

# Peaks Bay East

Non-construction of a Portion of the Noise Attenuation Feature Adjacent To  
Highway 26

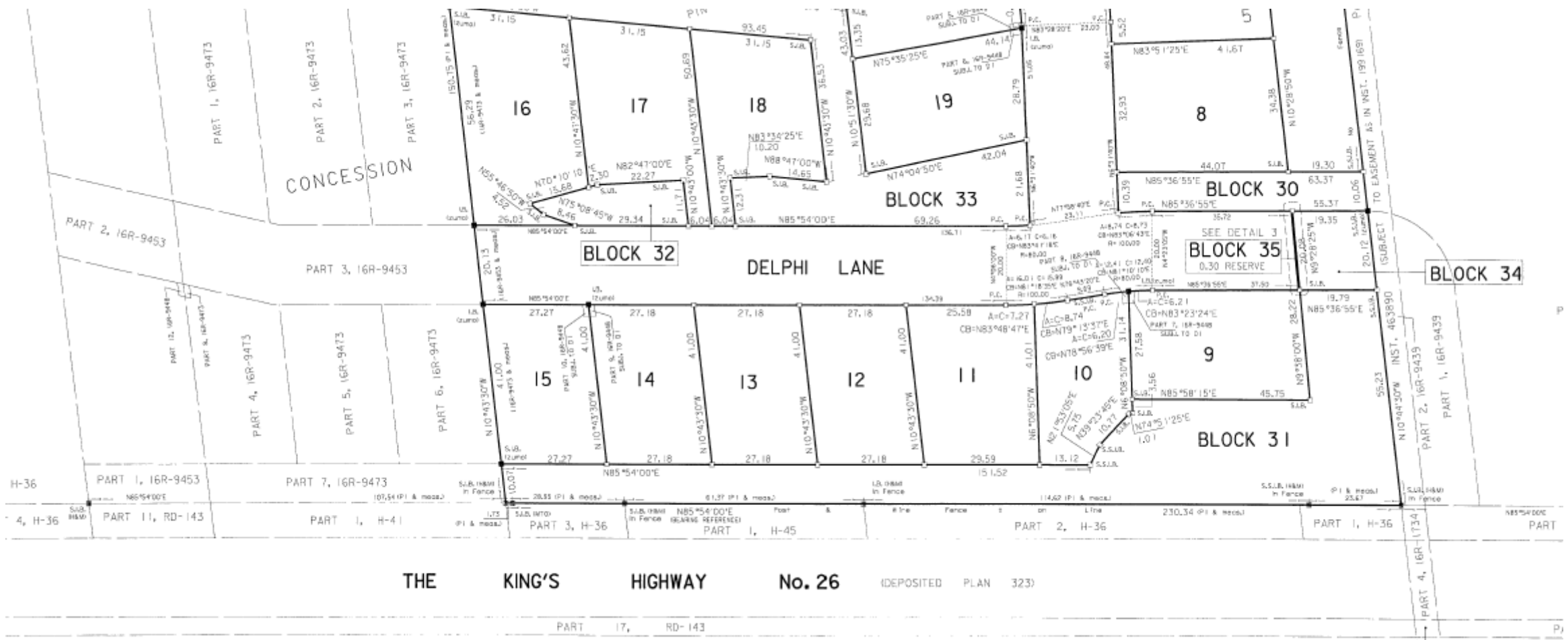
COW January 30, 2017



Peaks Bay East & West received draft plan approval from the OMB in August 2007

Development Agreement executed and Peaks Bay East Plan registered in 2008

Peaks Bay West continues to be Draft Plan Approved



THE KING'S HIGHWAY No. 26 (DEPOSITED PLAN 323)

PART 17, RD-143

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2006 Noise Impact Study completed by PBHL recommended 3.5 m high acoustic barrier (2.4 m fence and 1.1 m berm) along Hwy 26 (PB East, Lots 9 – 15) due to marginal exceedances

“AFC” drawings reflect NIS recommendation, requires fence to be constructed on privately owned land and maintained by the lot owners and provides for landscaped plantings within Town Open Space Block

Berm completed during initial servicing & has become “naturalized”

Although noise attenuation is currently required for PB East due to marginal exceedances, the lands to the west do not have similar requirements and, given updated NIS work, PB West does not require noise attenuation



During the course of 2012, Council deliberated on the matter of the desirability of fencing/walls along Hwy 26, with a particular emphasis on the Camperdown Area (Staff Reports EPW.12.042 & EPW.12.068)

Council at its meeting of Nov 12/12 ultimately adopted the following resolution:



THAT Council receive Staff Report EPW.12.068, "Consideration of the Proposed Highway 26 Noise Attenuation Requirement",

AND THAT Council, having determined that the non-construction of a noise attenuation barrier is consistent with the PPS 2005, hereby agrees to the non-construction of the noise attenuation barrier provided:

1. the prospective occupants of the new land use be notified by means of a warning clause to be included in the Agreements of Purchase and Sale and the Development Agreements which shall be registered on title of the property in a form acceptable to the Director of Engineering and Public Works and the Town's solicitor, and
2. a lump sum amount and terms acceptable to the Directors of Engineering and Public Works and Finance and IT Services and the Town's solicitor equal to the cost of the proposed noise wall at assumption of the public works plus 10% contingency allowance be held for 5 years post assumption after which the Developer may apply for the return of the security if Council intends to not install the noise wall.

AND THAT Council direct Staff to incorporate appropriate policies and/or wording in the Town's Official Plan, Engineering Standards and other relevant documents that noise mitigation efforts associated with planning of noise sensitive land uses adjacent to a transportation corridor be accomplished firstly by way of appropriate separation between the transportation corridor and the sensitive land use and secondly by means other than constructed acoustical barriers (i.e. noise walls) that will have a height in excess of 1.5 metres.



Council by way of their 2012 Resolution has already agreed to the non-construction of the noise attenuation barrier.

PBHL has requested that the Mayor and Clerk be authorized to execute an amendment to the Development Agreement so as to remove the requirement for the “full” noise attenuation barrier and for Town staff to agree to the deletion of the “wall” component from the AFC Drawings.

The removal of the “wall” component will align with the direction of the Town’s New Official Plan

#### **D5.4 HIGHWAY 26 CORRIDOR**

Highway 26 is recognized as a significant scenic corridor through the municipality with views and vistas of Georgian Bay and the Niagara Escarpment. As such it is a policy of this Plan that the scenic values of this corridor be protected and enhanced. Buffer strips shall generally be required for new development along Highway 26 excluding the Thornbury connecting link and Craigleith Village Area. Buffers shall generally be 10 metres in width and subject to an approved landscape plan to ensure adequate visual screening. The Town shall also undertake to complete a Highway 26 Corridor Streetscape Study to further refine the development policies along Highway 26.

PBHL wants to complete the Works within Peaks Bay East in the spring of '17 to facilitate assumption in '18.

Issue to be resolved is the non-construction of the “wall” component of the noise attenuation feature.

A resolution to authorize the Mayor and Clerk to execute an amending Agreement to remove the wall component of the noise attenuation barrier is requested.