

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: Gregg Barrett
Director, City Planning and City Planner

Subject: Dancor Construction Ltd.
16035 Robin's Hill Road

Public Participation Meeting on: November 16, 2020

Recommendation

That, on the recommendation of the Director, City Planning and City Planner, the proposed by-law attached hereto as Appendix "A" with respect to the application of Dancor Construction Ltd. relating to the property located at 16035 Robin's Hill Road, **BE INTRODUCED** at the Municipal Council meeting November 24, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a General Industrial (GI1) Zone and a General Industrial/Heavy Industrial (GI1*H16/HI1*H16) Zone, **TO** a General Industrial Special Provision (GI1) Zone and a General Industrial Special Provision/Heavy Industrial Special Provision (GI1()*H16/HI1()*H16) Zone.

Executive Summary

Summary of Request

The requested amendment to Zoning By-law Z.-1 for 16035 Robin's Hill Road is to amend the zoning applicable to the subject site to permit a waste transfer station, which is limited to medical and pharmaceutical waste, with a maximum of 600m² gross floor area, and with no outdoor storage permitted.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to zone the subject site to allow for an additional industrial use through special provisions.

Rationale of Recommended Action

1. The recommended amendment is consistent with the Provincial Policy Statement (PPS), 2020;
2. The recommended amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the policies of the General Industrial designation;
3. The recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the policies of the Heavy Industrial Place Type; and
4. The recommended amendment will permit an appropriate use for the site which is compatible with the surrounding area and facilitates the continued operation and viability of the industrial area for current and future uses.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is located at the northeast corner of the intersection of Huron Street and Robin's Hill Road in the Airport District. The site is also located within the Skyway Industrial Park and the Airport Area Community Improvement Project Area.

The subject site is designated and utilized for a variety of industrial uses, including warehousing, distribution, and manufacturing, and is surrounded by other industrial uses, as well as the London International Airport and the Canadian National railway tracks.

The subject site includes five different municipal addresses for the various existing or planned buildings on the property. These addresses include 2240, 2244, and 2250 Huron Street; and 16025 and 16035 Robin's Hill Road. The proposed waste transfer station will be located within the existing building with the municipal address of 16035 Robin's Hill Road. The site is partially developed with two industrial buildings at 16025 and 16035 Robin's Hill Road, each comprises the gross floor area of 2,170m² in the northern portion of the site. The southern portion of the site is planned to be developed with two industrial buildings (2244 and 2250 Huron Street).



Figure 1. Building at 16035 Robin's Hill Road

1.2 Current Planning Information

- Official Plan Designation – General Industrial
- The London Plan Place Type – Heavy Industrial Place Type
- Existing Zoning – General Industrial (GI1) and General Industrial/Heavy Industrial (GI1*H16/HI1*H16)

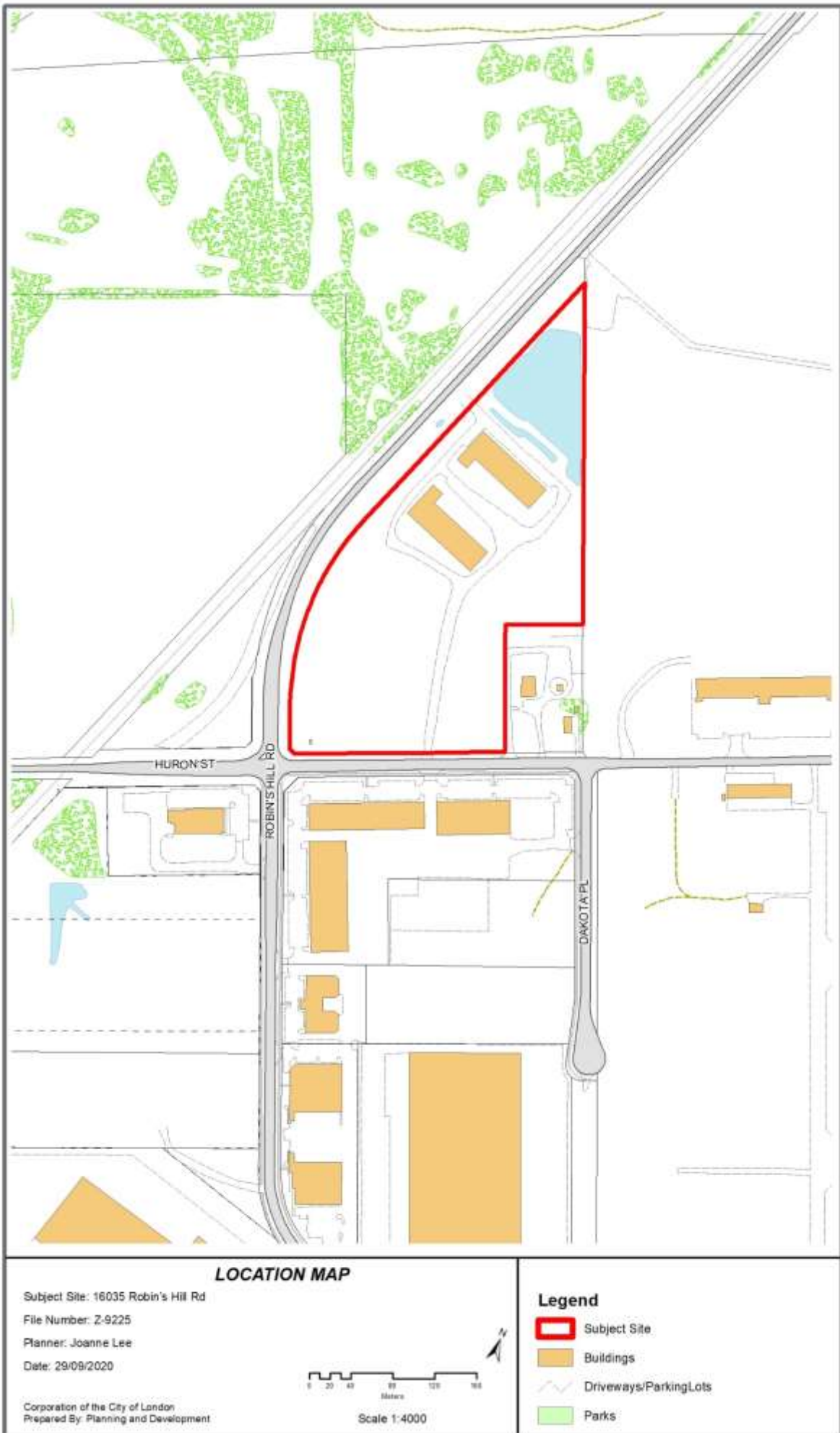
1.3 Site Characteristics

- Current Land Use – Industrial
- Frontage – 206.1m
- Depth – various
- Area – 7.33 hectares (18.11 acres)
- Shape – irregular

1.4 Surrounding Land Uses

- North – CN railway tracks, industrial (vacant), environmental review, open space
- East – London International Airport
- South – industrial (Fastenal Canada, Pierce Sound, E.H. Price)
- West – CN railway tracks, industrial (vacant)

1.5 Location Map



2.0 Description of Proposal

2.1 Development Proposal

Dancor Construction Ltd. has requested to amend the zoning for the property at 16035 Robin's Hill Road to permit a waste transfer station within the existing building, which is the northernmost building as shown below. Special provisions are requested to limit the waste transfer station such that it may only include medical and pharmaceutical waste, is restricted to the existing building, and may not have any outdoor storage.

2.2 Site Plan

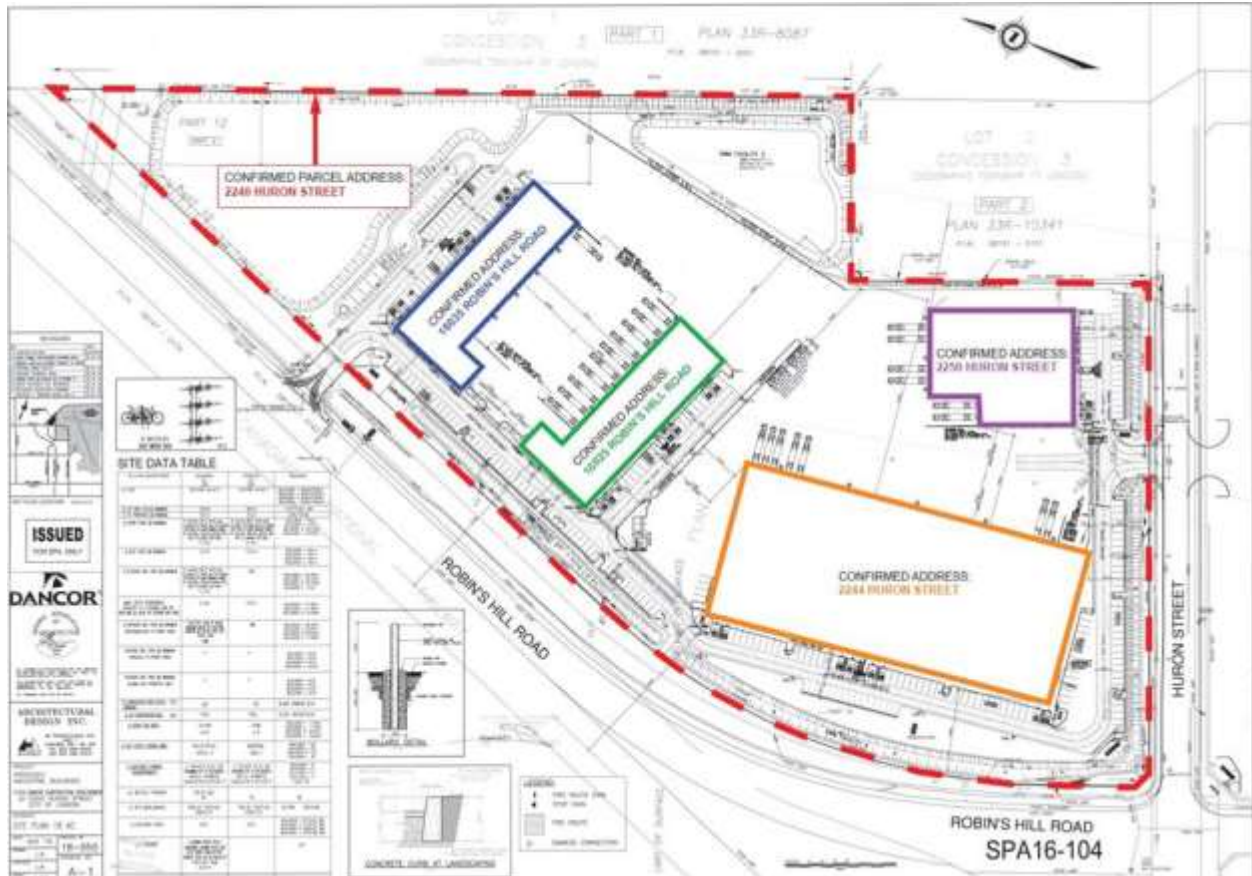


Figure 2. Site Plan

2.3 Detailed Description of Operation

ECS Cares Inc. is a tenant of the 16035 Robin's Hill Road building and provides medical waste disposal solutions and services, including sharps disposal and pharmaceutical disposal. The proposed waste transfer station will receive and store medical waste in secured containers inside the building for the purpose of shipping to another site. There will be no processing of liquid or hazardous materials on site. The waste transfer station does not require lands for outdoor storage. The waste will be restricted to materials that are medically or pharmaceutically derived, including used sharps.

3.0 Relevant Background

3.1 Planning History

The subject lands form part of the Skyway Industrial Park. On July 4, 2001, a plan of subdivision for the Skyway Industrial Park (39T-01501) was draft approved by the Approval Authority subject to conditions. A 3-year extension was granted by the Approval Authority on the recommendation of Council on June 3, 2004, resulting in a lapse date of July 4, 2007. Phase I of the Skyway Industrial Park subdivision was registered on August 17, 2005. On June 25, 2007, the Approval Authority approved another 3-year extension on the recommendation of Council, resulting in a lapse date of July 4, 2010. Phase II of the subdivision (Plan 33M-615) was registered on May 3, 2010 to proceed with developing the remainder of the draft plan, including the lands north of Huron Street and south of the CN railway. The registration of the plan includes a realignment of Robin's Hill Road where it intersects Huron Street to provide a safer and more efficient intersection design.

The subject lands also constitute part of the Airport Area Community Improvement Project Area. On January 30, 2006, Official Plan and zoning by-law amendments (OZ-7066) identified a framework for the Airport Area Community Improvement Plan (CIP) to offer incentives to aerospace companies located near London International Airport. On April 10, 2006, Council adopted the Airport Area CIP (By-law No. C.P.-1453-107). On January 22, 2007, this CIP was replaced by an amended Airport Area CIP (By-law No. C.P.-1461-33) adopted by Council to further refine eligibility criteria for program incentives. The amended CIP removed the eligibility for Brownfield incentives, which the previous CIP included to permit the Airport lands to participate in the Brownfields Incentive program.

On September 21, 2010, the subject site was rezoned General Industrial (GI1) from (h*GI1) through an application for removal of a holding provision (H-7804) to facilitate development of industrial uses within the site.

In December 2016, the City received a Site Plan application (SPA16-107) for development of four industrial buildings from Dancor Construction Ltd. On January 9, 2017, the conditional site plan control approval was approved, subject to the applicant satisfying their conditions of approval. All site plan control application matters were resolved and the conditions were met, and the Approval Authority approved the site plan control application on August 6, 2019.

3.2 Requested Amendment

Dancor Construction Ltd. has requested to change the zoning on the subject site from a General Industrial (GI1) and a General Industrial/Heavy Industrial (GI1*H16/HI1*H16) Zone to permit a waste transfer station as an additional permitted use, subject to limitations in a site specific zone. These special provisions will limit the proposed use to the transfer of only medical and pharmaceutical waste, with a maximum 600 m² of gross floor area, and without any outdoor storage.

3.3 Community Engagement and Department/Agency Comments (see more detail in Appendix B)

A Notice of Application was distributed and the application was advertised in the Londoner. No responses were received in response to these notices from the general public.

Through the circulation of the application comments were received from various departments and agencies, and no concerns were raised with regard to the proposed amendment.

Initial discussions with the London International Airport identified that the small scale of the waste transfer station will not pose adverse effects, such as noise, odour, particulates or vibration emissions, on the Airport, and the limitations in the site specific zone are sufficient to mitigate any of those emissions.

Similarly, discussions with Environmental Service staff included a discussion on the need to a holding provision requiring Environmental Compliance Approval from the Province prior to permitting the use, however this was also deemed unnecessary given the restrictions placed on the use through the requested site specific zone provisions.

3.4 Policy Context (see more detail in Appendix C) Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS), 2020, provides policy direction on matters of provincial interest relating to land use planning and development. In accordance with Section 3 of the Planning Act, all decisions affecting land use planning matters shall be “consistent with” the policies of the PPS.

The PPS encourages healthy, liveable and safe communities that are sustained by accommodating an appropriate range and mix of employment uses, including industrial and commercial, to meet long-term needs (1.1.1.b).

1989 Official Plan

The site is designated as General Industrial on Schedule A – Land Use. The General Industrial designation is intended to promote a broad industrial base in the City through the provision of a choice of locations, lot sizes, services and road and rail access corridors, in order to accommodate a wide range of industrial uses, and to provide appropriate locations for industrial uses which have characteristics that may not be compatible with other land uses (7.1.2). The General Industrial allows for a broad range of industrial uses that could have a detrimental impact on residential or other sensitive uses (7.2).

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 under appeal to the Local Planning Appeal Tribunal (Appeal PL170100) and not in force and effect 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 site is located within the Heavy Industrial Place Type, in accordance with Map 1 – Place Types*. The intent of the Heavy Industrial Place Type is to accommodate industrial uses that generate significant planning impacts, such as noise, vibration, air emissions, hazardous materials, and unsightly outdoor storage. This Place Type is also to physically separate these uses from other uses to avoid land use conflicts and allow them to operate effectively without regular complaints from adjacent uses (1109).

The vision for the Industrial Place Type generally includes understanding the needs and demands of the industrial sectors (1113_2), accommodating a wide range of target industrial sectors and industrial uses (1113_3), attracting and establishing facilities and industrial-related centres of excellence that support the growth of industrial sectors (1113_7).

Zoning by-law

The existing zoning is a General Industrial (GI1) Zone and a General Industrial/Heavy Industrial (GI1*H16/HI1*H16) Zone. These zones provide for and regulate a broad range of industrial activities, which generally impact adjacent uses and should be separated from sensitive land uses. The General Industrial/Heavy Industrial Zone permits the maximum building height of 16 metres, while the maximum height in the General Industrial Zone is 50 metres.

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1 – Use

Provincial Policy Statement, 2020 (PPS)

The PPS provides that planning authorities shall promote economic development and competitiveness by providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs (1.3.1.a). The PPS directs planning authorities to promote economic development and competitiveness by 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 (1.3.1.b). The requested amendment would broaden the range of permitted uses on the subject site and facilitate the adaptive use of the site that has experienced vacancies.

The PPS directs municipalities to provide waste management system at an appropriate size and type to accommodate present and future requirements, and facilitate,

encourage, and promote reduction, reuse and recycling objectives (1.6.10.1). This is consistent with facilitating a waste transfer station for medical and pharmaceutical waste.

1989 Official Plan

The General Industrial designation permits a broad range of industrial uses, including activities that could have a detrimental impact on residential or other uses (7.2). These uses include assembling, fabricating, manufacturing, processing, and repairing activities; service trades; public and private utilities and related facilities; large storage facilities, such as wholesale and warehouse establishments, contractors yards, transportation terminals, and heavy equipment sales and service; and residential and other source recycling facilities (7.2.1).

Waste transfer stations are permitted on lands designated General Industrial and lands within the Waste Management and Resource Recovery Area (17.5.3.i) and require an amendment to the Zoning By-law (17.5.3.ii). Furthermore, waste transfer stations are contemplated by site specific zoning, subject to the criteria in Section 7.8 – Planning Impact Analysis (7.2.2). The Planning Impact Analysis criteria in the Official Plan for industrial uses are to be used to evaluate the appropriateness of a proposed change in land use and identify ways to reduce any adverse impacts on surrounding land uses (7.8). The recommended amendment constitutes both a general proposal and a site-specific proposal to determine the appropriateness of the location of a waste transfer station. A Planning Impact Analysis for the site is attached in Appendix D. The requested waste transfer station, with the limitations identified in the site specific zone, has been found to be appropriate for the subject site based on the Planning Impact Analysis in conformity with the 1989 Official Plan.

The London Plan

The Heavy Industrial Place Type permits a broad range of industrial uses that may impose impacts on surrounding land uses due to their emissions such as noise, odour, particulates and vibration, and uses that have large amounts of outdoor storage (1109, 1114_1, 2). Within the Place Type, service trades, public and private utilities and related facilities, large storage facilities, contractors yards, transportation terminals and heavy equipment sales and services, and residential and other source recycling facilities may be permitted provided that they will not detract from the industrial operations of the heavy industrial area (1114_4).

The London Plan contemplates waste transfer stations only on lands in the Heavy Industrial and the Waste Management Resource Recovery Area Place Types, subject to a zoning by-law amendment application and full planning analysis (1114_10.h). The subject site is within the appropriate place type for the proposed use.

Waste transfer stations will be planned, designed, operated, and maintained in such a way as to promote compatibility with adjacent existing and future land use, and to minimize any adverse impacts on surrounding area (483, 1114_10.h). The proposed waste transfer station is a compatible land use to the adjacent land uses.

The proposed use is to store and transfer limited type of waste and does not include any kind of treatment or processing. Waste that will be stored on-site may include sharps, pharmaceutical products, cytotoxic waste, non-hazardous solid industrial waste including e-waste and other waste destined for recycling, as well as liquid industrial waste or hazardous waste. Based on available information at this stage, staff from Environment, Fleet and Solid Waste in the Environmental and Engineering Services indicated that there are no concerns with the materials provided that the materials are stored inside the building and meet the requirements of the Ministry of the Environment, Conservation, and Parks. Further details of the requirements are provided in the following section.

4.2 Issue and Consideration # 2 – Environmental Compliance Approval

Official Plan

Waste transfer stations may be permitted by site specific zoning, subject to meeting the requirements of the Ministry of the Environment, currently the Ministry of the Environment, Conservation and Parks, and other ministries in accordance with the *Environmental Assessment Act*, the *Environmental Protection Act*, and other guidelines and policies that apply (7.2.2.iii). The location of waste transfer stations or storage areas, and facilities for storing hazardous waste will require the approval of the Ministry of the Environment, including certification under the *Environmental Protection Act* (17.5.3.iii). All development proposals which may potentially generate or store hazardous waste require approvals from the appropriate authorities to ensure that the location and operation of such developments will not adversely affect the health and safety of the public or the natural environment (17.5.5).

The London Plan

The policies with respect to the requirements of the Ministry of the Environment, Conservation and Parks, formerly the Ministry of the Environment and Climate Change, in The London Plan parallel those of the 1989 Official Plan. Waste transfer stations are permitted in the Heavy Industrial Place Type subject to meeting the requirements of the Ministry of the Environment and Climate Change (1114_10.c). The approval of Ministry of the Environment and Climate Change, including certification under the *Environmental Protection Act* is required to permit waste transfer stations or storage areas, and facilities for storing hazardous waste (1114_10.h). Where they may potentially generate or store hazardous waste, they also require all necessary approvals from the appropriate authorities to ensure that the location and operation of these will not adversely affect the health and safety of the public and the natural environment (1114_10.i).

The London Plan also provides that uses requiring Environmental Compliance Approval (ECA) may have final reading of the Zoning By-law amendment withheld or a holding provision applied to ensure that the ECA is received prior to the use being permitted (1120). This is to ensure that any risks associated with hazardous waste will be managed appropriately before the use can be established. In this instance, however, given the limited scale of the proposed use and the restrictions that are recommended in the site specific zone, any risk associated with the use is minimal and will still require ECA issuance. This satisfies the intent of policy 1120 and it is therefore recommended that for this proposal no holding zone be applied.

Zoning By-law

The Zoning By-law defines waste transfer stations as “facilities used in the management and processing of liquid and hazardous wastes, wastes and recyclable materials which has a Provisional Certificate of Approval, for such purposes under the *Environmental Protection Act*”. Provisional Certificate of Approval is now known as an Environmental Compliance Approval (ECA). The proposed use of the site has been classified under the Zoning By-law as a waste transfer station, although the operation is different than what is typically defined under this use, in that it is at a small scale, is done completely within the building, and the medical and pharmaceutical waste is kept within secured containers at all times.

The Zoning By-law provides a holding provision (h-47) that may be applied for waste transfer stations (3.8.2). The holding provision may be applied to ensure that the development of the recycling facility will be planned, designed, operated and maintained in such a way as to promote compatibility with adjacent, existing and future land uses, and to minimize any adverse impacts on the natural environment, the h-47 symbol shall not be deleted until a Certificate of Approval has been granted by the Ministry of the Environment. The amendment, however, does not require the h-47 holding provision given the limitations on the proposed use.

The Ministry of the Environment, Conservation and Parks issues an ECA and establishes legally enforceable rules for operations through ECAs. The City is not involved in enforcement and compliance matters dealing with the ECA.

The proposed restrictions on the waste transfer station are adequate to ensure that the proposed use will not pose any significant public health and safety or environmental risks.

The tenant contacted with the Ministry of the Environment, Conservation and Parks for pre-application consultation to support the requested operation and use of the subject site through an ECA. The Ministry indicated that the application was generally complete and there were no major concerns based on a Design and Operation report prepared by the tenant, although City staff did not review the report. The Ministry, however, looks for assurance that the City is satisfied that the site is or will be in compliance with the 1989 Official Plan, the London Plan, and the Zoning By-law. Once the site is property zoned to permit the use, the Minister would address any concerns and govern the specific operation of the waste transfer station through the ECA.

5.0 Conclusion

The recommended amendment is consistent with the Provincial Policy Statement, 2020, which promotes a broader range and mix of employment opportunities. This amendment conforms with the General Industrial policies of the 1989 Official Plan and the Heavy Industrial Place Type policies in the London Plan. The specific nature of the waste transfer station and the limitations on it through the proposed site-specific zone are appropriate for the site and compatible with existing and planned industrial development in the surrounding area and will not have any adverse impacts on the environment.

Prepared by:	Joanne Lee Planner I, Planning Policy
Submitted by:	Justin Adema, MCIP, RPP Manager, Planning Policy
Recommended by:	Gregg Barrett, AICP Director, City Planning and City Planner
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 Planning Services	

November 9, 2020
JL/jl

Appendix A

Bill No. (number to be inserted by Clerk's Office)
2020

By-law No. Z.-1-18 _____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 16035
Robin's Hill Road.

WHEREAS Dancor Construction Ltd. has applied to rezone an area of land located at 16035 Robin's Hill 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 16035 Robin's Hill Road, as shown on the attached map comprising part of Key Map No. A104, from a General Industrial (GI1) Zone and a General Industrial/Heavy Industrial (GI1*H16/HI1*H16) to a General Industrial Special Provision (GI1(_)) Zone and a General Industrial/Heavy Industrial (GI1(_)*H16/HI1(_)*H16) Zone.
- 2) Section Number 41.4 of the General Industrial Zone (GI1) Zone is amended by adding the following Special Provision:

GI1(_) 16035 Robin's Hill Road

- a) Additional Permitted Use
 - i) Waste Transfer Station, subject to the following restrictions:
 - a. Limited to transfer of medical and pharmaceutical waste;
 - b. Limited to the existing building;
 - c. Maximum Gross Floor Area of 600m²; and
 - d. Outdoor storage shall be prohibited.

- 3) Section Number 42.4 of the Heavy Industrial Zone (HI1) Zone is amended by adding the following Special Provision:

HI1(_) 16035 Robin's Hill Road

- a) Additional Permitted Use
 - i) Waste Transfer Station, subject to the following restrictions:
 - a. Limited to transfer of medical and pharmaceutical waste;
 - b. Limited to the existing building;
 - c. Maximum Gross Floor Area of 600m²; and
 - d. Outdoor storage shall be prohibited.

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 November 24, 2020.




Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – November 24, 2020
Second Reading – November 24, 2020
Third Reading – November 24, 2020

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



<p>File Number: Z-9225 Planner: JL Date Prepared: 2020/09/29 Technician: MB By-Law No: Z-1-</p>	<p>SUBJECT SITE </p> <p>1:4,000</p> <p>0 20 40 80 120 160 Meters </p> <p></p>
---	---

Appendix B – Public Engagement

Community Engagement

Public liaison: On July 15, 2020, Notice of Application was sent to 10 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on July 16, 2020. A “Planning Application” sign was also posted on the site.

0 replies were received.

Nature of Liaison: Possible change to the zoning from a General Industrial/Heavy Industrial (GI1*H16/HI1*H16) Zone to a General Industrial Special Provision/Heavy Industrial Special Provision (GI1(_)*H16/HI1(_)*H16) Zone.

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

- Restricted access to Robin’s Hill Road.

Agency/Departmental Comments

London Hydro – July 16, 2020

This is presently serviced by London Hydro. Contact the Engineering Department if a service upgrade is required to facilitate the new building. Any new and/or relocation of existing infrastructure will be at the applicant’s expense, maintaining safe clearances from L.H. infrastructure is mandatory. **Note:** Transformation lead times are minimum 16 weeks.

London Hydro has no objection to this proposal. However, London Hydro will require a blanket easement.

Development Services (Engineering) – August 17, 2020

The site has come in several times already this year (2240 Huron) and engineering has the same comments for a future application to pass along:

- Access to Robin’s Hill Road to be restricted to right in/right out consistent with the City’s Access Management Guidelines
- Detailed comments regarding access design will be made through the site plan process.

Upper Thames River Conservation Authority (UTRCA) – August 19, 2020

August 19, 2020
City of London – Development Services
P.O. Box 5035
London, Ontario N6A 4L9
Attention: Joanne Lee (via email)

Dear Ms. Lee:

Re: Application to Amend the Zoning By-law - File No. Z-9225
Applicant: Dancor Construction Ltd.
2240 Huron Street and 16035 Robin’s Hill Road London, ON

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 (2020, PPS). The *Upper Thames River Source Protection Area Assessment Report* has also been reviewed in order to confirm whether these 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 & BACKGROUND

The applicant is proposing to rezone the subject lands to a waste transfer station which is limited to medical and pharmaceutical waste; no outdoor storage; and, a building with a maximum of 600 m² gross floor area.

CONSERVATION AUTHORITIES ACT

The UTRCA has the provincially delegated responsibility for the natural hazard policies of the PPS, as established under the “Provincial One Window Planning System for Natural Hazards” Memorandum of Understanding between Conservation Ontario, the Ministry of Natural Resources and Forestry (MNR) and the Ministry of Municipal Affairs and Housing. This means that the Conservation Authority represents the provincial interest in commenting on *Planning Act* applications with respect to natural hazards and ensures that the proposal is consistent with the PPS.

The UTRCA’s role in the development process is comprehensive and coordinates our planning and permitting interests. Through the plan review process, we ensure that development proposals meet the tests of the *Planning Act*, are consistent with the PPS, conform to municipal planning documents as well as the policies in the UTRCA’s Environmental Planning Policy Manual (2006). Permit applications must meet the requirements of Section 28 of the *Conservation Authorities Act* and our policies as set out in our Environmental Planning Policy Manual. This approach ensures that the principle of development is established through the *Planning Act* approval process and that subsequently, the necessary approvals can be issued under Section 28 of the *Conservation Authorities Act* once all of the planning matters have been addressed.

Section 28 Regulations - Ontario Regulation 157/06

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 Piper Drain and its’ tributaries.

Please refer to the attached mapping for the location of the identified feature. It should be noted that where a discrepancy in the mapping occurs, the text of the regulation prevails and a feature determined to be present on the landscape is regulated by the UTRCA.

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.

UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL (2006)

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

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

NATURAL HAZARDS

As indicated, the UTRCA represents the provincial interest in commenting on *Planning Act* applications with respect to natural hazards. The PPS directs new development to locate and avoid natural hazards. In Ontario, prevention is the preferred approach for managing hazards in order to reduce or minimize the risk to life and property. This is achieved through land use planning and the Conservation Authority’s regulations with respect to site alteration and development activities.

The UTRCA’s natural hazard policies are consistent with the PPS and those which are applicable to the subject lands include:

2.2.4 Natural Hazard Features

An allowance of 15 metres has been added to the Riverine Hazard Limit for the purpose of maintaining sufficient access for emergencies, maintenance and construction activities. This allowance provides for an extra factor of safety providing protection against unforeseen conditions that may adversely affect the land located adjacent to a natural hazard area.

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 (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 flood plain mapping, flood plain planning approach and uses that may be allowed in the flood plain subject to satisfying the UTRCA's Section 28 permit requirements.

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

RECOMMENDATION

As indicated, the subject lands are regulated by the UTRCA. A Section 28 permit application has been issued for development activity on these lands. All development must proceed in accordance with the terms and conditions of this permit. Should any amendments be proposed, we require that the applicant contact a UTRCA Land Use Regulations Officer to amend the permit. The UTRCA has no objections to this application to rezone the subject lands.

MUNICIPAL PLAN REVIEW FEE

Consistent with UTRCA Board of Directors approved policy, Authority Staff are authorized to collect fees for the review of *Planning Act* applications and associated technical peer reviews. Our fee for the review of the Official Plan and Zoning By-law Amendment application is \$275.00. These fees will be invoiced to the owner under separate cover.

Thank you for the opportunity to comment.

Yours truly,

UPPER THAMES RIVER CONSERVATION AUTHORITY

Stefanie Pratt

Land Use Planner

Enclosure: UTRCA Regulation Limit Mapping (please print on legal paper for accurate scales)

c.c.: Brent Verscheure, UTRCA Land Use Regulations Officer

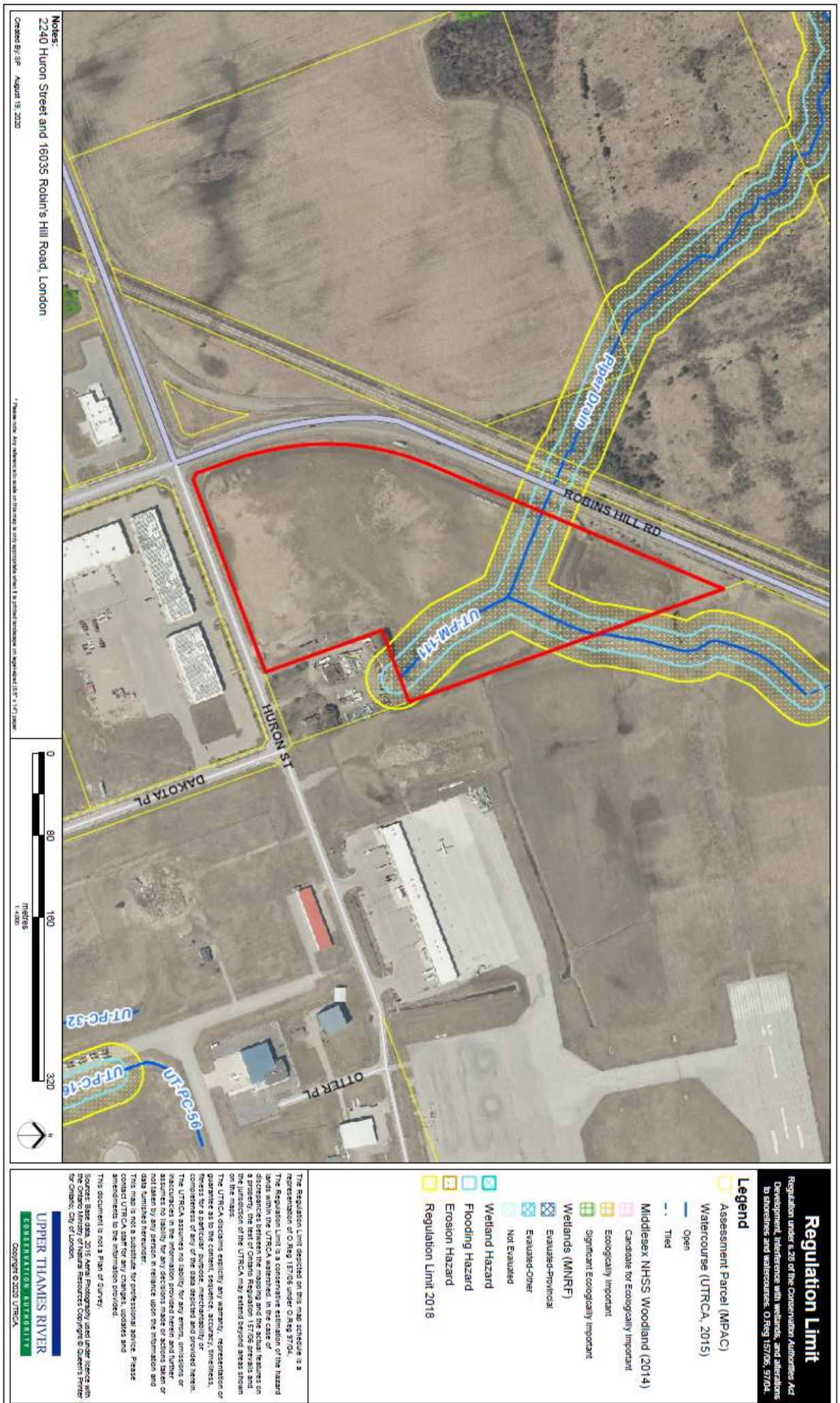


Figure 3. UTRCA Regulation Limit Mapping

London Fire Department – August 27, 2020

We have had a review and there are no concerns with this application.

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, 2020

- 1.1.1.b – Appropriate range and mix of uses
- 1.3.1.a – Appropriate range and mix of employment and broader mixed uses
- 1.3.1.b – Opportunities for a diversified economic base
- 1.6.10.1 – Waste management systems

The 1989 Official Plan

- 7.1.1 – Objectives for all industrial designations
- 7.1.2 – General Industrial objectives
- 7.2 – General Industrial Designation
 - 7.2.1 – Main permitted uses in General Industrial
 - 7.2.2 – Uses permitted by site specific zoning in General Industrial
 - 7.2.2.iii) – Requirements of the Ministry of the Environment and other Ministries (e.g. Environmental Compliance Approval) for waste transfer stations
- 7.8 – Planning Impact Analysis
 - 17.5.1 – Cost-effective alternative waste methods of disposing of or utilizing solid wastes
 - 17.5.3 – Criteria for locating waste transfer stations

The London Plan

- 483 – Compatibility of waste transfer stations with adjacent existing and future land uses
- 1109 – Heavy Industrial Place Type
- 1113 – Vision for Industrial Place Type
- 1114_1 – Generally permitted uses in Heavy Industrial Place Type
- 1114_10.c – Approval from the Ministry of the Environment for waste transfer stations
- 1114_10.h – Appropriate place types for waste transfer stations and compatibility of waste transfer stations to surrounding land uses
- 1114_10.i – Necessary approvals from applicable authorities for facilities that potentially store hazardous waste
- 1120 – Holding provision as a pre-condition for Environmental Compliance Approval

Zoning By-law Z.-1

- Section 2 – Definitions (definition of waste transfer stations)
- Section 3.8.2) – Holding Zone Provision subject to waste transfer stations
- Section 41 – General Industrial (GI) Zone
- Section 42 – Heavy Industrial (HI) Zone

Site Plan Control By-law – C.P.-1455-541

Waste Discharge By-law – WM-16

Appendix D – Planning Impact Analysis

7.8 Planning Impact Analysis	
7.8.2.i) General Proposals	
Where an Official Plan amendment and/or zone change application is for a general change in land use and does not relate to a specific development proposal, or where site specific information on the future development of the site is not required, all or some of the following criteria may be considered:	
Criteria	Response
(a) Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses;	The requested waste transfer station is a compatible use with the surrounding land uses and is not anticipated to detract from the ability of the surrounding area to accommodate other industrial uses in the future.
(b) The size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to provide adequate services for industrial development;	A gross floor area of 600m ² in the building at 16035 Robin's Hill Road is of sufficient size and shape to accommodate a waste transfer station. The addition of the waste transfer station will not require the provision of adequate services for industrial development.
(c) The supply of vacant land in the area which is already designated and/or zoned for the proposed use;	Waste transfer stations are permitted subject to a site-specific amendment, and the lands in the area are designated to accommodate general industrial uses that do not include the proposed use.
(d) The location of any proposal for industrial development where there is good access to arterial roads and/or rail lines;	The subject lands have easy access to two arterial roads (Robin's Hill Road and Huron Street). The subject lands are located in close proximity to Veteran Memorial Parkway interchange with Huron Street, and the Canadian National railway tracks.
(e) Impacts of the proposed change on the transportation system, including transit;	The study lands are not serviced by London Transit. The subject lands will not significantly impact any local streets and the railway tracks given their proximity to Highway 401.
(f) For non-industrial uses within industrial designations the potential of the proposed uses to deter future industrial development; and,	Not applicable
(g) Secondary uses which may be considered as sensitive land uses are not to be located within 300m of an area designed General Industrial and are located on either a primary collector or arterial road.	Not applicable
7.8.2.ii) Site Specific Proposals	
Where an Official Plan amendment and/or zone change is for a specific development proposal, or where more site specific detailed information on the type and nature of future development is required, all, or some of the following criteria may be considered:	
(a) All of the criteria listed in policy 7.8.2.i) of the Plan;	Responses to the criteria can be found above.
(b) Compliance with Ministry of the Environment standards and guidelines	The requested waste transfer station complies with these standards, and will

<p>and the City's Waste Discharge By-law, relating to the compatibility of the proposed use with existing uses; and the potential impact of any noise, odour or other emissions on surrounding land uses;</p>	<p>not generate potential adverse impacts on surrounding land uses, including the London International Airport. The Airport is supportive of the requested use provided that there will be no adverse effects related to emissions, noise, odour, particulates or vibration on the Airport. These matters are controlled or limited through the site specific restrictions on the proposed use.</p>
<p>(c) The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;</p>	<p>The requested waste transfer station will occupy the one-storey building at 16035 Robin's Hill Road on-site, without any physical changes to the built form and scale of the exterior.</p>
<p>(d) The extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area;</p>	<p>No physical changes to the site are proposed as part of the requested amendment.</p>
<p>(e) The location of vehicular access points and their compliance with the City's road access policies and Site Plan Control by-law, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties;</p>	<p>The location of vehicular access points is not proposed to change as part of the requested amendment. The proposal is part of a much larger development that has received a site plan approval from the City and addressed access to Robin's Hill Road (a right-in/right-out access in accordance with the City's Access Management Guidelines). Further details of the access will be addressed through the Site Plan approval process.</p>
<p>(f) The exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;</p>	<p>The requested waste transfer station will not include outdoor storage and there are no proposed physical changes to the exterior design.</p>
<p>(g) The potential impact of the proposed development on surrounding natural features and heritage resources;</p>	<p>The requested waste transfer station functions as an indoor-storage facility without the processing of liquid or hazardous materials onsite. The waste transfer station will not have potential adverse impact on the natural features and heritage resources.</p>
<p>(h) Compliance of the proposed development with the provisions of the City's Official Plan and Zoning By-law, Site Plan Control By-law, and Sign Control By-law; and</p>	<p>The requested waste transfer station complies with the provisions of the 1989 Official Plan and The London Plan.</p>
<p>(i) Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of Planning Impact Analysis.</p>	<p>There are no adverse impacts on surrounding land uses and streets to be addressed as a result of the requested waste transfer station, and no mitigative measures are required.</p>