

Planning Justification Report

5110 White Oak Road, 3777 Westminster Drive, & 3900 Scotland Drive

City of London

Orange Rock Developments



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ZELINKA PRIAMO LTD
A Professional Planning Practice

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1.0 INTRODUCTION

Orange Rock Developments has submitted an application to the City of London to amend its Zoning By-Law for the lands known municipally as 5110 White Oak Road, 3777 Westminster Drive, and 3900 Scotland Drive (the 'subject lands'), otherwise known as the "Westcliff Pit". The intent of this application is to re-zone a portion of the subject lands to permit an asphalt/concrete batching plant.

The purpose of the following Planning Justification Report is to evaluate the proposed Zoning By-Law Amendment in the context of existing land use policies and regulations, including the Provincial Policy Statement, the 1989 City of London Official Plan, the London Plan, and the City of London Zoning By-Law.

2.0 THE SUBJECT LANDS

The subject lands comprise of three parcels, bounded by Westminster Drive to the north, White Oak Road to the west, and Scotland Drive to the south (Figures 1 and 2):

- Parcel 1 (5110 White Oak Road) has frontage of approximately 800m (2624ft) along White Oak Road and a maximum depth of approximately 400m (1312ft);
- Parcel 2 (3777 Westminster Drive) has frontage of approximately 290m (951ft) along Westminster Drive and a maximum depth of approximately 700m (2296ft);
- Parcel 3 (3900 Scotland Drive) has a frontage of approximately 310m (1017ft) along Scotland Drive and has a maximum depth of approximately 720m (2362ft);

The area of the subject lands, comprised of all three parcels, is approximately 56.13ha (138.71ac).

The subject lands are currently occupied by a contiguous sand and gravel pit. Vehicular access is provided by gravel driveways on each of the three parcels, with the principal entrance at 3900 Scotland Drive (Figures 3-5).

Figure 1 – Subject Lands (Google Maps)



Figure 2 – Subject Lands (City of London Mapping)

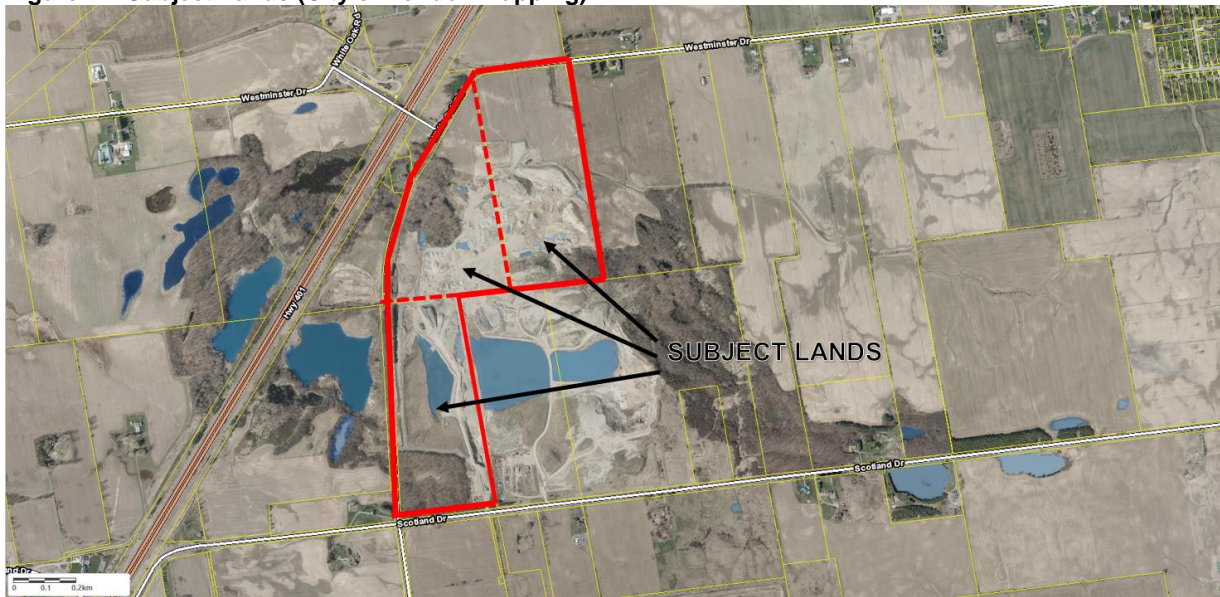


Figure 3 - Main Entrance to Subject Lands (Parcel 3) on Scotland Drive (Looking North)



Figure 4 – Entrance to Subject Lands (Parcel 2) on Westminster Drive (Looking South)



Figure 5 – Entrance to Subject Lands (Parcel 1) on White Oak Road (Looking West)



All three parcels contain wooded areas: the west side of Parcel 1, the southeast corner of Parcel 2, and the southwest corner of Parcel 3. The northerly portions of Parcel 1 and 2 consist of cultivated fields for agricultural purposes. The remainder of the subject lands consists of aggregate pits, and driveways. An open storage area, a parking lot, an office, and weigh station are located at the Scotland Drive entrance.

The subject lands currently operate with an underwater aggregate extraction license and formerly contained an asphalt/concrete batching plant until approximately 2002. An office is located on Parcel 3 (3900 Scotland Drive) and is serviced by a private well and private septic.

The subject lands are within the “*Agricultural*” and “*Open Space*” land use designations in the 1989 City of London Official Plan; are within the “*Farmland*” and “*Green Space*” Place Types along “*Rural Connector*” Street Classifications in *The London Plan*; and, are currently zoned “*Resource Extraction (EX) Zone*”, “*Environmental Review (ER) Zone*”, and “*Open Space (OS4) Zone*” in the City of London Zoning By-Law. The lands subject to the proposed re-zoning are only within the “*Resource Extraction (EX) Zone*”.

3.0 SURROUNDING LAND USES

Land uses surrounding the subject lands primarily consist of resource extraction, agricultural, and open space uses (Figure 6). Additional aggregate pits abut Parcel 1 to the east at 3666, and 3696 Scotland Drive, as well as to the west at 5203 White Oak Road. Agricultural lands are adjacent to the subject lands to the north, south, east, and west, with single detached farm dwellings and accessory barns, sheds, and open storage areas. Open space uses are located to the northwest in the form of a ravine. A cemetery is approximately 500m northwest from the center of the subject lands. The City of London Landfill site is located approximately 1.5km to the south along White Oak Road. Access to Highway 401 is available via Wonderland Road South to the southwest or Wellington Road South to the northeast.

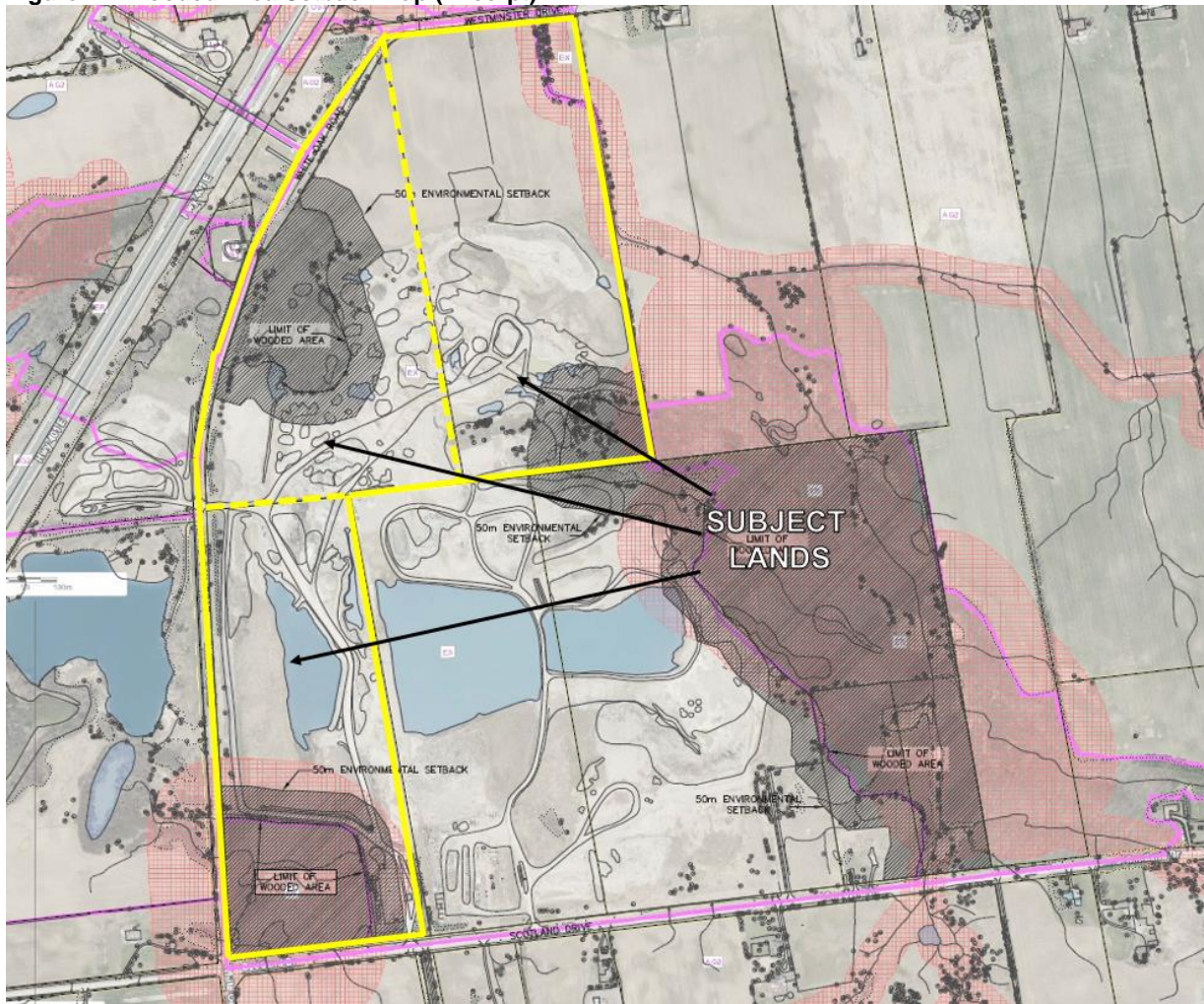
This aerial map illustrates the land use patterns in the White Oak area. The map is divided into several distinct zones, each labeled with its primary function. The 'SUBJECT LANDS' are highlighted with a yellow dashed outline and labeled 'RESOURCE EXTRACTION'. The surrounding areas include 'AGRICULTURAL' land, 'OPEN SPACE', 'URBAN RESERVE', 'RESIDENTIAL', 'COMMUNITY FACILITY', and 'WASTE MANAGEMENT'. The map also shows major roads such as Dingman Dr, Westminster Dr, Scotland Dr, and the Madison-Jackson Interchange. A scale bar at the bottom indicates a distance of 0 to 1 mile.

An asphalt/concrete batching plant is proposed to be constructed on the subject lands to heat, dry, and mix aggregate to produce asphalt or concrete, which includes stockpiling and storage of bulk materials used in the process. A batching plant previously functioned on these lands for some time under a Temporary Zone in the former Westminster Township Zoning By-Law, which has since expired.

5.0 PROPOSED ZONING BY-LAW AMENDMENT APPLICATION

In order to permit the proposed asphalt/concrete batching plant, it is proposed that the portions of the subject lands zoned “Resource Extraction (EX)” outside of a 50m environmental buffer be re-zoned to the “Resource Extraction (EX1)” zone to permit the use of an asphalt and/or concrete batching plant. As the proposal includes three (3) separate parcels, the intent of this application is that an asphalt/concrete batching plant could be located on any or all parcels, save and except within 50m of each of the identified wooded areas (Figure 7). The hatched areas illustrated in Figure 7 show the extent of the wooded areas, plus a 50m buffer. The proposed “Resource Extraction (EX1)” zone would include all lands zoned “Resource Extraction (EX)” outside of the hatched areas.

Figure 7 – Wooded Area Setback Map (Excerpt)



6.0 PLANNING DOCUMENT REVIEW AND POLICY ANALYSIS

6.1 2014 PROVINCIAL POLICY STATEMENT (PPS)

The Provincial Policy Statement (PPS), issued under the authority of Section 3 of the Planning Act “*provides policy direction on matters of provincial interest related to land use planning*” in order to ensure efficient, cost-effective development and the protection of resources. All planning applications, including Zoning By-Law Amendment applications, are required to be consistent with these policies.

In this analysis section, relevant policies are bordered and in italics, with discussion on how the proposed application is consistent with that policy immediately after.

Section 1.1.1

Healthy, liveable, and safe communities are sustained by:

c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.

Section 1.2.6.1

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 effects from odour, noise, and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability or major facilities.

Section 2.1.1

Natural features and areas shall be protected for the long term.

Resource extraction activities, which are defined as a “major facility” within the PPS, occur on the subject lands. It is the intent of this application to apply a 50m environmental setback to each of the identified wooded areas. This 50m buffer is intended to limit the proposed use to appropriate locations which will reduce or eliminate impacts to these wooded areas. Although the exact location of the asphalt/concrete batching plant has not been identified, a proactive approach has been taken to protect natural heritage features.

As per consultation with City Parks planning staff, areas outside of the 50m wooded area buffer have been identified as an appropriate location for an asphalt/concrete batching plant. There are no proximate sensitive land uses that would be impacted beyond typical emissions of the existing aggregate operations.

Section 1.6.6.4

Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

The subject lands are serviced by a private septic system and private water service (well). No changes to these services are proposed as the proposed use does not generate additional servicing demands.

Section 2.5.1

Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified.

Section 2.5.2.4

Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

The continued operation of the existing sand and gravel resource extraction operation is a valuable resource that is to be protected for the long-term. The proposed asphalt/concrete batching plant is a complementary and supportive use for the existing aggregate resource extraction operation.

Based on the above analysis, the proposed Zoning By-Law Amendment is consistent with the policies of the 2014 Provincial Policy Statement (PPS).

6.2 ANALYSIS OF THE CITY OF LONDON OFFICIAL PLAN (*THE LONDON PLAN*)

Although portions of the Environmental Policies chapter within *The London Plan* are currently under appeal, the Natural Resources policies (Policies 1511-1555), including Aggregate Resources policies (1518-1544), are now in force and effect.

The subject lands are identified as within the “*Farmland*” and “*Green Space*” Place Type along “*Rural Connector*” Streets (Figures 8 and 9). Natural resource extraction is a permitted use within the “*Farmland*” Place Type, subject to the Natural Resources policies of *The London Plan*.

Although Section 1531 of *The London Plan* allows portable asphalt batching plants in any Place Type without an amendment to the Zoning By-Law, the proposed asphalt/concrete batching plant is permanent, and therefore would require a Zoning By-Law Amendment.

Figure 8 – The London Plan (Map 1 – Land Use) (Excerpt)

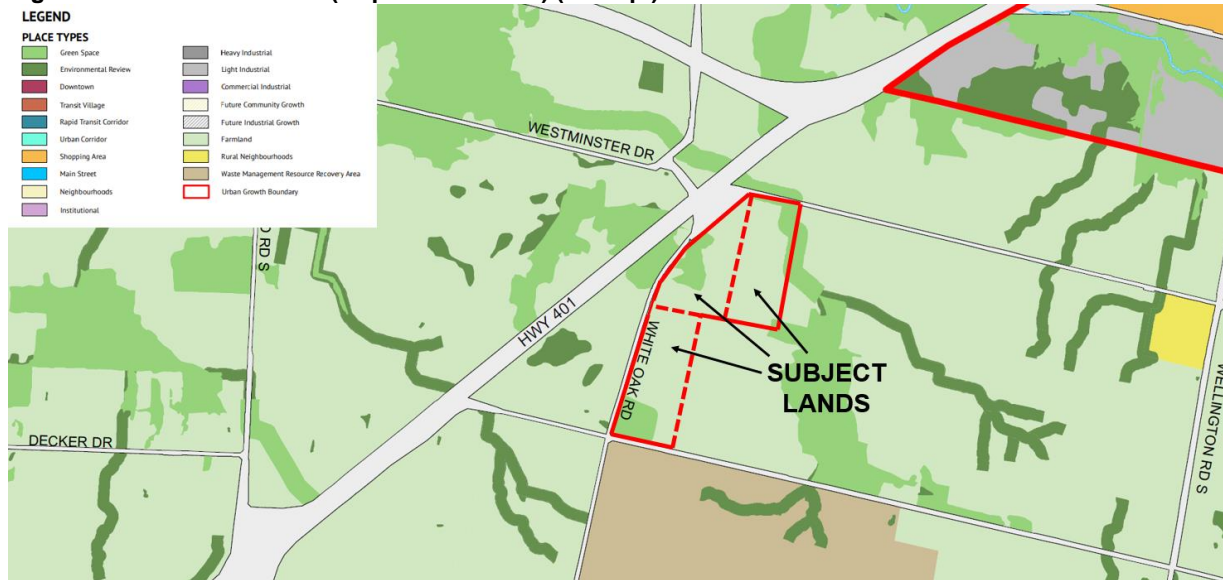
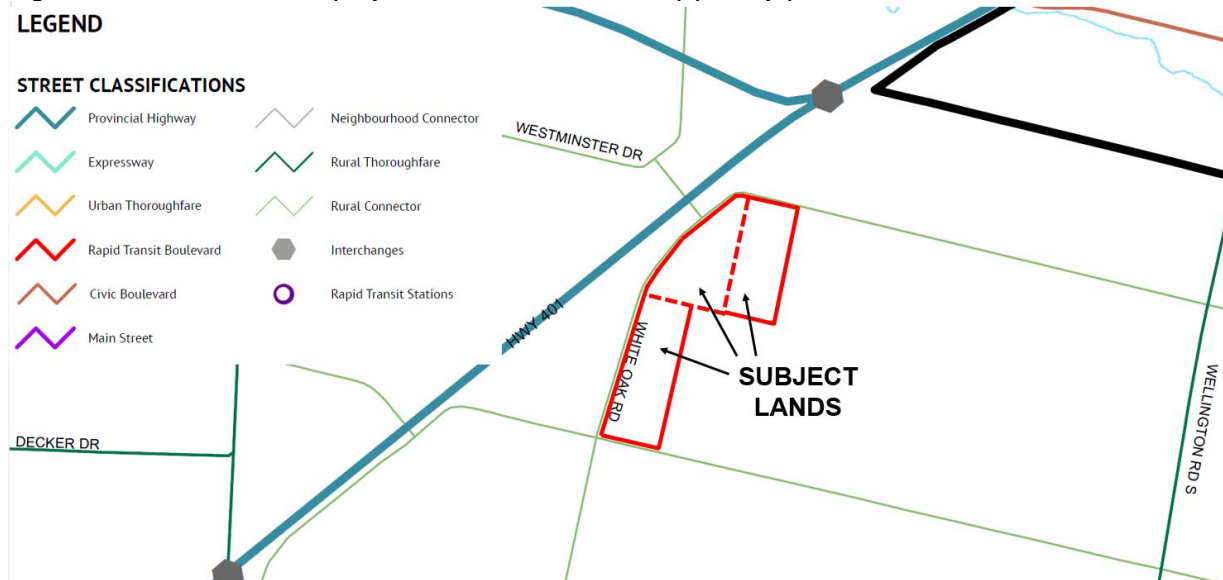


Figure 9 – The London Plan (Map 3 – Street Classifications) (Excerpt)



It should be noted that a discrepancy exists within “Map 6 – Hazards and Natural Resources” of *The London Plan*, as the existing and active aggregate pit on the subject lands is not denoted on the schedule. This appears to be a mapping error as the aggregate overlay associated with the existing aggregate operation was denoted on the 1989 City of London Official Plan.

Lands containing aggregate resources available for extraction, including the subject lands, are to be protected to support on-going development and infrastructure needs in the City of London (Policy 1511). *The London Plan* supports the expansion of existing pits and quarries, including the expansion of operations, such as the proposed asphalt/concrete batching plant (Policy 1513). The addition of the proposed use supports the viability and continued operation of an existing aggregate resource extraction operation.

The London Plan promotes the protection of aggregate resources for long-term use from development that would hinder the continued use aggregate extraction operations (Policy 1514). The proposed asphalt/concrete batching plant does not hinder the continued use of the aggregate extraction operation, but rather, it is a complementary and supportive use for the existing aggregate resource operations. Furthermore, the subject lands are an appropriate location for an asphalt/concrete batching plant given that there are no proximate sensitive land uses that would be impacted by the proposed use.

In order to mitigate potential adverse impacts on the wooded areas on the subject lands, a 50m setback from the dripline of the wooded areas is proposed. City Staff have concurred that this setback is appropriate and, as such, there are no concerns with potential impacts to these wooded areas.

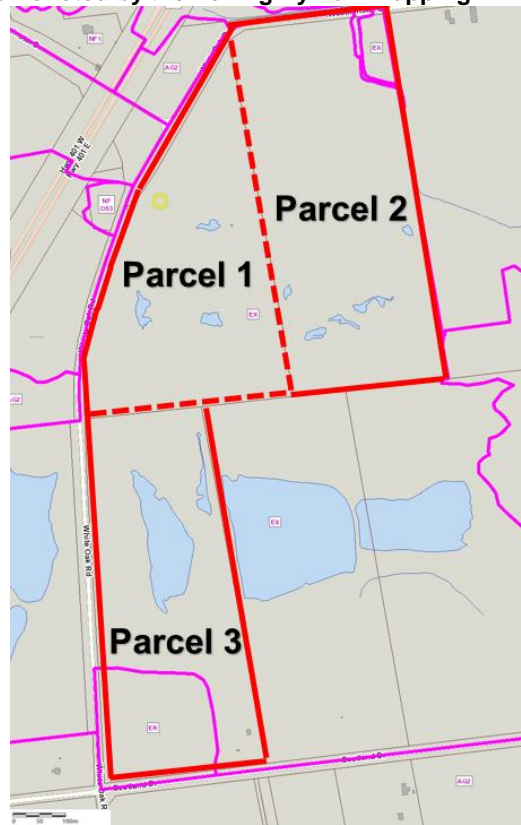
Based on the above analysis, the proposed Zoning By-Law Amendment is consistent with the policies of *The London Plan*.

The Aggregate Resource policies (Policies 1518-1544) of *The London Plan* replace the Aggregate Resource policies (Section 15.10) of the 1989 City of London Official Plan, as they are now understood to be in full force and effect. The policies and the intent of the Aggregate Resource sections in each respective Official Plan are very similar. Given that the proposed development is consistent with the policies of *The London Plan*, the proposed asphalt/concrete batching plant is also consistent with the 1989 City of London Official Plan.

6.3 ANALYSIS OF THE CITY OF LONDON ZONING BY-LAW

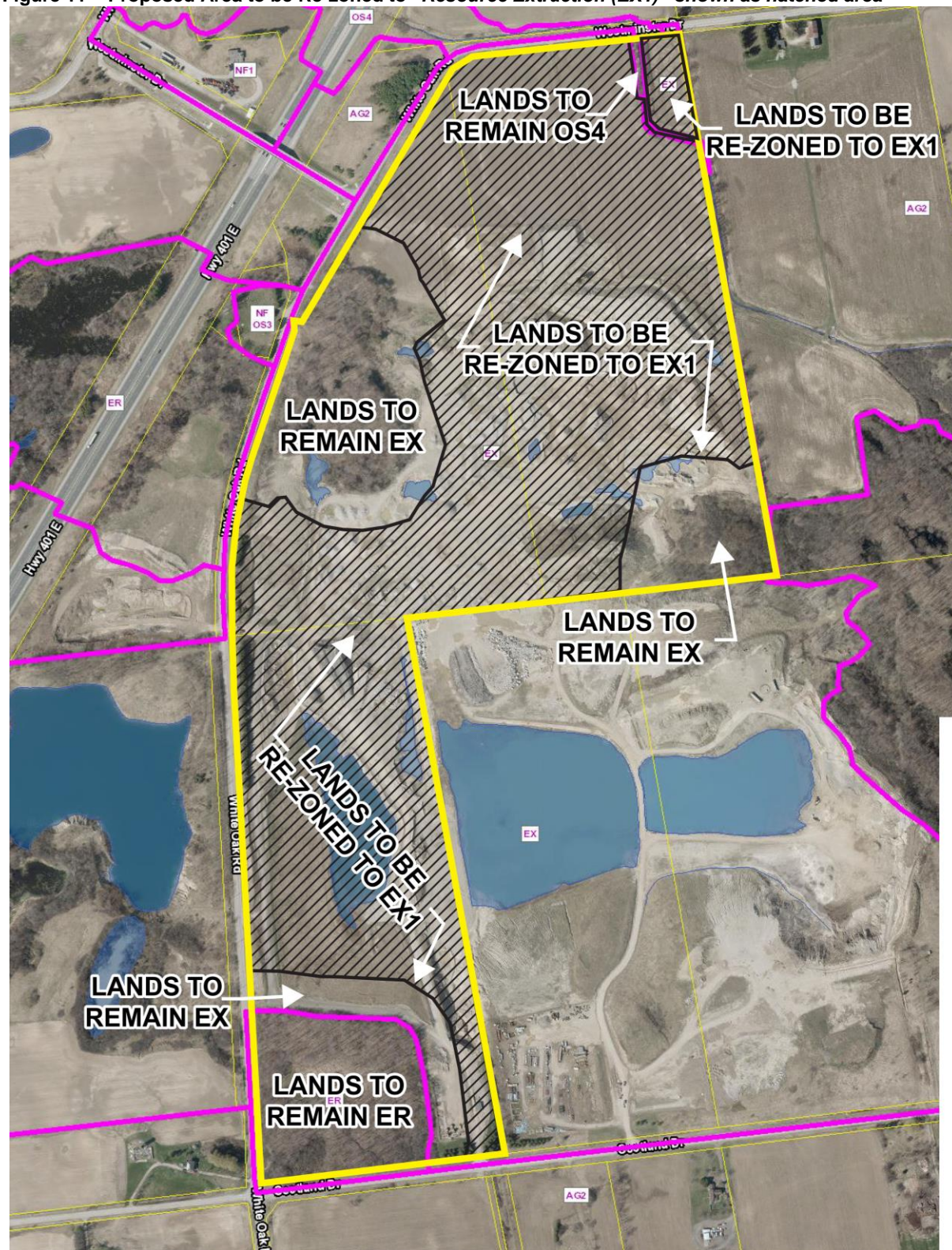
The subject lands are currently zoned “*Resource Extraction (EX)*”, “*Environmental Review (ER)*”, and “*Open Space (OS4)*” in the City of London Z.-1 Zoning By-Law (Figure 10). The majority of the subject lands are zoned “*Resource Extraction (EX)*”, which permit resource extraction operations (including accessory aggregate reprocessing), farms (except for livestock facilities), wayside pits, and forestry uses. As an asphalt/concrete batching plant is not permitted under the “*Resource Extraction (EX)*” zone, a Zoning By-Law Amendment is required to re-zone the subject lands to the “*Resource Extraction (EX1)*” zone, which permits asphalt and concrete batching plants.

Figure 10 – The Subject Lands Denoted by the Zoning By-Law Mapping



It is proposed that the portions of the subject lands zoned “*Resource Extraction (EX)*” outside of a 50m environmental buffer from wooded areas be re-zoned to the “*Resource Extraction (EX1)*” zone to permit the use of an asphalt and/or concrete batching plant, as shown in Figure 11. The portions of the subject lands currently zoned “*Environmental Review (ER)*” and “*Open Space (OS4)*” are to remain unchanged; no development is proposed within these areas.

Figure 11 – Proposed Area to be Re-zoned to “Resource Extraction (EX1)” shown as hatched area



The Zoning By-Law Amendment to permit the proposed asphalt/concrete batching plant supports the aggregate resource extraction operation on the subject lands. The proposed development generates a similar level of noise, traffic, emissions, odor and dust that are currently present with the existing aggregate resource extraction operation. Given the intensity of operations on the subject lands, the former existence of an asphalt/concrete batching plant, and the lack of nearby sensitive land uses, there are no anticipated adverse impacts on surrounding land uses with the addition of the asphalt/concrete batching plant.

The subject lands are appropriately sized, serviced, and located to accommodate the proposed asphalt/concrete batching plant. Site specific details, including the location of the proposed asphalt/concrete batching plant, will be determined through the Site Plan Approval process.

7.0 CONCLUSION

The proposed Zoning By-Law Amendment seeks to permit an asphalt/concrete batching plant on the subject lands. As detailed throughout this Planning Justification Report, the proposed Zoning By-Law Amendment is consistent with the intent and the policies of the 2014 Provincial Policy Statement, the 1989 City of London Official Plan, and *The London Plan*. As such, the Zoning By-Law Amendment is appropriate for the subject lands and represents good land use planning practice.