

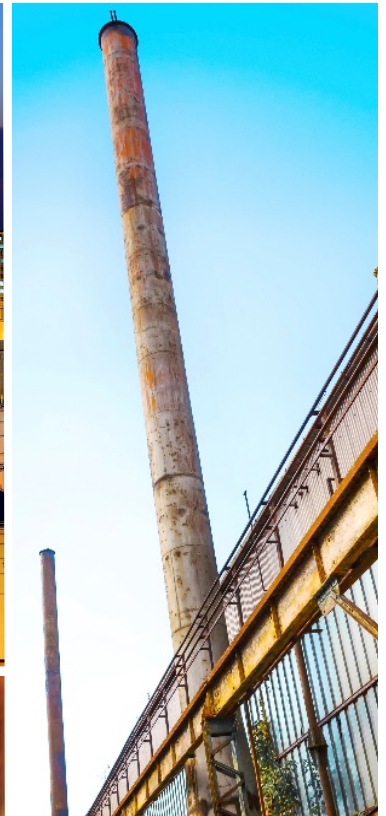


# Planning Report

3469 York-Durham Line  
Uxbridge, Ontario

## Grainboys Holdings Inc.

Region of Durham Official Plan Amendment  
Township of Uxbridge Official Plan Amendment





## Table of Contents

1.	Introduction.....	1
2.	Site Context.....	2
2.1	Location and Site Description .....	2
3.	Development Proposal and Zoning.....	4
4.	Official Plan Amendment Applications .....	6
5.	Planning Rationale .....	7
5.1	Provincial Policy Statement (PPS), 2020.....	7
5.2	Places to Grow Act (2005) and the Growth Plan for the Greater Golden Horseshoe (2019) .....	8
5.3	Oak Ridges Moraine Conservation Plan (2017) .....	10
5.4	Durham Regional Official Plan.....	11
5.5	Township of Uxbridge Official Plan.....	12
5.6	Suggested Amendments.....	12
6.	Supporting Studies and Reports .....	13
7.	Conclusion.....	14

## Figure Index

Figure 1	Location Plan .....	3
Figure 2	Site Plan .....	5



## **1. Introduction**

Grainboys Holdings Inc. is proposing to develop a grain milling and blending facility located south of Durham Regional Highway 47 and on the east side of York-Durham Line in Uxbridge, Ontario. The proposed development site is located at 3469 York-Durham Line, Uxbridge, Ontario. The subject lands comprise a total area of 36.3 hectares.

A Zoning By-law Amendment application had been filed to permit this development. Council of the Township of Uxbridge approved a rezoning to permit the use. Council passed By-law No. 2020-069 on June 8, 2020.

The By-law was subsequently appealed. The matter is currently before the Local Planning Appeal Tribunal (LPAT). The appellant has argued that the By-law does not conform to the Township of Uxbridge and Region of Durham Official Plans. Out of an abundance of caution, and to resolve any ambiguity, applications to amend (OPA) the Township and Region Official Plans are being submitted on behalf of Grainboys Holdings Inc.



## 2. Site Context

### 2.1 Location and Site Description

The property is in Uxbridge's rural area, south-west of the Uxbridge Urban Area at 3469 York-Durham Line. The site is currently occupied by a single detached residential dwelling. The building is located at the centre of the property with a private driveway connecting it to York-Durham Line. The property average width (north/south) and frontage on York-Durham Line is ~410m. The average length (west/east) is ~900m. The site is located south of Regional Highway 47, a Type 'A' Arterial Road and abuts York-Durham Line, a Type 'B' Arterial Road, to the west.

**Figure 1** shows the location of the site in the context of the surrounding properties. The following describes the nearby land uses:

#### *South*

- St. Lawrence Grains & Farm Supply Ltd. immediately south of the site
- Railway tracks owned by Metrolinx for the Stouffville GO line
- Granite Golf Club

#### *West*

- Vacant residential home
- York-Durham Line, a Type 'B' Arterial Road that connects to Regional Highway 47

#### *North*

- Directly north is the Terra View Driving Range.
- Regional Highway 47, a Type 'A' Arterial Road
- Rural Employment Lands

#### *East*

- Directly east is a detached residential home
- The majority of the land is used for agriculture and non-agriculture related dwellings

Recently the LPAT approved an official plan amendment to permit rural employment uses on the Terra View Driving Range property to the north of the subject lands. There is currently no application submitted for a plan of subdivision or site plan.





ORTHOPHOTOGRAPHY PROVIDED BY FIRST BASE SOLUTIONS

N.T.S.



Grainboys Holdings Inc.

LOCATION PLAN

Job Number | 11198389  
 Revision | A  
 Date | March 2021  
**Figure 01**

65 Sunray Street, Whitby Ontario L1N 8Y3 T 1 905 686 6402 F 1 905 432 7877 E info@ghdcanada.com W www.ghd.com





### 3. Development Proposal and Zoning

The proposed development is a dry grain process plant. The proposed operations will primarily consist of the milling, blending, packaging, warehousing, and shipping of grain. The proposed location of the grain facility is in the south-west quadrant of the subject lands

The proposed building will be approximately 5,000m<sup>2</sup> in size and the entire facility is approximately 8,750m<sup>2</sup>. The facility will consist of the milling operations within an enclosed building, offices, fourteen storage surge bins, two exterior receiving surge bins, two exterior surge bins for animal feed, concrete pads, scale, and silos. The overall building coverage is 2.4%. **Figure 2** shows the site plan for the proposed development.

A Zoning By-law amendment application was submitted in December of 2019. A site plan application was also submitted at that time.

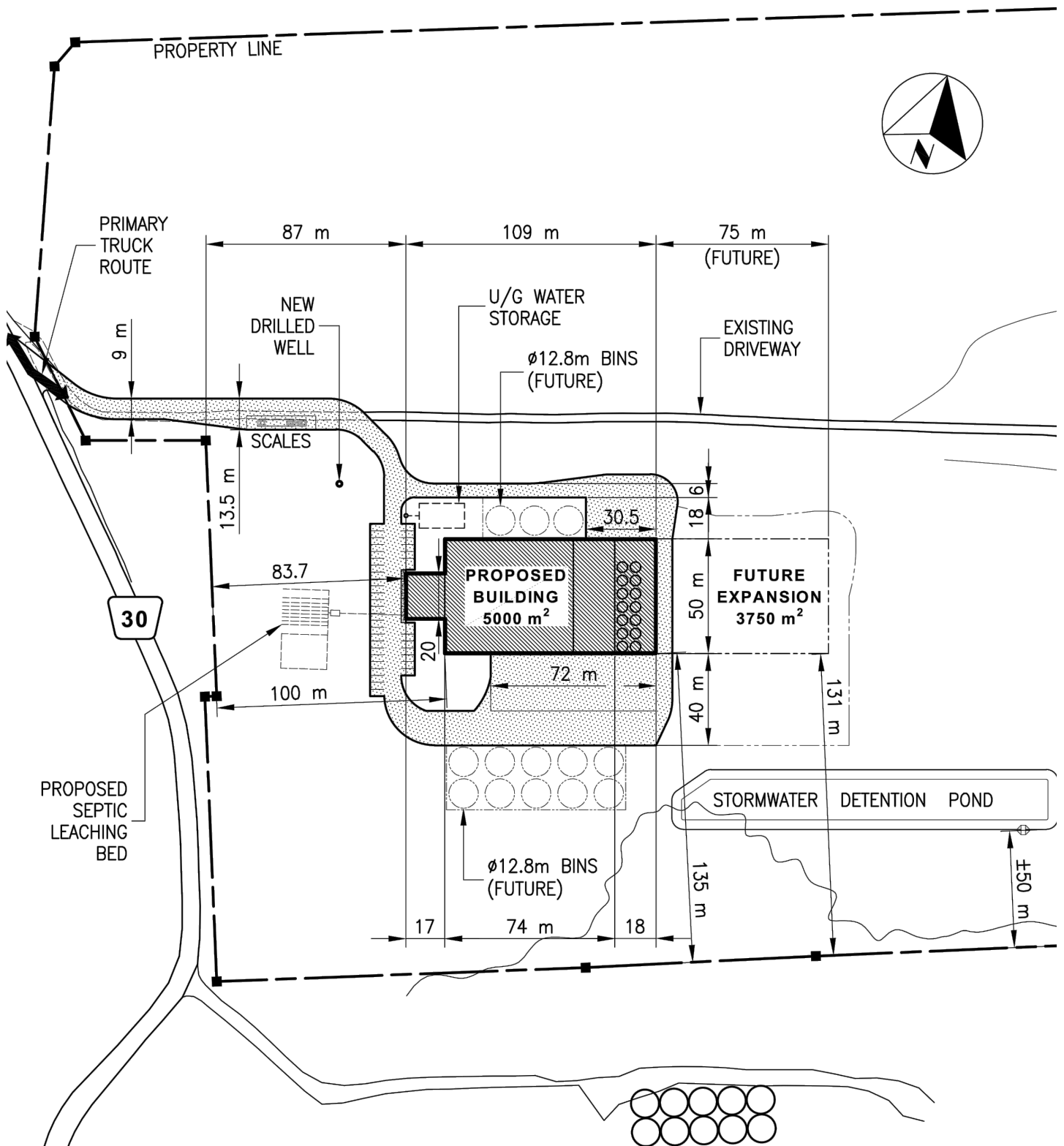
Following review of the application and the required statutory public meeting, Township of Uxbridge Council adopted By-law 2020-069 on June 8, 2020.

The Zoning By-law adopted by the Township added a new section to the Special Zone Categories for the Rural (RU) Zone. The permitted uses included in the Special Zone Category are:

- A dry grain processing plant
- Conservation and forestry
- A farm
- A public use
- Accessory uses

The by-law also sets out zoning standards for yard provisions and parking.

For precise details please refer to By-law 2020-069.



ORTHOPHOTOGRAPHY PROVIDED BY FIRST BASE SOLUTIONS

N.T.S.



Grainboys Holdings Inc.

SITE PLAN

Job Number | 11198389  
Revision | A  
Date | March 2021

Figure 02

65 Sunray Street, Whitby Ontario L1N 8Y3 T 1 905 686 6402 F 1 905 432 7877 E info@ghdcanada.com W www.ghd.com

Plot Date: 29 March 2021 - 1:29 PM

Plotted by: Jo-Anne Theurer

Cad File No: G:\1111\11198389\CADD\Drawings\Planning\Planning Report Figures\11198389-figures.dwg



## **4. Official Plan Amendment Applications**

No conformity issues with By-law 2020-069 have been identified by anyone other than the appellant. The application to amend the Official Plans is being undertaken out of an abundance of caution and to resolve any alleged ambiguity. The proposed site specific amendments also provide an opportunity to confirm that the proposal is aligned with municipal approaches to agriculture-related uses in advance of the completion of the Region Official Plan review.





## 5. Planning Rationale

The planning rationale firstly considers the Provincial policies related to agriculture-related uses as they impact the proposal and land use in this location. It will then briefly discuss the land use permission issue of the two Official Plans.

### 5.1 Provincial Policy Statement (PPS), 2020

The most recent Provincial Policy Statement (PPS) came into effect in May 2020. The document provides overarching policies to guide municipal decisions on land use planning matters. Decisions made by all planning authorities must be consistent with the policies set out in the PPS (Section 4.1). Therefore, the latest PPS applies to the amendment applications proposed here. Other Provincial Plans must be read in conjunction with the PPS and take precedence over it unless legislation provides otherwise.

Section 1.1.4.1. of the PPS states that healthy, integrated, and viable rural areas should be supported by several actions including: “providing opportunities for economic activities in prime agricultural areas, in accordance with policy 2.3.”

Section 2.3.1 indicates that Prime Agricultural Areas shall be protected for agriculture. Section 2.3.2 indicates that planning authorities shall designate Prime Agricultural Areas. Prime agricultural area is a defined term. The definition includes the provision that prime agricultural areas may be identified by the Ministry of Agriculture and Food using guidelines developed by the Province. Mapping of an Agricultural Land Base was completed by the Province and published in 2018. The subject lands are located within Prime Agricultural Area in this mapping.

Section 2.3.3.1 permits the following uses in prime agricultural areas: agricultural uses, agriculture-related uses, and on-farm diversified uses. That policy goes on to require that proposed agriculture-related uses shall be compatible with and not hinder surrounding agricultural operations. It also provides that criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

The Provincial Policy Statement defines agriculture-related uses as *“farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.”*

In our opinion, Grainboys’ proposed facility meets this definition for the following reasons:

- The use is farm related
- While farm related, elements of the use activities are industrial in nature
- The milling and associated services to be undertaken are directly related to farm operations in the area that is grain producers
- The facility benefits from being located close to farms that supply grain
- The use supports agriculture by providing a processing service



- The use provides direct products and service to farm operations.

In addition, the proposal will service farm uses in the area by providing processing for various types of grain crops. The facility will not hinder surrounding agricultural uses in any way. The balance of the subject site will continue to be farmed for grain.

The site location is indicated on mapping prepared by the Ministry of Agriculture as being located within a prime agricultural area. Therefore, the grain milling facility use would be permitted on this site based under the definition of agriculture-related uses.

In section 1.7 Long Term Economic Prosperity, 1.7.1 i) supports sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agri-food network.

Agri-food network is also a defined term:

“Within the agricultural system, a network that includes elements important to the viability of the agri-food sector such as regional infrastructure and transportation networks; on-farm buildings and infrastructure; agricultural services, farm markets, distributors, and primary processing; and vibrant, agriculture-supportive communities.”

In our opinion, Grainboys’ proposed facility will contribute to the viability of the agri-food sector by providing primary processing of grains.

The proposed use would conform to the PPS and may be permitted under its policies.

## **5.2 Places to Grow Act (2005) and the Growth Plan for the Greater Golden Horseshoe (2019)**

In 2005, the Places to Grow Act was adopted. The Growth Plan for the Greater Golden Horseshoe (GP) was created through this legislation and adopted in 2006. An update was approved by Order in Council in 2019.

The subject site is within the GP area.

As originally set out the GP required the province to identify prime agricultural areas, and later the reference was changed to an agricultural system. In the latest version of the GP the relevant section now notes that an agricultural system has been identified. Agricultural system is a defined term within which there are further defined terms helping to set out the components of the agricultural system.

**Agricultural System** “The system mapped and issued by the Province in accordance with this Plan, comprised of a group of inter-connected elements that collectively create a viable, thriving agricultural sector. It has two components: 1. An agricultural land base comprised of prime agricultural areas, including specialty crop areas, and rural lands that together create a continuous productive land base for agriculture; 2. An agri-food network which includes infrastructure, services, and assets important to the viability of the agri-food sector.”



**Prime Agricultural Area** “An area where prime agricultural lands predominate. This includes areas of prime agricultural lands and associated Canada Land Inventory Class 4 through 7 lands and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas are to be identified by the Ontario Ministry of Agriculture, Food and Rural Affairs using guidelines developed by the Province as amended from time to time. (Based on PPS, 2020 and modified for this Plan)

**Prime Agricultural Lands** “Specialty crop areas and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection (PPS, 2020).”

**Agri-food Network** “Within the *Agricultural System*, a network that includes elements important to the viability of the agri-food sector such as regional *infrastructure* and transportation networks; on-farm buildings and infrastructure; agricultural services, farm markets, distributors, and primary processing; and vibrant, agriculture-supportive communities. (Greenbelt Plan)”.

The subject site is within an area designated Prime Agricultural Area in the Agricultural System for the Greater Golden Horseshoe mapping.

Based upon the definitions related to agriculture, the use would be permitted under the GP subject to the conditions noted below. The proposed use would comprise a component of the agri-food network as an agricultural service and primary processing activity.

Municipalities are encouraged to implement agri-food strategies to sustain and enhance the agricultural system by among other things, promoting the sustainability of agriculture, agri-food, and agri-product business.

Section 4.2.6.8 of the GP should be noted here. It states that outside the Greenbelt Area Provincial mapping for the agricultural land base does not apply until it is implemented in the Official Plan. Until that time prime agricultural areas identified in upper tier municipal Official Plan in effect as of June 2017 will be considered the agricultural land base for the GP.

Outside of the Greenbelt Area the mapping for agricultural area produced by the Province would not yet be in effect. Existing designations and mapping in the Region of Durham Official Plan would define the agricultural area. The Durham plan has not yet been updated to reflect the Provincial mapping, although a comprehensive review is currently underway.

However, the subject site is located within the Oak Ridges Moraine Plan (ORMP). The ORMP by regulation is a component of the Greenbelt Area. Being within the Greenbelt Area, the province’s agricultural mapping would be in effect for the subject property and the property can be considered as being within a Prime Agricultural Area. Being within the GP and being mapped as prime agricultural land permits agricultural related uses a permitted use on the site in the context of the PPS and GP.



### 5.3 Oak Ridges Moraine Conservation Plan (2017)

The Oak Ridges Moraine Conservation Act was adopted in 2001. Through this legislation, the Oak Ridges Moraine Conservation Plan (ORMCP) was adopted in 2002. The plan provides land use and resource management direction for lands associated with the moraine feature. An update to the plan came into effect in May 2017. The subject site is within the area of the ORMCP.

The ORMCP establishes four land use designations for moraine lands. The subject lands are designated Natural Linkage Area as per the ORMCP Land Use Designation Map. Section 12. (1) describes Natural Linkage Areas as areas to:

*Maintain, and where possible improve or restore, the ecological integrity of the Plan Area, and to maintain, and where possible improve or restore, regional-scale open space linkages between Natural Core Areas and along river valleys and stream corridors, by,*

- (a) maintaining, and where possible improving or restoring, the health, diversity, size, and connectivity of key heritage features, key hydrologic features and the related ecological functions;*
- (b) maintaining, and where possible improving or restoring natural self-sustaining vegetation over large parts of the area to facilitate movement of plants and animals;*
- (c) maintaining a natural continuous east-west connection and additional connections to river valleys and streams north and south of the Plan Area;*
- (d) maintaining the quantity and quality of groundwater and surface water;*
- (e) maintaining groundwater recharge;*
- (f) maintaining natural stream form and flow characteristics;*
- (g) protecting landform features; and*
- (h) protecting and restoring natural areas and features that sequester carbon and provide ecological functions, including water storage, to help reduce the impacts of climate change.*

Permitted uses within the Natural Linkage Area are set out in Section 12. (3). The uses include agriculture-related uses. Agricultural related uses are subject to the condition set out in 12. (4) which indicates that they are only permitted within Prime Agriculture Areas. The lands are designated as a Prime Agricultural Area by the mapping set out by the Ministry of Agriculture as noted earlier.

Agriculture-related uses is a defined term.

“agriculture-related uses” means farm-related commercial and industrial uses that,

- (a) are directly related to, and compatible with, farm operations in the surrounding area and do not hinder those farm operations,*
- (b) support agriculture,*
- (c) benefit from being in close proximity to farm operations, and*
- (d) provide products or services, or both, directly to farm operations as a primary activity.*





The proposed grain milling and blending facility fits within this definition. The primary activity of the proposed use is the provision of grain milling and blending services to farm operations. The facility is industrial in nature and directly farm related by way of the use of farm grown grains. The use supports agriculture and provides a service to area farms. The operation benefits by being in close proximity to farm operations which can supply raw product. Proximity will also reduce trucking costs. Given this the use is a permitted use within Natural Linkage Area of the ORMCP.

There are several other considerations provided in the ORMCP which are discussed below.

The ORMCP Section 22. (3) requires a natural heritage evaluation to be completed within the minimum area of influence as set out in the Table provided in the plan. However, Section 22. (4) indicates that a natural heritage evaluation is not required for agricultural related uses if they are located a minimum of 30 meters away from a key natural heritage feature. The proposed building is located near a small, treed area. Although there was not an evaluation carried out for the treed area per the exception provided by 22. (4), the Toronto and Region Conservation Authority was consulted during the rezoning process. The small treed area was not classified as a wetland nor a significant woodlot. The feature will remain.

The property has an indication as an Area of High Aquifer Vulnerability on the Reference Map for Ontario Regulation 140/02. Section 29. (1) of the plan indicates that in areas of high aquifer vulnerability uses listed in Section 20. (5) are prohibited. The proposed development is not proposing any of the prohibited uses listed in Section 29. (5).

The Landform Conservation Areas of the Oak Ridges Moraine Map No. 2 indicates the site as a Category 2 Landform Conservation Area. Section 30. (6) requires development to demonstrate practices that will minimize disturbing the character of the landform, including:

- (a) maintaining significant landform features such as steep slopes, kames, kettles, ravines and ridges in their natural undisturbed form;*
- (b) limiting the portion of the net developable area of the site that is disturbed to not more than 50 per cent of the total area of the site; and*
- (c) limiting the portion of the net developable area of the site that has impervious surfaces to not more than 20 per cent of the total area of the site.*

The significant landforms listed under section (a) are not present on the site. The proposed development has a coverage of 2.4% of the site and is well below the maximum net developable area in the above policies. The percentage of impervious surface will also be well below the limit.

It is concluded from this review that the use conforms with and is permitted under the policies of the ORMCP.

## **5.4 Durham Regional Official Plan**

The current Durham Regional Official Plan (DROP) was adopted in 2017. The subject lands are designated as Oak Ridges Moraine Area as per Schedule 'A' – Map 'A2' – Regional Structure. Schedule 'B' – Map 'B3' – Oak Ridges Moraine Land Use further designates the land as Natural Linkage Area. The proposed amendment to the DROP provides a site-specific exception that is tailored to the proposed use, in accordance with By-law 2020-069.



## **5.5 Township of Uxbridge Official Plan**

The subject property is designated Natural Linkage Area on Schedule “H” Oak Ridges Moraine Conservation Plan Area Land Use Plan.

Again, the proposed amendment to the Township OP provides a site specific exception that is tailored to the proposed use, in accordance with By-law 2020-069.

## **5.6 Suggested Amendments**

The proposal conforms to the relevant Provincial policies.

Draft wording for the amendments is noted below.

### **1. Region of Durham Official Plan**

Notwithstanding any other policy in this Plan, an agriculture-related use, as defined in the Oak Ridges Moraine Conservation Plan, comprised of a grain milling, blending and storage facility, including accessory sales of finished products, serving farm operations and grain suppliers beyond the subject property is permitted on lands located at 3469 York-Durham Line Uxbridge, identified as Assessment #18-17-29-010-00110200 Township of Uxbridge.

### **2. Township of Uxbridge**

Lands located at 3469 York-Durham Line Uxbridge, identified as Assessment #18-17-29-010-00110200 Township of Uxbridge shall be subject to the following policies:

- i) Notwithstanding any other policy in this Plan an agriculture-related use, as defined in the Oak Ridges Moraine Conservation Plan, comprised of a grain milling, blending and storage facility, including accessory sales of finished products, serving farm operations and grain suppliers beyond the subject property is permitted.



## **6. Supporting Studies and Reports**

A pre-consultation related to the proposed amendments was held on March 11, 2021. The requested plans or studies determined at this meeting as required for a complete application include a Planning Rationale Report and An Updated Record of Site Condition Compliant Phase One Environmental Site Assessment (ESA) Report or a Site-Screening Questionnaire

It is important to point out that at the time of the rezoning application all required studies as identified at the pre-consultation for zoning were submitted and accepted. These studies included the following:

- Archeological assessment
- Noise impact study
- Preliminary air quality assessment
- Phase 1 & 2 environmental site assessment
- Traffic brief
- Functional servicing report
- Stormwater management report.

The reports remain valid today as there have been no changes to the site of the proposed facility since the original zoning application was made.



## 7. Conclusion

Council of the Township of Uxbridge approved a rezoning to permit the use proposed by Grain Boys Holdings Inc. at 3469 York-Durham Line Uxbridge. By-law No. 2020-069 was adopted on June 8, 2020.

The By-law was subsequently appealed, and the matter is currently before the Local Planning Appeal Tribunal. The appellant has argued that the By-law does not conform to the Township of Uxbridge and Region of Durham Official Plans. Out of an abundance of caution, and to resolve any ambiguity, applications to amend the Township and Region Official Plans are being submitted on behalf of Grainboys Holdings Inc.

In this Planning Report I have reviewed the various Provincial Policies as they relate to agriculture and agriculture related uses affecting the site and proposed use.

The Provincial Policy Statement indicates the Province would undertake mapping of Prime Agriculture Lands. Such lands would permit agriculture related uses. Agriculture related uses is a defined term and in my professional opinion the proposal fits the definition, conforms to the Provincial Policy Statement, and would be permitted thereunder.

The Growth Plan provides for the establishment of an agriculture system comprised of two components: a land base and an agri-food sector. The policy also indicates that the prime agriculture lands mapping is in effect. The site is within the prime agriculture lands and would be permitted as a component under the definition of agri-food sector.

The subject site is also with the Oak Ridge Moraine Conservation Plan. Under the Plan the lands are designated Natural Linkage Areas. The Plan permits agriculture related uses within the Natural Linkage Areas if the lands are within prime agriculture areas. The lands are located within prime agriculture area in mapping set out by the Ministry of Agriculture Food and Rural Affairs. Therefore, the proposed use is permitted and as discussed meets the required definition.

The applications have been submitted to resolve any ambiguity in the Regional and Local Official Plans. We have provided draft amendments wording that would address any potential wording ambiguity.

Considering the overall conformity to Provincial policies I would recommend that the proposed amendments be adopted. I would also submit that given the amendments removal of any ambiguity and that they implement Provincial Policy that the proposed amendments constitute good land use planning.

All of Which is Respectfully Submitted,

GHD

A handwritten signature in blue ink that reads 'Steve Edwards'.

Steve Edwards, MCIP, RPP





## about GHD

GHD is one of the world's leading professional services companies operating in the global markets of water, energy and resources, environment, property and buildings, and transportation. We provide engineering, environmental, and construction services to private and public sector clients.

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