

To: Economic and Development Services Committee

From: Anthony Ambra, P.Eng., Commissioner,
Economic and Development Services Department

Report Number: ED-25-05

Date of Report: January 8, 2025

Date of Meeting: January 13, 2025

Subject: Request to Classify Certain Lands north of Grand Ridge Avenue and east of Clearbrook Drive as a Class 4 Area Pursuant to Provincial Noise Guidelines and to Remove an Existing Noise Berm East of Clearbrook Drive

Ward: Ward 3

File: S-O-2018-01, Z-2014-01-H

1.0 Purpose

The purpose of this Report is as follows:

- (a) To provide a recommendation on a written request by Whitby Meadows Inc. (the “Developer”) for the City to classify certain residentially-zoned lands east of Clearbrook Drive between Taunton Road East and Grand Ridge Avenue as a Class 4 Area in accordance with the Ministry of the Environment, Conservation and Parks (“M.E.C.P.”) Publication NPC-300 (Environmental Noise Guidelines – Stationary and Transportation Sources) (the “Guideline”);
- (b) To advise Council that an application to remove holding symbols on the zoning of certain residentially-zoned lands in Registered Plan of Subdivision 40M-2742 has been submitted by the Developer; and,
- (c) To advise Council that the Developer intends to remove an existing noise berm located east of Clearbrook Drive and north of Grand Ridge Avenue, and to seek authorization to notify by mail residents in the vicinity of the berm of its proposed removal.

Attachment 1 is a map showing the location of the lands currently occupied by the noise berm to be removed, the lands on which the holding symbols are proposed to be removed, the location of the G.I.P. Paving Inc. (“G.I.P.”) asphalt plant, and the zoning for the area.

Attachment 2 is a copy of Registered Plan of Subdivision 40M-2742.

Attachment 3 is an air photo showing the location of existing noise berms in the area, including the berm proposed to be removed (i.e. the eastern noise berm).

Attachment 4 is a map identifying existing and proposed residential development in the vicinity of the berm proposed to be removed.

Attachment 5 is a copy of a letter dated November 26, 2024 received from the Developer requesting that the City classify Lots 9 to 11 and Blocks 15, 17 and 22 in Registered Plan 40M-2742 and 679 and 695 Taunton Road East as a Class 4 Area.

Attachment 6 is a map identifying the property owners that are recommended to receive a mail notification from the City advising that the eastern noise berm is planned to be removed.

2.0 Recommendation

That the Economic and Development Services Committee recommend to City Council:

1. That, pursuant to Report ED-25-05 dated January 8, 2025, the lands described as Lots 9, 10 and 11 and Blocks 15, 17 and 22 of Registered Plan 40M-2742 and 679 and 695 Taunton Road East are hereby classified as a Class 4 Area as defined in the Ministry of the Environment, Conservation and Parks Publication NPC-300 (Environmental Noise Guideline – Stationary and Transportation Sources).
2. That a copy of Report ED-25-05 dated January 8, 2025 and a copy of the decision of Council to classify Lots 9, 10 and 11 and Blocks 15, 17 and 22 of Registered Plan 40M-2742 and 679 and 695 Taunton Road East as a Class 4 Area be forwarded to G.I.P. Paving Inc.
3. That, pursuant to Report ED-25-05 dated January 8, 2025, staff be authorized to mail a notification letter to property owners on Langley Circle, Taggart Crescent and along the north side of Grand Ridge Avenue, west of Harmony Road North, advising of Whitby Meadows Inc.'s intent to remove the berm located east of Clearbrook Drive and north of Grand Ridge Avenue, generally in accordance with the circulation area shown in Attachment 6 to said Report.

3.0 Input From Other Sources

Not applicable.

4.0 Analysis

4.1 Background

In 2018, the Developer submitted an application for approval of a draft plan of subdivision (File: S-O-2018-01) for lands located between Taunton Road East to the north and Grand Ridge Avenue to the south, and generally west of the north-south open space corridor extending between Grand Ridge Avenue and Taunton Road East. It was granted draft

plan approval by the City in 2021 and was registered as Plan 40M-2742 in 2022 (see Attachment 2).

This subdivision included the extensions of Clearbrook Drive and Grand Ridge Avenue, with a new commercial development planned for the west side of Clearbrook Drive (now developed with a Farm Boy, Chic-Fil-A, etc.) and residential development planned for the east side of Clearbrook Drive. The Developer refers to this subdivision as Oshawa Horizons Phase 4.

In order to mitigate the impact of noise from the asphalt plant (now owned by G.I.P.) located west of the subdivision on homes in the Developer's previous phases (Langley Circle, Taggart Crescent and Grand Ridge Avenue), the Developer was required to construct two noise berms on their lands in the 2000s (see Attachment 3):

- In 2003, the Developer registered Plan of Subdivision 40M-2157 (which the Developer refers to as Oshawa Horizons Phase 2) which contained the lots on Songbird Drive and Brasswinds Trail. This subdivision included the initial construction of the western berm; and,
- In 2006, the Developer registered Plan of Subdivision 40M-2309 (which the Developer refers to as Oshawa Horizons Phase 3) which contained the lots on Taggart Crescent, Langley Circle and along the north side of Grand Ridge Avenue, west of Summerwood Heights. This subdivision included the construction of the eastern berm and the extension of the western berm.

In order to advance the Oshawa Horizons Phase 4 subdivision, the Developer hired Y.C.A. Engineering Limited to complete a noise study and E.X.P. (an engineering, architecture, design and consulting firm) to complete a land use compatibility (air quality) study. The noise study concluded that the western berm could be reduced in length subject to the new commercial development within the subdivision being built at a certain height on the west side of Clearbrook Drive in order to maintain noise mitigation integrity for existing homes in the previous subdivision phases situated to the east. The remainder of the western berm would continue to exist on land not intended for development in the short term or medium term while the asphalt plant was operational. The noise study concluded that the eastern berm could be reduced in width and length and increased in height to maintain the noise mitigation integrity for existing homes to the east in Oshawa Horizons Phase 3. The remaining section of the eastern berm was zoned for residential development but a holding 'h' symbol was applied to the zoning of these lands to prevent them from being developed until the berm is no longer required, which presumably will be when operations at the G.I.P. asphalt plant cease.

The modifications to the berms as described above for Oshawa Horizons Phase 4 cleared the way for construction of 8 single detached dwellings, 13 street townhouse dwellings, approximately 87 block townhouses and a new commercial development. To date, the 8 single detached dwellings, 13 street townhouses and the commercial development have all been constructed.

The western berm and eastern berm, as modified, remain on the Developer's lands.

The continued existence of the remaining portion of the eastern berm prevents the construction of additional single detached dwellings, street townhouses and approximately 16 block townhouses as follows:

- Three (3) single detached dwellings fronting Grand Ridge Avenue (on Lots 9, 10 and 11, Plan 40M-2742);
- Three (3) street townhouse dwellings on Ribstone Court (on Block 15, Plan 40M-2742); and,
- Approximately 16 additional block townhouses on the east side of Clearbrook Drive (see Attachment 4).

4.2 Class 4 Area Request

G.I.P. operates an asphalt plant at 1255 Wilson Road North (see Attachments 1 and 3), located west of the Oshawa Horizons Phase 4 subdivision. This plant was previously operated by Coco Paving. The facility is a medium scale industrial facility with several potential sources of noise such as an industrial kiln, crusher, truck movements and other industrial equipment. G.I.P. has an Environmental Compliance Approval from the M.E.C.P. allowing it to operate.

Other sources of noise in the general vicinity include rooftop mechanical units and loading/unloading activities at the Canadian Tire building at 1333 Wilson Road North and the Sunbelt Rental building at 1277 Wilson Road North (see Attachment 3).

The M.E.C.P. Guideline provides advice on sound level limits that may be used when land use planning decisions are made under the Planning Act, R.S.O. 1990, c. P.13. They are intended to minimize the potential conflict between proposed noise sensitive land uses and stationary sources of noise emissions (e.g. industrial facilities). The Guideline provides 4 classification options (Class 1, 2, 3 and 4).

The Guideline defines Class 1 Areas as those with an acoustic environment typical of a major population centre, where the background sound level is dominated by the activities of people, usually road traffic, often referred to as “urban hum”.

A Class 4 Area is an acoustical environment where higher daytime and nighttime sound level limits from those otherwise permitted in an urban area, for both indoor and outdoor areas, may be considered. A Class 4 Area is defined as an area or specific site that:

- Would otherwise be defined as a Class 1 or 2 Area;
- Is an area intended for development with new noise sensitive land use(s) (e.g. residential dwellings) that are not yet built;
- Is in proximity to existing, lawfully established stationary noise source(s); and,
- Has been formally classified by the land use planning authority (the City) as having a Class 4 Area classification, which is determined during the land use planning process.

The Guideline allows receptor-based noise control measures to be accounted for through measures such as closed exterior doors and windows and specific construction techniques/materials. However, the Guideline does not allow receptor-based noise control measures to be accounted for in Class 1, 2 and 3 Areas. For Class 1, 2 and 3 Areas, noise assessments for stationary noise must assume that exterior doors and windows of the sensitive land use (dwelling units) are always open. For Class 4 Areas, noise assessments may assume that exterior doors and windows are closed as long as air conditioning is included in the design of the dwelling unit. This allows for higher daytime and nighttime sound level limits and means occupants can close their windows and doors and continue to properly cool their home.

Where receptor-based noise control measures are proposed, their implementation is to be required through a formal agreement between the developer and the City (e.g. Site Plan Agreement or Subdivision Agreement).

In January 2020, the Developer requested that the City classify the residential portion of the Oshawa Horizons Phase 4 subdivision as a Class 4 Area under the Guideline. This request was considered concurrently with the application for approval of draft plan of subdivision S-O-2018-01.

On January 25, 2021, pursuant to its consideration of [Report DS-21-05](#) dated January 6, 2021, Council passed the following motions related to the Class 4 Area request:

- “6. That, pursuant to Report DS-21-05 dated January 6, 2021, the lands described as Lots 1 to 8 and Blocks 12 to 14 and 16 in draft plan of subdivision S-O-2018-01 are hereby classified as a Class 4 Area as defined in the Ministry of the Environment, Conservation and Parks Publication NPC-300 (Environmental Noise Guideline – Stationary and Transportation Sources).
7. That a copy of Report DS-21-05 dated January 6, 2021 and a copy of the decision of Council to classify Lots 1 to 8 and Blocks 12 to 14 and 16 in draft plan of subdivision S-O-2018-01 as a Class 4 Area be forwarded to Coco Paving Inc.”

Council also approved the draft plan of subdivision and the associated official plan amendment and zoning by-law amendment.

The above noted motions related to the Class 4 Area request excluded Lots 9 to 11 and Blocks 15, 17 and 22 for the following reasons:

1. The noise study indicated that the eastern berm would be required on Lots 9 to 11 and Blocks 15 and 22 until the asphalt plant ceased operations; and,
2. The noise study did not address Block 17.

The Developer now wishes to advance the construction of the three (3) additional single detached dwellings on Grand Ridge Avenue (Lots 9 to 11) and the three (3) street townhouse dwellings on Ribstone Court (Block 15). The Developer also intends to

advance a block townhouse development on Blocks 16, 17 and 22 in conjunction with lands outside the subdivision that they have acquired which are addressed 679 and 695 Taunton Road East (see Attachment 4). In order to advance these developments, the Developer will need to remove the eastern berm completely. The Developer has submitted a letter requesting that these lands be classified by the City as a Class 4 Area (see Attachment 5).

The Developer hired R.J. Burnside, a professional stationary and transportation noise and vibration engineering consultant, to undertake an updated and more in-depth noise study. The updated noise study assessed the operations of the asphalt plant and concluded that if the eastern berm was removed, the noise experienced at the existing homes on Langley Circle, Taggart Crescent and Grand Ridge Avenue in Oshawa Horizons Phase 3 would remain below the maximum noise threshold outlined in the M.E.C.P. Guideline. The updated report undertook a more detailed assessment of the features and activities at the asphalt plant, including work to derive a more accurate assumption of grades at the asphalt plant and the sound power of the plant.

R.J. Burnside's updated noise study also recommended that Lots 9 to 11, Blocks 15, 17 and 22 and 679 and 695 Taunton Road East be classified as a Class 4 Area in accordance with the M.E.C.P. Guideline as the noise that would be experienced by any residential development on these lands would fall within the threshold of the Class 4 Area sound level limits.

The City hired P.G.L. Environmental Consultants ("P.G.L.") to peer review the updated noise study on behalf of the City. P.G.L. is a professional engineering consultant employing noise and vibration engineers. The Developer provided the City a deposit to cover the cost of the peer review, and the City paid P.G.L. for their work. P.G.L. reviewed the updated noise study and undertook discussions with R.J. Burnside. P.G.L. ultimately concluded that the updated noise study had been completed in accordance with the M.E.C.P. Guideline and agreed that: (a) the eastern berm could be removed; and, (b) the lands (i.e. Lots 9 to 11, Blocks 15, 17 and 22 and 679 and 695 Taunton Road East) could be classified as a Class 4 Area.

It is important to note that peer reviewers are not expected to redo or rerun the noise study. Rather, they are expected to review the original consultant's assumptions to ensure they are reasonable and review the original consultant's methodology to ensure it follows industry accepted norms, such that the analysis and conclusions can be accepted.

Formal confirmation of these lands as a Class 4 Area would allow G.I.P. to use this classification, the associated sound level limits and the updated noise study in future applications to the M.E.C.P. for Environmental Compliance Approvals.

It is recommended that the following process be undertaken to formally confirm Lots 9 to 11, Blocks 15, 17 and 22 and 679 and 695 Taunton Road West as being a Class 4 Area under the Guideline:

- City Council formally classifies these lands as a Class 4 Area;
- Staff forwards a copy of Council's decision to G.I.P. and the Developer;

- Staff forwards a copy of the updated noise study to G.I.P.;
- Prior to the issuance of building permits for new homes on these lands, the Developer will be required to demonstrate that the homes have been designed in accordance with the updated noise study and the Guideline; and,
- Purchasers of any lots or units on these lands will be advised that Council has classified the lands as a Class 4 Area in accordance with the Guideline, which allows receptor-based noise control measures to be accounted for in noise assessments for new developments.

4.3 Application to Remove Holding Symbols to Allow Berm to be Removed and Homes to be Built

In 2021, the City applied two holding symbols to the zoning of Lots 9 to 11 and Block 15 concurrent with the approval of the associated draft plan of subdivision. The zoning of these lands is as follows:

- Lots 9 to 11: R1-E(35) “h-3” “h-79” (see Attachment 1); and,
- Lot 15: R3-A(16) “h-3” “h-79” (see Attachment 1).

The conditions imposed through these holding symbols are as follows:

“h-3”:

- Appropriate arrangements shall be made for the provision of adequate sanitary, water, storm and transportation services and facilities to serve this development and included in a subdivision agreement which is executed.
- Verification is provided to the satisfaction of the City and Region which indicates the soils of the subject site are suitable for the proposed use. A Record of Site Condition acknowledged by the M.E.C.P. shall be required if required by the Region's Site Contamination Protocol.
- Noise mitigation to the satisfaction of the City and Region.
- Dust and odour mitigation to the satisfaction of the City and Region.
- An archaeological assessment is completed to the satisfaction of the Ministry of Heritage, Sport, Tourism and Culture Industries.

“h-79”:

- Appropriate studies are completed in accordance with M.E.C.P. Guidelines to the satisfaction of the City and Region demonstrating that mitigation measures are no longer required on lands subject to this Holding Zone to provide land use compatibility between nearby industrial and commercial land uses and the residential lands to the east and south.

- Site plan approval is obtained from the City for any block townhouses, which addresses such matters as landscaping, fencing and lighting.
- For any block townhouses, any necessary cross-access easements are created to the satisfaction of the City.

In consideration of the conclusions of R.J. Burnside and P.G.L. noted in Section 4.2 of this Report, the Developer has submitted an application to remove the “h-3” and “h-79” holding symbols.

Delegation By-law 29-2009, as amended, delegates the removal of holding symbols to the Commissioner, Economic and Development Services Department.

Staff are satisfied that the conditions for removing the holding symbols have been fulfilled. The removal of the holding symbol has not yet been approved.

The eastern berm has been a feature of the community for nearly twenty years and it is well known that the berm is intended to mitigate the impact of noise from the asphalt plant on existing homes east of the berm.

In consideration that the berm is intended to be removed prior to the cessation of operations at the asphalt plant, it is recommended that staff be authorized to send a notice to the owners of the following properties advising them of the Developer’s intention to remove the berm and that an updated noise study has been completed and peer reviewed on behalf of the City:

- G.I.P.; and,
- All properties on Langley Circle, Taggart Crescent and along the north side of Grand Ridge Avenue, west of Harmony Road North (see Attachment 6).

Subsequent to the Council meeting scheduled for January 27, 2025, staff will mail the notification letter. Subsequent to the letter being mailed, the Commissioner, Economic and Development Services Department, will approve the removal of the holding symbols on these lands.

The Developer will be required to submit an application(s) to remove the holding symbols applicable to Blocks 17 and 22 and 679 and 695 Taunton Road East in the future when a site plan approval application is advanced for residential development on these lands.

Although a berm or other barrier is not required to mitigate noise from the asphalt plant, the construction of new townhouses east of Clearbrook Drive will provide some noise mitigation for properties in the Oshawa Horizons Phase 3 subdivision.

5.0 Financial Implications

Anticipated costs to the City are included in the appropriate Departmental budgets and relate primarily to mailing notification letters to approximately 165 property owners.

6.0 Relationship to the Oshawa Strategic Plan

This Report responds to the Oshawa Strategic Plan Priority Area:

“Belong: Inclusive and Healthy Community” with the goal to support and encourage diverse housing options.



Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,
Planning Services

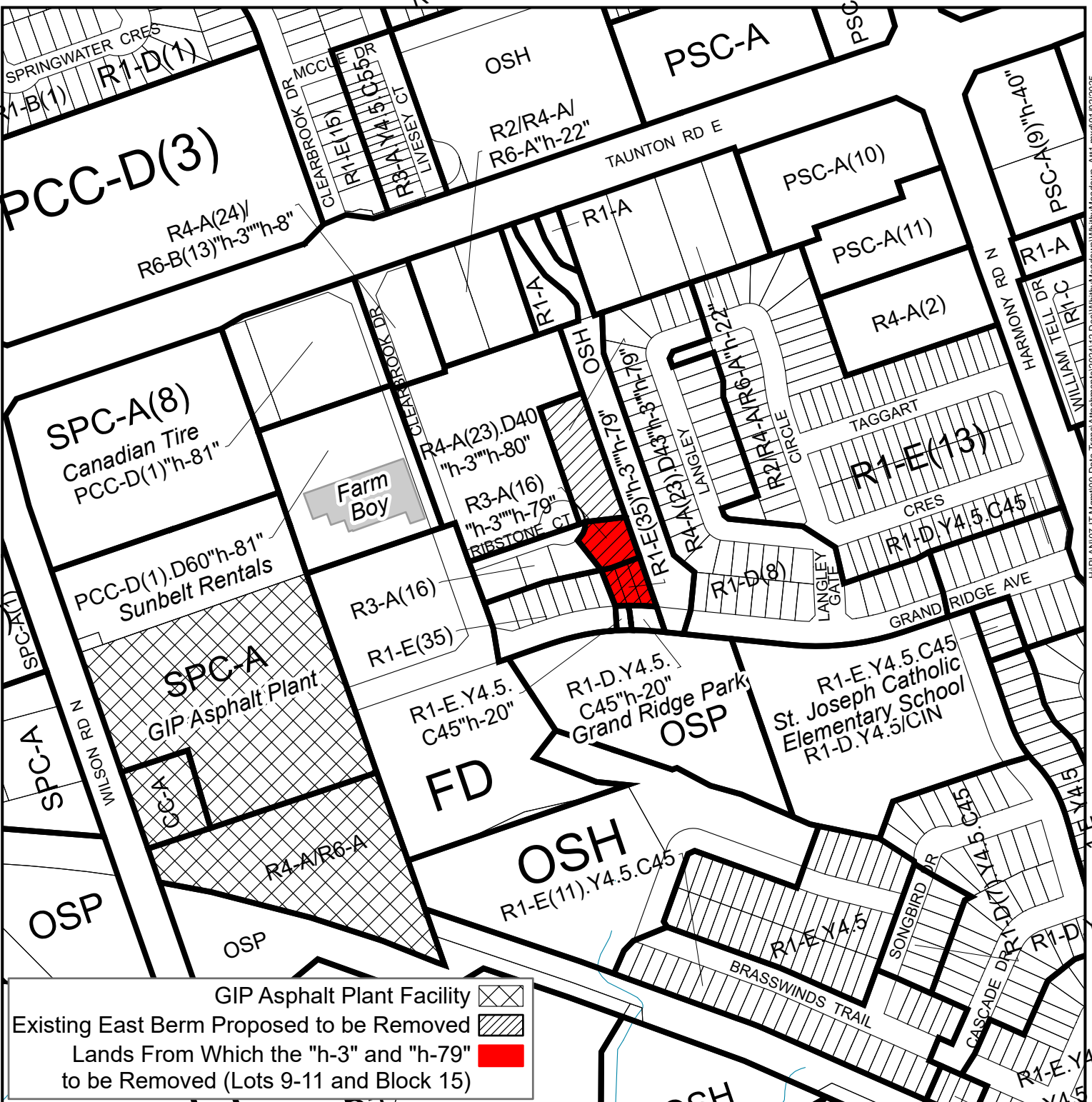
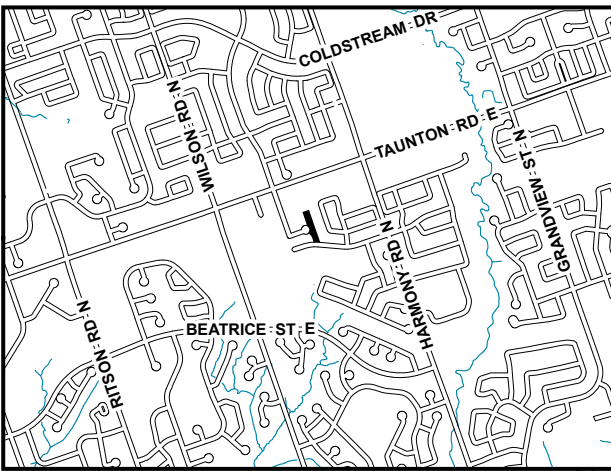


Anthony Ambra, P.Eng., Commissioner,
Economic and Development Services Department

Economic and Development Services

Subject: Request to Classify Certain Lands north of Grand Ridge Avenue and east of Clearbrook Drive as a Class 4 Area Pursuant to Provincial Noise Guidelines and to Remove an Existing Noise Berm East of Clearbrook Drive

Ward: Ward 3
File: S-O-2018-01, Z-2014-01-H



GIP Asphalt Plant Facility	
Existing East Berm Proposed to be Removed	
Lands From Which the "h-3" and "h-79" to be Removed (Lots 9-11 and Block 15)	

Title: Registered Plan 40M-2742

Item: ED-25-05

Subject: Request to Classify Certain Lands north of Grand Ridge Avenue and east of

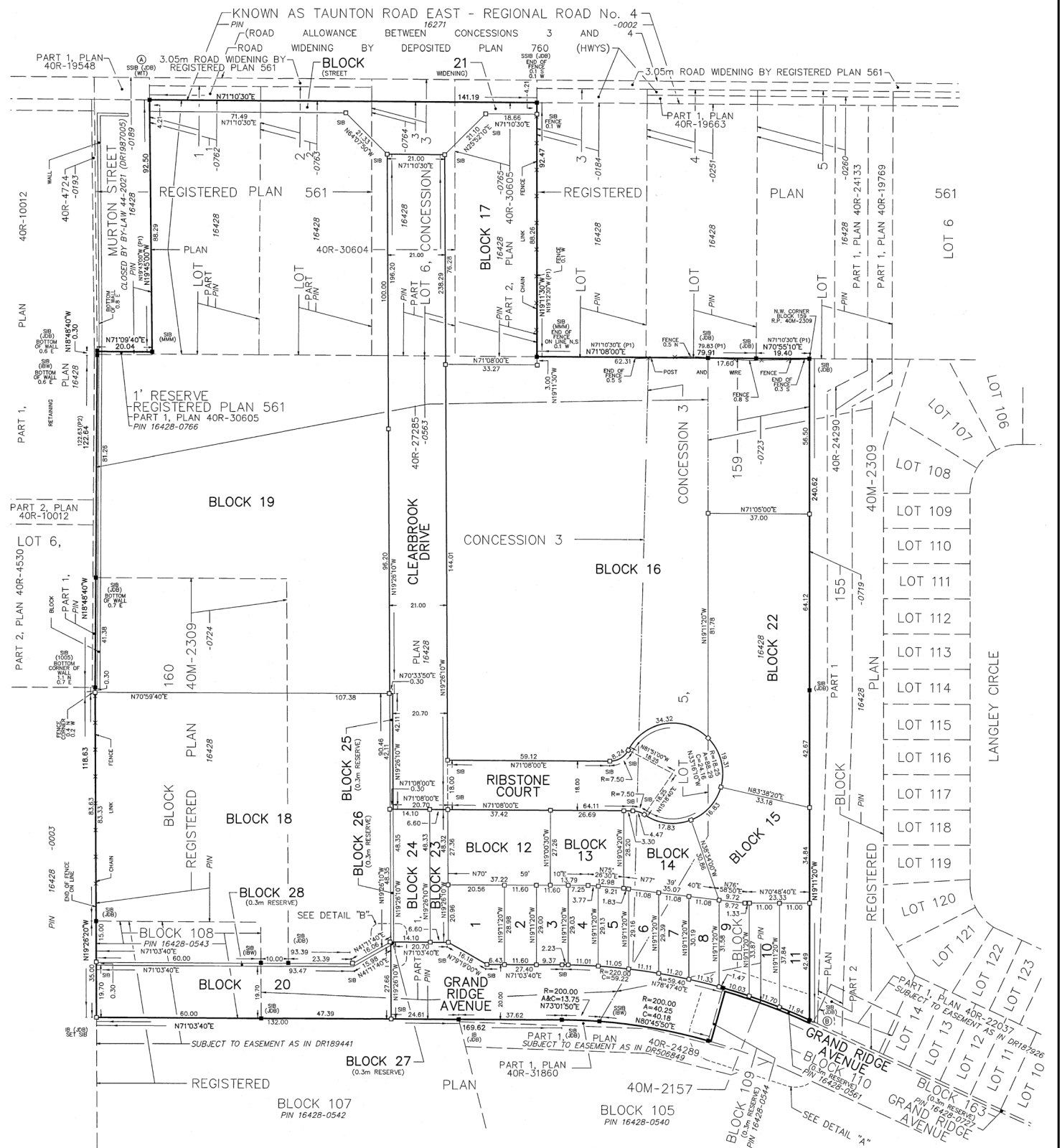
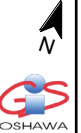
Attachment 2

Address: Clearbrook Drive as a Class 4 Area Pursuant to Provincial Noise Guidelines and to Remove an Existing Noise Berm East of Clearbrook Drive

Ward: Ward 3

File: S-O-2018-01, Z-2014-01-H

City of Oshawa
Economic and Development Services



Title: Existing Berms
Subject: Request to Classify Certain Lands north of Grand Ridge Avenue and east of Clearbrook Drive as a Class 4 Area Pursuant to Provincial Noise Guidelines and to Remove an Existing Noise Berm East of Clearbrook Drive

Item: ED-25-05
Attachment 3

Ward: Ward 3
File: S-O-2018-01, Z-2014-01-H

-  Existing East Berm
-  Existing West Berm

City of Oshawa
Economic and Development Services 

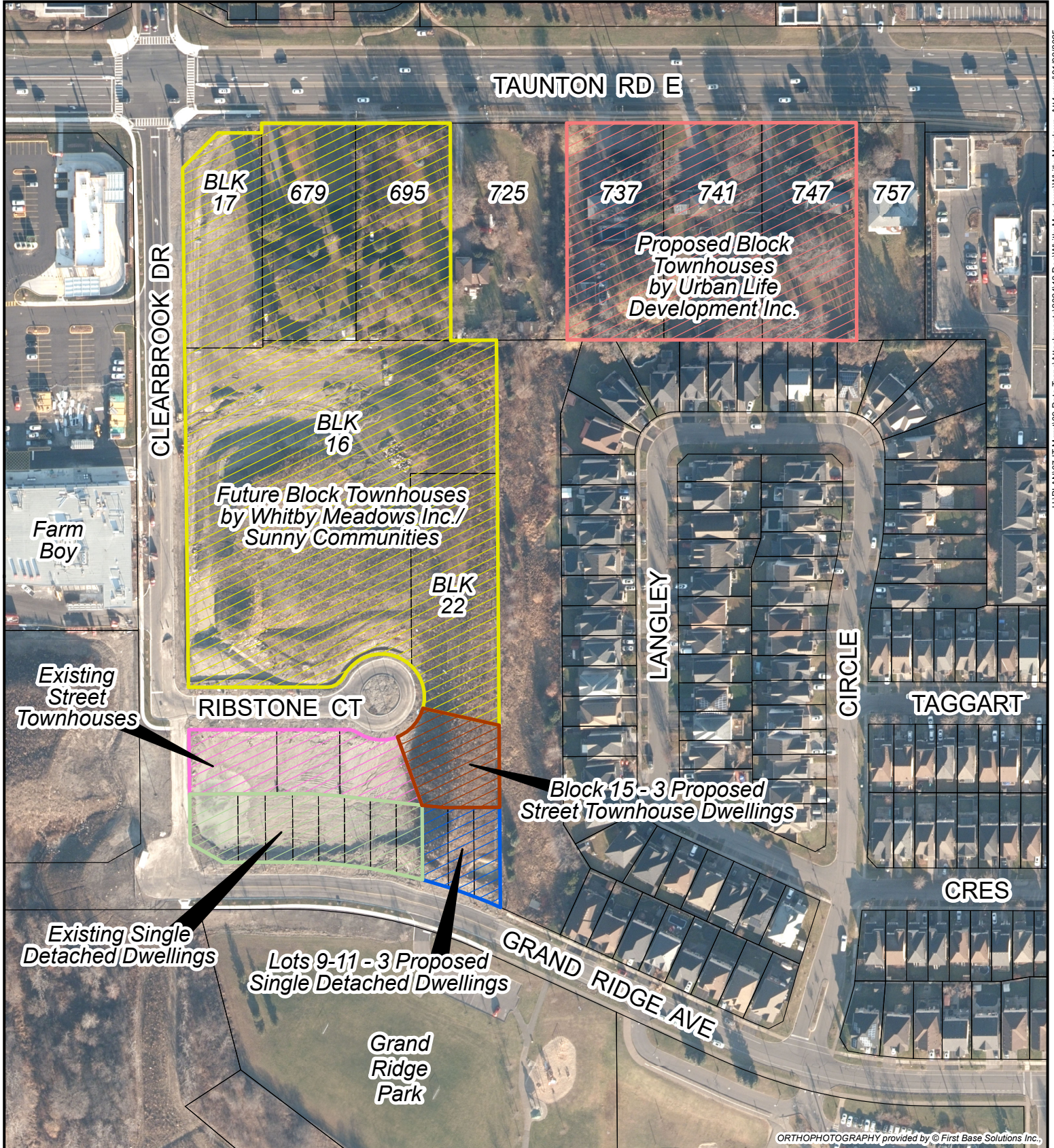


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Title: Existing and Planned Residential Development
Subject: Request to Classify Certain Lands north of Grand Ridge Avenue and east of Clearbrook Drive as a Class 4 Area Pursuant to Provincial Noise Guidelines and to Remove an Existing Noise Berm East of Clearbrook Drive
Ward: Ward 3
File: S-O-2018-01, Z-2014-01-H

Item: ED-25-05
Attachment 4

City of Oshawa
Economic and Development Services



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Whitby Meadows Inc.



November 26, 2024

The Corporation of the City of Oshawa
50 Centre Street South
Oshawa, ON L1H 3Z7

Attn: David Sappleton, Manager, Development Planning

Re: **Environmental Noise Assessment – Class 4 Area Confirmation**
Oshawa Horizons, Phase 4 – Proposed Residential Development
East Side of Clearbrook Road, South of Taunton Road East
Plan 40M-2742, Blocks 15, 17, 22 and Lots 9, 10 and 11
& Plan 561 Lot 3 and 4 (679 and 695 Taunton Road East)

As per the Ministry of Environment's requirements, this letter has been prepared to request an Area Classification confirmation from the City of Oshawa in order to determine the appropriate Sound Level Limits for the balance of the Oshawa Horizons - Phase 4 development (Plan 40M-2742, Blocks 15, 17, 22 and Lots 9, 10 and 11 & Plan 561 Lot 3 and 4 (679 and 695 Taunton Road East) located south of Taunton Road East, East of Clearbrook Drive in accordance with the recommendations of the Detailed Noise Report prepared by R.J. Burnside & Associates Limited dated August, 2024. The proposed residential development is to be located east of the existing industry (Green Infrastructure Partners Inc., formerly Coco Paving) and existing commercial developments along Taunton Road East, Wilson Road and Clearbrook Drive.

As described in the latest MOE Publication NPC-300 (Noise Guidelines) dated August 2013 and in review of the proposed residential development, it has come to our attention that the area may be considered as a Class 4 Area due to the location of the proposed development, area in transition and the nature of the industry.

A Class 4 Area as per the MOE definition means:

"An area or specific site that would otherwise be defined as Class 1 or 2 and which:

- *is an area intended for development with new noise sensitive land use(s) that are not yet built;*
- *is in proximity to existing, lawfully established stationary source(s); and*
- *has formal confirmation from the land use planning authority with the Class 4 area classification which is determined during the land use planning process."*

The area classification determines the sound level limits for the noise sensitive land uses. The following Tables B-1 and B-2 from MOE Publication NPC-300 list the sound level limits for the Outdoor Points of Reception (Outdoor Living Areas) and Plan of Window (building facades).

Table B-1

Exclusion Limit Values of One-Hour Equivalent Sound Level (Leq, dBA) Outdoor Points of Reception

Time of Day	Class 1 Area	Class 2 Area	Class 3 Area	Class 4 Area
07:00 - 19:00	50	50	45	55
19:00 - 23:00	50	45	40	55

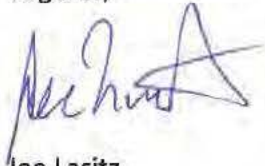
Table B-2

Exclusion Limit Values of One-Hour Equivalent Sound Level (Leq, dBA) Plane of Window of Noise Sensitive Spaces

Time of Day	Class 1 Area	Class 2 Area	Class 3 Area	Class 4 Area
07:00 - 19:00	50	50	45	60
19:00 - 23:00	50	50	40	60
23:00 - 07:00	45	45	40	55

Therefore, we are requesting a formal confirmation from the City of Oshawa in regards to the Class 4 Classification for the proposed residential development located on the lots and blocks noted above. It should be noted that the balance of the residential lands (Lots 1-8 and Blocks 12 to 14) were previously classified as Class 4 by Council on January 25th, 2024.

Regards,



Joe Lasitz

Development Manager



Title: Property Owners Recommended to Receive Notification of the Proposed Removal of the Eastern Noise Berm

Item: ED-25-05
Attachment 6

Subject: Request to Classify Certain Lands north of Grand Ridge Avenue and east of Clearbrook Drive as a Class 4 Area Pursuant to Provincial Noise Guidelines and to Remove an Existing Noise Berm East of Clearbrook Drive



Ward: Ward 3

File: S-O-2018-01, Z-2014-01-H

City of Oshawa

 Property Owners to Receive Notification Letter

Economic and Development Services

