

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic Development

Subject: Bre-Ex Aggregates Ltd.
3696 & 3832 Scotland Drive
File Number: Z-9705, Ward 12

Date: April 9, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Bre-Ex Aggregates Ltd. relating to the property located at 3696 and 3832 Scotland Drive:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting April 23, 2024 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, to change the zoning of the subject property **FROM** a Resource Extraction (EX) Zone, **TO** a Resource Extraction Special Provision (EX(_)) Zone and Holding Resource Extraction Special Provision (h-18*h-166*EX1(_)) Zone;
- (b) Civic Administration **BE DIRECTED** to forward Ecology comments regarding the identified Significant Wildlife Habitat and Species at Risk, attached as Appendix "F", to the Ministry of Natural Resources and Forestry for consideration in their future site plan review.

IT BEING NOTED, that the above noted amendment is being recommended for the following reasons:

- i) The recommended amendment is consistent with the Provincial Policy Statement, 2020;
- ii) The recommended amendment conforms to the policies of The London Plan, including but not limited to the Key Directions and Farmland Place Type.
- iii) The recommended amendment would facilitate the construction of a resource extraction-related facility that is appropriate for the context of the site.

Executive Summary

Summary of Request

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Resource Extraction (EX) Zone to a Resource Extraction Special Provision (EX(_)) Zone and Holding Resource Extraction Special Provision (h-18*h-166*EX1(_)) Zone.

Staff are recommending approval with holding provisions that will ensure the development will not occur until such time as appropriate water servicing concerns are addressed. A special provision is also being recommended which will measure zoning requirements to the zone boundaries (over multiple lots) and not to the individual properties contained within the larger zone boundary.

Purpose and the Effect of Recommended Action

The recommended action will permit an asphalt and concrete batching plant.

Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

- **Economic Growth, Culture, and Prosperity** by supporting London to be a regional centre that proactively attracts and retains talent, business, and investment.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

None.

1.2 Planning History

None.

1.3 Property Description and Location

The subject lands are located on the north side of Scotland Drive to the east of White Oak Road, in the Brockley Planning District. The lands currently contain an aggregate extraction operation licensed by the Ministry of Natural Resources and Forestry. The surrounding uses include other aggregate extraction operations, agricultural operations, farm dwellings, as well as a landfill.

Site Statistics:

- Current Land Use: Quarry / pit
- Frontage: 750 metres
- Area: 56.6 hectares
- Shape: Irregular
- Located within the Built Area Boundary: No
- Located within the Primary Transit Area: No

Surrounding Land Uses:

- North: Farmland and farm dwellings, gravel pit / quarry
- East: Gravel pit / quarry
- South: Landfill
- West: Farmland

Existing Planning Information:

- The London Plan Place Type: Farmland, Green Space
- Existing Special Policies: None
- Existing Zoning: Resource Extraction (EX), Environmental Review (ER)

Additional site information and context is provided in Appendix B.



Figure 1 - Aerial Photo of 3696 and 3832 Scotland Drive and surrounding lands

2.0 Discussion and Considerations

2.1 Development Proposal

The proposed development would include a concrete batching plant, asphalt batching plant, and administrative office/shop. These uses would all be accessory to the existing extraction operation. The development would also include an improved entrance from Scotland Drive to provide access to the proposed batching plants and extraction operation. The proposed batching plants would facilitate the production of concrete and asphalt using aggregate extracted from the site and would recycle manufactured materials derived from mineral aggregates. Parking, aggregate piles, wash bays and other processing equipment to service the batching plant operations would also be located within the lands to be rezoned (see Fig 2). The associated development area measures approximately 14.8 ha in area.

The proposed administrative office/ shop is located on the eastern portion of the Scotland Drive frontage and is permitted as of right under the existing zoning on the subject lands. It is anticipated that the shop would be utilized for various activities related to aggregate operations, including equipment repairs, fabrication and storage. The office/shop component of the project would also include a new entrance from Scotland Drive, an associated parking area and an individual on-site sewage system (septic system). The proposed septic system would also service the batch plants.

The proposed development includes the following features:

- Land use: Resource extraction
- Form: Aggregate extraction operation with accessory concrete and asphalt batching plant
- Height: <15m
- Building coverage: ~3%
- Parking spaces: 50 (surface)
- Landscape open space: 10%

Additional information on the development proposal is provided in Appendix B.

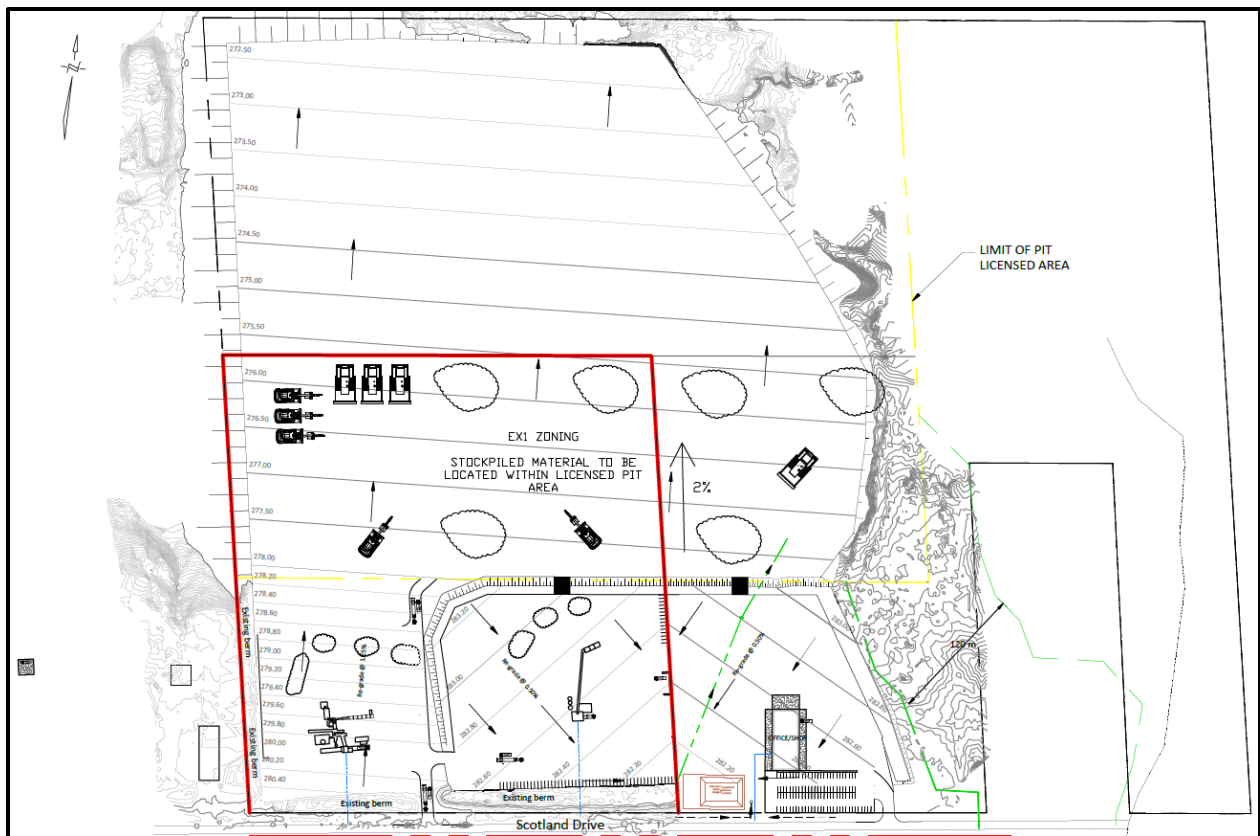


Figure 2 - Conceptual Site Plan (September 2023)

Additional plans and drawings of the development proposal are provided in Appendix C.

2.2 Requested Amendment(s)

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Resource Extraction (EX) Zone to Resource Extraction Special Provision (EX(_)) Zone and Holding Resource Extraction Special Provision (h-18*h-166*EX1(_)) Zone.

The following table summarizes the special provisions that have been proposed by the applicant and those that are being recommended by staff.

Regulation (EX(_)) and EX1(_))	Required	Proposed
Application of zoning requirements	To property lines	To proposed Zone lines

2.3 Internal and Agency Comments

The application and associated materials were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Key issues identified by staff and agencies included:

- Limited water servicing
- Disruption of wildlife habitat

Detailed internal and agency comments are included in Appendix D of this report.

2.4 Public Engagement

On February 2, 2024, Notice of Application was sent to 6 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on February 15, 2024. A "Planning Application" sign was also placed on the site.

There were 3 responses received during the public consultation period. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Concerns expressed by the public relate to:

- Impacts of the development on groundwater
- Traffic
- General impact of use onto residential properties

Detailed public comments are included in Appendix E of this report.

2.5 Policy Context

The Planning Act and the Provincial Policy Statement, 2020

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the *Provincial Policy Statement, 2020 (PPS)*. The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the *PPS*.

The mechanism for implementing Provincial policies is through the Official Plan, The London Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of The London Plan, the City of London has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in The London Plan analysis below.

As the application for a Zoning By-law amendment complies with The London Plan, it is staff's opinion that the application is consistent with the *Planning Act* and the *PPS*.

The London Plan, 2016

The London Plan (TLP) includes evaluation criteria for all planning and development applications with respect to use, intensity and form, as well as with consideration of the following (TLP 1577-1579):

1. Consistency with the Provincial Policy Statement and all applicable legislation.
2. Conformity with the Our City, Our Strategy, City Building, and Environmental policies.
3. Conformity with the Place Type policies.
4. Consideration of applicable guideline documents.
5. The availability of municipal services.
6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated.
7. The degree to which the proposal fits within its existing and planned context.

Staff are of the opinion that all the above criteria have been satisfied.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1 Use

PPS 2020

The PPS defines mineral aggregate operations as “a) lands under license or permit, other than for wayside pits and quarries, issued in accordance with the Aggregate Resources Act; b) for lands not designated under the Aggregate Resources Act, established pits and quarries that are not in contravention of municipal zoning by-laws

and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and c) associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.” This definition includes resource extraction itself, as well as associated facilities used in processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete.

Policy 2.5.1 of the PPS states that mineral aggregate resources shall be protected for long-term use. Existing mineral aggregate operations shall be permitted to continue without the need for an official plan amendment, rezoning or development permit under the Planning Act (2.5.2.4). Mineral aggregate resource conservation shall also be undertaken, including through the use of accessory aggregate recycling facilities within operations (2.5.2.3). The requested amendment would facilitate accessory production of asphalt and concrete using aggregate extracted from the site, as well as recycling of manufactured materials derived from mineral aggregates. This is consistent with Provincial direction through the PPS to conserve mineral aggregate resources.

Resource extraction activities are considered “major facilities”, as defined in the PPS. Section 1.2.6.1 directs that major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered, and/or separated from each other to prevent or mitigate adverse impacts from odour, noise, and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities. The subject lands are located outside of a settlement area and the nearest sensitive land use is a farm dwelling on the adjacent agricultural property to the north. The proposed asphalt and concrete batching plants have been sited approximately 1.2 kilometres away from this farm dwelling. Setbacks from the road and berming have also been provided to alleviate any potential impacts. As such, no new on-site impacts beyond those already created by the existing aggregate resource extraction pit are anticipated.

Lastly, the PPS directs planning authorities to promote economic development and competitiveness by providing for an appropriate mix and range of employment and institutional uses to meet long-term needs, as well as opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses (1.3.1a) and 1.3.1b)). The existing aggregate resource extraction operation supports economic development and provides employment opportunities in the City of London. The proposed asphalt and concrete batching plants is a complementary use that is ancillary to the aggregate resource extraction operations and further supports economic development and employment opportunities.

The proposed asphalt and concrete batching plants are permitted by the policies of the PPS, are complementary to the existing mineral aggregate operations, and are an appropriate ancillary use. As such, the requested amendment is consistent with the policies of the Provincial Policy Statement, 2020.

The London Plan

The majority of the subject lands are located within the Farmland Place Type of The London Plan with some portions within the Green Space Place Type, as shown on *Map 1 – Place Types. While the primary permitted uses of the Farmland Place Type are agricultural uses, natural resource extraction and existing uses are also recognized as permitted uses (1182_8 and 1182_11). Oil, gas, and aggregate resource extraction is subject to the Natural Resources policies of The London Plan (1209_).

The objectives of the Natural Resource policies of The London Plan are to promote aggregate resource conservation, including extraction and recovery/recycling of manufactured materials derived from aggregates, and to provide for the continuation of existing extractive operations (1514_1 and 1514_2). Lands identified as Extractive Industrial Areas on Map 6 – Hazards and Natural Resources are subject to the Aggregate Resources policies of The London Plan (1517_).

In accordance with Policy 1518_, aggregate extraction is a permitted interim use in all Place Types. In prime agricultural areas, aggregate extraction sites are to be rehabilitated to an agricultural condition. The locations of aggregate resource areas and licensed pits and quarries are identified on *Map 6.

In addition to aggregate resource extraction, the recovery and recycling of manufactured materials derived from aggregates for re-use is a permitted use within an aggregate operation (1522_). The requested amendment to permit accessory asphalt and concrete batching plants will facilitate the production of a manufactured product using aggregate extracted on-site, as well as the recycling and re-use of already manufactured materials derived from aggregate. Given the foregoing, staff is satisfied the requested amendment is in conformity with The London Plan.

4.2 Special Provisions

Along with the addition of the EX1 Zone, special provisions are being requested for this application. The special provision would allow zoning regulations to be applied to the zone boundaries instead of to property lines. This is requested as the proposed batching plants would be located on both 3696 and 3832 Scotland Drive. Since the proposed land use will function as one development over the two lots the special provision will help avoid zoning deficiencies during the building permit review due to the location of the lot lines.

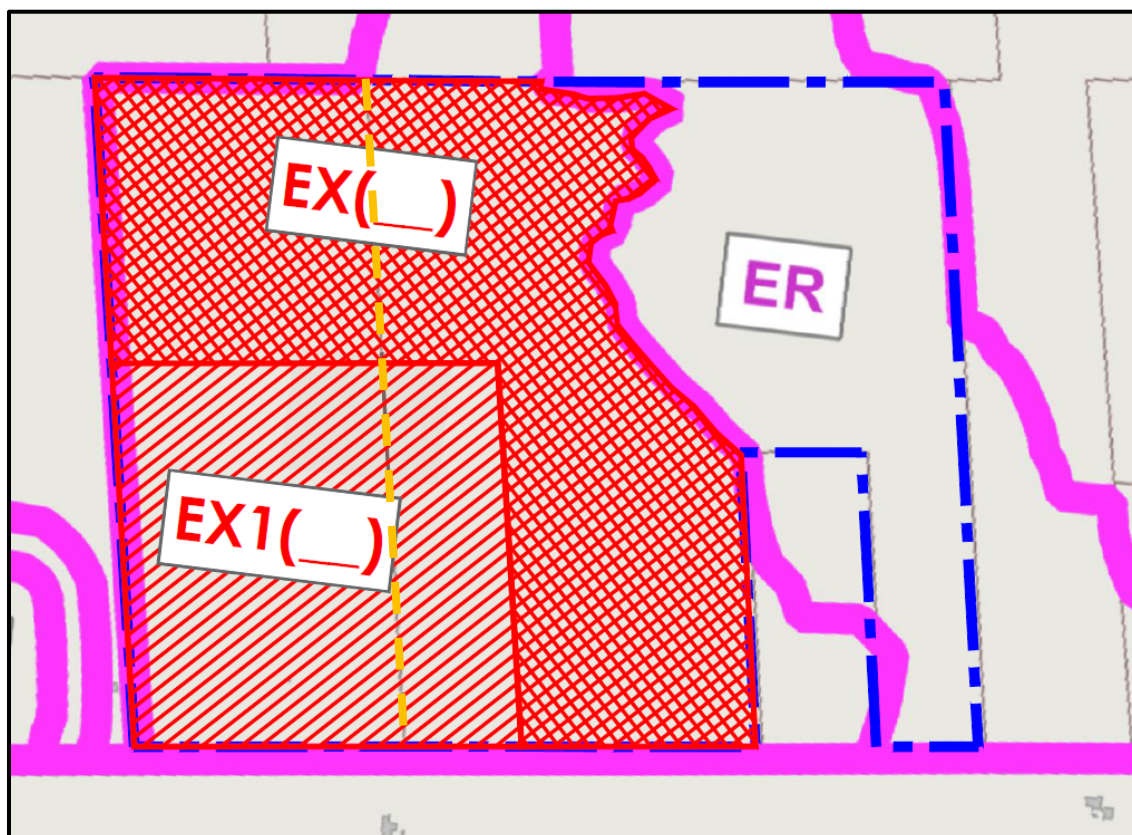


Figure 3 – Overlay of proposed Zone lines (red) and property lines (orange) on subject lands

4.3 Holding Provisions

As part of the pre-application review, engineering staff have identified that the existing water servicing would not be sufficient to support the proposed structures. A holding provision (h-166) is being recommended for the subject lands, limiting development until water servicing is addressed.

Heritage have also reviewed the application and recommended a holding provision (h-18), as a letter from the Ministry of Citizenship and Multiculturalism has not yet been received for review along with the Archaeological Assessment report provided by the applicant.

4.4 Ecology and Wildlife Habitat

Based on ecology staff's review of the mapping and plans provided, the proposed accessory uses and related works within the lands to be re-zoned EX1 are over 120m away from the identified natural heritage features currently zoned as Environmental Reserve (ER) both on and adjacent to the subject lands. As such, neither an SLSR nor an EIS has been required.

However, environmental studies completed for the property to the south about five years ago (i.e., the W12A Landfill Expansion *an Environmental Assessment – Biology* study) outlined some Significant Wildlife Habitat and Species at Risk habitat within 120 metres of the proposed new EX1() Zone line. Specifically, this included some Significant Wildlife Habitat for Monarch butterflies on and off the subject property, and habitat endangered Bobolink and Eastern Meadowlark off the property (on the lands to the southeast of the lot).

City staff are recommending that Ecology staff comments, attached as Appendix F be sent to the Ministry of Natural Resources and Forestry to inform the Ministry's site plan review, as the Site Plan application will not be reviewed by the City. Staff recommends mapping and mitigation measures in the event of development disturbing the reviewed Monarch habitat.

Conclusion

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Resource Extraction (EX) Zone to a Resource Extraction Special Provision (EX()) Zone and Holding Resource Extraction Special Provision (h-18*h-166*EX1()) Zone. Staff are recommending approval of the requested Zoning Bylaw amendment with special provisions.

The recommended action is consistent with the PPS 2020, conforms to The London Plan and will permit concrete and asphalt batching plant.

Prepared by: Noe O'Brien,
Planner, Planning Implementation

Reviewed by: Mike Corby, MCIP, RPP
Manager, Planning Implementation

Recommended by: Heather McNeely, MCIP, RPP
Director, Planning and Development

Submitted by: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic
Development

Copy:
Britt O'Hagan, Manager, Current Development
Michael Pease, Manager, Site Plans
Brent Lambert, Manager, Development Engineering

Appendix A – Zoning Bylaw Amendment

Bill No. (number to be inserted by Clerk's Office)
2024

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 3696 and 3832 Scotland Drive.

WHEREAS this amendment to the Zoning By-law Z.-1 conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 3696 and 3832 Scotland Drive, as shown on the attached map comprising part of Key Map No. A115, from a Resource Extraction (EX) Zone to a Resource Extraction Special Provision (EX(_)) Zone and a Holding Resource Extraction Special Provision (h-18*h-166*EX1(_)) Zone.
2. Section Number 43.4 a) of the EX Zone is amended by adding the following Special Provisions:

EX(_) 3696 and 3832 Scotland Drive
 - a. Regulations
 - i) Notwithstanding any provisions of this By-law to the contrary, the application of zoning requirements shall be to the zone boundaries and not to the individual properties contained within the zone.
3. Section Number 43.4 b) of the EX Zone is amended by adding the following Special Provisions:

EX1(_) 3696 and 3832 Scotland Drive
 - a. Regulations
 - i) Notwithstanding any provisions of this By-law to the contrary, the application of zoning requirements shall be to the zone boundaries and not to the individual properties contained within the zone.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

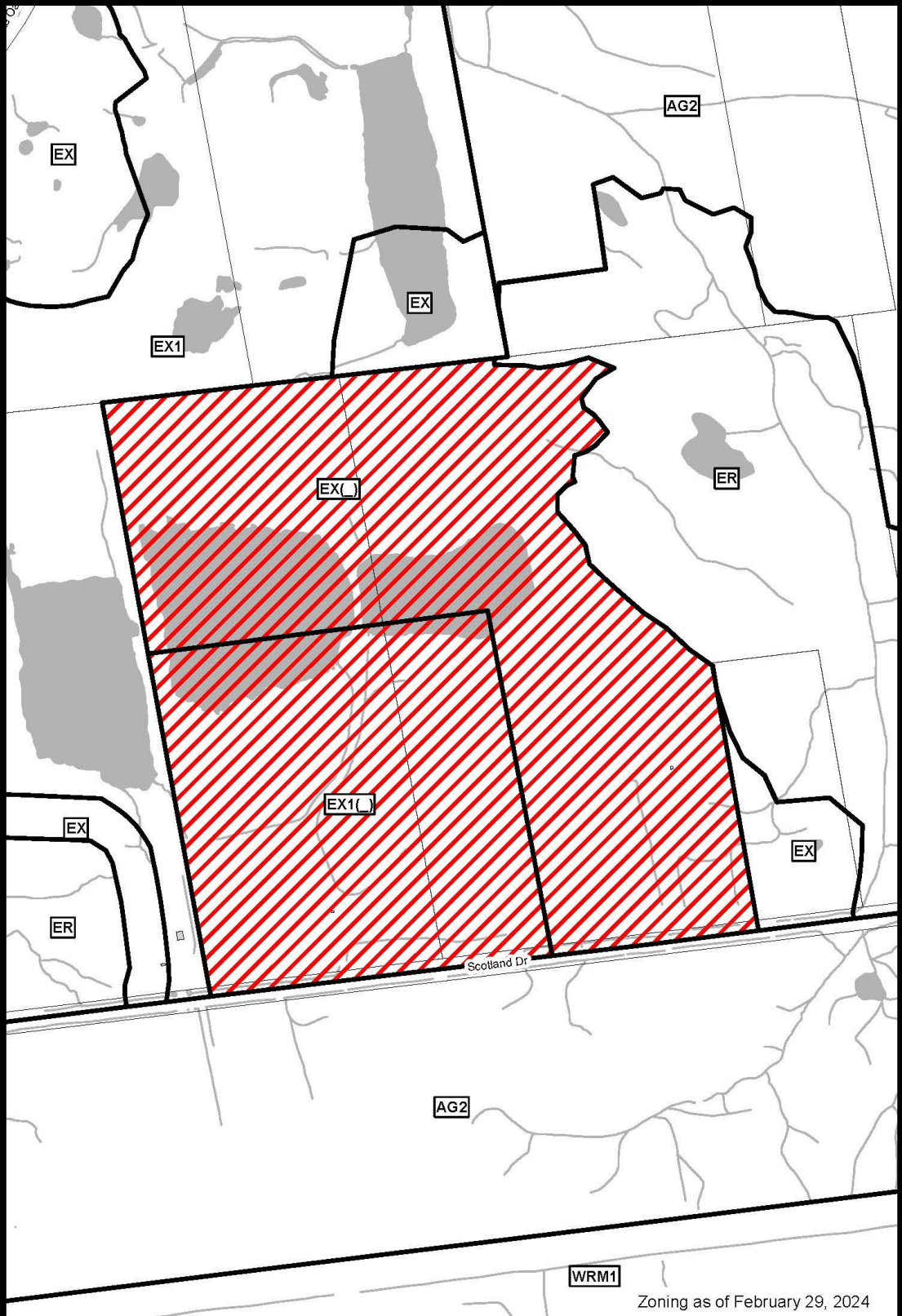
PASSED in Open Council on April 23, 2024


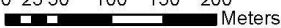

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – April 23, 2024
Second Reading – April 23, 2024
Third Reading – April 23, 2024

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



<p>File Number: Z-9704 Planner: NO Date Prepared: 2024/03/12 Technician: JI By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:5,500</p> <p>0 25 50 100 150 200 Meters </p> <p></p>
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Appendix B - Site and Development Summary

A. Site Information and Context

Site Statistics

Current Land Use	Quarry / pit
Frontage	750m
Area	56.6 Hectares
Shape	Irregular
Within Built Area Boundary	No
Within Primary Transit Area	No

Surrounding Land Uses

North	Low-density residential, gravel pit / quarry
East	Gravel pit / quarry
South	Landfill
West	Farmland

Proximity to Nearest Amenities

Major Intersection	Scotland Drive and White Oak Road, 300m
Dedicated cycling infrastructure	Scotland Drive and Wonderland Road South, 2.4km
London Transit stop	Roxborough and Wellington (Route 30), 6km
Public open space	Dingman Creek Open Space, 4.5km

B. Planning Information and Request

Current Planning Information

Current Place Type	Farmland and Green Space
Current Special Policies	None
Current Zoning	EX, ER

Requested Designation and Zone

Requested Place Type	No change requested
Requested Special Policies	No change requested
Requested Zoning	EX(_), EX1(_), ER

Requested Special Provisions

Regulation (EX(_)) and EX1(_))	Required	Proposed
Application of zoning requirements	N/A (To property lines)	To proposed Zone lines

C. Development Proposal Summary

Development Overview

The proposed development would include a concrete batching plant, asphalt batching plant, and administrative office/shop. These uses would all be accessory to the existing extraction operation. The development would also include an improved entrance from Scotland Drive to provide access to the proposed batching plants and extraction operation

Proposal Statistics

Land use	Resource Extraction
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Form	Aggregate extraction operation with accessory concrete and asphalt batching plant
Height	<15m
Residential units	N/A
Building coverage	~3%
Landscape open space	10%
New use being added to the local community	No

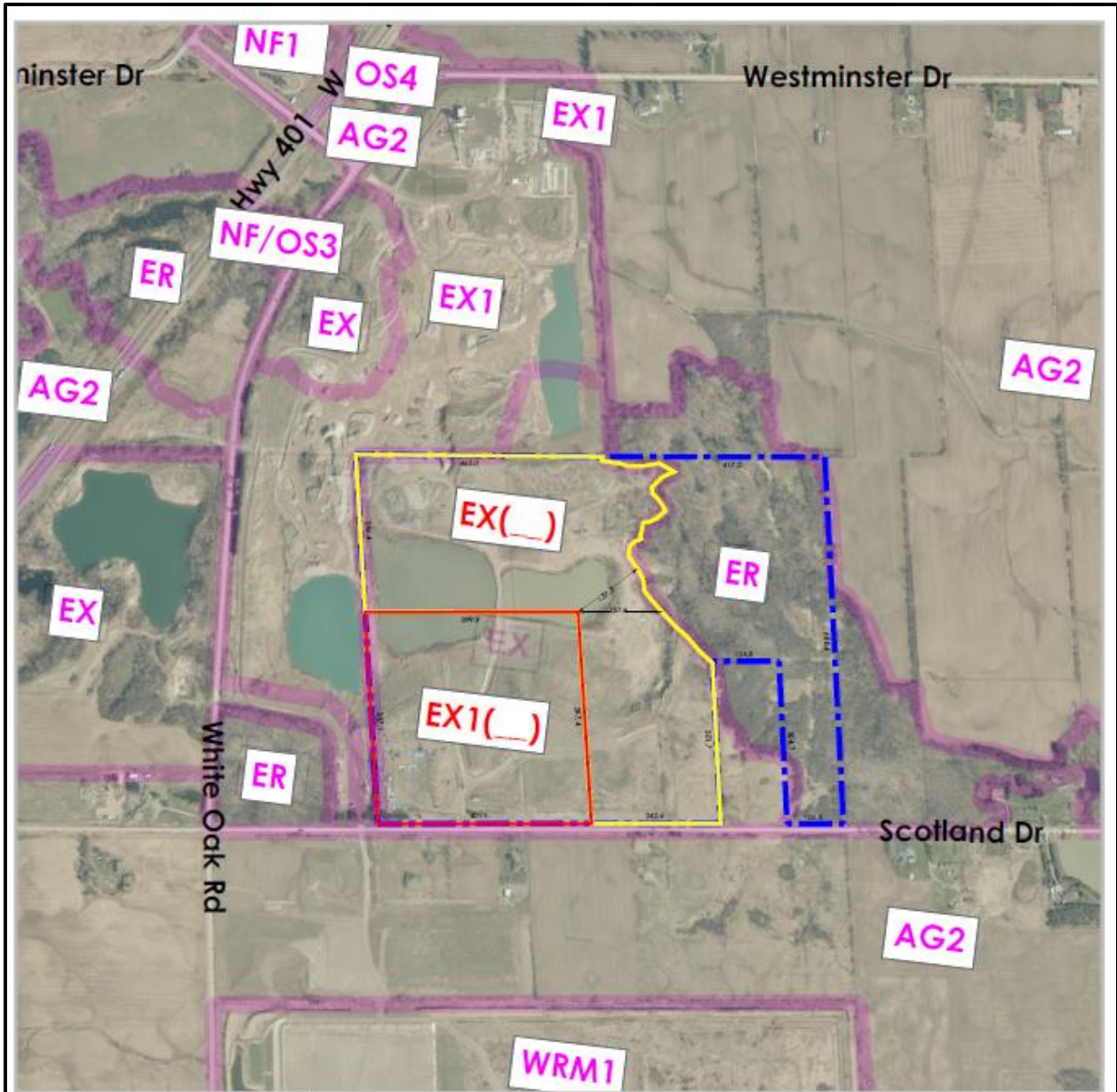
Mobility

Parking spaces	50 (surface)
Vehicle parking ratio	N/A
New electric vehicles charging stations	Unknown
Completes gaps in the public sidewalk	N/A (no sidewalk)
Connection from the site to a public sidewalk	N/A (no sidewalk)
Connection from the site to a multi-use path	N/A

Environmental Impact

Tree removals	Unknown
Tree plantings	Unknown
Tree Protection Area	No (Tree Protection Area on property, but outside of the proposed development)
Loss of natural heritage features	N/A
Species at Risk Habitat loss	N/A
Minimum Environmental Management Guideline buffer met	Yes
Existing structures repurposed or reused	N/A
Green building features	Unknown

Appendix C – Additional Plans and Drawings



**Figure 5
Proposed Zoning**

3696 and 3832 Scotland Drive
City of London
County of Middlesex

LEGEND	
	Subject Lands (± 566,118.64m ² / 56.61 ha)
	Land to be rezoned to EX1() (± 158,824.14m ² / 15.88 ha)
	Land to be rezoned to EX() (± 249,046.2m ² / 24.99 ha)
	Z.-1 Zones
AG	Agricultural Zone
AGC	Agricultural Commercial Zone
ER	Environmental Review
EX	Resource Extraction Zone
NF	Neighbourhood Facility Zone
OS	Open Space Zone
WRM	Waste and Resource Management Zone

Source: City of London Interactive Zoning CityMap, 2023

Date: March 2024

Scale: 1:10,000

File: 2245A

Drawn: CCF



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Appendix D – Internal and Agency Comments

Heritage

- h-18 holding provision recommended (as Ministry letter for confirmation of archaeological assessment not yet received).

Ecology

Based on the mapping and plans provided, the proposed accessory uses and related works within the lands to be re-zoned EX1 appear to at least 120 m from the identified natural heritage features currently zoned as Environmental Reserve (ER) both on and adjacent to the subject lands. As such, neither an SLSR nor an EIS has been required.

However, recent review of the *W12A Landfill Expansion Environmental Assessment – Biology* study prepared for the City for the lands to the south by AECOM dated August 2021 mapped:

- a small narrow extension of Significant Wildlife Habitat (SWH) for Monarch extending along Scotland Drive extending within 120 m of the lands to be re-zoned EX1, and
- habitat for two endangered Species at Risk birds (Bobolink and Eastern Meadowlark) within 120 m of the lands to be re-zoned EX1 and off-site but on the lands to the southeast (see Figure 6 of the W12A study).

Therefore, it is requested that:

1. a biologist screen for and map any existing Monarch habitat (i.e., mainly Common Milkweed plants) that may be impacted by the proposed works
2. that if and where required that any removals of such plants be avoided over August and September (when Monarchs eggs tend to be laid and hatched); and
3. any habitat removed (if required) be replaced by planting Common Milkweed (and potentially other native milkweeds) within the remaining SWH for Monarch on the subject lands.

We further suggest that the proponent reach out to MECP to ensure their proposed works are in conformity with the *Endangered Species Act*.

A copy of the W12A Landfill Expansion Environmental Assessment – Biology (AECOM, August 2021) can be provided on request.

Engineering

- By proceeding with the re-zoning this site, the applicant acknowledges that due to pressure zone limitations and site topography, adequate fire flow cannot be provided for this development. Further, the existing 100mm watermain on Scotland Dr appears to be undersized to service the proposed Development. As part of the zoning approval, h-166 holding provision will be required to ensure a watermain capacity analysis is completed and any required watermain upgrades constructed.

Matters for siteplan:

Wastewater:

- Bre-ex Aggregates approx. 56.4 Ha aggregate extraction operation proposal summary to allow for concrete and asphalt batching plants.
- There is no municipal sanitary sewer available or in close proximity. The lands are outside the UGB.

Water:

-
- Water is available via the municipal 100mm watermain located on Scotland Dr. which is part of the City's low level water distribution system (hydraulic grade line of 301.8m).
- The existing 100mm watermain in this area has limited capacity and substandard pressure. There is no fire protection available from this watermain. A capacity analysis of the existing watermain is required to demonstrate there is adequate capacity for the proposed development. The capacity analysis shall include all demands on Scotland Dr. between White Oak Road and Wellington Road. If upsizing of the existing watermain is required, it is to be completed by the applicant at no cost to the city.
- It is proposed that the applicant and their engineer should meet with Water Engineering to further scope the study and to receive information on demands along Scotland Dr.

- A water servicing report will be required to address domestic water demands, fire flows and water quality.
- Water servicing shall be configured as to avoid the creation of a regulated drinking water system.

Stormwater:

Specific comment for this site:

- The site is within the Dingman Creek Screening Area of UTRCA and therefore the applicant is to engage as early as possible with UTRCA to confirm any requirements/approvals for this site.
- Currently, the proposed site on Scotland Drive is located outside of the Urban Growth Boundary and there is no municipal storm sewer or storm outlet to service this site. As per the Drainage By-Law, section 5.2, where no storm sewer is accessible the applicant shall provide a dry well or storm water retention system which is certified by a Professional Engineer to the satisfaction of the City Engineer.
- The subject site is not tributary to any storm sewers is therefore to be self-contained and provide storage for up to the 250 year event. Given the sensitivity of the feature on the site (wetland) and features adjacent to the property (Provincially Significant Wetland, ESA), the Owner shall be required to provide measures (e.g., quality control, environmental action plan, robust Erosion Sediment Control measures, etc.) to prevent any mitigation of materials into the adjacent lands and water features. Therefore, The consultant is to provide a SWM functional report indicating how the site is proposed to be serviced (e.g. on-site controls, LID, etc.).In addition , the consultant to demonstrate what is approach of managing the stormwater runoff quantity and quality.
- The requirement for water quality treatment to meet a minimum of 80% TSS shall be provided within the proposed design to the standards of the Ministry of the Environment, Conservation & Parks (MECP) and to the satisfaction of the City Engineer.
- Should the applicant require any chemicals or salt to be stored on site, it is recommended that these materials are stored in a self-contained and floodproofed facility such that there would be no negative impacts to the natural heritage features on site, on the adjacent site and/or to any fish habitat within the adjacent Dingman tributary and downstream SWMF (i.e., Tributary C, which is a cold water fishery)
- As per 9.4.1 of The Design Specifications & Requirements Manual (DSRM), drainage is to be self-contained. The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site, up to the 100 year event and safely convey the 250 year storm event.
- Any future development applications within subject lands that are not serviced by municipal water or wastewater systems may be subject to a suitability study of the hydrogeological conditions that includes an assessment of water supply and sewage disposal system impacts from the proposed development(s) associated with the site. If required, the hydrogeological assessment shall be prepared by a qualified professional and demonstrate, to the satisfaction of the City, that private water well(s) and private sewage disposal system(s) can be established that meet the appropriate standards and will not impact adjacent properties and/or natural heritage features
- The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands
- Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.
- An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site and that will be in accordance with City of London and MECP standards and requirements, all to the specification and satisfaction of the City Engineer. This plan is to include measures to be used during all phases of construction. These measures shall be identified in the Storm/Drainage Servicing Report.
- All applicants and their consultants shall ensure compliance with the City of London, Design Specifications and Requirements Manual, Ministry of the Environment, Conservation & Parks (MECP) Guidelines and Recommendation, and the SWM criteria ,as well as, targets for the Dingman Creek Subwatershed.
- Additional SWM related comments will be provided upon future review of this site.

General comments for sites within Dingman Creek Subwatershed:

- The subject lands are located in the Dingman Subwatershed. The Owner shall provide a Storm/Drainage Servicing Report demonstrating compliance with the SWM criteria and environmental targets identified in the Dingman Subwatershed Study that may include but not be limited to, runoff volume control, quantity/quality control (80% TSS), erosion, stream morphology, etc.
- The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan, including Low Impact Development (LID) where possible, to the satisfaction of the City Engineer.
- The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site, up to the 100 year event and safely conveys up to the 250 year storm event, all to be designed by a Professional Engineer for review.
- The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.
- Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.
- An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site shall be prepared to the specification and satisfaction of the City Engineer and shall be in accordance with City of London and MECP (formerly MOECC) standards and requirements.

Transportation:

- Right-of-way dedication of 18.0 m from the centre line be required along 3696 & 3832 Scotland Dr. Currently there is no road widening at the above location. Therefore a widening of 7.942m is required to attain 18m from centreline.
- Detailed comments regarding access design and location will be made through the site plan process.

UTRCA

- Comments to be provided under separate cover.

Urban Design

1. Maintain the existing berm along Scotland Drive and provide additional landscaping (including four season plantings with mature trees) on top of the berm for sufficient screening between the proposed development and the public street.

Parks Planning

- Industrial uses, parkland dedication is waived as per By-law CP-25.

Landscape Architecture

1. For trees outside of significant Natural Heritage Features, the summation of tree diameter to be destroyed shall correspond to the number of Replacement Trees required in accordance with London Plan Policy 399; all trees over 10cm in diameter, measured at a height of 1.4m above the ground, shall be replaced at a rate of 1 tree for every 10cm diameter removed.
2. All trees within site over 50cm dbh are protected by the Tree Protection Bylaw and would require permits to injure or remove. Any person who contravenes any provision of this By-law is guilty of an offence and if convicted under this By-law is liable to a minimum fine of \$500.00 and a maximum fine of \$100,000.00, where the fine is not a set fine. To apply for a removal permit, contact Forestry Dispatcher at trees@london.ca with details of your request.

Site Plan

- Site Plan not required – jurisdiction of MNRF.

London Hydro

- London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

Appendix E – Public Engagement

From: Matt McDougall
Sent: February 26, 2024
Format: Email

Hello,

This is a response to the zoning change application received.

Upon my inquiry of asking for some specifics of the site at 3696-3832 Scotland drive I received a quick and informative response from the planner in charge of this application.

Within the response I received , I have some information that may be of value in making the decision of the application for the zoning change at this time.

It was indicated in the response from the planner that the site would be subject to Site Plan approval if any construction would take place once/if the zoning change is approved.

This Site Plan Approval indeed would be a nice opportunity for the City of London to help develop the site in a manner that fulfills obligations to construction and mitigation measures that surrounding properties would require.

Unfortunately i believe this is definitely not the case for a property under the provincial jurisdiction of the MECCP pits and quarries. A site plan approval from the City of London is NOT required to be granted or obtained to the development of the site for the purpose of concrete and asphalt batching plants.

I'm fairly confident that my information is correct because another neighboring property to our residence obtained a zoning change for the same purpose.

Once the zoning change was granted the City of London had ZERO say or control of how the property was developed for Concrete and Asphalt batching plants.

I feel the City of London should be aware of this, as it appears it may be an oversight at the time, that there will not be a need for Site Plan Approval by the applicant to move forward in their process of developing the property once a zoning change is granted.

My suggestion as a resident/neighbor to the subject site is that before a zoning change is granted that the City of London makes sure that proper berming is in place to protect our properties views.

Currently we can plainly see all equipment that is parked within the subject property. With the much more intense development of a concrete and asphalt plant, much more activity will take place. Increasing the noise and visual nuisance our residential property would be subject to.

There currently appears to be an attempt at creating more berming of the subject site, but my recommendation to City of London is to make the applicant finalize all berming that satisfies both the City of London and our residence before a zoning change is granted.

Thank you for the opportunity.

Matt McDougall

From: Nate Meyer
Sent: March 2, 2024
Format: Email

Hi Noe, and others!

I am a resident on Scotland Drive. I am emailing today because I saw the by-law amendment sign regarding the Concrete Batching plant, and Asphalt Batching plant. I'm not sure how long this sign has been on Scotland Drive, but I only saw it this weekend.

I'm writing in regards to the truck traffic on Scotland Drive and whether there has been a study or estimate on how much truck traffic will increase because of this project?

As you probably know, Scotland Drive is already a haul route for dump trucks, gravel trucks for both Bre-Ex, and AAROC. As well, Scotland Drive is used for the MANY cement trucks for the cement processing plant on Westminster Road.

I work from home, and sit in the front window of my house all day. The road is VERY busy with large heavy trucks as it is. As well, I have a speed monitor in place, and the average speed for these large heavy trucks (including the transport trucks, and cement trucks) is over 90km/h. They use the hills to pick-up speed to easily get up the next hill. This is already unsafe and reckless. Below is a youtube URL of a video I took of a transport gravel truck PASSING a dual dump truck at over 100 km/h. There are 7 children under the age of 12 that live on Scotland drive between Wellington and Whiteoaks. Our children use this road to walk between houses to visit each other. Our children ride their dirt bikes all over our individual properties, including the grass frontage beside the road. Our children's bus comes down this road twice a day filled with children.. If there was an emergency and a large heavy truck needed to stop, It would be very difficult to get those trucks stopped at 90km/h +. Pulling onto Scotland Drive from our driveways is sometimes treacherous because of the amount, and speed of the heavy trucks. It's already not safe, and an increase of trucks without looking into their speed and recklessness will only increase the chance of an accident.

-Can Scotland Drive accommodate any more trucks?

-Are there any road improvements in the works? The road is already severely cracked at the edge because of the large trucks.

-Will there be any safety measures put in place for the extra trucks on the road?

-Because of the extra trucks on the road, will there be a speed limit adjustment?
I'm not sure why a 90,000 lb gravel truck needed to travel at 90 km/h.

I have no problem with the plant, or the noise. I am concerned with the safety of our children, and light car traffic pulling onto, and off the road from our driveways.

What can be done about the speed of trucks on this road?



London
CANADA

THE CORPORATION OF THE CITY OF LONDON

Subject: Identified Significant Wildlife Habitat and Species at Risk

Address: **3696 and 3832 Scotland Drive**

To Whom it may concern,

The following comments were provided as part of the City of London review of a Zoning Bylaw Amendment. This information is being provided for your consideration in reviewing the future Site Plan for the proposed concrete and asphalt batching plants at the above noted address.

ECOLOGY COMMENTS ON PROPOSED ACCESSORY USE
FOR 3696 AND 3832 SCOTLAND DRIVE

Proposal: Zoning By-law amendment to permit the applicant (Be-Ex Aggregates Ltd.) to add concrete and asphalt batching plants on these lands as accessory uses to the existing aggregate extraction activities.

This e-mail is to confirm that, based on the mapping and plans provided, the proposed accessory uses and related works within the lands to be re-zoned EX1 appear to at least 120 m from the identified natural heritage features currently zoned as Environmental Reserve (ER) both on and adjacent to the subject lands. As such, neither an SLSR nor an EIS has been required.

However, recent review of the *W12A Landfill Expansion Environmental Assessment – Biology* study prepared for the City for the lands to the south by AECOM dated August 2021 mapped:

- a small narrow extension of Significant Wildlife Habitat (SWH) for Monarch extending along Scotland Drive extending within 120 m of the lands to be re-zoned EX1, and
- habitat for two endangered Species at Risk birds (Bobolink and Eastern Meadowlark) within 120 m of the lands to be re-zoned EX1 and off-site but on the lands to the southeast (see Figure 6 of the W12A study).

Therefore, the City of London Ecologist is recommending that:

1. a biologist screen for and map any existing Monarch habitat (i.e., mainly Common Milkweed plants) that may be impacted by the proposed works
2. that if and where required that any removals of such plants be avoided over August and September (when Monarchs eggs tend to be laid and hatched); and
3. any habitat removed (if required) be replaced by planting Common Milkweed (and potentially other native milkweeds) within the remaining SWH for Monarch on the subject lands.

We further suggest that the proponent reach out to MECP to ensure their proposed works are in conformity with the *Endangered Species Act*.

A copy of the W12A Landfill Expansion Environmental Assessment – Biology (AECOM, August 2021) can be provided on request.

For additional information please contact City of London Planning and Development at plandev@london.ca or by calling 519-661-3550.

Regards,

Kevin Edwards
Manager, Community Planning
City of London