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August 12, 2024
File No.: 151510.1001

By Email
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Mayor and Members of Council
City of Thorold
3540 Schmon Parkway
P.O. Box 1044
Thorold, ON L2V 4A7

Attention: Mr. Nicholas Debono, City Clerk

Dear Sirs/Mesdames:

Re: Agenda Item 12.6
PWCS 79-2024 – Site Alteration Permit – 13030 Lundy’s Lane

We are counsel to Rudanco Hospitality Corporation (“**Rudanco**”), the applicant for the site alteration permit for the property at 13030 Lundy’s Lane, Thorold (the “**Property**”).

We write to express our strong support for City staff’s recommendation to **approve the site alteration permit for the Property**, including the proposed conditions of the permit, as identified in Appendix 4 to the staff report prepared for this item.

Located within the Thorold settlement area, the Property is designated within a Greenfield area, which is planned to achieve a minimum density of 50 residents and jobs per hectare.¹ In addition, the City’s Official Plan situates the Property within the Neighbourhoods of Rolling Meadows Secondary Plan, which is a high priority area for future development within the City of Thorold.² The development of these lands constitutes an essential component of the City’s Settlement Area Strategy.³ The Secondary Plan establishes the planning vision for the Property and surrounding area to be developed into a complete community, integrating a mix and range of housing types, commercial uses, institutional uses, parks, and open spaces.⁴

The site alteration permit will allow our client to import clean fill to the Property, enabling certain preliminary site grading works to commence. These grading works are needed to prepare the Property for the future development contemplated in the planning framework summarized above.

It can be challenging to source clean, suitable fill, particularly at the quantities needed to develop the Property. When fill becomes available from certain sources, it is important to be able to act quickly to

¹ Niagara Region Official Plan (2022), Policy 2.2.2.23; City of Thorold Official Plan (2016), Policy A5.3.

² City of Thorold Official Plan (2016), Policy B1.11.1.

³ City of Thorold Official Plan (2016), Policy B1.11.

⁴ City of Thorold Official Plan (2016), Policies B1.8.2 and B1.8.4.

receive this fill—otherwise, the opportunity may be lost. If fill cannot be received as it becomes available from other sites, the alternative is to purchase gravel or other fill on a spot basis at a substantial premium. This represents a significant added cost to development that will unnecessarily increase the cost of housing.

Section 142 of the *Municipal Act, 2001* grants the City the power to regulate the placing or dumping of fill and the alteration of the grade of land. Rudanco's site alteration permit application is made within this regulatory framework, in accordance with the City's Site Alteration By-law No. 17-2021. Where the applicant has met all the requirements of the Site Alteration By-law, there is no legitimate basis for the City to refuse or otherwise delay the issuance of the requested site alteration permit, particularly where such refusal or delay will result in significant added cost to development.

The more detailed aspects of our client's development proposal—including as it relates to site design, proposed uses, built form, and cost-sharing matters—will be addressed through Rudanco's Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision Approval applications, all of which will be considered by City Council at a later time. Those applications are made under the *Planning Act* and address land use planning considerations that are distinct from the present request for the site alteration permit, which simply allows the importation of fill onto the Property.

The conditions proposed by staff (as set out in Appendix 4 to the staff report) are appropriate and acceptable to our client. That said, any effort to impose additional conditions that bring in matters extraneous to site alteration and grading—including matters relating to land use planning and cost-sharing of planning and infrastructure costs for the broader area—will be highly improper and legally suspect. We trust that Council will recognize that these other matters, which are independent of site alteration, will be considered and addressed in the appropriate context of Rudanco's *Planning Act* applications.

Thank you for your consideration of this matter. We look forward to speaking further on this item at the Council meeting to be held on August 13, 2024.

Yours truly,



Calvin Lantz
CL/jsc

cc: Jonathan S. Cheng, *Stikeman Elliott LLP*
Rob Melick, *MTE Consultants Inc.*
David Falletta & Caitlin Allan, *Bousfields Inc.*
Client