

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: George Kotsifas P. Eng.,
Managing Director, Development & Compliance Services and
Chief Building Official
Subject: John Aarts Group
3900 Scotland Drive, 3777 Westminster Drive, and 5110 White
Oak Road
Public Participation Meeting on: April 29, 2019

Recommendation

That, on the recommendation of the Director, Development Services, with respect to the application of John Aarts Group relating to the properties located at 3900 Scotland Drive, 3777 Westminster Drive, and 5110 White Oak Road, the proposed by-law attached hereto as Appendix “A” **BE INTRODUCED** at the Municipal Council meeting on May 7, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** an Open Space (OS4) Zone, Environmental Review (ER) Zone, and Resource Extraction (EX) Zone **TO** an Open Space (OS4) Zone, Environmental Review (ER) Zone, Resource Extraction (EX) Zone, and holding Resource Extraction (h-___*EX1) Zone

Executive Summary

Summary of Request

The requested action is to permit the development of asphalt and concrete batching plants accessory to the existing aggregate resource extraction operation.

Purpose and the Effect of Recommended Action

The purpose and the effect of the recommended action will be to permit asphalt and concrete batching plants accessory to the existing aggregate resource extraction operation. Further, the recommended action will apply a holding provision to ensure a geotechnical report and any necessary road upgrades to the satisfaction of the City’s Engineer are completed prior to development of the proposed asphalt and concrete batching plant(s).

Rationale of Recommended Action

- 1) The requested amendment is consistent with the policies of the Provincial Policy Statement, 2014;
- 2) The requested amendment is in conformity with the policies of The London Plan;
- 3) The requested amendment is in conformity with the policies of the 1989 Official Plan;
- 4) The requested amendment will facilitate the addition of a use that is complementary and accessory to the existing aggregate resource extraction operation.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is comprised of three parcels with frontages on Scotland Drive, White Oak Road, and Westminster Drive and a total area of approximately 56.13 hectares (138.71 acres). The site is operated as an active aggregate resource extraction pit

licensed by the Ministry of Natural Resources and Forestry (MNR). Agricultural uses, including accessory farm dwellings, exist to the north, east, south, and west of the site. Additional surrounding land uses include aggregate resource extraction to the east and west, as well as White Oak Cemetery to the west. The site is also in proximity to the City of London W12A landfill site, located at Manning Drive and White Oak Road.

1.2 Current Planning Information (see more detail in Appendix D)

- Official Plan Designation – Agricultural, Open Space, and Environmental Review
- The London Plan Place Type – Farmland and Green Space
- Existing Zoning – Open Space (OS4) Zone, Environmental Review (ER) Zone, and Resource Extraction (EX) Zone

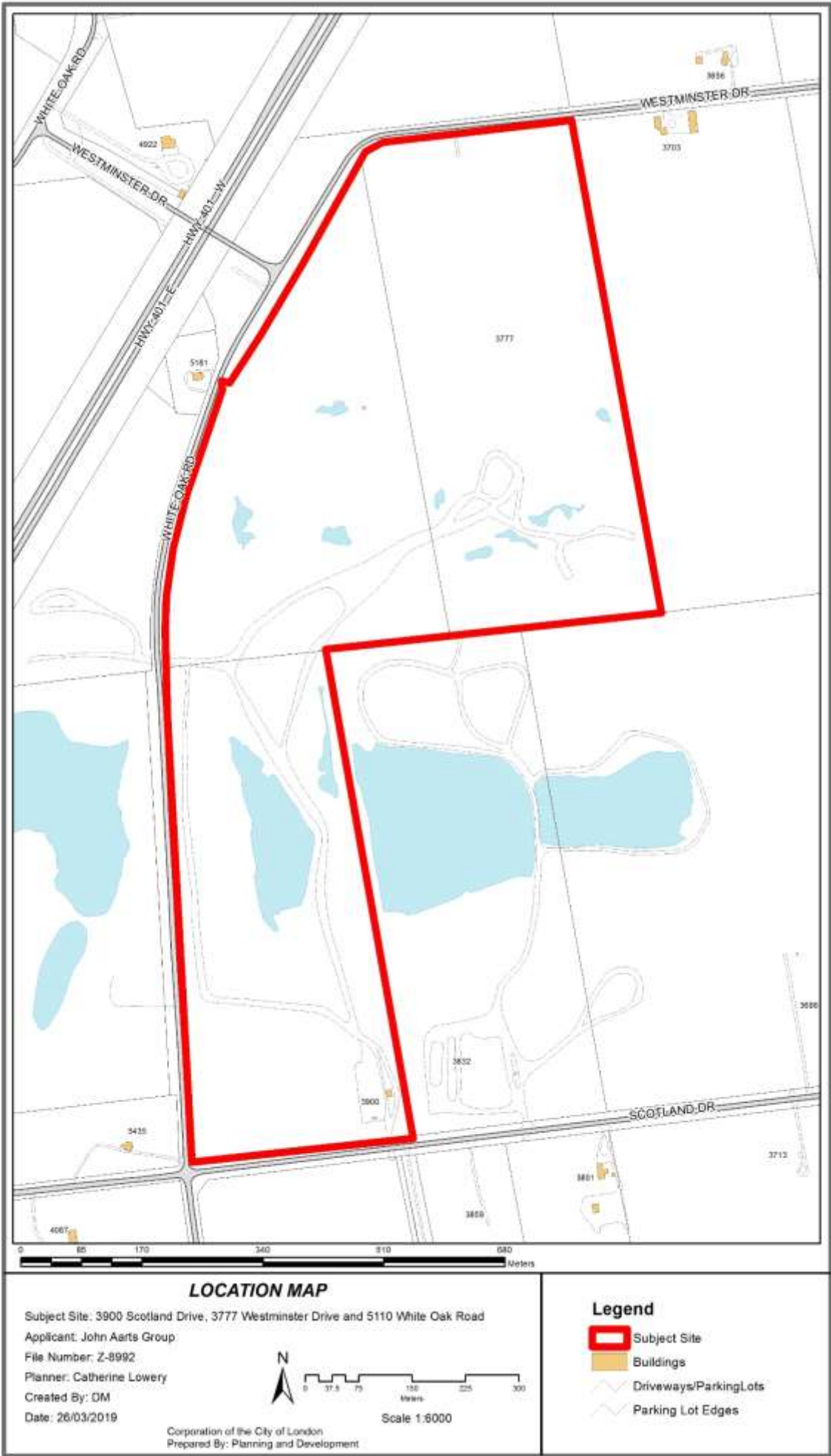
1.3 Site Characteristics

- Current Land Use – Aggregate resource extraction
- Frontage – 3900 Scotland Drive: 310 metres (1,017 feet); 3777 Westminster Drive: 290 metres (951 feet), 5110 White Oak Road: 800 metres (2,624 feet)
- Depth – 3900 Scotland Drive: 720 metres (2,362 feet); 3777 Westminster Drive: 700 metres (2,296 feet), 5110 White Oak Road: 400 metres (1,312 feet)
- Area – 56.13 hectares (138.71 acres) total
- Shape – Irregular

1.4 Surrounding Land Uses

- North – Agricultural
- East – Aggregate resource extraction and agricultural (including an accessory farm dwelling)
- South – Agricultural (including an accessory farm dwelling)
- West – Agricultural (including an accessory farm dwelling), aggregate resource extraction, and White Oak Cemetery

1.5 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The owner is requesting to rezone a portion of the subject site to permit asphalt and concrete batching plants.



Figure 1: Main site entrance off Scotland Drive



Figure 2: Existing resource extraction operations (view from White Oak Road)

3.0 Relevant Background

3.1 Planning History

The majority of the subject site is currently zoned Resource Extraction (EX) Zone, which permits resource extraction operations, including accessory aggregate reprocessing. Other portions of the site containing natural features are currently zoned Environmental Review (ER) and Open Space (OS4). The subject lands are currently licensed by the Ministry of Natural Resources and Forestry (MNRF) under the Aggregates Resources Act for two (2) Class A Licences (No. 2341 and No. 31135). The proposed asphalt and concrete batching plants would be located within the existing licensed area.

3.2 Requested Amendment

The owner has requested to rezone a portion of the site to a Resource Extraction (EX1) Zone in order to permit the proposed asphalt and concrete batching plants. The area subject to the rezoning consists of a portion of the site that is currently zoned Resource Extraction (EX) Zone and located outside of a 50 metre environmental setback from environmentally sensitive wooded areas on the subject site (Figure 3). Areas within the 50 metre environmental setback would not be subject to the rezoning and as such, the current zoning would be maintained.



Figure 3: Environmental setback map – original request

Since initial submission, the owner amended their request to enlarge the area proposed to be rezoned, thereby reducing the size of the protected wooded area such that the 50 metre environmental setback would be measured from the limit of the MNRF license boundary, rather than the drip line of the treed area (Figure 4). This affects one of the wooded features along the White Oak Road frontage of 5110 White Oak Road.

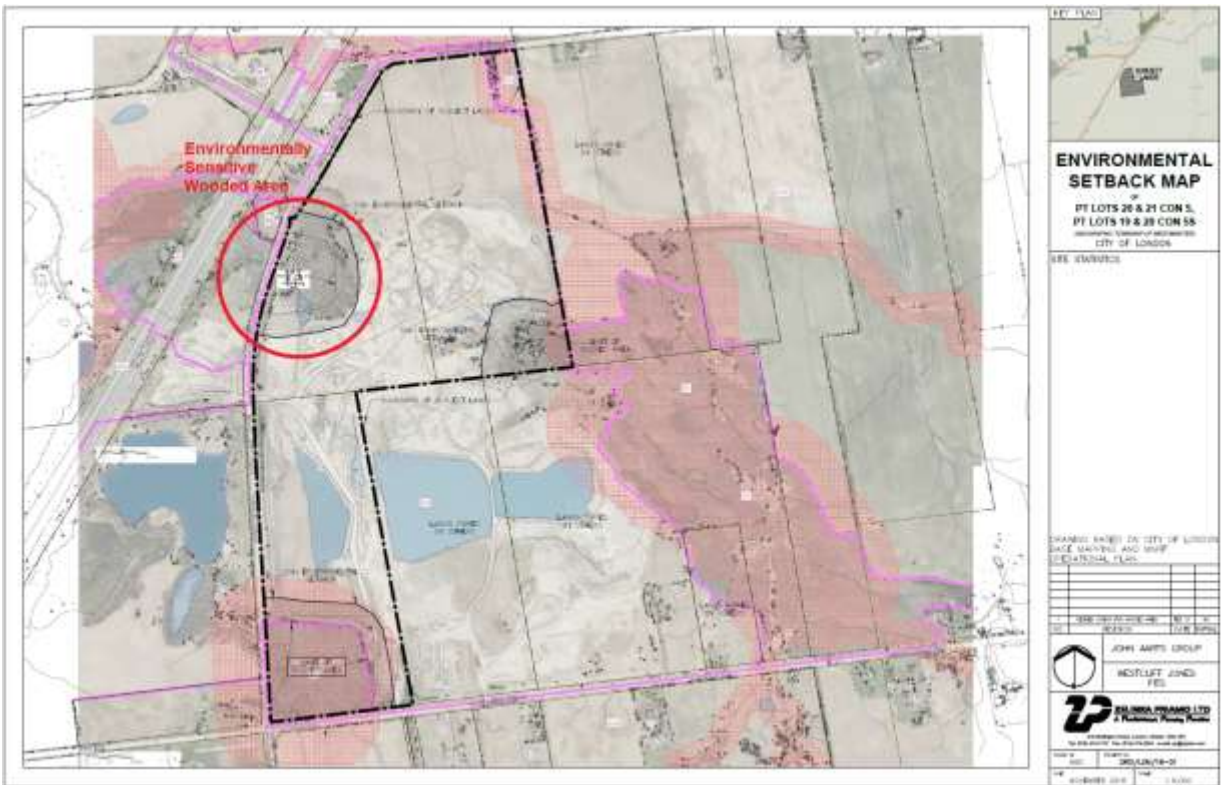


Figure 4: Environmental setback map – amended request

Through the review of the amended request, City staff expressed concerns about the batching plant use encroaching into the appropriate setback from the wooded area. It is understood that the owner intends to extract aggregate from this area in conformity with their existing zoning and their MNRF license. Staff have no concerns with respect to resource extraction within the licensed area, however are not supportive of batching plants in this area. As such, it is recommended the zone boundary take into account the 50 metre setback from the drip line, as originally proposed in Figure 3. This would maintain the current Resource Extraction (EX) Zone in this area, which would permit resource extraction but not accessory asphalt and concrete batching plants. The owner is agreeable to this approach, and accordingly has amended their application to revert back to the original request.

The conceptual site plan submitted in support of the requested amendment is attached to this report as Figure 5. The plan shows the proposed “Batch Plant 1” at the northeast corner of the site, adjacent to Westminster Drive and White Oak Road. A future “Batch Plant 2” is also shown closer to the centre of the site. The conceptual plan accounts for a 30 metre setback from the street, as well as berming and tree planting to screen the use from the street and the neighbouring property to the east. A small scale office accessory to the resource extraction operation and batching plants is also proposed and reflected on this plan. Refinement of the design of the site and site access will be determined through the Site Plan Approval process.

Accessory aggregate reprocessing, defined in Zoning By-law Z.-1 as *reusing old concrete, asphalt, or brick, that is stockpiled, crushed, and used again for construction, industrial, or manufacturing purposes*, is also proposed for the site and is permitted under the current EX zoning.

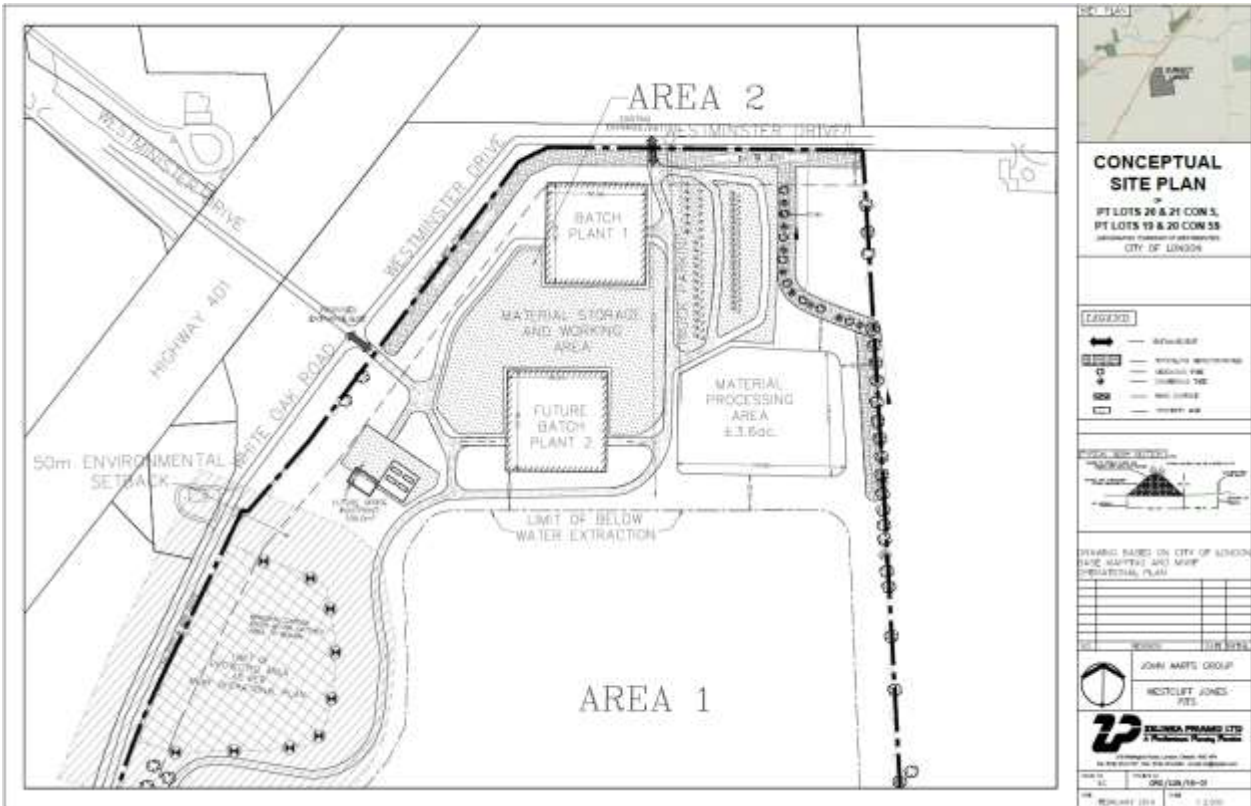


Figure 5: Conceptual site plan

3.3 Community Engagement (see more detail in Appendix B)

Four (4) written responses were received from neighbouring property owners, which will be addressed later in this report. The primary concerns raised were with respect to truck traffic, emissions (noise, odour, dust, particles), groundwater contamination, and proximity to the City's W12A landfill site. Five (5) phone calls were also received requesting clarification on the application and citing similar concerns.

Two (2) petitions were also submitted: one containing 38 signatures was submitted in opposition to the requested amendment and the other containing 32 signatures

expressing support to designate Westminster Drive a no truck route from Wellington Road to White Oak Road.

3.4 Policy Context (see more detail in Appendix C)

Provincial Policy Statement, 2014

The Provincial Policy Statement (PPS) 2014, provides policy direction on matters of provincial interest related to land use planning and development. All decisions affecting land use planning matters shall be “consistent with” the policies of the PPS. The subject lands are located on Prime Agricultural Lands, as designated by the Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA). Planning authorities may permit non-agricultural uses in prime agricultural areas for extraction of minerals, petroleum resources, and mineral aggregate resources (2.3.6.1a)). In prime agricultural areas, on prime agricultural land, extraction of mineral aggregate resources is permitted as an interim use provided that the site will be rehabilitated back to an agricultural condition (2.5.4.1).

Policies in the PPS give direction to protect the long-term resource supply and ensuring as much of the mineral aggregate resources as realistically possible is made available as close to markets as possible (2.5.2 and 2.5.2.1).

The London Plan

The London Plan is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). The London Plan policies and maps under appeal to the Local Planning Appeals Tribunal (Appeal PL170100) are not in force and effect and are indicated with an asterisk throughout this report. The London Plan policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

The subject site is located within the Farmland and Open Space Place Types fronting on Rural Connectors, as identified on *Map 1 — Place Types and *Map 3 — Street Classifications. *Map 6 – Hazards and Natural Resources is intended to identify Extractive Industrial Areas, however it is noted that a mapping error has excluded all Extractive Industrial Areas from this schedule of The London Plan. City Planning staff have confirmed this site should be included as an Extractive Industrial Area and will address the mapping error through a future housekeeping amendment.

Permitted uses in the Farmland Place Type include a range of agricultural uses, as well as natural resource extraction subject to the Natural Resources policies of The London Plan (1182_8 and 1209_). Aggregate extraction is a permitted interim use in all place types of The London Plan, with the ultimate intended land uses to be those permitted in the respective Place Type (1518_).

1989 Official Plan

The subject site is designated Agricultural, Open Space, and Environmental Review in the 1989 Official Plan, which permits a full range of farming types. Legally existing uses, including aggregate resource pits, are also regarded as permitted uses (9.2.3). The lands are further designated Extractive Industrial on Schedule B2 – Natural Resources and Natural Hazards. The Aggregate Resource policies recognize legally existing pits and quarries as permitted uses, and further permits aggregate resource extraction in all land use designations as an interim use for lands designated Extractive Industrial on Schedule B2 (15.10.1).

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1: Use

As the requested amendment seeks to add a new use that is accessory to the existing

aggregate resource extraction operation, consideration has been given as to whether the proposed use is appropriate for the site. In addition, through the circulation of this application, concerns were raised by the public regarding the appropriateness of the proposed asphalt and concrete batching plant use.

Provincial Policy Statement, 2014 (PPS)

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 east. The proposed asphalt and concrete batching plants have been sited approximately 275 metres away from this farm dwelling, per the site plan in Figure 5. Thirty metre setbacks from the road, as well as berming and tree planting 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, 2014.

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.

1989 Official Plan

The subject lands are designated Agriculture and Open Space in the 1989 Official Plan. The Agricultural designation recognizes legally existing aggregate resource uses as a permitted use (9.2.3). As such, the existing licensed aggregate resource extraction operation is regarded as a permitted use in this designation.

Section 15.10 establishes the Aggregate Resource policies in the 1989 Official Plan. Section 15.10.1 states that legally existing pits and quarries are recognized as a permitted use by this Plan. Further, for areas identified as Extractive Industrial on Schedule B2, aggregate extraction is a permitted interim use in all land use designations (15.10.1).

The requested amendment will facilitate the introduction of a complementary use that is accessory to the existing aggregate resource extraction use. Given the existing use of the site, the proposed asphalt and concrete batching plants represent an appropriate accessory use. No impacts on neighbouring properties beyond those that currently exist as a result of the on-site resource extraction use are anticipated. Given the foregoing, staff is satisfied the requested amendment is in conformity with the 1989 Official Plan.

4.2 Issue and Consideration # 2: Truck Traffic

Several concerns were raised by neighbouring property owners and residents of the nearby rural settlement regarding a potential increase in truck traffic along Westminster Drive as a result of the proposed asphalt and concrete batching plants. A petition requesting Westminster Drive between White Oak Road and Wellington Road become a no truck route was also submitted to support this concern.

Scotland Drive, Westminster Drive, and White Oak Road are arterial roads, as identified on Schedule C of the 1989 Official Plan. The function of an arterial road is to serve high volumes of intra-urban traffic at moderate speeds, and has controlled or limited property access (18.2.2i)c)). Furthermore, all three roads are classified as Rural Connectors on *Map 3 – Street Classifications of The London Plan. *Policy 371_10a describes the goal and function of Rural Connectors as giving priority on movement of vehicles, farm equipment and freight/goods. Appropriate site access and design will be refined at the Site Plan Approval stage to ensure safety, including road widening dedications and turn lanes will be required to support heavy vehicle movements into and out of the site.

The applicant has advised that trucks associated with the batching plant will generally follow the same traffic patterns as the gravel haulers. It is expected there will be an increase in truck traffic, but that the trucks will be efficient in their directions of travel and divide the trips between the different routes available depending on delivery location. The applicant anticipates the batching plant will result in fewer than 12,000 annual loads, which combined with existing gravel sales of approximately 15,900 annual loads, is under the 36,000 annual loads permitted by the MNRF license. Raw materials required to produce the concrete will be available on-site and it is anticipated that a portion of the annual sand and gravel sales will be diverted to the on-site batching plant, which will ultimately result in fewer aggregate trucks leaving the site.

Transportation staff have requested a holding provision be applied to the subject site requiring a geotechnical report to evaluate the road structure of the surrounding road network. This will ensure the existing road structure is capable of accommodating the heavy vehicle traffic as there are existing load limits in effect on Westminster Drive, White Oak Road, and Scotland Drive, per schedule 15 of the Traffic and Parking By-law. As such, staff recommends the following holding provision be applied:

h-___ Purpose: The removal of the "h-___" shall not occur until such time as the Owner has entered into an agreement with the City of London to ensure that, if determined necessary through the completion of a geotechnical subsurface analysis, appropriate municipal roadway upgrades are completed to accommodate truck traffic from the proposed asphalt and concrete batching plant(s) to the satisfaction of the City Engineer.

Lastly, the Ministry of Transportation (MTO) has advised that they do not object to the proposal but have concerns with the location of the proposed site access, as well as the possible increase in traffic volumes in relation to the Westminster Drive bridge structure over Highway 401. The site is within the MTO's permit control area, therefore an MTO permit is required prior to issuance of any municipal permits. As a condition of the permit, a traffic impact study will be required for MTO review and approval. MTO's comments, as well as any necessary changes to the site's existing and proposed accesses, will be addressed at the Site Plan Approval stage.

4.3 Issue and Consideration # 3: Environmental Impacts

Some concern was raised by neighbouring property owners regarding the potential for environmental impacts as a result of the proposed asphalt and concrete batching plants. The application was reviewed by Parks Planning and Design staff, as well as the City's Environmental and Ecological Planning Advisory Committee (EEPAC). Both staff and EEPAC cited no concerns with the requested amendment as long as the minimum 50 metre setback is provided from all ecological features on the current landscape, as proposed by the applicant.

The recommended zone boundary accounts for the 50 metre setback recommended by Parks Planning and Design staff, therefore the proposed batching plants would not be permitted within these areas. On this basis, Parks Planning and Design staff did not require an Environmental Impact Study, Subject Lands Status Report, or a hydrogeological study as part of the application. Furthermore, the site is not located near any wellhead protection areas, as identified on *Map 6 – Hazards and Natural Resources of The London Plan.

The Upper Thames River Conservation Authority (UTRCA) has reviewed the application and had no objections to the requested amendment, provided the zone boundary accounts for the 50 metre setback from the drip line of the wooded area. The UTRCA further encourages the applicant to continue the required hydrogeological monitoring and notify the UTRCA of any changes to water quality or quantity as a result of this proposal.

City staff have consulted the UTRCA and MNRF regarding potential ground water threats resulting from the proposed asphalt and concrete batching plants. The MNRF has confirmed that a hydrogeological study was completed as part of the licensing

process and that regular hydrogeological monitoring is required as part of the continued operation of the resource extraction pit. Notes on the approved MNRF operational plan provide for specific hydrogeological requirements that must be complied with, as well as mitigation measures for noise, dust, and groundwater interference. Further, stockpiling of certain materials is regulated by minimum setbacks from the exposed water table, which are established and enforced by the MNRF. As such, should any changes to groundwater quality or quantity occur, it will be identified and addressed by the appropriate authorities.

More information and detail is available in Appendix B and C of this report.

5.0 Conclusion

The recommended amendment is consistent with the Provincial Policy Statement and conforms to the policies of The London Plan and the 1989 Official Plan. The recommended amendment accounts for a 50 metre buffer from on-site environmental features and further, will permit a use that is complementary and accessory to the existing aggregate resource extraction operation and is not anticipated to generate any new on-site impacts beyond those which currently exist given the proposed setback and mitigation measures. Additional studies and planning approvals will be required to ensure appropriate access measures are fulfilled.

| | |
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| Prepared by: | Catherine Lowery, MCIP, RPP Planner II, Current Planning |
| Recommended by: | Paul Yeoman, RPP, PLE Director, Development Services |
| Submitted by: | George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief building Official |
| Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services. | |

cc: Michael Tomazincic, Manager, Current Planning
MT/mt

Appendix A

Appendix “A”

Bill No.(number to be inserted by Clerk’s Office)
(2019)

By-law No. Z.-1-19_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 3900
Scotland Drive, 3777 Westminster
Drive, and 5110 White Oak Road.

WHEREAS John Aarts Group has applied to rezone an area of land located
at 3900 Scotland Drive, 3777 Westminster Drive, and 5110 White Oak Road, as shown
on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning 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 3900 Scotland Drive, 3777 Westminster Drive, and 5110 White Oak
Road, as shown on the attached map comprising part of Key Map No. A115, from
an Open Space (OS4) Zone, Environmental Review (ER), and Resource Extraction
(EX) Zone to an Open Space (OS4) Zone, Environmental Review (ER) Zone,
Resource Extraction (EX) Zone, and holding Resource Extraction (h-__*EX1) Zone.
- 2) Section Number 3.8 2) of the Holding “h” Zone is amended by adding the following
Holding Provision:
 -) h-(__) Purpose: The removal of the “h-__” shall not occur until such
time as the Owner has entered into an agreement with the City
of London to ensure that, if determined necessary through the
completion of a geotechnical subsurface analysis, appropriate
municipal roadway upgrades are completed to accommodate
truck traffic from the proposed asphalt and concrete batching
plant(s) to the satisfaction of the City Engineer.

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 May 7, 2019.

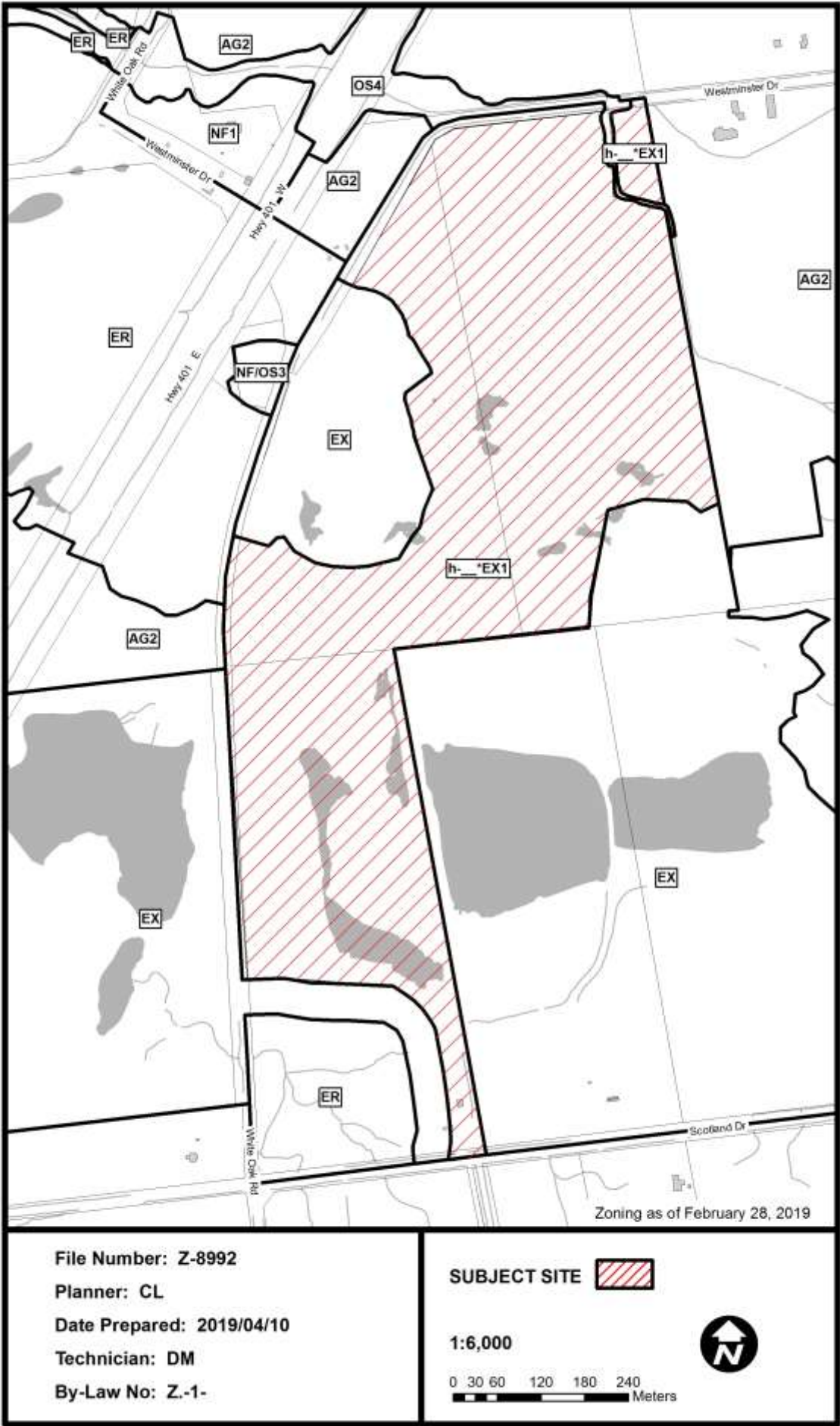
Ed Holder
Mayor

File: Z-8992
Planner: C. Lowery

Catharine Saunders
City Clerk

First Reading – May 7, 2019
Second Reading – May 7, 2019
Third Reading – May 7, 2019

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



Appendix B – Public Engagement

On December 19, 2018, Notice of Application was sent to 11 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on December 20, 2018. A “Planning Application” sign was also posted on the site.

On March 13, 2019, Notice of Revised Application was sent to 15 property owners in the surrounding area. Notice of Revised Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on March 14, 2019.

Nine (9) replies and two (2) petitions were received.

Nature of Liaison: The purpose and effect of this zoning change is to rezone a portion of the lands to permit asphalt and concrete batching plants. Possible change to Zoning By-law Z.-1 **FROM** an Open Space (OS4) Zone, Environmental Review (ER) Zone, and Resource Extraction (EX) **TO** an Open Space (OS4) Zone, Environmental Review (ER) Zone, Resource Extraction (EX), and Resource Extraction (EX1) Zone to permit the proposed asphalt and concrete batching plant use. The applicant has amended the application to expand the area of the site proposed to be rezoned.

Responses: A summary of the various comments received include the following:

Concern for:
Trucks and traffic:

Concern regarding the potential increase in truck traffic as a result of the proposed asphalt and concrete batching plants.

Emissions:

Concern regarding potential emissions from the proposed asphalt and concrete batching plants (noise, fumes, dust, particles).

Contamination:

Concern regarding the potential for groundwater contamination.

Proximity to the City’s W12A landfill site:

Concerns that the residents in this area are already in proximity to the City’s landfill site and asphalt and concrete batching plants on this site would exacerbate the impact.

Responses to Public Liaison Letter and Publication in “The Londoner”

| Telephone | Written |
|--|---|
| Matt McDougall 3703 Westminster Drive | Matt McDougall and Julie Brochu 3703 Westminster Drive |
| Curtis Brekelmans 247 Exeter Road | Carlo Biancardi |
| Eugene Morrison 4267 Manning Drive | Eugene Morrison 4267 Manning Drive |
| Cam Tillie 3043 Westminster Drive | Amanda Raaf 3025 Westminster Drive |
| Sherry Smith | |

From: Julie Brochu
Sent: Tuesday, January 8, 2019 1:42 AM
To: Lowery, Catherine <clowery@london.ca>
Cc: Pelosa, Elizabeth <epelosa@london.ca>
Subject: Fw: Zoning by law amendment z-8992 3900 scotland drive

January 6th, 2018

The following is in response to the zoning by-law amendment of 3900 Scotland drive and other properties.

(file z-8992) submitted by the applicant, Orange Rock Developments. Zoning amendment to allow an asphalt and or concrete batching plant.

We live at 3703 Westminster Dr., London, Ont. on family property that has been passed through 5 generations, since acquiring it, in the late 1800's. Our property is neighbouring 3777 Westminster Drive that is shown as parcel 2 on the planning justification report submitted for this amendment.

Questions:

As outlined on the City of London website for the zoning bylaw amendment process, Have the necessary steps been done to sufficiency, or at all? Following the step by step process laid out on the city website, it appears that we are step 7 since I have been notified as a owner of properties within 120m. Is the planning justification report that's been supplied the only form of information? How can we the public or anyone for that matter, make any reasonable decision with such a vague report? There is no indication of where any or all buildings will be located, storage plans, truck routes, speed limitations, or any definitive plan of what may occur if this planning amendment is approved.

Problems and considerations:

The use of aerial photos submitted for the planning justification report are felt to be important but not acceptable for the reason of not being current. Understanding that the photos are a great tool to use as a visual for such a large parcel of property, the photos should be current. The supplied aerial pictures are not within 1 1/2 years. Significant changes have occurred to the properties, since the supplied photos. Some of the changes that are significant are : More exposed water table on parcels 1 &3, large amounts of new extraction on parcel 1 &2, the removal of the wooded area that is indicated on parcel 2 in figure 7 and described as the southeast corner, Our new residential dwelling that is located closer to the north east boundary of parcel 2 (commenced 06/2017), figure 5 does not show the large amount of land that has been "stripped" of the topsoil on parcel 1 which makes the statement of "cultivated fields for agricultural purposes" indicated on page 4 not possible.

The statement in paragraph 2 on page 4 that says " the subject lands currently operate under with an underwater aggregate license *and formerly contained an asphalt/concrete batching plant until approximately 2002.*" I would like clarification on. If that statement indicates that there was a permanent structure for the production of asphalt/concrete, if so, then I believe, to best of my knowledge, and other local residents I have asked to be not true, unless proven otherwise. There has never been a permanent structure for batching that I have seen on any of the 3 parcels.

The statement that indicates the Landfill is 1.5km away, does not make sense to me as the landfill is directly across the road from the main gates of 3900 Scotland drive as indicated in figure 6, with the proposed landfill expansion, the landfill would result in being much closer than indicated in figure 6.

Why does so much land need to be rezoned for such practices? Should the proposal not indicate where the facilities will be located? Is all of the land that is intended to be

rezoned even capable of such facilities or storage? Parts of the proposed properties have exposed water table that the people get there drinking water from?

The area to north of the properties would put our home in direct path of the prominent winds coming from such a site. I believe that products involved in batching asphalt and concrete are known carcinogens from information published by the World Health Organization and latest studies from airborne particles and fumes and ingestion. I ask, with this information, does section 1.1.1 apply? The statement on page 7 starts with Healthy, liveable, and safe communities: How can zoning and development of this nature be part this?

Also on page 7 in the last paragraph indicating that these emissions would be no more than the typical emissions of the existing aggregate operations, how can this be correct? A petroleum based product emitting fumes, added dust, the presence of silica, fly ash, significant additional truck traffic, large amounts of energy to heat materials to temperatures in the range of 300 degrees.

I have many concerns with this application, most obvious the health risks associated with such added activities. Drinking water contamination, several different cancers, heart and lung affects and diseases, have all been linked to these facilities and products and need to be considered with this application. For my family, the workers families, the neighbourhood families, the wildlife, the environment. The visual impact a facility of this nature would be considered unpleasant for most in the surrounding neighbourhood. For our property, loss of view is probable.

I truthfully have had no major concerns with the existing gravel pit, we have been good neighbours to each other since it was put back into major operation in 1992 with the new owners. All inconveniences that are associated with gravel extraction have been tolerated.

When it comes to the new proposal of asphalt and concrete batching, I must strongly object to its approval.

The lack of information and communication is unacceptable.

The health of me, my family, my future generations, my neighbourhood is all in jeopardy. I ask all involved in this decision, to understand what is at risk and the real world consequences with the decision. Many people are put at risk and one person getting sick from the proposed application, is not acceptable.

Leave the current zoning in place and life will continue on the same as it has, allow for asphalt/concrete plants and life will never be the same, it will be much worse.

Matt McDougall

From: CARLO BIANCARDI
Sent: Tuesday, January 8, 2019 4:21 PM
To: Lowery, Catherine <clowery@london.ca>
Subject: my lettter to london. file z-8992

I have 22 acres of vacant/farmed land directly across the street on Westminster drive which i purchased 12 years ago to possibly build a house there, it has 1 acre of woods and is perfect to raise a family... Zoned ag2

#1 I just received a letter from the city of London about a proposed expansion and addition of a concrete/asphalt batching plant directly across the street from the vacant land in which would drastically increase the size of it. More dust, trucks and noise and there is plenty already.

#2 I also just got notice that the city wants to expand the dump and will/has bought land within a certain radius(my land is adjacent to this boundary) from the dump. Since the

vacant land is just outside the boundary all i get is decreased land value (if it's not rezoned) and a huge stink.

If i want well water on the land will it be safe, would you drink it?

#3 My next problem and the LARGEST, is recently the Upper Thames River Conservation Authority wants to re-evaluate flood lands and make it so i or anyone possibly can't build a house or anything there in the future. My land is in this study area, even though i haven't seen any flooding, drought or fires in 12 years.

Please buy this land from me or make things right. That would mean sewers, storm and sanitary water management and sound/smell reduction for everyone/wildlife affected by your decisions.

Buying land in a city shouldn't be buyer beware and if someone is making money at your expense they should share it!

On Mar 23, 2019, at 12:21 PM, Amanda Raaff wrote:

Hello Elizabeth,

I want to bring forth my concerns about the application for the asphalt plant in the Westminster Drive/ Scotland Drive/ White Oak Road area.

First I am concerned about the amount of dump truck traffic on Westminster Drive that has increased. This past summer we had dump trucks going down our road every 5 minutes or more. They do not go the speed limit and do not move over if you are walking on the side of the road. Many of us who live in the Shaver neighbourhood walk our dogs. There is not a proper shoulder on the road and it is frightening to have these trucks moving so quickly and frequently passing by us. It doesn't help that my dog is terrified of the trucks as they are very noisy. Especially since we live at the end of Westminster Drive the trucks are either slowing down with noisy breaks, and shifting gears.

Next I have had 2 broken windshields from stones that have come lose from the trucks moving in the opposite direction. I bought my first new vehicle and was crushed that less then 24 hours of owning it I had a broken windshield. My old car had a broken windshield too. It was the first time in 12 years of owning it that I had a broken windshield.

Next when the trucks pull out onto Westminster Drive they pull out on a curve. They do not see traffic coming towards them. I have been cut off so many times by trucks it is amazing there have not been accidents there.

Lastly my biggest concern is unsecure loads. This past summer I was following a dump truck down Westminster Drive to White Oak Rd as I usually am during the summer. The truck was heading to Dingman Drive. I always keep a very safe distance. I was glad I kept a safe distance as the dump truck did not have a secure load and lost all of it's dirt and gravel as it was going up and over the 402 overpass. I had to slam on my breaks as giant rocks and dirt were flying all over the road and up over the ramp onto the 402. The driver had no idea what had happened. I laid on my horn to get his attention and he did not notice. When I got to work I called the MTO to report the unsafe load. Unfortunately I could not reach the right department within the MTO to report an unsafe load. They took my name and number and forwarded it to the City of London. I did have someone from the city call me back. The gentleman I spoke with told me he would send someone out to clean up the road and talk to the trucking company. I do know the road was cleaned up by the end of the day but I do not know if the trucking company was spoken to.

So as you can see I am greatly concerned for my safety. Not to mention the impact these trucks and the dirt in the air has on air quality and noise.

We already deal with extreme odor from Orgaworld and the city dump (which has been awful the past few days with the wind by the way) it is unfortunate we are dealing with these newer issues. My neighbourhood just can't seem to catch a break!

Amanda Raaff
3025 Westminster Drive

From: Eugene Morrison
Sent: Sunday, March 31, 2019 7:31 PM
To: Lowery, Catherine <clowery@london.ca>
Subject: [EXTERNAL] PLANNING FILE Z-8992 ZONING BYLAW AMENDMENT

Catherine Lowery
Development Services, City of London
300 Dufferin Avenue, 6th Floor
London, ON, PO BOX 5035, N6A 4L9

I am very concerned with this noticeably open-ended rezoning request particularly in relation to the proposed Asphalt and Concrete batching plants, most specifically the proposed future batch plant 2 location, planned to be located at the pit bottom. This would be immediately adjacent to below water-table aggregate extraction activities (observable as a man-made lake).

The zoning application area happens to be the principal water supply source for two underground aquifers supplying water to neighbouring farms and residents. Any contamination would be a disaster. The below water-table aggregate extraction activities currently occurring and the massive spent asphalt and concrete storage piles at pit bottom already pose a serious contamination risk as does the adjacent W12A landfill..

The concrete and asphalt plants proposed are 'nobody wants' facilities which will further deteriorate the neighbourhood. Asphalt batch plants have a particularly bad record for toxic smoke problems and the impact of increased noise, truck, and vehicle traffic is obvious.

I believe this "moonscape like" site is not a good location site for the planned activities. The closing of similar "Spivak" facilities on Wonderland Road on a much safer ground level site begs questions.

Thank you for your consideration.

Eugene Morrison
4267 Manning Drive, London, On, N6L 1K7

Agency/Departmental Comments

UTRCA: January 8, 2019

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies in the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2014)*. The *Upper Thames River Source Protection Area Assessment Report* has also been reviewed in order to confirm whether the subject lands are located in a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the Planning Act.

PROPOSAL

The applicant is proposing to rezone a portion of the subject lands from Resource Extraction (EX) to Resource Extraction (EX1) to permit a concrete and asphalt batching plant. The subject lands are currently licensed by the Ministry of Natural Resources and Forestry under the Aggregates Resources Act (ARA) for two (2) Class A Licences (No. 2341 and No. 31135). The proposed batching plant would be located within existing ARA licensed area.

CONSERVATION AUTHORITIES ACT

As shown on the enclosed mapping, the subject lands **are** regulated by the UTRCA in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the *Conservation Authorities Act*. The Regulation Limit is comprised of a riverine flooding hazard associated with the Bannister Johnson Drain and the 120 metre area of interference surrounding a wetland. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

Dingman Creek Stormwater Servicing Class Environmental Assessment (EA)

The subject lands are located within the Dingman Creek Subwatershed, forming part of the Dingman Creek EA. As shown on the attached Dingman Subwatershed Screening Area map, the subject lands are located within the Screening Area.

UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL

The UTRCA's Environmental Planning Policy Manual is available online at:
<http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/>
The policy which is applicable to the subject lands includes:

3.2.2 General Natural Hazard Policies

These policies direct new development and site alteration away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated. The Authority also does not support the fragmentation of hazard lands which is consistent with the Provincial Policy Statement (PPS) and is intended to limit the number of owners of hazardous land and thereby reduce the risk of unregulated development etc.

3.2.3 Riverine Flooding Hazard Policies

These policies address matters such as the provision of detailed floodplain mapping, floodplain planning approach, and uses that may be allowed in the floodplain subject to satisfying UTRCA permit requirements.

3.2.6 & 3.3.2 Wetland Policies

New development and site alteration is not permitted in wetlands. Furthermore, new development and site alteration may only be permitted in the area of interference and /or adjacent lands of a wetland if it can be demonstrated through the preparation of an Environmental Impact Study (EIS) that there will be no negative impact on the hydrological and ecological function of the feature.

An EIS will not be required for the purpose of this application.

DRINKING WATER SOURCE PROTECTION, *Clean Water Act*

The *Clean Water Act* (CWA), 2006 is intended to protect existing and future sources of drinking water. The Act is part of the Ontario government's commitment to implement the recommendations of the Walkerton Inquiry as well as protecting and enhancing human health and the environment. The CWA sets out a framework for source protection planning on a watershed basis with Source Protection Areas established based on the watershed boundaries of Ontario's 36 Conservation Authorities. The Upper Thames River, Lower Thames Valley and St. Clair Region Conservation Authorities have entered into a partnership for The Thames-Sydenham Source Protection Region.

The Assessment Report for the Upper Thames watershed delineates three types of vulnerable areas: Wellhead Protection Areas, Highly Vulnerable Aquifers and Significant

Groundwater Recharge Areas. Mapping which identifies these areas is available at:
http://maps.thamesriver.on.ca/GVH_252/?viewer=tsrassessmentreport

Upon review of the current assessment report mapping, we wish to advise that the subject lands **are** identified as being within a vulnerable area.

Provincial Policy Statement (PPS, 2014)

Section 2.2.1 requires that *“Planning authorities shall protect, improve or restore the quality and quantity of water by:*

e) implementing necessary restrictions on development and site alteration to:

- 1. protect all municipal drinking water supplies and designated vulnerable areas; and*
- 2. protect, improve or restore vulnerable surface and ground water features, and their hydrological functions.”*

Section 2.2.2 requires that *“Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored.”*

Municipalities must be consistent with the Provincial Policy Statement when making decisions on land use planning and development.

Policies in the *Approved Source Protection Plan* may prohibit or restrict activities identified as posing a *significant threat* to drinking water. Municipalities may also have or be developing policies that apply to vulnerable areas when reviewing development applications. Proponents considering land use changes, site alteration or construction in these areas need to be aware of this possibility. The *Approved Source Protection Plan* is available at:

<http://www.sourcewaterprotection.on.ca/source-protection-plan/approved-source-protection-plan/>

RECOMMENDATION

As indicated, the subject lands are regulated by the UTRCA and are located within the Dingman Subwatershed Screening Area. Due to the location of the proposed concrete and asphalt batching within an existing ARA licensed area, the UTRCA has no objections to this application. However, the UTRCA encourages the applicant to continue the hydrogeological monitoring required and notify the UTRCA should any changes to water quality or quantity occur as a result of this proposal.

In addition, the UTRCA requests the applicant to circulate the revised Site Plans to our office as part of the Site Plan Amendment application through the Ministry of Natural Resources and Forestry.

Transportation: January 9, 2019

- MTO permits may be required as this property is located in the MTO control Zone
- Road widening dedication of 18.0m from centre line required on Westminster Drive, White Oak Road, & Scotland Drive
- 6.0m x 6.0m daylight triangles required
- Load limits are in effect on Westminster Dr, White Oak Rd, and Scotland Dr (schedule 15 of the Traffic and Parking By-Law)
- Turn lanes will be required to support heavy vehicle movements into and out of the site
- Details regarding access location and turn lane design will be made through the site plan process

EEPAC: January 17, 2019

Provided the proponent provides a setback of at least 50 m from the wooded areas as per the Planning Justification Report, EEPAC agrees no additional field work is required.

Parks Planning and Design: February 26, 2019

Parks Planning and Design has reviewed the application and note that a minimum 50 meter setback is required from all ecological features on the current landscape; as proposed by the applicant. If development/zoning is to occur within the 50 meter setback a Subject land Status Report and EIS will be required.

Parkland dedication for the site is deferred until the lands are developed for a long term use.

London Hydro: March 25, 2019

No objections.

Transportation: March 28, 2019 (Re-Circulation)

- Transportation will be seeking a holding provision for the preparation of a Geo-technical report to evaluate the road structure of the surrounding road network to ensure the existing road structure is capable of accommodating the heavy vehicle traffic as there are existing load limits in effect on Westminster Drive, White Oak Road, & Scotland Drive as per schedule 15 of the Traffic and Parking By-law. The applicant will need to scope the study with transportation prior to undertaking and implement any and all recommendations at no cost to the City.
- MTO permits may be required as the subject lands are located within the MTO control zone
- Road widening dedication of 18.0m from centre line is required along White Oak Road, Westminster Drive, & Scotland Drive
- 6.0m x 6.0m daylight triangles will be required
- Left and right turn lanes will be required for the new access opposite Westminster Drive bridge over the 401
- Close and restore existing northerly access to Westminster Drive
- Detailed comments regarding access location and design, as well as external works will be made through the site plan process.

Ministry of Transportation: March 29, 2019

The Ministry of Transportation (MTO) has completed review of the above noted proposal for a Zoning Amendment to facilitate an asphalt and concrete batching plant. The proposal has been considered in accordance with the requirements of the Public Transportation and Highway Improvement Act, MTO's Highway Access Management Manual (HAMM) and all related guidelines and policies. The following outlines our comments.

The subject property is located within MTO's Permit Control Area (PCA), and as such, MTO Permits are required before any demolition, grading, construction or alteration to the site commences. In accordance with the Ontario Building Code, municipal permits may not be issued until all other applicable requirements (i.e.: MTO permits/approvals) are satisfied.

While MTO does not object to the proposal, concerns have been identified with the location of the proposed site access as well as the possible increase in traffic volumes in relation to the Westminster Drive bridge structure over Highway 401.

An increase in traffic volumes at the intersection of Westminster Drive and White Oaks Road may create a need for improvements to the road network, such as additional through lanes, and/or turn lanes. As there is currently only 78 metres between the stop bar and bridge approach slab, there is insufficient distance to accommodate new turn lanes and tapers without impact to the bridge structure.

As a condition of MTO Permits, MTO requests a Traffic Impact Study to be completed for MTO review and approval, to evaluate any potential impact. The TIS shall be

prepared by a Registry, Appraisal and Qualification System (RAQS) qualified transportation consultant in accordance with MTO traffic guidelines:
<http://www.mto.gov.on.ca/english/engineering/management/corridor/tis-guideline/index.shtml>

UTRCA: April 1, 2019 (Re-Circulation)

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies in the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2014)*. The *Upper Thames River Source Protection Area Assessment Report* has also been reviewed in order to confirm whether the subject lands are located in a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the Planning Act.

PROPOSAL

The applicant is proposing to rezone a portion of the subject lands from Resource Extraction (EX) to Resource Extraction (EX1) to permit a concrete and asphalt batching plants with associated material working, processing and storage areas, along with a potential future office use. The portions of the subject lands zoned Open Space (OS4) and Environmental Review (ER) will not change as a result of this application. The subject lands are currently licensed by the Ministry of Natural Resources and Forestry under the Aggregates Resources Act (ARA) for two (2) Class A Licences (No. 2341 and No. 31135). The proposed batching plants and associated areas would be located within existing ARA licensed area.

CONSERVATION AUTHORITIES ACT

As shown on the enclosed mapping, the subject lands **are** regulated by the UTRCA in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the *Conservation Authorities Act*. The Regulation Limit is comprised of a riverine flooding hazard associated with the Bannister Johnson Drain and the 120 metre area of interference surrounding a wetland. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

Dingman Creek Stormwater Servicing Class Environmental Assessment (EA)
The subject lands are located within the Dingman Creek Subwatershed, forming part of the Dingman Creek EA. As shown on the attached Dingman Subwatershed Screening Area map, the subject lands are located within the Screening Area.

UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL

The UTRCA's Environmental Planning Policy Manual is available online at:
<http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/>
The policy which is applicable to the subject lands includes:

3.2.2 General Natural Hazard Policies

These policies direct new development and site alteration away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated. The Authority also does not support the fragmentation of hazard lands which is consistent with the Provincial Policy Statement (PPS) and is intended to limit the number of owners of hazardous land and thereby reduce the risk of unregulated development etc.

3.2.3 Riverine Flooding Hazard Policies

These policies address matters such as the provision of detailed floodplain mapping, floodplain planning approach, and uses that may be allowed in the floodplain subject to satisfying UTRCA permit requirements.

As shown on the Conceptual Site Plan submitted with this application, the applicant is providing a 15 metre setback from the municipal drain that will be planted with coniferous and deciduous trees. In addition, silt fencing will be installed along the edge of the 15 metre buffer during stripping operations.

Furthermore, the northeast portion of the site is located within the Dingman Screening Area and regard shall be had for the potential flood plain identified. The UTRCA would appreciate the opportunity to meet with the applicant to discuss the impacts proposed berming may have on the surrounding area.

3.2.6 & 3.3.2 Wetland Policies

New development and site alteration is not permitted in wetlands. Furthermore, new development and site alteration may only be permitted in the area of interference and /or adjacent lands of a wetland if it can be demonstrated through the preparation of an Environmental Impact Study (EIS) that there will be no negative impact on the hydrological and ecological function of the feature.

The Environmental Setback Map identifies a 50 metre Environmental Setback within the southeast corner of the lands containing a portion of the UTRCA's regulated area for the 120 metre area of interference associated with the adjacent wetland, and what is assumed to be a woodlot identified in the original licensing application. The Operational Plan identifies trees to be removed within the 50 metre setback and has the extraction limit encroaching into the environmental setback with a new 15 metre extraction setback from the property line.

The UTRCA's original commenting letter, dated January 8, 2019, stated that an EIS would not be required for the purpose of this application. However, based on the information provided as a part of the revised application the UTRCA will require justification from a qualified ecologist that finds this new extraction limit will not negatively impact the existing wetland feature, and presumably the woodlot. Based on the underlying aerial photography of the Environmental Setback map, it would appear that some encroachment into this setback has occurred; please explain.

SIGNIFICANT WOODLAND

The woodland that is located on the subject lands has been identified as Significant in the Middlesex Natural Heritage Study (2003) and the Middlesex Natural Heritage Systems Study (2014). New development and site alteration is not permitted in woodlands considered to be significant. Furthermore, new development and site alteration is not permitted on adjacent lands to significant woodlands (within 50 metres* see note below) unless an EIS has been completed to the satisfaction of the UTRCA which demonstrates that there will be no negative impact on the feature or its ecological function.

Note: *Natural Heritage Reference Manual, Second Edition (OMNR, 2010)

We note that Table 4-2 of the *Natural Heritage Reference Manual Second Edition* (OMNR, 2010) identifies adjacent lands from significant natural heritage features as being 120m from the feature for considering potential negative impacts. The *Natural Heritage Reference Manual* provides technical guidance for implementing the natural heritage policies of the *Provincial Policy Statement*, 2005. The UTRCA Environmental Planning Policy Manual (2006) predates the NHRM (2010) and the UTRCA considers the policies of the contemporary implantation manual in its review. This EIS should demonstrate no negative impacts on the ecological form and function of the features. These natural heritage areas should be located and avoided as inappropriate places for development.

The Conceptual Site Plan identifies the limit of a protected area and a 50 metre environmental setback along the northwest portion of the lands. The note on the Conceptual Site Plan states "as per MNR Operational Plan". The Operation Plan circulated refines the existing wooded area and refers to it as a "Memorial Garden". The 50 metre environmental setback has been removed from the Operational Plan and it would appear that the edge of the extraction limit now encroaches into this area. An additional 50 metre environmental setback area was identified on the Environmental

Setback Map which also appears to be removed from the Operational Plan (see comment above in relation to the wetland area of interference encroachment). Please provide justification from a qualified ecologist supporting the removal/refinement of these two features.

DRINKING WATER SOURCE PROTECTION

Clean Water Act

The subject lands have been reviewed to determine whether or not they fall within a vulnerable area (Wellhead Protection Area, Highly Vulnerable Aquifer, and Significant Groundwater Recharge Areas). Upon review, we can advise that the subject lands **are** within a vulnerable area. For policies, mapping and further information pertaining to drinking water source protection, please refer to the approved Source Protection Plan at:

http://maps.thamesriver.on.ca/GVH_252/?viewer=tsrassessmentreport

RECOMMENDATION

As indicated above, the subject lands are located within the UTRCA regulated area and within the Dingman Subwatershed Screening Area. The UTRCA has outlined discrepancies between the Conceptual Site Plan, the Environmental Setback Map, and the Operational Plan. The UTRCA requires justification from a qualified ecologist regarding the removal and refinement of the two (2) 50 metre environmental setback areas.

Consistent with the UTRCA comments submitted in response to the original Zoning By-law Amendment application, dated January 8, 2019, the UTRCA encourages the applicant to continue the hydrogeological monitoring required and notify the UTRCA should any changes to water quality or quantity occur as a result of this proposal.

In addition, the UTRCA requests the applicant circulates the revised Site Plans to our office as part of the Site Plan Amendment application through the Ministry of Natural Resources and Forestry.

Lastly, The UTRCA would also like the opportunity to discuss the Dingman Screening Area with the applicant. Please contact our office to schedule a meeting.

UTRCA: April 9, 2019 (Addendum)

Further to the UTRCA's letters dated January 8, 2019 and April 1, 2019, please accept this letter as an addendum to our previous comments.

PROPOSAL

The applicant is proposing to rezone a portion of the subject lands from Resource Extraction (EX) to Resource Extraction (EX1) to permit a concrete and asphalt batching plants with associated material working, processing and storage areas, along with a potential future office use. The portions of the subject lands zoned Open Space (OS4) and Environmental Review (ER) will not change as a result of this application.

The subject lands are currently licensed by the Ministry of Natural Resources and Forestry under the Aggregates Resources Act (ARA) for two (2) Class A Licences (No. 2341 and No. 31135). The proposed batching plants and associated areas would be located within existing ARA licensed area.

Based on a letter received from Zelinka Priamo Ltd. dated April 5, 2019, the proposal has been revised back to the original submission which ensures a 50 metre setback is maintained from the wooded area depicted on the Concept Plan.

CONSERVATION AUTHORITIES ACT

As shown on the enclosed mapping, the subject lands **are** regulated by the UTRCA in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the *Conservation Authorities Act*. The Regulation Limit is comprised of a riverine flooding hazard associated with the Bannister Johnson Drain and the 120 metre area of interference surrounding a wetland. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking

any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

Dingman Creek Stormwater Servicing Class Environmental Assessment (EA)

The subject lands are located within the Dingman Creek Subwatershed, forming part of the Dingman Creek EA. As shown on the attached Dingman Subwatershed Screening Area map, the subject lands are located within the Screening Area.

UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL

The UTRCA's Environmental Planning Policy Manual is available online at:

<http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/>

The policy which is applicable to the subject lands includes:

3.2.2 General Natural Hazard Policies

These policies direct new development and site alteration away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated. The Authority also does not support the fragmentation of hazard lands which is consistent with the Provincial Policy Statement (PPS) and is intended to limit the number of owners of hazardous land and thereby reduce the risk of unregulated development etc.

3.2.3 Riverine Flooding Hazard Policies

These policies address matters such as the provision of detailed floodplain mapping, floodplain planning approach, and uses that may be allowed in the floodplain subject to satisfying UTRCA permit requirements.

As per the approved MNRF Site Plans Operational Plan, dated April 1, 2016, along with the Conceptual Site Plan submitted with this application, a 15 metre setback will be maintained from the municipal drain that will be planted with coniferous and deciduous trees. In addition, silt fencing will be installed along the edge of the 15 metre buffer during stripping operations.

Furthermore, the northeast portion of the site is located within the Dingman Screening Area and regard shall be had for the potential flood plain identified. The UTRCA would appreciate the opportunity to meet with the applicant to discuss the impacts proposed berming may have on the surrounding area.

3.2.6 & 3.3.2 Wetland Policies

New development and site alteration is not permitted in wetlands. Furthermore, new development and site alteration may only be permitted in the area of interference and /or adjacent lands of a wetland if it can be demonstrated through the preparation of an Environmental Impact Study (EIS) that there will be no negative impact on the hydrological and ecological function of the feature.

The southeast corner of the licensed area is within the UTRCA regulated area for a 120 metre areas of interference associated with an adjacent wetland. As per the approved MNRF Site Plans Operational Plan, dated April 1, 2016, there is an existing approved 15 metre setback from the licence boundary. No further information is required relating to setbacks in this area.

SIGNIFICANT WOODLAND

The woodland that is located on the subject lands has been identified as Significant in the Middlesex Natural Heritage Study (2003) and the Middlesex Natural Heritage Systems Study (2014). New development and site alteration is not permitted in woodlands considered to be significant. Furthermore, new development and site alteration is not permitted on adjacent lands to significant woodlands (within 50 metres* see note below) unless an EIS has been completed to the satisfaction of the UTRCA which demonstrates that there will be no negative impact on the feature or its ecological function.

***Note: Natural Heritage Reference Manual, Second Edition (OMNR, 2010)**

We note that Table 4-2 of the *Natural Heritage Reference Manual Second Edition* (OMNR, 2010) identifies adjacent lands from significant natural heritage features as being 120m from the feature for considering potential negative impacts. The *Natural Heritage Reference Manual* provides technical guidance for implementing the natural heritage policies of the *Provincial Policy Statement*, 2005. The UTRCA Environmental Planning Policy Manual

(2006) predates the NHRM (2010) and the UTRCA considers the policies of the contemporary implantation manual in its review. This EIS should demonstrate no negative impacts on the ecological form and function of the features. These natural heritage areas should be located and avoided as inappropriate places for development.

The approved MNRF Site Plans Operational Plan, dated April 1, 2016, identifies a Memorial Garden along the northwest boundary of the subject lands. As per the notes on these plans, this area shall remain protected from aggregate extraction. In addition, and as per the Conceptual Site Plan submitted alongside this application, the proposed uses will be subject to a 50 metre environmental setback around the existing wooded feature. No further justification for this setback will be required.

DRINKING WATER SOURCE PROTECTION

Clean Water Act

The subject lands have been reviewed to determine whether or not they fall within a vulnerable area (Wellhead Protection Area, Highly Vulnerable Aquifer, and Significant Groundwater Recharge Areas). Upon review, we can advise that the subject lands **are** within a vulnerable area. For policies, mapping and further information pertaining to drinking water source protection, please refer to the approved Source Protection Plan at: http://maps.thamesriver.on.ca/GVH_252/?viewer=tsrassessmentreport

RECOMMENDATION

As indicated above, the subject lands are located within the UTRCA regulated area and within the Dingman Subwatershed Screening Area. Based on a review of the letter from Zelinka Priamo Ltd., dated April 5, 2019, and the approved MNRF Site Plans, dated April 7, 2014 and April 1, 2016, the UTRCA is satisfied that the 50 metre environmental setback from the wooded areas is sufficient for the proposed uses. Aggregate extraction within these areas shall comply with the approved MNRF Site Plans.

Consistent with the UTRCA comments submitted in response to the original Zoning By-law Amendment application, dated January 8, 2019 and April 1, 2019, the UTRCA encourages the applicant to continue the hydrogeological monitoring required and notify the UTRCA should any changes to water quality or quantity occur as a result of this proposal. If a Site Plan Amendment application is required through the MNRF, the UTRCA requests the applicant circulates this application to our office for review.

Lastly, the UTRCA would also like the opportunity to discuss the potential impacts of the Dingman Screening Area with the applicant and MNRF. The details of this meeting can form part of the Site Plan application process through the City of London and/or MNRF.

Ministry of Natural Resources and Forestry: April 12, 2019

The applicant is currently working with the MNRF Aylmer District office through the site plan amendment process.

You should also be aware that the Ministry of Environment, Conservation and Parks (MECP) is now responsible for the Endangered Species Act (ESA), including species at risk (SAR) in Ontario. MNRF is directing all correspondence related to ESA or SAR to SAROntario@ontario.ca to reach the MECP directly.

Ontario Ministry Agriculture, Food, and Rural Affairs: April 12, 2019

It is understood that the subject lands comprise part of a prime agricultural area, and thus are identified, in part, as "Farmland" in the London Plan. While the extraction of mineral aggregate resources is permitted as an interim use within a prime agricultural area in accordance with Policy 2.5.4.1 of the Provincial Policy Statement (PPS), 2014; Ministry staff gather the proposal is not for interim resource extraction, but rather a permanent asphalt/concrete batching plant, and therefore OMAFRA would suggest that this proposal would require an official plan amendment as well as a Zoning By-Law Amendment in order to demonstrate consistency with Policy 2.3.6.1 (b) of the PPS (2014). To elaborate, this section of the PPS (2014) states:

2.3.6.1(b) Planning authorities may only permit non-agricultural uses in prime agricultural areas for limited non-residential uses, provided that all of the following are demonstrated:

1. the land does not comprise a specialty crop area;
2. the proposed use complies with the minimum distance separation formulae;
3. there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use; and
4. alternative locations have been evaluated, and there are no reasonable alternative locations which avoid prime agricultural areas; and there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

Moreover, the City of London will also need to ensure that Policy 2.3.6.2 contained in the PPS (2014) is satisfied, which states: "Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible."

Due to the language and structure of Policies 2.3.5 and 2.3.6 of the PPS (2014), the expectation is that any non-agricultural uses that may ultimately be permitted are not to be removed from the prime agricultural area, but rather permitted as an exception on a site-specific basis. Therefore, it is anticipated that the use of a special policy area approach will be necessary for the plan amendment.

Based on a review of the Planning Justification Report submitted by the applicant's consultant, it does not appear that the sufficient analysis has been provided to demonstrate consistency with the PPS as required by the Planning Act.

City staff have further discussed the above noted comments with the Ministry of Municipal Affairs and Housing, the lead ministry in the provincial One Window Protocol for matters related to land use planning. The concerns identified above have been clarified and addressed.

Appendix C – Policy Context

The following policy and regulatory documents were considered in their entirety as part of the evaluation of this requested land use change. The most relevant policies, by-laws, and legislation are identified as follows:

Provincial Policy Statement, 2014

Major facilities: *means facilities which may require separation from sensitive land uses, including but not limited to airports, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.*

Mineral aggregate operation: *means*

- 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.*

Mineral aggregate resources: *means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite,*

mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the Mining Act.

Mineral aggregate resource conservation: means

- a) the recovery and recycling of manufactured materials derived from mineral aggregates (e.g. glass, porcelain, brick, concrete, asphalt, slag, etc.), for re-use in construction, manufacturing, industrial or maintenance projects as a substitute for new mineral aggregates; and
- b) the wise use of mineral aggregates including utilization or extraction of on-site mineral aggregate resources prior to development occurring.

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 of major facilities.

1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;
- b) providing 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, and take into account the needs of existing and future businesses;

2.3.6.1 Planning authorities may only permit non-agricultural uses in prime agricultural areas for:

- a) extraction of minerals, petroleum resources and mineral aggregate resources, in accordance with policies 2.4 and 2.5

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.

2.5.2.1 As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible. Demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of mineral aggregate resources locally or elsewhere.

2.5.2.2 Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.

2.5.2.3 Mineral aggregate resource conservation shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible.

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. Existing mineral aggregate operations shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the Planning Act. When a license for extraction or operation ceases to exist, policy 2.5.2.5 continues to apply.

The London Plan

(Policies subject to Local Planning Appeals Tribunal, Appeal PL170100, indicated with asterisk.)

*371_ The following policies describe the goals, function and character to be used in the design of the right-of-way for each street classification:

10. Rural Connector

a) Priority on movement of vehicles, farm equipment and freight/goods

1182_ The following uses may be permitted within the Farmland Place Type in conformity with the policies of this Plan:

- 8. Natural resource extraction.
- 11. Existing uses.

1209_ Oil, gas, and aggregate resource extraction will be subject to the Natural Resources policies of this Plan.

1514_ To balance the needs of property owners, operators and residents, to facilitate the extraction of our natural resources, to provide access to aggregate resources as close to market as possible, and to ensure the rehabilitation of these lands, we will:

- 1. Promote aggregate resource conservation, including aggregate extraction and the recovery and recycling of manufactured materials derived from aggregates.
- 2. Provide for the continuation of existing extractive operations.

1517_ Policies for Extractive Industrial Areas are included in the Aggregate Resources policies. Identified extractive industrial areas are aggregate resource areas that are licensed under the *Aggregate Resources Act*.

1518_ Aggregate extraction is a permitted interim use in all place types of this Plan. In prime agricultural areas, aggregate extraction sites shall be rehabilitated to an agricultural condition. The locations of aggregate resource areas, and licensed pits and quarries and properties appropriate for consideration for a license under the Aggregate Resources Act are identified on Map 6. The ultimate intended uses for lands identified as extractive industrial areas on Map 6, are shown on Map 1 – Place Types.

1522_ 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.

1989 Official Plan

9.2.3. Existing Uses

Subject to the provisions of Section 19.5, uses not permitted as primary or secondary uses but which legally exist on the date of Council adoption of this policy, may be regarded as permitted uses. These uses include institutional uses such as schools, churches, group homes, cemeteries, and specialized care facilities; recreational facilities such as golf courses, campgrounds, trailer parks and recreational vehicle facilities; non-farm residential uses; and aggregate resource uses. New institutional and recreational uses such as those listed in this subsection are not considered to be primary or secondary permitted uses in the Agriculture designation and are encouraged to locate within the urban community or areas designated for urban growth.

15.10.1. Extractive Industrial

Legally existing pits and quarries are recognized as a permitted use by this Plan. In areas shown Extractive Industrial on Schedule "B2", aggregate extraction is a permitted interim land use in all designations on Schedule "A".

Location i) Extractive Industrial Areas shown on Schedule "B2" – Natural Resources and Natural Hazards include licensed pits and quarries and properties appropriate for consideration for a license under the Aggregate Resources Act.

Designation ii) Extractive Industrial Areas shown on Schedule "B2" may be designated on Schedule "A" - the Land Use Map, according to their ultimate intended land use.

15.10.2. Mineral Aggregate Resources

Council will promote the conservation of mineral aggregate resources by making provision for the recovery of these resources, wherever feasible. Aggregate resources

within the City are shown on Schedule "B2" –Natural Resources and Natural Hazards. It is recognized that the extraction of these resources may occur during the life of the Plan. An Official Plan amendment will be required to establish a new pit or quarry, or to substantially expand an existing pit or quarry, according to the provisions of policy 15.4.3. of the Plan. The foregoing notwithstanding, in the case of Aggregate Resource Areas in the Byron area, only a zoning by-law amendment will be required to establish a new pit or expand an existing pit.

18.2.2. Transportation Network Corridors

Streets must serve a number of functions such as providing transportation corridors for all kinds of users and vehicles and providing a right-of-way for underground utilities. Healthy communities will offer a broader range of mobility choices by continuing to work well for vehicles while making bicycling, walking and public transit viable options for many daily trips including the trip to work.

The network of public roads in the City of London shall be classified, upgraded and expanded upon in accordance with Schedule "C" - Transportation Corridors, and the policies contained in this Chapter of the Official Plan. Schedule C identifies the classification of existing roads as solid lines and the classification of proposed roads as dotted lines. It is anticipated that these road corridors will be required to meet the transportation needs associated with growth over the planning period.

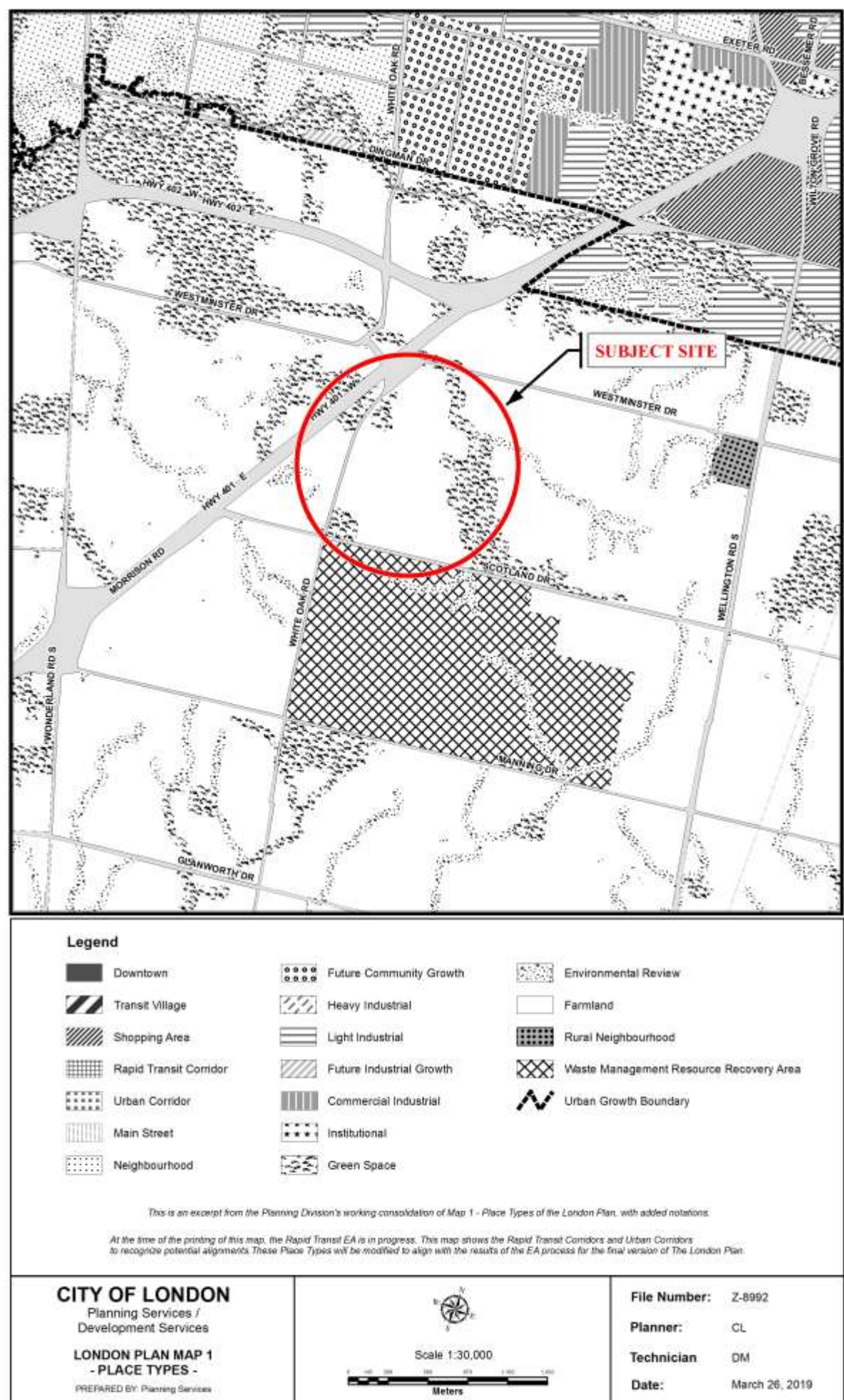
Classification of Roads by Function

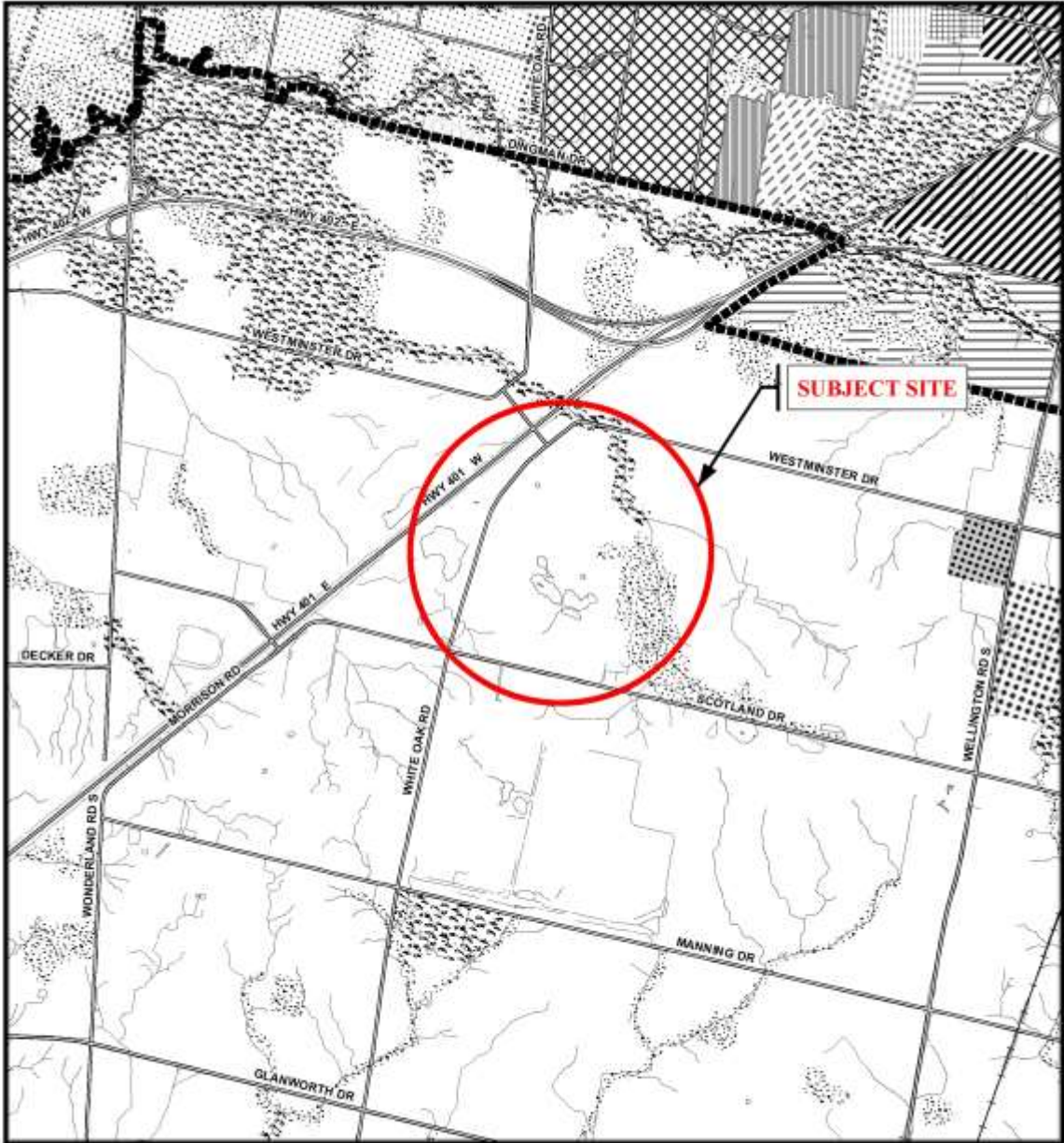
i) The road system shall be based on a functional classification of roads described as follows:

- (c) Arterial - serves high volumes of intra-urban traffic at moderate speeds, and has controlled or limited property access;

Appendix D – Relevant Background

Additional Maps





Legend

| | | |
|---|--|-------------------------|
| Downtown | Multi-Family, Medium Density Residential | Office Business Park |
| Wonderland Road Community Enterprise Corridor | Low Density Residential | General Industrial |
| Enclosed Regional Commercial Node | Office Area | Light Industrial |
| New Format Regional Commercial Node | Office/Residential | Commercial Industrial |
| Community Commercial Node | Regional Facility | Transitional Industrial |
| Neighbourhood Commercial Node | Community Facility | Rural Settlement |
| Main Street Commercial Corridor | Open Space | Environmental Review |
| Auto-Oriented Commercial Corridor | Urban Reserve - Community Growth | Agriculture |
| Multi-Family, High Density Residential | Urban Reserve - Industrial Growth | Urban Growth Boundary |

CITY OF LONDON
Planning Services /
Development Services
OFFICIAL PLAN SCHEDULE A
- LANDUSE -

PREPARED BY: Graphics and Information Services

Scale 1:30,000
Meters

FILE NUMBER: Z-8992
PLANNER: CL
TECHNICIAN: DM
DATE: 2019/03/26

PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consolid00\escripts\mad_templates\scheduleA_bdw_8x14_with_SWAP.mxd



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

1) *LEGEND FOR ZONING BY-LAW Z-1*

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE

- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HC - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE

RF - REGIONAL FACILITY
CF - COMMUNITY FACILITY
NF - NEIGHBOURHOOD FACILITY
HER - HERITAGE
DC - DAY CARE

OS - OPEN SPACE
CR - COMMERCIAL RECREATION
ER - ENVIRONMENTAL REVIEW

OB - OFFICE BUSINESS PARK
LI - LIGHT INDUSTRIAL
GI - GENERAL INDUSTRIAL
HI - HEAVY INDUSTRIAL
EX - RESOURCE EXTRACTIVE
UR - URBAN RESERVE

AG - AGRICULTURAL
AGC - AGRICULTURAL COMMERCIAL
RRC - RURAL SETTLEMENT COMMERCIAL
TGS - TEMPORARY GARDEN SUITE
RT - RAIL TRANSPORTATION

"H" - HOLDING SYMBOL
 "D" - DENSITY SYMBOL
 "H" - HEIGHT SYMBOL
 "B" - BONUS SYMBOL
 "T" - TEMPORARY USE SYMBOL

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

**ZONING
BY-LAW NO. Z.-1
SCHEDULE A**



FILE NO:

Z-8992

CL

MAP PREPARED:

2019/03/26

DM

1:10,000

0 50 100 200 300 400 Meters

THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

Additional Reports

OZ-5178: January 10, 2000 – Report to Planning Committee: request for an Official Plan Amendment and Zoning By-law Amendment for 3777 Westminster Drive

OZ-6129: April 29, 2002 – Report to Planning Committee: request for an Official Plan Amendment and Zoning By-law Amendment for 3900 Scotland Drive