and local roads; and
- A road widening along Upper's Lane.

Included with Council's approval of the draft plan of subdivision, the City of Thorold imposed conditions for draft plan approval, including a provision that the owner would have three years from the date of passing to address the conditions unless an extension was requested by the owner. There are 101 draft plan conditions in total, most of which relate to technical and detailed design matters that are required to be cleared prior to the registration of the plan of subdivision.

In support of clearing conditions, QuadReal submitted a detailed design engineering submission in June 2023. This submission was circulated to several approval authorities, including TCPL. In response to the circulation, TCPL provided the following comments (summarized below), among others:

1. The intersection of Street E and Street A be removed and/or relocated to be outside the TCPL easement plus minimum 7-metre setback;
2. Street B Cul-de-sac be shifted south to be outside the TCPL easement plus minimum 7-metre setback; and
3. All residential driveways be located outside of the 7-metre setback from the TCPL easement.

After receiving the TCPL comments above, it was determined the subdivision would require modifications. QuadReal and the consultant team engaged in discussions with Thorold planning staff regarding the proposed modifications and City staff required a Pre-Consultation Meeting to and provide direction on the required application materials.

On January 4, 2024, a Pre-Consultation Meeting was held with the City, the Region and Niagara Peninsula Conservation Authority (NPCA) to present the proposed redline revisions resulting from the changes requested by the TCPL and to receive comments on

these modifications. This letter has been prepared in support of the proposed redline revisions.

As noted above, extensions for draft plan approval for a period of one year were approved by city staff on March 18, 2024, as well as on March 12, 2025. The draft plan approval now expires on March 23, 2026.

### 3.0 PROPOSAL

#### 3.1 Proposed Revisions

As discussed, revisions to the approved Draft Plan of Subdivision and zoning are necessitated by the comments provided by TCPL on the detailed engineering drawings that were submitted to clear the draft plan conditions. These changes to the plan of subdivision trigger modifications to the site-specific zoning by-law amendment given that the zone boundaries are tied to the lot and road layout which needs to be updated to address the TCPL comments.

The Proposed Revisions to the plan for the 14.9-hectare site largely maintain the approved Draft Plan of Subdivision and zoning including the land uses, lot pattern and road layout of the Approved Draft Plan. The modifications to the plan include the relocation of the cul-de-sac and an update the road network to remove the intersection in proximity to the pipeline corridor. These changes to the roads result in changes to the lots in these two areas. **Attachment B** shows the proposed modifications to the Approved Draft Plan and a summary of the development statistics for the Proposed Revisions, as shown in the Draft Plan of Subdivision is provided in **Table 1**.

**Table 1**– Statistics for Proposed Revisions to Plan of Subdivision

Land Use	Lots/Blocks	No. of Units	Area (ha)
Single Detached	1-57, 66-104	96	4.181
Semi-detached	58-65	16	
Townhouses	105-143	212	4.476
Park	144-145	-	0.993
Parkette	146-148	-	0.186
Walkway	149	-	0.018
Open Space	150-156	-	0.550
TransCanada Pipeline	157-158	-	0.596

0.3m Reserve Blocks	159-161	-	0.003
Roads		-	3.929
<b>TOTAL</b>		<b>324 Units</b>	<b>14.933 ha</b>

Modifications to the Public Road Network

The Proposed Revisions maintain seven new public streets. To address TCPL comments, Street E has been realigned to remove the intersection of Street E and Street A from the TCPL setback. As a result, the west portion of Street E is realigned in a north-south manner and intersects with Street F. The right-of-way width of Street E was also reduced from 20 metres to 18 metres, consistent with the other local streets within the subdivision.

Additionally, the northern portion of the right-of-way of Street B (i.e., the cul-de-sac) has been modified to ensure the final design of the pavement and curbs will be located completely outside of the TCPL 7-metre setback.

Modifications to Residential Lots and Blocks

To address the change to the cul-de-sac and the alignment of Street E, several lots and blocks have been reconfigured. These changes result in a reduction in the total number of units in the approved plan. The revisions result in a total of 324 units with 96 single detached dwellings, 16 semi-detached dwellings, and 212 street townhouses. In comparison to the Approved Draft Plan, the revisions result in four fewer residential dwellings (see **Table 2**).

**Table 2 – Comparison of Units: Approved Draft Plan and Proposed Revision**

<b>Unit Type</b>	<b>Approved Draft Plan No. of Units</b>	<b>Modified Draft Plan No. of Units</b>	<b>Change</b>
Single Detached	104	96	- 8 units
Semi-Detached	16	16	0
Townhouse	208	212	+ 4 units
<b>TOTAL</b>	<b>328</b>	<b>324</b>	<b>- 4 units</b>

Parkland and Open Space

The revisions to the plan result in an increase in total public parkland of 0.14 hectares compared to the Approved Draft Plan (1.05 hectares). The Proposed Revisions include 1.18 hectares of public parkland, consisting of 0.99 hectares of centrally located parkland on either side of the TCPL block through the central area of the subject site, as well as

0.19 hectares of parkette blocks located on the west side of Street A and the north side of Street C.

The TransCanada Pipeline Blocks remain unchanged in the Proposed Revisions and are planned to function as part of the trail network by connecting the parkland blocks within the subject site to the surrounding Rolling Meadows Neighbourhood.

Finally, the Proposed Revisions maintain the open space blocks provided for in the Approved Draft Plan related to the existing hedgerows.

#### Modifications to Draft Plan Conditions

As noted, the current approval conditions for the draft plan of subdivision include 101 draft plan conditions in total, most of which relate to technical and detailed design matters that are required to be cleared prior to the registration of the plan of subdivision. We understand that TCPL is seeking to modify the draft plan conditions that relate to development on or adjacent to TCPL's pipeline easement.

The approval conditions also include a condition which requires that the owner enter into a cost-sharing agreement with the Rolling Meadows Landowners' Group regarding the provision of certain community facilities within the Rolling Meadows Secondary Plan area. Despite QuadReal's repeated efforts at engaging the Rolling Meadows Land Development Corporation regarding the creation of a landowners' group and establishing a cost-sharing agreement, QuadReal has been unsuccessful in obtaining the neighbours cooperation in this respect and is unable to clear this condition to proceed with development. In this regard, we are proposing an additional condition which would allow the City of Thorold to hold in trust QuadReal's proportional share of costs for infrastructure in the Secondary Plan area. This is discussed in further detail in Section 5.5 of this letter.

#### *3.2 Preliminary Phasing Plan*

A preliminary phasing plan is included as **Attachment C** of this letter to identify the potential order of development. The development is proposed to be developed in two phases, as described below. Generally, the first phase of development includes the lands north of the TCPL pipeline and the second phase includes the lands south of the TCPL pipeline. The proposed draft plan modifications do not affect the first phase of development and QuadReal is continuing detailed engineering design for the first phase of development in 2025.

The phases are summarized as:

- **Phase 1** proposes to include the complete build out of Street C and Street D, and the northern half of Street A. The continuation of Street A to the south will be via the existing temporary access road to provide emergency secondary access. The first phase of development generally includes most of the residential lots and blocks to the north of the TCPL pipeline, except four single detached lots and a parkette at the southwest corner of Street D and Street C. Approximately half of the public parkland will be included in Phase 1. Phase 1 will include 53 single detached dwellings, 12 semi-detached dwellings, and 74 townhouse dwellings (139 dwellings in total), however, 3 single detached dwellings and 23 townhouses in Phase 1 are subject to the TCPL regulation limit and will not be developed until such a time that TCPL provides their clearance of conditions.
- **Phase 2** includes the remaining development of Upper's Grove to the south of the pipeline. This includes the remaining build out of Street A, and the build out of Street B, Street E, Street F, and Street G. Phase 2 includes 185 residential units comprised of 47 single detached and 138 street townhouses, as well as the remaining open space, park blocks, and TCPL corridor blocks.

As noted, a detailed engineering submission for Upper's Grove has been submitted and QuadReal is currently working towards a resubmission to address comments. The phasing plan would provide for the development of a portion of the subject site that is not subject to the TCPL conditions and allow for the development of the Phase 1 lands prior to the remainder of the site.

### 3.3 *Required Approvals*

Applications for a Zoning By-law Amendment and Modification to Draft Plan of Subdivision are required to implement the revisions to the plan. In our opinion, the Proposed Revisions satisfy the criteria under Section 51(24) of the *Planning Act*, are consistent with the Provincial Planning Statement, and conforms to the Niagara Region Official Plan, the City of Thorold Official Plan and the Rolling Meadows Secondary Plan.

The requested Zoning By-law Amendment seeks to amend By-law (60) 2019, as amended by site specific Zoning By-law 03-2021, with limited site-specific provisions and performance standards to maintain performance standards approved by Council in 2021. The rezoning seeks to zone the lands to Residential One R1D zone, Residential Three R3A zone, Open Space – Parks and Recreation OS1 zone, Open Space – Conservation OS2 zone, Environmental Protection Two EP2 zone, and Utility U zone, which are the same zoning categories as previously approved, however, the rezoning would align with the proposed modifications to the lot/block pattern and road network.

Modifications to the Approved Draft Plan are required to address TCPL comments and establish the modifications to the approved lot/block pattern and road network.

## 4.0 POLICY & REGULATORY CONTEXT

### 4.1 Overview

As discussed, the Upper's Grove development applications (Zoning By-law Amendment and Plan of Subdivision) were approved by Thorold City Council in March of 2021 and supported by Thorold planning staff in their report dated March 11, 2021 (the "**Staff Report**"). The Upper's Grove development was supported by several studies including a Planning Justification Report prepared by Larkin+ Land Use Planners Inc., dated December 2018 (the "**Larkin Report**"). In our opinion, the planning policy context identified in the Staff Report and the Larkin Report remains relevant to the subject site, except where planning policies have been updated, as described below.

Since the Upper's Grove development was approved in 2021, there have been changes to the policy and regulatory context, including the replacement of the Provincial Policy Statement and Growth Plan with the Provincial Planning Statement (2024), the new Region of Niagara Official Plan (2022), and the City of Thorold Zoning By-law No. 60 (2019). The following summarizes these policy changes in the context of the Proposed Revisions.

### 4.2 Provincial Planning Statement (2024)

On August 20, 2024, the Ministry of Municipal Affairs and Housing released the Provincial Planning Statement 2024 ("**PPS**"), which came into effect on October 20, 2024. The PPS replaced the previously in-effect Provincial Policy Statement (2020) and Growth Plan for the Greater Golden Horseshoe (2019).

The 2024 PPS provides policy direction on matters of Provincial interest related to land use planning and development and will apply to all decisions in respect of the exercise of any authority that affects a planning matter made on or after October 20, 2024. In accordance with Section 3(5) of the *Planning Act*, all decisions that affect a planning matter are required to be consistent with the PPS. In this regard, Policy 6.1 of the PPS provides that the PPS "shall be read in its entirety and all relevant policies are to be applied to each situation".

Compared to the 2020 PPS and 2019 Growth Plan, the 2024 PPS is intended to reduce and streamline planning rules, simplify approvals to build homes and eliminate duplication between planning documents. It emphasizes flexibility, with the intent of helping get more

homes built across the province, while continuing to protect agricultural lands, cultural heritage and natural areas.

One of the key policy directions that continues to be expressed in the 2024 PPS is to build complete communities with a mix of housing options and promoting efficient development and land use patterns.

Policy 2.1.6 provides that planning authorities should support the achievement of complete communities by, among other things, accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses, recreation, parks and open space, and other uses to meet long-term needs.

With respect to housing, Policy 2.2.1(a) provides that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households.

Policy 2.2.1(b) provides that this should also be done by permitting and facilitating all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, and all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with Policy 2.3.1.3 (see below).

Policy 2.3.1.1 directs that settlement areas shall be the focus of growth and development, and that within settlement areas, growth should be focused in, where applicable, strategic growth areas. Policy 2.3.1.2 goes on to state that land use patterns within settlement areas should be based on densities and a mix of land uses which: efficiently use land and resources; optimize existing and planned infrastructure and public service facilities; support active transportation; are transit-supportive, as appropriate; and are freight-supportive.

Policy 2.3.1.3 directs planning authorities to support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities. Policy 2.3.1.4 provides that planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.

Policy 2.3.1.5 encourages planning authorities to establish density targets for designated growth areas based on local conditions. The 2024 PPS defines designated growth areas as “lands within settlement areas designated for growth or lands added to settlement areas that have not yet been fully developed. Designated growth areas include lands which are designated and available for residential growth in accordance with policy 2.1.4.a), as well as lands required for employment and other uses.”

Section 2.9 of the PPS addresses energy conservation, air quality and climate change. Policy 2.9.1 directs planning authorities to plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that: support the achievement of compact, transit-supportive, and complete communities; incorporate climate change considerations in planning for and the development of infrastructure, including stormwater management systems, and public service facilities; support energy conservation and efficiency; promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality; and take into consideration any additional approaches that help reduce greenhouse gas emissions and build community resilience to the impacts of a changing climate.

Chapter 3 of the PPS includes policies related to infrastructure and facilities. Generally, the infrastructure policies set out in Chapter 3 place an emphasis on the need to integrate land use planning and investment in both infrastructure and transportation.

Policy 3.1.1 provides that infrastructure and public service facilities shall be provided in an efficient manner while accommodating projected needs, and that planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they are financially viable over their life cycle, leverage the capacity of development proponents, where appropriate, and are available to meet current and projected needs.

With respect to sewage and water services, Policy 3.6.1, as summarized, includes that planning for sewage and water services shall accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing municipal sewage services and municipal water services; and promote water and energy conservation and efficiency.

With respect to stormwater management, Policy 3.6.8 provides that planning for stormwater management shall, among others, be integrated with planning for sewage and water services and ensure that systems are optimized, retrofitted as appropriate, feasible and financially viable over their full life cycle.

Section 3.9 of the PPS provides policies for public spaces, recreation, parks, trails and open space. Policy 3.9.1 provides that healthy, active, and inclusive communities should be promoted by, among others:

- planning public streets, spaces and facilities to be safe, meet the needs of persons of all ages and abilities, including pedestrians, foster social interaction and facilitate active transportation and community connectivity (a); and
- planning and providing for the needs of persons of all ages and abilities in the distribution of a full range of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources (b).

Chapter 4 of the PPS provides policies for the wise use and management of resources. Regarding natural heritage, Policy 4.1.1 states that natural features and areas shall be protected for the long term.

With respect to implementation, Policy 6.1.1 provides that the 2024 PPS shall be read in its entirety and all relevant policies are to be applied to each situation. Policy 6.1.6 requires that planning authorities keep their zoning by-laws up-to-date with their official plans and the PPS by establishing permitted uses, minimum densities, heights and other development standards to accommodate growth and development. Policy 6.1.7 requires that where a planning authority must decide on a planning matter before their official plan has been updated to be consistent with the PPS, or before other applicable planning instruments have been updated accordingly, it must still make a decision that is consistent with the Provincial PPS.

As set out in Section 5.0 of this letter, it is our opinion that the Proposed Revisions are consistent with the 2024 PPS, specifically the policies relating to residential intensification within settlement areas and the efficient use of land and infrastructure.

#### *4.3 Niagara Region Official Plan (2022)*

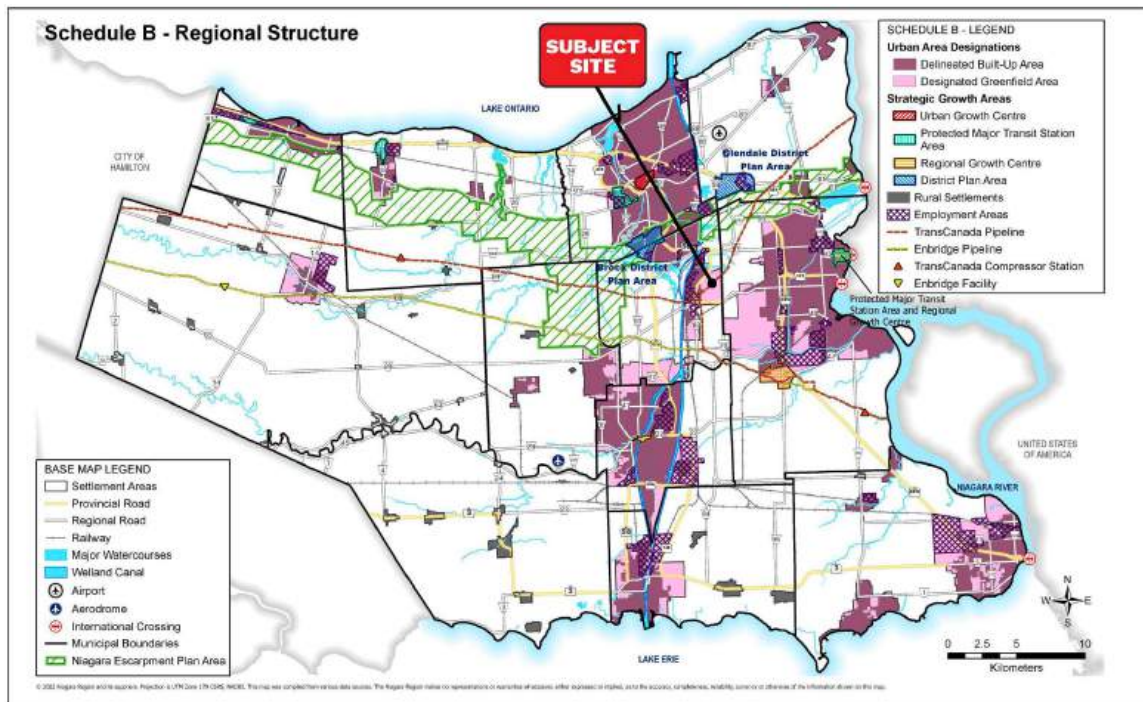
The Niagara Region Official Plan (“NROP”) is the Region of Niagara’s long-term, strategic policy planning framework for managing growth, and the policies of the plan will guide land use and development in Niagara until 2051 and beyond. The NROP was adopted by Regional Council on June 23, 2022, and on November 4, 2022, the Minister of Municipal Affairs and Housing approved the current NROP, with modifications. Subsequently, modifications were approved by the Minister on December 6, 2023. The current consolidation of the Regional OP, dated May 2024, reflects these changes.

On June 6, 2024, Bill 185, the *Cutting Red Tape to Build More Homes Act, 2024*, received royal assent. Through this *Act* and the subsequent regulations, Niagara Region became

an upper-tier municipality without planning responsibilities as of March 31, 2025, meaning that land use planning responsibilities will be downloaded to lower-tier municipalities, such as the City of Thorold. As set out in the transition regulations, on that date the NROP will be deemed to be an official plan of the City of Thorold (and of other municipalities within Niagara Region).

The subject site is identified within the *Urban Area – Designated Greenfield Area* of the NROP on Schedule B - Regional Structure (see **Figure 2**).

Section 2.1.1 sets out policies for Regional Growth Forecasts. Specifically, Policy 2.1.1.1 identifies population and employment forecasts for all lower tier municipalities that are the basis for all land use decisions to 2051. Table 2-1 of the NROP identifies that by 2051 the City of Thorold is forecasted to have a population of 39,690 and 12,510 employees.



**Figure 2 – NROP Schedule B**

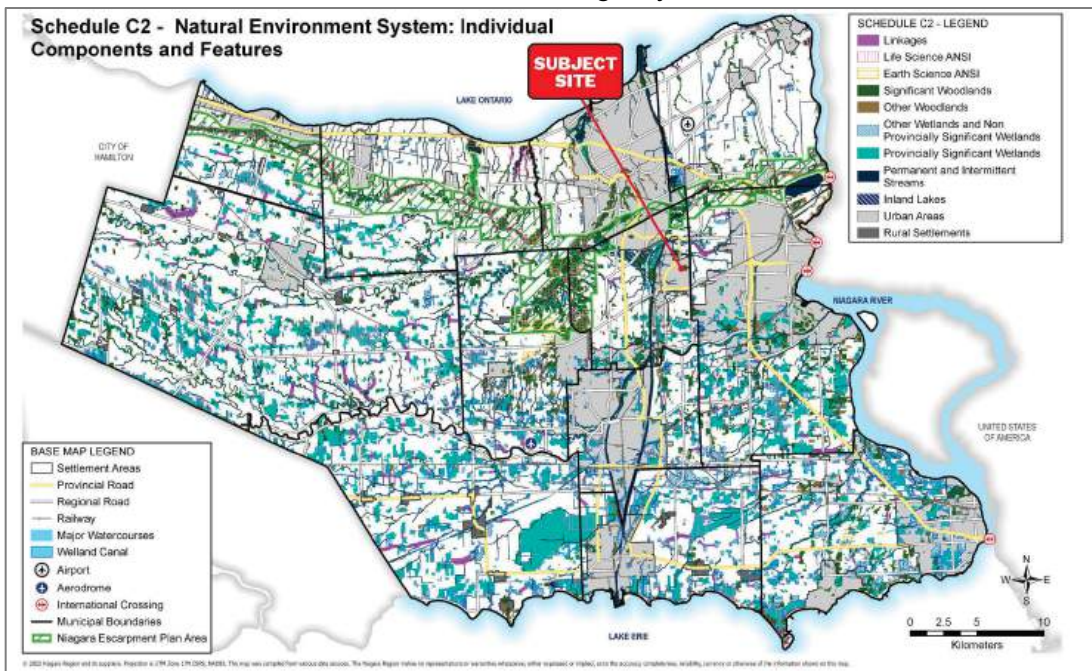
Policy 2.2.2.6, through Table 2-2, requires a minimum residential intensification target of 25% for Thorold. Policy 2.2.2.23 provides that *designated greenfield areas* shall achieve a minimum density of 50 residents and jobs combined per hectare as measured across the entire region.

Policy 2.2.2.25 states that *designated greenfield areas* will be planned as *complete communities* by:

- a. ensuring that development is sequential, orderly and contiguous with existing built-up areas;
- b. utilizing proactive planning tools in Section 6.1 and Section 6.2, as appropriate;
- c. ensuring infrastructure capacity is available; and
- d. supporting active transportation and encouraging the integration and sustained viability of public transit service.

Section 2.3.1 of the NROP sets out policies to provide a mix of housing options. Specifically, Policy 2.3.1.1 states that the development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life.

Section 3.1 of the NROP outlines the objectives and policies for the Regional Natural Environment System. The Region’s mapped features and components of the natural environment system are presented on Schedule C1 in the NROP, which identifies a small natural environment system overlay on the northeastern boundary of the subject site. Additionally, Schedule C2 – Natural Environment System: Individual Components and Feature (see **Figure 3**) identifies a small significant woodland adjacent to the northeastern boundary of the subject site. The identified significant woodland is within the settlement area and outside the Provincial Natural Heritage System.



**Figure 3 – NROP Schedule C2**

Policy 3.1.9.8.1 provides that a proposal for new development or site alteration outside of a Provincial natural heritage system which is adjacent to a natural heritage feature or area

shall require an environmental impact study to determine that there will be no negative impacts on the feature, ecological function, or hydrologic function in accordance with the adjacent lands distances outlined in Table 3-1. With respect to natural heritage feature distances from development on adjacent lands, Table 3-1 in the NROP identifies adjacent lands within 120 metres of a significant woodland require an environmental impact study.

As noted, the areas for environmental protection within the Approved Draft Plan will be maintained and no changes are proposed to natural open space blocks by the Proposed Revisions.

The subject site is located within the *Urban Area – Designated Greenfield Area* of the NROP, and is intended to develop as part of a complete community and contribute to the Region’s minimum greenfield density target of 50 residents and jobs combined per hectare. In this regard, and for the reasons set out in Section 5.0 of this letter, it is our opinion that the Proposed Revisions conform to the NROP.

#### *4.4 City of Thorold Official Plan (2016)*

The City of Thorold Official Plan (“OP”) was approved by Niagara Region on April 28, 2016. The City of Thorold’s OP identifies the the long-term objectives of the City with respect to the growth and development in the City, among other matters, to the year 2031. The City’s OP is divided into five parts and is guided by a vision to revitalize the City’s economic and civic identity through growth and development in the Downtown, the employment areas, the existing urban area and the Secondary Plan areas. The City of Thorold will be required to update its Official Plan to conform to the Niagara Region Official Plan as it was approved by the Province in 2022.

As noted, the policy review in the Staff Report and the Larkin Report remain relevant with respect to the Thorold Official Plan policies, including the Rolling Meadows Secondary Plan policies. For reference, the relevant land use and density policies applicable to the subject site are provided below.

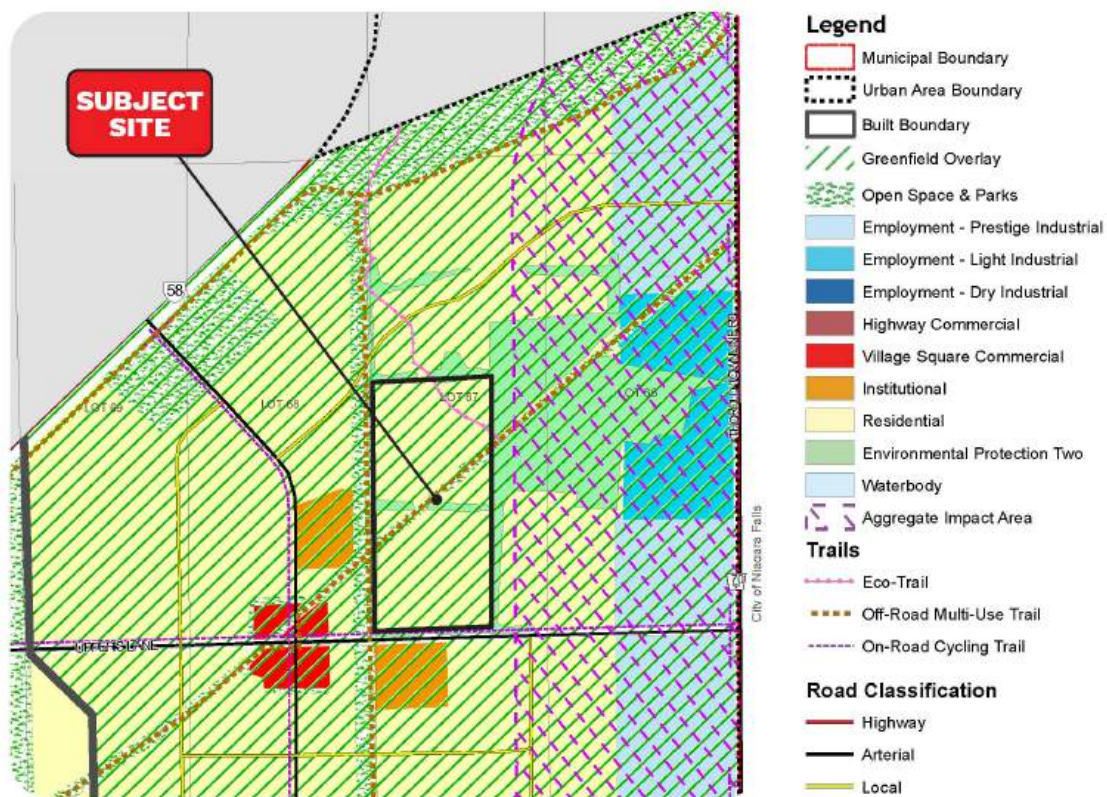
#### *The Neighbourhoods of Rolling Meadows Secondary Plan*

The Neighbourhoods of Rolling Meadows Secondary Plan was originally approved in 2000 and updated in 2007 to ensure conformity with the Provincial Growth Plan.

The subject site is designated *Residential* and *Environmental Protection Two* and has a *Greenfield Overlay*. Additionally, the land use schedule identifies a multi-use trail, eco-trail within the subject site (see **Figure 4**).

With respect to greenfield policies, Policy A4.1.9 of the Official Plan provides that lands designated *Greenfield Overlay* are lands within urban areas that are located outside of the built boundary and are to be planned to achieve future population and employment with a minimum density of 50 residents and jobs combined per hectare.

Policy B.1.8.6.1 states that the predominant use of lands designated as Residential shall be for residential dwellings. Policy B.1.8.6.1 includes permitted secondary uses, such as nursery schools and daycare centres, neighbourhood parks and interconnected trails, churches and places of worship, stormwater management facilities, among others.



**Figure 4 – Land Use Schedule (Thorold OP)**

With respect to housing density, Policy B1.8.6.2 states:

*“...no areas have been designated on Schedule ‘A-3’ – Land Use Plan for the various densities and housing types as in order to achieve a compact built form within the Neighbourhoods of Rolling Meadows minimum residential densities of 19 units per hectare per draft plan of subdivision are to be provided for....”*

In addition, Policy B1.8.6.2 provides the residential mix to be achieved within the Rolling Meadows area, however variations to these housing targets and residential densities may be permitted when the minimum overall density target of 19 units per hectare is achieved:

- a. RM Low Density – 60% single detached and semi-detached for a minimum of 12 units per net hectare;
- b. RM Medium Density – 30% multiple attached for a minimum of 24 units per net hectare;
- c. RM High Density – 10% multiple attached and apartments for a minimum of 48 units per net hectare.

Further, Policy B1.8.6.2 states that net density in freehold developments is defined as including the local public road serving the housing units, but not the residential collector road. In group developments, net density includes private residential streets, driveways and parking areas and a portion of the public street which provides direct driveway access to each individual unit.

Policy B1.8.6.4 states that prior to the approval of any application for plan of subdivision and/or Zoning By-law Amendment the proponent shall effectively demonstrate how the proposed development achieves the housing mix and density targets of this Plan and provide a housing mix and density plan that geographically distributes house forms/types, lot sizes and densities based on the objectives and policies of this Plan.

Section B3.3 of the Official Plan provides natural heritage policies, specifically speaking to lands designated *Environmental Protection Two*. The Environmental Protection Two designation represent Environmental Conservation Area (ECA) located in the Core Natural Heritage Areas of the Regional Official Plan. Policy B3.3.2 lists natural heritage features that comprise the *Environmental Protection Two* designation including significant habitat of special concern species, significant woodlands, publicly owned conservation lands, among others.

Policy B1.8.3 states that boundaries of land uses as shown on Schedule 'A-3' are intended to be general and approximate, unless they coincide with a road, lot line, utility corridor or prominent physical feature. Adjustments to the approximate location of land use boundaries, streets and trails as well as implementing zoning by-law boundaries provided the general intent of the Official Plan and this Secondary Plan are maintained.

For the reasons set out in Section 5.0 of this letter, it is our opinion that the Proposed Revisions conform to the City of Thorold Official Plan.

#### 4.5 Zoning

As part of the approval of the Upper’s Grove development by City Council in March 2021, site-specific zoning by-law amendments were passed. This included By-law 01-2021, which amended Zoning By-law 2140(97), and By-law 03-2021, which amended Zoning By-law 60 (2019). At the time of the approval, the city’s new comprehensive Zoning By-law 60 (2019) was under appeal and therefore an amendment to the existing Zoning By-law 2140(97) was also required, specifically with respect to the residential zone categories.

We understand that as of May 23, 2024, the residential zones of Zoning By-law 60 (2019) are now in full force and effect. In this regard, the regulations of the previous city-wide zoning by-law are no longer in effect. However, it must be noted that the Approved Draft Plan of Subdivision was approved based on the regulations contained in Zoning By-law 2140(97) as it applied to the residential zones on the subject site at the time. In this regard, we have reviewed both zoning by-laws below, with a focus on the residential zones.

Zoning By-law 2140(97)

The City of Thorold By-law 2140(97) was amended by By-law No. 01-2021 to permit the proposed residential, open space and environmental conservation uses. The subject site was previously zoned Light Industrial with the Holding (H) provision (LI (H)) zone. By-law No. 01-2021 amended the zoning of the subject site to several site-specific residential zones (with a holding symbol), including Rolling Meadows Second Density (RM-R2) and Rolling Meadows Third Density (RM-R3), as well as Rolling Meadows Open Space (RM-OS) and Environmental Conservation (EC).

**Table 3** provides the zoning provisions that were applicable to the subject site at the time of approval, which is important as the design of the approved subdivision was based on these regulations.

**Table 3 – Residential Zoning Provision Summary**

Zone Provision	RM-R2	RM-R3	
		Semis	Townhouse
Minimum Lot Area (square metres)	Semis: 400 Singles: 325	400	180 per unit (225 for end unit)
Minimum Lot Frontage (metres)	Semis: 14.6 Singles: 10.5	14.6	6 per unit (7.5 for end unit)
Maximum Lot Coverage (percent of lot area)	45	45	50
Maximum Building Height	11 m	2 storeys	2 storeys
Minimum Setbacks (m)			

Zone Provision	RM-R2	RM-R3	
		Semis	Townhouse
<b>Front Yard</b>			
<b>To Dwelling</b>	3.0	3.0	3.0
<b>To Garage</b>	6.0	6.0	6.0
<b>Rear Yard</b>	7.5	7.5	6.0
<b>Interior Side Yard</b>	1.2	1.2	1.2
<b>Exterior Side Yard</b>	3.0	3.0	3.0
<b>Maximum number of Units</b>	n/a	n/a	8

With respect to site-specific provisions, the RM-R2-1(H) and the RM-R3-8(H) Zones permitted a minimum setback to the TransCanada Pipeline of 7.0 metres and 3.0 metres for accessory structures. The RM-R2-2(H) zone permitted a minimum lot area of 320 square metres for single detached dwellings. The RM-R3-9(H) Zone permitted a minimum lot area of 175 square metres per dwelling unit for a street townhouse dwelling, except for an end unit, which shall have a minimum lot area of 219 square metres.

Zoning By-law 60 (2019)

The City of Thorold Zoning By-law No. 60 (2019) was enacted by the City of Thorold on May 7, 2019. Zoning By-law No. 60 (2019) was introduced to implement the policies of the City’s Official Plan and replace the City’s existing zoning by-law. Prior to the subject site’s rezoning in 2021, the zoning by-law identified the subject site as predominantly ‘Future Development’, with ‘Open Space Conservation’ and ‘Utility’ zones along part of the hedgerows and the pipeline corridor. By-law No. 03-2021, amending Zoning By-law No. 60 (2019), was passed by the City of Thorold to rezone the lands to multiple residential zones (R1D, R2A, and R3A) with a holding symbol, Parks and Recreation (OS1), Conservation (OS2), Environmental Protection 2 (EP2), and Utility (U) (see **Figure 5**).

As noted, the appeals of the residential zones of Zoning By-law 60 (2019) were resolved and are now in full force and effect. The R1 and R2 Zones now permit single detached dwellings, duplexes, semi-detached dwellings, street townhouse dwellings (limited to three attached dwellings), and triplexes, among others. The R3 Zone permits street townhouse dwellings, stacked townhouse dwellings, private street developments, and apartment dwellings, among others. Part 6 Residential Zones of Zoning By-law 60 (2019) provides the applicable permitted uses and lot, building and structure requirements.



-  Residential R1D Holding (R1D (H)) Zone
-  Residential R2A Holding (R2A (H)) Zone
-  Residential R3A Holding (R3A (H)) Zone
-  Open Space - Parks and Recreation (OS1) Zone
-  Open Space - Conservation (OS2) Zone
-  Environmental Protection Two (EP2) Zone
-  Utility (U) Zone

**Figure 5 – Schedule A to By-law 03-2021**

As noted, the present rezoning application proposes to further amend Zoning By-law 60 (2019), as amended by Zoning By-law 03-2021, to permit the required modifications to the Approved Draft Plan in a manner which will conform to Provincial, Regional and Local planning policies. Because Zoning By-law 60 (2019) is now fully in force for the subject site, an amendment to Zoning By-law 2140(97) is no longer required.

As shown in Schedule A to By-law 03-2021, the zoning of lands is restricted to the individual lots and blocks within the subdivision. Because the road network will be updated to address TCPL comments, the zoning of the subject site will be affected and the zoning diagram will require updating to reflect the revisions to the plan.

## **5.0 PLANNING ANALYSIS**

It is our opinion that the requested modifications to the Approved Draft Plan address the comments provided by TCPL and are supportive of numerous policy directions set out in the Provincial Planning Statement, the Region of Niagara Official Plan, the City of Thorold Official Plan, and the Neighbourhoods of the Rolling Meadows Secondary Plan, all of which promote and encourage the efficient use of land and infrastructure within settlement areas.

Furthermore, the recommendations identified in the City Staff Report (PDS2021-08) for the Upper's Grove development, which was approved by Council in March 2021, remain relevant for the proposed Zoning By-law Amendment and Modification to Draft Plan applications.

### *5.1 Land Use*

The Proposed Revisions do not propose to change the land uses approved through the original applications. The plan continues to provide a comprehensively planned development with appropriate uses that are well-suited for the subject site and the Rolling Meadows Secondary Plan area. The Thorold OP directs that the Rolling Meadows Secondary Plan is intended to accommodate a significant amount of the City's growth allocation to 2031. Development of the subject site with a mix of low and medium density residential uses, major public open space and planned trails, and the extension of planned community services and infrastructure make it an appropriate and desirable development as a *designated greenfield area*.

From a land use perspective, the Proposed Revisions conform to the permitted uses of the Secondary Plan and do not propose to change the uses previously approved by Council in March 2021. The Proposed Revisions maintain the lands designated for

environmental protection, provide a small increase in public parkland, and provide for minor modifications to the residential zoned areas to accommodate the revisions to the road network. As discussed, the proposed modifications to the Approved Draft Plan, and the resulting changes to the zoning, are required to address TCPL comments received through the submission of the detailed engineering design. The Proposed Revisions address TCPL setback requirements and provide for appropriate land uses within the subject site.

In our opinion, the Proposed Revisions are appropriate from a land use perspective as they continue to provide a mix of residential uses in a compact form and in particular, provide for the logical continuation of the development that continues to be in conformity with and implements the Secondary Plan.

### 5.2 Density

The Niagara Region Official Plan provides that *designated greenfield areas* shall achieve a minimum density of 50 residents and jobs combined per hectare as measured across the entire region (Policy 2.2.2.23). Furthermore, Policy A4.1.9 of the Thorold OP provides that lands designated Greenfield Overlay are to achieve future population and employment with a minimum of 50 residents and jobs combined per hectare. While these minimum targets are applicable to the entire greenfield-designated lands, as outlined, below, the Proposed Revisions will help to achieve these targets for the Region and the City.

Development of the subject site would result in a minimum density of approximately 61 residents and jobs combined per hectare, contributing to the regional and municipal target for the entire *designated greenfield area*. The Proposed Revisions result in an estimated population of 776 people and an estimated of 62 jobs (work at home). **Table 4** below provides a calculation of the population and jobs expected from the Upper's Grove development and **Table 5** summarizes the population and employment density estimate.

**Table 4 - Calculation of Estimated Population & Jobs**

Unit Type	# of Units	PPUs*	Population/Jobs
Singles and Semis	112	3.077	345
Multiples	212	2.035	431
<b>TOTAL POPULATION</b>			<b>776</b>
Worked at Home Jobs**			8%
<b>TOTAL JOBS</b>			<b>62</b>
<b>TOTAL POPULATION + JOBS</b>			<b>838</b>

\*Retrieved from City of Thorold DC Background Study 2024 (Schedule 5)

*\*\*Based on 2021 Statistics Canada Thorold Census Tract*

**Table 5 - Calculation of Estimated Designated Greenfield Area Density**

<b>Land Use</b>	<b>Area (ha)</b>
Residential Lands	8.657
Park and Parkettes	1.179
Open Space (Environmental)	0.530
TCPL Pipeline	0.596
Walkway	0.018
Roads (incl. reserves)	3.953
<b>Area Total</b>	<b>14.933</b>
<b>Gross Area*</b> <b>(Total Area minus Environmental Open Space and TCPL Pipeline)</b>	<b>13.807</b>
<b>Total Population + Jobs</b>	<b>838</b>
<b>Designated Greenfield Area Density</b>	<b>60.7</b>

*\*Calculation of greenfield area density excludes environmental features and utility corridors, as per sidebar policy of NROP (page 26).*

With respect to residential density, Policy B1.8.6.2 of the Thorold Official Plan states that the minimum residential density of 19 units per hectare per draft plan of subdivision are to be provided for with a mix of low, medium, and high density residential uses. Policy B1.8.6.2 further states that the residential mix and densities apply to the whole secondary plan area.

Based on the 324 units provided in the Proposed Revisions, the development has a residential density of 25.7 units per net hectare, which exceeds the minimum density of 19 units per hectare provided by the RMSP. **Table 6** below provides the calculation of residential density through the Proposed Revisions.

**Table 6 - Calculation of Net Density in Upper's Grove Development**

<b>Residential Density</b>	
Area Total	14.933 ha
Net Area*	12.607 ha
Total Units	324
<b>Net Density (units per hectare)</b>	<b>25.7</b>

*\*As defined in the City of Thorold OP, Net Density is the total number of dwelling units divided by the net area of the lot or site. The net area excludes streets, alleys, public open spaces, utility rights-of-way, easements, and other public facilities or utility facilities. However, as per Policy B1.8.6.2, local public roads are included.*

In our opinion, the modifications to the plan that result in a net loss of four units are appropriate with respect to the resulting densities for the subject site given that the plan proposal supports the direction of the Region's Official Plan and the City's Official Plan, with respect to development of identified *designated greenfield areas*. The density also conforms to the requirements in the Rolling Meadows Secondary Plan.

### 5.3 *Setbacks*

To address the modifications required to address the TCPL comments, the zoning by-law amendment passed by Council in 2021 needs to be updated to provide a reduced minimum rear yard setback (proposed 4.5 metres from the applicable 7.5 metres) for two of the single detached lots located on the east side of the Street B cul-de-sac. This is a result of shifting the cul-de-sac west to satisfy TCPL requirements. This regulation is only applicable to two lots and would not result in adverse impacts to the adjacent dwellings.

Further, the application proposes to introduce site specific regulations for the Upper's Grove subdivision to reflect the same regulations applied at the time of the 2021 approval. As noted, the residential zones of the new comprehensive Zoning By-law 60 (2019) have recently come into force and therefore the residential zones of the previous Zoning By-law 2140(97) no longer apply. While the new comprehensive zoning by-law is now in force, it must be noted that the Upper's Grove Plan of Subdivision was designed and approved based on the in-force regulations at the time under the City's previous zoning by-law. In this regard, the Proposed Revisions seeks to maintain the zoning regulations as approved in 2021 for the subject site.

The zoning approved in 2021 permitted a minimum front yard of 3.0 metres and minimum exterior side yard of 3.0 metres for all dwelling types, and maximum lot coverage of 50% for street townhouse dwellings. These performance standards were applicable at the time of the original approval in March 2021 and informed the design of the plan. They are carried forward into the proposed zoning by-law amendment for Zoning By-law 60 (2019) with the Proposed Revisions.

In our opinion, the proposed modifications to the zoning regulations are appropriate given that the proposed zoning by-law amendment is generally technical in nature in that it establishes the permitted performance standards in the City's new zoning by-law which were applicable to the subject site as of the date of the original approval.

### 5.4 *Servicing Considerations*

Stantec Consulting Ltd. (Stantec) prepared an Engineering Technical Letter in support of the proposed modifications to the Approved Draft Plan. The letter concludes that the

proposed revisions do not result in any major changes to the servicing, stormwater, and grading design, nor does it change the overall approach or methodologies in the design of the subject site. Refer to Stantec's technical letter for more detail which is submitted under separate cover.

#### *5.5 Revisions to Conditions of Approval*

We understand that TCPL has requested that the draft plan approval conditions be revised to include conditions as set out in their comment letter dated November 17, 2023, prepared by MHBC Planning on behalf of TCPL. We understand staff intend to update the draft plan approval conditions for the Upper's Grove Plan of Subdivision to accommodate TCPL's request.

In view of the updates being contemplated for the draft plan conditions, QuadReal is also requesting an update to the approval condition related to cost sharing, as outlined below.

Condition of approval #15 requires QuadReal to enter into a Cost Sharing Agreement with the "Rolling Meadows Landowners' Group" prior to final approval of the draft plan. We understand that the intent of this condition is to ensure the provision of certain community and common facilities (e.g., school sites, municipal services, parks and public roads, etc.) in the Rolling Meadows Secondary Plan area and that they are completed to the satisfaction of the City and to ensure all developers pay their fair share of costs for the elements which they benefit from. QuadReal was aware of this condition prior to acquiring the subject site and fully intends to pay its fair share of appropriate and reasonable costs related to eligible infrastructure and services that are relevant to the development of the Upper's Grove Plan of Subdivision. Despite QuadReal's repeated efforts to advance this with the neighbouring landowner, no cost-sharing agreement or Landowner's Group has formed and without the neighbour's cooperation it is not possible to clear the condition, thus putting a freeze on much needed new housing in the Rolling Meadows area.

The majority of development of the Secondary Plan area to date has been led by the Rolling Meadows Land Development Corporation ("RMLDC"). Since acquiring the subject site in July 2022, QuadReal has contacted and met with RMLDC's owner representative on several occasions with the objective of initiating a cost sharing agreement to pay QuadReal's share of the appropriate infrastructure costs that have been front-end financed by RMLDC. To date, cost-sharing schedules have been shared by RMLDC and reviewed by QuadReal, however, there has been minimal progress on establishing a cost sharing agreement, despite QuadReal repeated requests. QuadReal hopes to engage in good faith with RMLDC to collectively establish a cost sharing agreement, but as it stands, this remains an impediment to satisfying the related approval condition.

As such, the current approval condition which requires QuadReal to enter a cost sharing agreement cannot be met, and QuadReal is prevented from registering the Upper's Grove Plan of Subdivision. Despite being approved for over 320 new homes, this means the subject site will sit vacant and undeveloped even though QuadReal is ready to develop.

The challenge with satisfying this condition is exacerbated by the fact that the City of Thorold has no ability to compel such an agreement between private landowners. As a result, over 320 new homes are being held up at a time when housing supply and affordability are at critically low levels in the Region and Province as a whole.

To address this matter, QuadReal requests that the condition of approval #15 be updated to allow QuadReal to pay their portion of the costs by allowing the City of Thorold to accept, and hold in trust, QuadReal's share of costs for appropriate municipal infrastructure, until such time that the participating landowner(s) are willing to enter into a cost sharing agreement. We understand this practice is not uncommon and has been introduced to conditions of draft approval for subdivisions in other municipal jurisdictions, including the City of Richmond Hill and the Town of Milton, where Stantec has implemented this approach. Furthermore, this updated condition would provide an alternative process for QuadReal to pay their equitable share in the event that a cost-sharing agreement is not in place when it proceeds with development.

To implement this approach, QuadReal's engineering consultant would prepare cost sharing schedules outlining the approximate costs to date of the relevant infrastructure eligible for cost sharing within the Rolling Meadows Secondary Plan area and apply a formula to determine QuadReal's share of the cost (typically done based on share of developable land area). Preparation of the cost sharing schedules and required costs would be prepared in collaboration with, and to the satisfaction of the City of Thorold. The City would then hold those costs in trust until landowners who have front-end financed infrastructure are willing to enter a cost sharing agreement.

To assist in updating the approval conditions, we propose the following new condition be added following current condition #15:

*#15(1) If a cost sharing agreement has not been established in accordance with Condition #15, despite reasonable best efforts by the Owner, the Owner shall prepare and provide to the City cost sharing schedules outlining approximate costs for municipal infrastructure and stormwater management facilities eligible for cost sharing within the Rolling Meadows Secondary Plan area and the Owner's proportionate share of those costs.*

*The Owner shall provide their proportionate share to the City, by way of a letter of credit, to hold in trust until such time that the participating landowner(s) enter*

*into a cost sharing agreement, and the provision of such letter of credit will be sufficient to satisfy Condition #15.*

This proposed condition would still require QuadReal to pay their proportionate share of front-ended municipal infrastructure costs in the Rolling Meadows Secondary Plan area, while also ensuring development can happen in a timely manner, in line with provincial directives, without being held up by landowner(s) that are unwilling to participate in a Landowners' Group or cost-sharing agreement.

## **6.0 CONCLUSION**

The proposed applications for Zoning By-law Amendment and Modifications to Draft Plan for the approved Upper's Grove Plan of Subdivision are required to address technical comments received by TransCanada Pipeline (post draft plan approval) which were received through the circulation of the detailed engineering design to clear conditions for the approved plan of subdivision. Minor revisions to the Approved Draft Plan are required to relocate infrastructure (i.e., roadway, curbs, and driveways) outside of the TCPL's required 7-metre setback.

The revisions result in a total of 324 dwellings units, compared to the previously approved plan which totalled 328 dwelling units. In our opinion, the Proposed Revisions are consistent with the Provincial Planning Statement and conforms to the Niagara Region Official Plan, and Thorold Official Plan.

An update to the approval conditions related to cost-sharing is also requested by QuadReal, as outlined in this letter.

We trust this letter is satisfactory for your purposes. However, if you have any questions or require additional information, please do not hesitate to contact the undersigned or David Milano of our office.

Respectfully submitted,  
**Bousfields Inc.**



Emma West, MCIP, RPP  
Partner

# ATTACHMENT A

