

PLANNING REPORT

Date: May 27, 2025
To: Mayor Ritsma and Members of Council
From: Adam Betteridge
Report Number: COU25-060
Attachments: None

Title: Class 4 Noise Area Classification (NPC-300) Request, Cachet Developments

Objective: To obtain Council's approval to classify specific portions of the residential subdivision at 3025 Ontario Street, Stratford, as a Class 4 Noise Area in accordance with the Ministry of Environment, Conservation and Parks' Environmental Noise Guideline (NPC-300). This classification applies only to lots identified as being in proximity to existing stationary noise sources, including nearby industrial and commercial operations.

A Class 4 Noise Area designation permits slightly higher background noise levels at future residential properties than typically allowed in new developments. This is subject to strict mitigation measures such as enhanced building construction, sound barriers, and mechanical ventilation systems, all of which are required under the executed Subdivision Agreement.

This designation does not alter the approved subdivision layout or zoning. Rather, it fulfills a condition established during the subdivision approval process to ensure long-term compatibility between existing non-residential uses and the proposed residential uses.

In summary, this report seeks to apply a noise classification for a small number of lots in the new subdivision currently being developed behind the Stratford Mall/Canadian Tire on Ontario Street. Because these lots are close to existing businesses, extra steps-like sound barriers and higher sound-proof windows, are being taken to reduce noise. This approval doesn't change the subdivision's design. It simply meets a condition already required to protect future homeowners and let nearby businesses continue operating as usual.

Background: The subject subdivision development currently marketed as “Avon Park”, by Cachet Homes, was granted draft approval by Council on March 27, 2023, following a thorough review process, with no appeals received (City file nos. Draft Plan of Subdivision 31T21-003 & Zone Change Application Z13-21). The plan includes a mix of residential, commercial, and industrial uses, featuring 310–316 new residential units (a combination of townhouses and single detached homes) and an additional 155 apartment units within a mixed-use block fronting onto Ontario Street.

Key components of the subdivision also include a stormwater management facility, park spaces, street network, walkway connections, and a railway berm and buffer.

Amongst the developer’s obligations imposed by Council’s draft approval was for the developer to assess noise, vibration, and odour impacts and recommend mitigation measures, if needed, to meet standards set by the Ministry of Environment, Conservation and Parks (MECP) and Canadian National Railway. Once approved by the City, such mitigation measures were to be included in the Subdivision Agreement.

The City’s executed Subdivision Agreement, which was drafted and prepared by the City’s legal counsel, included such provisions: mitigation measures for noise and/or vibration are now considered standard requirements in urban development approvals.

While the majority of the development follows standard noise criteria, a “Class 4” designation is required for select lots and blocks (which are identified on the second map found on page 8 of this report) due to their proximity to existing noise sources, ensuring appropriate mitigation measures are in place for compatibility with surrounding land uses.

The application of a Class 4 designation shifts much of the responsibility for managing noise impacts onto the developer or proponent of the new noise-sensitive land use (such as residential), instead of requiring existing industrial or transportation operations to modify their activities to accommodate new sensitive receptors. With a Class 4 designation the burden is placed on the new development to mitigate noise impacts through design and construction measures (noise walls, thicker exterior building cladding/windows, air conditioning, etc.).

Analysis:

Overview

The purpose of this report is to recommend that the lands municipally identified as 3025 Ontario Street, City of Stratford, Province of Ontario (the “Subject Land”) be classified as a Class 4 Noise Area (the “Class 4 Noise Designation”) in accordance with the Ministry of Environment’s Environmental Noise Guideline: Stationary and Transportation Noise Sources – Approval and Planning (Publication NPC – 300), identified as the MECP published guidelines. This classification was recommended by HGC Engineering as peer reviewed on behalf of the City by SS Wilson.

HGC Engineering is the Noise and Vibration consulting firm that completed the Noise and Vibration Feasibility Study – Proposed Residential Development for the Subject Land dated November 3, 2021 as updated on September 5, 2023 (collectively the “HGC Report”).

The HGC Report was subject to a Peer Review by SS Wilson Associates Consulting Engineers dated July 17, 2022 and updated March 6, 2024 that was completed on behalf of the City (collectively the “SS Wilson Report”).

The SS Wilson Report confirms that the HGC Report responded to all of the peer comments submitted by the City on the HGC Report. Specifically, the SS Wilson Report confirmed that the HGC Report provided adequate justification for the application of the Class 4 Designation on the lands identified and recommended that the City accept the HGC Report as having demonstrated the feasibility of the proposed development using the Class 4 Designation.

Provincial Noise Guidelines

The MECP published guidelines that address noise issues as they relate to land use planning and permitting requirements for industrial and commercial establishments, or transportation facilities located in proximity to sensitive land uses, including residential uses.

In 2013, the Ministry of Environment and Climate Change (now MECP) released "Environmental Noise Guideline, Stationary and Transportation Sources - Approval and Planning (Publication NPC-300)", which replaced previous guidelines. NPC-300 is a Provincial Guideline published in 2013 that provides guidance for the appropriate control of source of noise emissions to the environment.

The purpose of NPC-300 is as follows:

- To provide sound level limits that are applied by the MECP to stationary sources, such as industrial and commercial establishments and auxiliary transportation facilities;
- To provide advice, sound level limits and guidance that may be used when land use decisions are made under the Planning Act;
- To provide sound level limits that may be incorporated into noise control by-laws, that may be developed by municipalities; and
- To provide sound level limits that may be applied under the provisions of the Aggregate Resources Act.

The NPC-300 classifies noise sensitive receptors by area. The four classes of receptors are as follows: Class 1 - Urban Areas; Class 2 - Suburban/Semi-Rural Areas; Class 3 - Rural Areas; and Class 4 - Infill Areas.

The Class 4 Noise Area classification was introduced by the MECP in 2013. That classification is intended to allow for residential infill and development in proximity to those existing stationary sources of noise, such as industry, while still protecting residential units from undue noise sources.

It should be noted that a Class 4 Noise Area is defined as "an area of specific site that would otherwise be defined as Class 1 or Class 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 sources; and
- Has formal confirmation from the land use planning authority with the Class 4 Noise Area classification which is determined during the land use planning process."

Class 4 Noise Area

A Class 4 Noise Area classification / designation ("Class 4 Designation") allows for higher daytime and nighttime sound level limits than would otherwise be permitted in relation to a noise sensitive land use such as residential dwellings and associated outdoor living areas. The impact of such higher levels is mitigated by the implementation of specified noise control measures at the sensitive land use. Class 4 alleviates some of the burden from the proximate noise-generating industry making it easier for industry to remain in compliance with MECP requirements while also allowing municipalities to achieve its development goals in accordance with the City's land use policies in proximity to industrial uses.

Site and Surrounding Area

The Subject Land abuts commercial uses to the north, a hydro corridor to the east, industrial land uses to the west and a CN Railway and agricultural lands to the South. The following figure (found on the next page), taken from one of the Noise and Vibration Reports completed by the developer, identifies the surrounding land uses in the area of the Subject Land:



A Zoning By-law Amendment was passed by City Council to rezone the Subject Land to Residential Second Density Zone with site specific regulations, a Residential Fourth Density Zone with site specific regulations, a Residential Fourth Density Zone with site specific regulations, a Residential Fourth Density Zone with site specific regulations, a Mixed Use Residential Zone with site specific regulations, a Holding General Industrial Zone with site specific regulations, and Park Zone.

As noted earlier in this report, the Cachet development includes a mix of residential, commercial, and industrial uses, featuring 310–316 new residential units (a combination of townhouses and single detached homes) and an additional 155 apartment units within a mixed-use block fronting onto Ontario Street.

Key components of the subdivision also include a stormwater management facility, road network, park spaces, walkway connections, and a railway berm and buffer.

The CN Guelph Subdivision (being the formal title of the adjacent rail line) is located immediately to the south of the Subject Land and is classified as a principal main track by Canadian National Railway that operates in the east – west direction. The Subject Land is generally flat in topography. Further to the south of the railway are existing agricultural lands. To the north of the Subject Land is Ontario Street. Situated to the north of Ontario Street are various commercial facilities including Stratford Honda and a Quality Inn & Conference Centre and Canadian Tire. Situated to the east of the Subject

Land is the Ontario Hydro Corridor, Uniglass Plus, Jamie's Service Centre, and Benmet Steel & Metal Stratford. Located to the west of the Subject Land is Cooper Standard Automotive Canada ("Cooper Standard").

Noise and Vibration Studies

The HGC Report conducted a noise and vibration review and assessment of the following existing commercial and industrial facilities situated to the east, north and west of the Subject Land: Canadian Tire and commercial plaza situated to the west of the Canadian Tire; the Samsonite Company Store; existing office building; Uniglassplus / Ziebart; Jamie's Service Centre; Benmet Steel & Metal Stratford, and Cooper Standard.

The HGC Report confirmed that there exists feasible means to reduce the predicted sound levels from the existing commercial and industrial facilities at the proposed residential receptors to meet the MECP Class 4 Designation criteria. The HGC Report proposed on site mitigation measures including a noise barrier wall situated along the identified property lines, among other measures. It was noted that while the noise barrier wall¹ is effective for reducing noise in the proposed rear yards of the residential developments but not effective for the second floor windows on the proposed residential uses and, as a result, further noise mitigation measures required.

In order to support the Class 4 Designation, the HGC Report recommended the following mitigation measures:

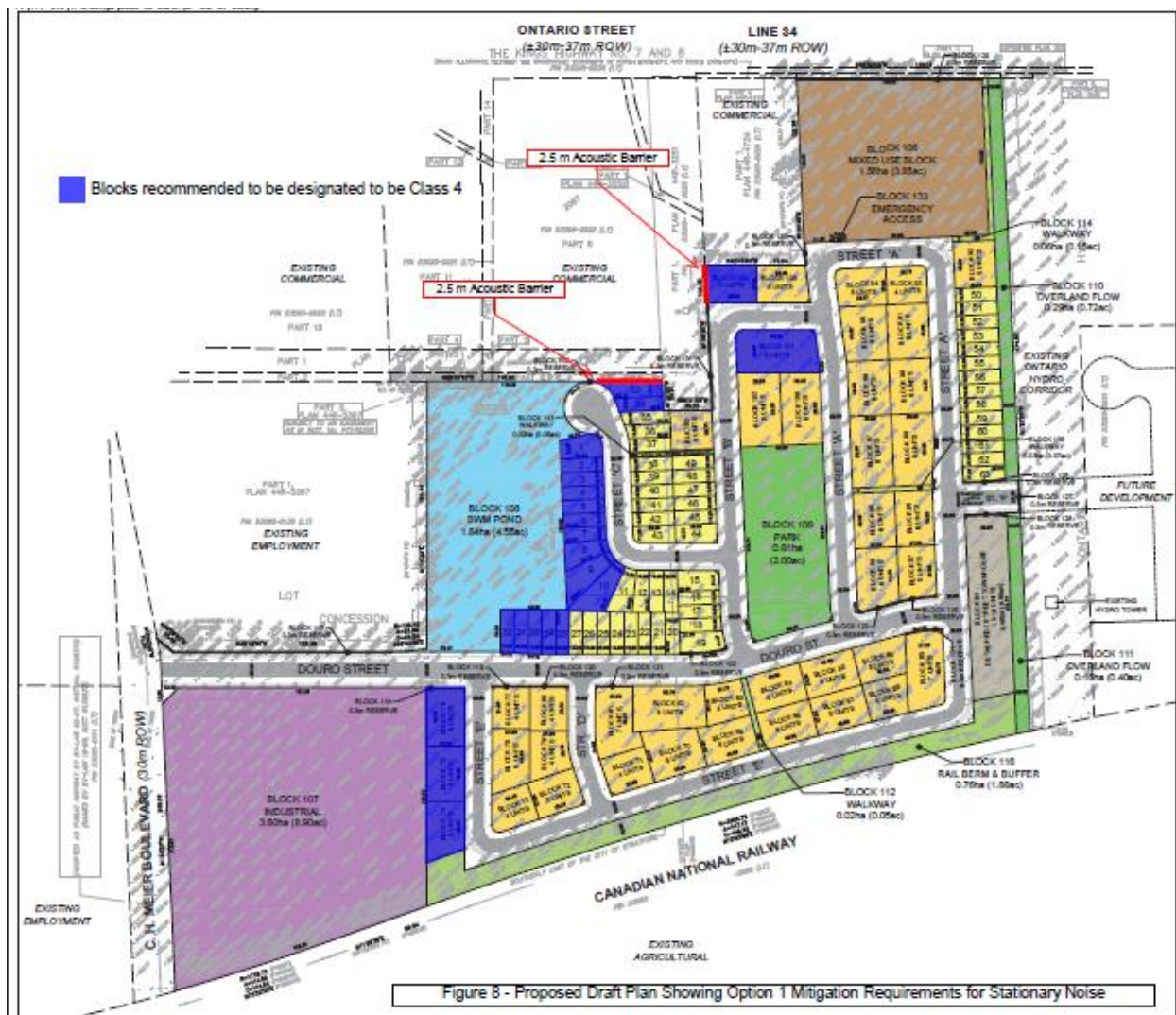
- Ensuring that there are no rear yards directly adjacent to the railway line;
- Construction of an earth berm approximately 2.0 metres above the top of rail along the railway right of way for safety berming purpose and such berm shall be installed prior to the construction of any dwellings with flanking exposure to the railway right-of-way;
- Refining the acoustical barriers when detailed grading plans are available for the impacted lots / blocks;
- Central air conditioning systems shall be required for all those the dwellings closest to Ontario Street. Forced air ventilation with ducts sized for the future installation of air conditioning by the occupant is required for dwellings adjacent to the railway and further from Ontario Street. The location, installation and sound ratings of the air conditioning devices shall comply with NPC-300 (including the NPC-216 Guidelines), as required;

¹ The noise barriers recommended are 2.5 m acoustic barriers are to be implemented for those lots directly flanking onto the Canadian Tire facility.

- Brick veneer or masonry equivalent exterior walls are required for those dwellings located in the first row from the railway;
- Upgraded building and glazing requirements shall be installed for all of those dwellings having exposure to the railway or direct exposure to Ontario Street;
- Upon finalization of any floor plans and/or building elevations, an acoustical consultant shall be required to further refine the glazing recommendations required based on the actual window to floor area ratios and to verify brick façade construction; and
- Inclusion of the appropriate warning clause for the agreements of purchase and sale and/or leases associated with those lands, lots and blocks identified on Table 12: Summary of Noise Control Requirements and Noise Warning Clauses as set out in the HGC Report;
- Installation of an acoustic barrier along the westerly property line to shield noise from the southern bay doors of the Canadian Tire, 4.4 metres in height to protect windows and rear yard outdoor amenity space;
- For dwellings units situated along the westerly property line there shall be no windows into sensitive spaces for upper storey windows along the western façade;
- Installation of an acoustic barrier 4.6 metres in height for those dwellings having some backing / flanking exposure to Canadian Tire to protect upper storey windows and rear yards;
- For the Mixed Use Block, located to the south of Ontario Street a detailed noise study shall be completed to the satisfaction to the City to determine the specific barrier requirements, height and extents, requirements for ventilation and building envelope construction.

The HGC Report confirmed that the acoustic barriers may be a combination of an acoustic wall and an earth berm or retaining walls. The wall component of the barrier is to be of a solid construction with a surface density of no less than 20 kg/m² and may be constructed of a variety of materials such as wood, concrete or a composite mixture.

The development lots on the Subject Land that are proposed to be subject to the Class 4 Designation are identified on the map (found on the next page) identified in blue below and legally described in the recommendations set out above.



The peer review completed by SS Wilson agrees that the current Class 1 classification on the Subject Land would be onerous on the existing industrial commercial operations. To avoid placing such a burden on the Canadian Tire and Cooper Standard the appropriate mitigation measures should be implemented to ensure that the MECP Class 4 Designation requirements are complied with which arise as a result of the introduction of residential uses at the Subject Land.

Noise Mitigation Measures

A Class 4 Noise Area classification of the Subject Land will protect the surrounding existing commercial and industrial activities. The peer review completed by SS Wilson confirms that the development of the Subject Land can be appropriately considered for a Class 4 Designation by the City, provided that the specific noise control measures outlined in the HGC Report and as required by the Subdivision Agreement are implemented.

The Subdivision Agreement, specifically section 80, associated with the development of the Subject Land requires that the noise mitigation measures be implemented prior to occupancy being granted for the following lots and blocks that are situated adjacent, or within proximity, to the existing commercial plaza:

- Blocks 113 and 116, and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, and Lots 28, 29, 30, 31, 32, 33 and 34.

The Subdivision Agreement, section 81, associated with the development of the Subject Land requires that the noise mitigation measures be implemented prior to occupancy being granted for the following lots and blocks that are situated adjacent or within proximity to the existing industrial uses:

- Blocks 86, 87 and 88.

The noise mitigation measures for those blocks identified above situated in proximity to the existing industrial uses include:

- Construction of an acoustical barrier along a portion of the westerly property line;
- Implementation of air conditioning, upgraded building and glazing constructions;
- When selling or leasing any residential dwellings along the westerly edge of the Lands the Subdivider shall include the following notice in the Agreement of Purchase and Sale or Lease before any purchaser is bound thereby and such clause shall be specified to survive the release of the Subdivider's obligations under this Subdivision Agreement and shall remain as a restrictive covenant on title to all of the Lot(s)/Block(s) situated on the Lands:

Warning: Cooper Standard or its assigns or successors in interest has a facility situated within 300 metres from the Land the subject hereof. There may be alterations to or expansions of Cooper Standard in the future including the possibility that the facility or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Cooper Standard or its assigns or successors shall not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the existing Cooper Standard facility.

- The noise mitigation measures associated with the industrial block (Block 107) requires that a 5.1 metre high acoustic barrier be constructed along a

portion of the westerly property line to shield the closest residential receptors from noise and loading activities;

- All other mitigation measures identified in the HGC Report.

Industrial / Commercial Approval of Class 4 Designation

On April 10, 2024, Cooper Standard Automotive Inc. ("Cooper Standard") requested that the developer of the Subject Land, Cachet Developments (Stratford) Inc. ("Cachet") apply a Class 4 noise designation on the lands identified in blue in the figure set out above and as contained in the HGC Report.

Cooper Standard supports Cachet's request to apply a Class 4 Designation to those portions of the Subject Land as identified above.

Further, on December 23, 2024, Canadian Tire Properties Inc. ("Canadian Tire") confirmed that it does not object to Cachet's request to apply a Class 4 Designation to those portions of the Subject Land identified above.

Conclusion

The Class 4 Noise Designation is recommended for those portions of the Subject Land as identified in this report and is an appropriate mechanism to facilitate the development of the Subject Land, while allowing for those existing and potential future non-residential users to operate.

All of the recommended mitigation measures identified in this report and associated with the classification of Class 4 Designation is incorporated into the Subdivision Agreement and requires that such mitigation measures be implemented by Cachet prior to the occupancy of any residential units.

Approving the Class 4 Noise Area will allow new homes to be built near existing industry and commercial business sites while protecting both residents and those businesses. The developer is required to include specific noise-reducing features, like sound barriers and upgraded building materials. These requirements are included in the legal subdivision agreement to make sure future homeowners are protected from noise, and nearby businesses can continue to operate as they do today.

Financial Implications: The recommendations of this report relate to a private development application previously considered by Council. As a result, there are no financial impacts on the current or future budget years.

Staff Recommendation: THAT City Council classify the lands legally described as Lots 1 through 10, and 28 through 34, as well as Blocks 86, 87, 88, 113 and 116, on Registered Plan 44M-101, and as per Draft Plan Approval Application File No. 31T21-003, as a Class 4 Noise Area pursuant to Publication NPC-300 (Ministry of Environment and Climate Change Environmental Noise Guideline - Stationary and Transportation Sources - Approval and Planning);

AND THAT City Council direct the City Clerk, or their designate, to forward a copy of the City Council resolution to the Ministry of Environment Conservation and Parks.

Prepared and Recommended by:

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