



P L A N N I N G  
J U S T I F I C A T I O N  
R E P O R T

JASON AND HENRY ENG.  
10850 CONCESSION ROAD 4  
REGION OF DURHAM

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# 1. INTRODUCTION

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## 1.0 INTRODUCTION

Weston Consulting is the authorized planning agent for Henry Eng, the registered owner of the lands located at 10850 Concession Road 4 in the Township of Uxbridge (herein referred to as “Subject Property”). On behalf of the owner, Weston is submitting this Zoning By-Law Amendment application that proposes to enact a site-specific exception to the *Rural Zone* under the Township of Uxbridge Zoning By-Law 81-19 in order to legalize the existing soil mixing operation on the lands.

This Planning Justification Report (the ‘Report’) provides planning rationale in support of the proposed application, including a planning analysis and justification in accordance with the relevant Provincial, Regional, and Municipal land use policy documents.

## 2. PURPOSE OF THE REPORT

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## 2.0 PURPOSE OF THE REPORT

The purpose of this Report is to evaluate the proposed application's consistency/conformity to the policies contained in the Provincial Policy Statement ('PPS'), the Greenbelt Plan ('Greenbelt Plan'), the Growth Plan for the Greater Golden Horseshoe ('Growth Plan'), the Durham Region Official Plan ('DROP'), Township of Uxbridge Official Plan ('TUOP') and the Township of Uxbridge Zoning By-Law 81-19. As well, the Report will evaluate the proposed application against the applicable criteria outlined in the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, Publication 851 ('Guidelines').

This Report provides planning analysis and justification for the proposal in accordance with good planning principles and provides basis for the advancement of the planning applications through the planning process.

## 3. SITE DESCRIPTION AND CONTEXT

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### 3.0 SITE DESCRIPTION AND CONTEXT

#### Lot Description and Context

The Subject Property is located north of the Sandford Road and Concession Road 4 intersection and currently occupied by an existing soil mixing operation, a detached dwelling and barn, growing fields, and natural heritage features. The site has an approximate area of 38.65 hectares (95.51 acres) and maintains approximately 205.99 metres of frontage along Concession Road 4.

The east half of the property is largely utilized as agricultural fields for the growing of crops, while the western half is primarily wooded area that is traversed by a watercourse. The site is located within an agricultural area of the Township of Uxbridge and is surrounded by various agricultural lots and operations.

#### Legal Description

The Subject Property is legally described as follows:

PT LT 14 CON 3, SCOTT, PT 1 40R18863;  
UXBRIDGE



Figure 1: Aerial Photograph of the Subject Property

## Municipal Land Use Policy and Zoning Designations

The Subject Property is designated within the *Prime Agricultural Area and Major Open Space Area* within the DROP. The former designation is intended to protect agricultural lands from incompatible land uses, encroachment from development, and fragmentation in order to preserve and maximize their agricultural potential. Permitted uses within the Prime Agricultural Area include *agricultural uses, agriculture-related uses, and on-farm diversified uses*.

The site is located outside of the planning area of the TUOP.

The Township of Uxbridge Zoning By-law 81-19 zones the eastern portion of the lands as *Rural (RU)* and the western portion as *Environment Protection (EP)*. The *RU Zone* include: a single-family detached dwelling; a converted dwelling house; private home daycare; conservation, forestry and reforestation; nursery farm and greenhouse. The *EP Zone* broadly does not permit site development or alteration.

## Transportation

The Subject Property is located on the west side of Concession Road 4. Two full moves accesses from Concession Road 4 are currently provided along the lot frontage. Concession Road 4 is designated as a *Local Road* in accordance with the TUOP, which has a planned right-of-way width of 20 metres and a posted speed limit of 50km/h. *Local Roads* are described as servicing local and neighbourhood travel demand with no restrictions on site accesses.

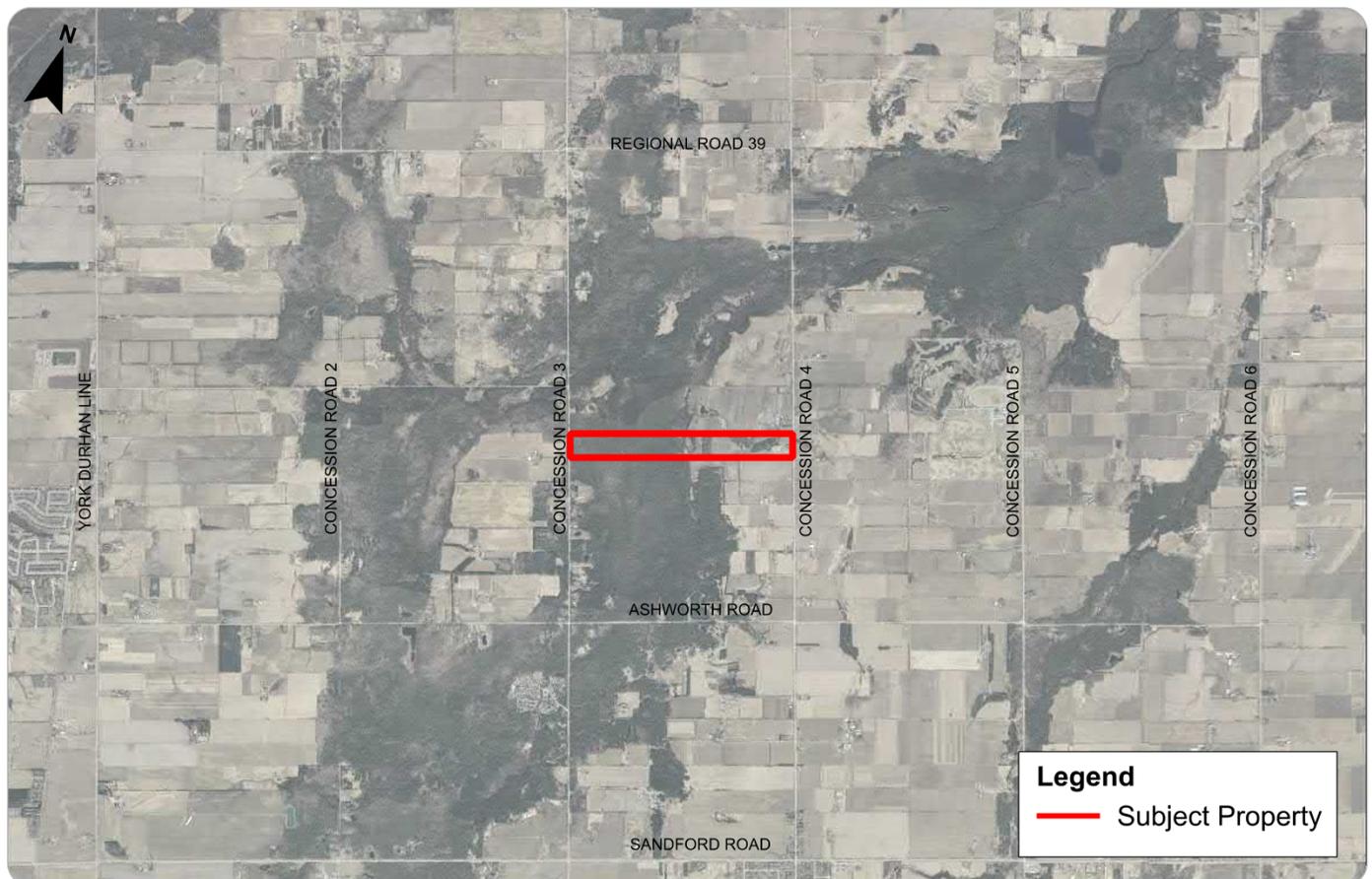


Figure 2: Surrounding Land Uses

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## 4. DESCRIPTION OF EXISTING USE

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## 4.0 DESCRIPTION OF EXISTING USE

The Subject Property is currently used to grow and farm crops and to operate a soil mixing business, the latter of which is located within the interior of the lot. The existing soil mixing operation imports mushroom compost and horse, cow, and turkey manure from local farms into the mixing area for purposes of mixing into a finished soil amendment product. The imported compost and manure contain straw, hay, and/or wood shavings, and are brought onto the site as dry materials. The manure is aged and mixed with other soil amendments such as wood, sand, topsoil, or together with other manures or compost per customer request. The finished soil amendment products are then exported to local farms, greenhouses, and garden centres. The mixing materials and finished products are stockpiled in an area measuring 1.7 ha (4.2 acres) in area, or 4.2% of the lot area.

The types and sizes of compost and manure within the mixing area, along with the finished products, are dependent on what is available from local farms during the year. Furthermore, depending on customer demand, certain soil piles may be stored for 1 to 2 years.

Approximately 30,000 to a maximum of 40,000 cubic yards of material per year are delivered to and from the site. Haul routes for the operation are mainly along Concession Road 4, Sandford Road, and Zephyr Road. The finished soil products are transported to customers with tri-axle trucks and a tractor trailer. The business currently operates unserved by public or private water or wastewater services, and will continue to do so.

It must be clarified that peat is not being extracted from the site, and that no excavation has been conducted since 2017 per the July 20, 2017 Record of Pre-Consultation (Addendum) provided by Regional planning staff.

An Existing Conditions Plan has been provided in order to outline the boundary of the existing soil mixing operation and its location on the Subject Property, along with proposed mitigation measures recommended by the sub-consultant team.



Figure 3: Existing Conditions Plan

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## 5. PROPOSED PLANNING APPLICATION

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## 5.0 PROPOSED PLANNING APPLICATION

A Regional Official Plan Amendment will not be required to legalize the existing use. This Report will demonstrate that the existing soil mixing operation qualifies as an *agriculture-related use* which would be permitted as-of-right within the *Prime Agricultural Area* under the PPS and Greenbelt Plan. As well, it will be demonstrated that the agricultural policies of the DROP restricts *agriculture-related uses* contrary to the PPS and Greenbelt Plan, and are thus not consistent with the former and non-conforming to the latter.

A Zoning By-Law Amendment application is being submitted to amend the Township of Uxbridge Zoning By-Law 81-19 in order to permit a site-specific exception to the *RU Zone*. The site-specific exception will permit the existing soil mixing operation as an agriculture-related use, which is currently not permitted within the *RU Zone*. A Planning Justification Report has been provided in support of the proposed application.

Following the approval of the Zoning By-Law Amendment, an application for Site Plan Approval will be submitted to provide for detailed site design of the mixing operation.

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## 6. PUBLIC CONSULTATION STRATEGY

## 6.0 PUBLIC CONSULTATION STRATEGY

In accordance with the requirements of the Planning Act, a Public Consultation Strategy is required for application undertaken as part of a public process. As such, the following strategy is provided in support of the proposed Zoning By-Law Amendment application.

Once the application has been deemed complete, it is to be assigned a Statutory Public Meeting before the Planning, Design and Development Committee. Once the date is identified, a notice sign will be posted on the Subject Property within 20 days of the meeting as prescribed in Section 34 (14.1) of the *Planning Act*. The notice sign will articulate the date, time, and location of the public meeting, the application submitted, the Proposed Development concept, and provide contact information for citizens wishing to submit written comments regarding the application.

In addition, Town staff will circulate meeting notices to property owners within 120 metres (400 feet) of the Subject Property. Notice will also be posted by the Township of Uxbridge website and made available through local media postings.

An informal Public Open House could be held to provide the public with additional information about the Proposed Development in advance of or following the Statutory Public Meeting. The possibility of an informal meeting could be considered if the proposed application were to garner a high level of public interest. This informal Public Open House would be an opportunity to answer questions and further discuss the proposal.

At the Statutory Public meeting, all interested persons will be given the opportunity to express concerns and opinions by way of a deputation. All deputations will be made a matter of the public record.

The applicant will work with Town staff to address, to the extent possible, any and all concerns articulated at the Statutory Public Meeting. Comments and input received will be considered by the applicant and any appropriate revisions to the plans will be made through a re-submission.

The foregoing Public Consultation Strategy is in compliance with and exceeds provincial legislation. Weston Consulting is committed to facilitating the public engagement process.

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## 7. SUPPORTING SUB-CONSULTANT STUDIES AND REPORTS

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## 7.0 Supporting Sub-Consultant Studies

A Pre-Application Consultation (PAC) Meeting occurred on January 13, 2021, which identified the most up-to-date submission requirements for a Zoning By-Law Amendment and a Regional Official Plan Amendment. The Meeting was attended by staff from the Lake Simcoe Region Conservation Authority, Region of Durham, and Town of Uxbridge. Each of the identified authorities provided PAC Checklists under separate covers to the applicant which acknowledged and updated the 2017 Checklists from prior meetings.

Weston reviewed the 2021 and 2017 PAC Checklists and submitted a letter dated November 24, 2021 which opined that an application for a Zoning By-Law Amendment accompanied by the reports/studies listed below would constitute a Complete Application under the *Planning Act*.

- Planning Justification Report;
- Environmental Impact Study;
- Traffic Impact Study;
- Phase 1 ESA;
- Hydrogeological Report and Water Balance Study; and,
- Agricultural Impact Assessment (MDS II Report).

## 7.1 Environmental Impact Study

Birks Natural Heritage Consultants Inc. prepared an Environmental Impact Study (EIS) to identify significant natural heritage features that are present within or adjacent to the existing soil mixing area, to evaluate the potential impacts on any identified features, and recommend mitigation measures. The EIS identified *Provincially Significant Wetland, Significant Woodlands, Significant Wildlife Habitat, and Fish Habitat* within the Subject Property. However, it is noted that these features were identified adjacent to the existing soil mixing area. Furthermore, it was concluded that implementation of the mitigation measures as detailed in the EIS and the Restoration Plan and Edge Management Plan as presented in Figure 4 of the noted report will “*allow the continued functioning of the soil mixing facility in a manner that maintains the natural heritage present in the area and, where necessary, to reverse impacts that may have occurred prior to this assessment. Provided the mitigation measures recommended in this report are undertaken, the continued operation of the soil mixing facility will not impact any identified features negatively.*”

## 7.2 Traffic Impact Study

CGE Transportation Consulting was retained to conduct a Traffic Impact Study (TIS) in support of the proposed application. The purpose of the study is to determine any impacts resulting from the importing/exporting of raw materials and finished products to/from the existing business on local traffic volumes. Utilizing pre-pandemic traffic volume and turning movement data at the Sandford Road and Concession 4 intersection, the TIS concluded that the low site traffic generated by the existing operation can be accommodated by the existing transportation network without any roadway improvements. The study also recommended that signage be provided warning of both the laneway entrance location and the presence of trucks entering/exiting the laneway to Concession Road 4.

## 7.3 Phase 1 ESA

Sirati & Partners Consultants Inc. was retained to prepare a Phase 1 ESA in support of the proposed application. The purpose of the study was to provide a preliminary determination on the likelihood that one or more contaminants have affected the Subject Property. Two areas of potential environmental concern (APECs) were identified within the study area, specifically the "Importation of Fill Material of Unknown Quality" and "Pesticides (including Herbicides, Fungicides and Anti-Fouling Agents) Manufacturing, Processing, Bulk Storage and Large-Scale Applications." The study recommends a Phase 2 ESA be conducted to investigate the noted APECs.

## 7.4 Hydrogeological Study and Water Balance Study

A Hydrogeological Study was conducted by Sirai & Partners Consultants Inc. in support of the proposed application. The objective of the study is to present the existing hydrogeological conditions of the Subject Property and assess the groundwater quality within the boundaries of the existing soil mixing area.

The study determined that an assessment of groundwater dewatering due to construction and a Water Balance Study were not applicable/required at this stage as no construction/development is being proposed through the proposed application. Through the analysis, it was inferred that the direction of groundwater flow is in a south-westerly direction, similar to the ground sloping direction. An assessment of groundwater quality indicated a parameter exceedance (Total Suspended Solids) in comparison to guideline values per the York Region Storm Sewer Use By-Law. Mitigation of this exceedance will be considered through the accompanying Grading Plan and Erosion and Sediment Control Plan.

## 7.5 Agricultural Impact Study (MDS II Report)

Colville Consulting Inc. was originally retained to conduct an Agricultural Impact Study; however, after further investigation it was determined that such a study is specific to non-agricultural development and thus not required per our position that the existing use is an *agriculture-related use*. Accordingly, Colville focused its efforts in conducting an analysis of the use against the Minimum Distance Separation (MDS) Guidelines and compliance with setbacks from sensitive land uses and detailing the results within the MDS II Report.

The MDS II Report detailed the application of the MDS Guidelines in relation to the soil mixing operation and any applicable setbacks to be complied with. It was determined that the MDS formulae are not applicable to the existing use and that setbacks from sensitive land uses, lot lines, and road allowances are not required. As well, it is noted that even if MDS II setbacks were applicable, the nearest sensitive land use is situated more than 750m from the existing operation, which would be a sufficient setback that is compliant with the MDS Guidelines.

## 8. PLANNING POLICY FRAMEWORK

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## 8.0 PLANNING POLICY FRAMEWORK

The following section outlines applicable land use planning policy and provides an evaluation of the Proposed Development in the context of the policy framework. The following policies have been considered in this report:

- Planning Act, RSO 1990, c.P.13;
- Greenbelt Act, 2005, S.O. 2005, c. 1;
- Provincial Policy Statement (2020);
- Greenbelt Plan (2017);
- Growth Plan for the Greater Golden Horseshoe (2020);
- Durham Region Official Plan (2020);
- Town of Uxbridge Official Plan (2014); and
- Town of Uxbridge Zoning By-Law 81-19 (2020).

The Durham Region Official Plan ('DROP') and Town of Uxbridge Official Plan ('TUOP') are currently under review in order to bring the documents into conformity with the 2017 Greenbelt Plan, 2020 Growth Plan, and 2020 Provincial Policy Statement. Additional details about the ongoing Municipal Comprehensive Review (MCR) will be outlined below the respective municipalities.

The Report will evaluate the proposed application against the applicable criteria outlined in the non-statutory Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, Publication 851 ('Guidelines'), which provides clarity in interpreting the agricultural policies of the PPS.

## 9.1 PLANNING ACT, R.S.O. 1990, C.P.13 (OCTOBER 19, 2021)

In consideration of the proposed land use planning applications, Section 2 of the Planning Act must be considered as it provides the general direction to all land use planning decisions made in the Province of Ontario. The Report considers all elements under Section 2 of the Planning Act with particular regards for policies a), b), and n).

### Section 2 Provincial Interest

The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- a) the protection of ecological systems, including natural areas, features and functions;*
- b) the protection of the agricultural resources of the Province;*
- n) the resolution of planning conflicts involving public and private interests;*

The policies and direction of Section 2 inform the PPS, thereby ensuring that consistency with the PPS equates to consistency with Section 2. The Provincial Policy Statement is given consideration in Section 8.2 of this Report.

The planning analysis section of this Report will demonstrate consistency with the PPS with specific regards to the protection of ecological systems and the protection of agricultural resources. As well, the Report will demonstrate the resolution of planning conflicts involving public and private interests via the proposed mitigation measures outlined in the EIS that will restore and protect previously encroached-upon natural heritage features on the property, along with the Grading Plan and Erosion Sediment Plan that will ensure no operational impacts on surface and groundwater quality. Additional detail will be outlined in later sections of this report.

We believe that the proposed application has appropriate regard for matters of provincial interest, specifically 2 (a), (b), and (n) as outlined under the *Planning Act*.

## 9.2 GREENBELT ACT, 2005, S.O. 2005, C. 1 (JUNE 1, 2021)

The *Greenbelt Act* was enacted in 2005 and provided authority for the designation of the Greenbelt Area along with the creation of the Greenbelt Plan. The Subject Property is located within the planning area of the Greenbelt Plan. As a result, the proposed application is subject to the statutory requirements under the *Greenbelt Act*, particularly the following section:

*7 (1) A decision that is made under the Ontario Planning and Development Act, 1994, the Planning Act or the Condominium Act, 1998 or in relation to a prescribed matter by a municipal council, local board, municipal planning authority, minister of the Crown or ministry, board, commission or agency of the Government of Ontario, including the Ontario Land Tribunal, shall conform with the Greenbelt Plan. 2005, c. 1, s. 7 (1); 2021, c. 4, Sched. 6, s. 51 (1)*

The proposed application under the *Planning Act* has been prepared such that conformity with the Greenbelt Plan is maintained. It is our expectation that decisions made by the Region and Township on the application also conform to the Greenbelt Plan.

## 9.3 PROVINCIAL POLICY STATEMENT (2020)

Updates to the Provincial Policy Statement were made by the Province of Ontario as a part of its *More Homes, More Choice: Ontario's Housing Supply Action Plan*. The most recent version of the PPS came into effect on May 1, 2020 and replaced its 2014 predecessor. Section 3 of the Planning Act, requires that decisions affecting land use planning matters “*shall be consistent with*” the PPS, which includes policy direction on all matters of provincial interest.

The PPS provides direction on matters of provincial interest related to land use planning and development throughout the Province of Ontario. The policies of the PPS are complemented by various provincial plans and municipal Official Plan policies. The PPS provides the overarching policy direction towards land use planning throughout the Province, and all land use planning decisions shall have regard for and be consistent with the policies of the PPS.

The PPS provides for and encourages appropriate development while protecting resources of provincial interest, such as public health and safety, and the quality of the natural and built environment. The PPS supports intensification and redevelopment where appropriate in order to promote the efficient use of land where infrastructure and public services are available. The following is an evaluation of the policies of the PPS that are applicable to the Proposed Development and a discussion on how the identified policies have been satisfied as part of this development application and are consistent with the PPS.

### Part III: How to Read the Provincial Policy Statement

Part III of the PPS provides the reader with direction on how to read and interpret the policies of the document. As well, Part III clarifies the PPS's relationship with municipal Official Plans and the hierarchal structure of the Provincial land use planning system. While the entirety of this section is applicable, the following sub-subsections are directly relevant to the proposed application:

#### *Policies Represent Minimum Standards*

*The policies of the Provincial Policy Statement represent minimum standards. Within the framework of the provincial policy-led planning system, planning authorities and decision-makers may go beyond these minimum standards to address matters of importance to a specific community, unless doing so would conflict with any policy of the Provincial Policy Statement.*

#### *Guidance Material*

*Guidance material and technical criteria may be issued from time to time to assist planning authorities and decision-makers with implementing the policies of the Provincial Policy Statement. Information, technical criteria and approaches outlined in guidance material are meant to support but not add to or detract from the policies of the Provincial Policy Statement.*

### *Relationship with Provincial Plans*

*Provincial plans, such as the Greenbelt Plan, A Place to Grow: Growth Plan for the Greater Golden Horseshoe and the Growth Plan for Northern Ontario, build upon the policy foundation provided by the Provincial Policy Statement. They provide additional land use planning policies to address issues facing specific geographic areas in Ontario. Provincial plans are to be read in conjunction with the Provincial Policy Statement. They take precedence over the policies of the Provincial Policy Statement to the extent of any conflict, except where the relevant legislation provides otherwise.*

*Where the policies of provincial plans address the same, similar, related, or overlapping matters as the policies of the Provincial Policy Statement, applying the more specific policies of the provincial plan satisfies the more general requirements of the Provincial Policy Statement. In contrast, where matters addressed in the Provincial Policy Statement do not overlap with policies in provincial plans, the policies in the Provincial Policy Statement must be independently satisfied.*

As outlined, the PPS policies are to be read and interpreted as minimum standards. While planning authorities and decision-makers may go beyond these minimum standards by providing for more restrictive policy standards within municipal official plans, they cannot conflict with the policies of the PPS. It is the intention of this report to identify and evaluate any DROP policies that conflict with and are inconsistent with the PPS policies.

Guidance materials and technical criteria are provided by the Province to assist municipalities and decision-makers with interpreting the agricultural policies of the PPS, specifically on uses permitted within *Prime Agricultural Areas*. With regards to the proposed application, the relevant guidance document is the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, Publication 851 (the 'Guidelines'). The Guidelines are meant to complement, be consistent with, and explain the intent of the PPS 2014 policies and definitions, although the intent of the document is to provide guidance on all versions of the PPS, including the PPS 2020. Further analysis on the Guidelines will be provided further in this report.

The Greenbelt Plan is applicable to the Subject Property as the site is located within its planning area. Per the above, satisfying the more specific policies of the Greenbelt Plan will satisfy the more general requirements of the PPS. In other words, conformity with the Greenbelt Plan equates with consistency with the PPS.

## 1.1 - Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

Section 1.1 of the PPS outlines policies to manage and direct growth and development across the Province, and establishes a hierarchy of geographical areas that will see varying levels of growth and development. This hierarchy consists of geographical areas ranging from *Settlement Areas*, which are to be the focus of growth and development, to *Rural Lands* which will see relatively low levels of growth and development. More generally, the PPS also outlines policies to achieve healthy, liveable and safe communities, the most relevant of which are listed below.

*1.1.1 Healthy, liveable and safe communities are sustained by:*

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

All elements under Section 1.1.1 of the PPS have been considered, with particular regard for policy c). The EIS prepared by Birks Natural Heritage Consultants identified potential impacts from the soil mixing facility, and concludes that the continued operation of the facility is not anticipated to negatively impact the identified adjacent natural heritage features provided that the mitigation measures are implemented. Further detail on these measures will be provided in later sections.

The Subject Property is also located within a *Rural Area* - which is comprised of lands including *Rural Settlement Areas*, *Rural Lands*, and *Prime Agricultural Areas* - and is subject to the following policies under Section 1.1.4 of the PPS:

*1.1.4.1 Healthy, integrated and viable rural areas should be supported by:*

- a. building upon rural character, and leveraging rural amenities and assets;*
- e. using rural infrastructure and public service facilities efficiently;*
- h. conserving biodiversity and considering the ecological benefits provided by nature; and*
- i. providing opportunities for economic activities in prime agricultural areas, in accordance with policy 2.3.*

The existing soil mixing operation is appropriately located within the *Rural Area*. The operation's location within the interior of the lot will maintain the rural character of the area, while the existing farm dwelling and fields at the front of the property builds upon this rural character. The mixing operation does not require any form of servicing and is thus appropriate for rural infrastructure.

By utilizing by-products (manure and compost) from local farms that is processed into soil products, the mixing operation efficiently leverages rural amenities and assets and constitutes an agriculture-related use that supports the local agricultural economy.

The EIS conducted by Birks confirms that the biodiversity and ecological benefits of the adjacent natural heritage system will be conserved with continued operation of the existing business, subject to the recommended mitigation measures.

1.6 Infrastructure and Public Service Facilities

Section 1.6 outlines the importance of making efficient use of existing infrastructure and public service facilities. New development is mandated to be facilitated in a manner which makes efficient use and optimization of existing public infrastructure, including municipal water and sewage services. The following policies are relevant to the proposed place of worship:

*1.6.6.1 Planning for sewage and water services shall:*

- a. accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:*
  - 2. private communal sewage services and private communal water services, where municipal sewage services and municipal water services are not available or feasible;*
- b. ensure that these systems are provided in a manner that:*
  - 1. can be sustained by the water resources upon which such services rely;*
  - 2. prepares for the impacts of a changing climate;*
  - 3. is feasible and financially viable over their lifecycle; and*
  - 4. protects human health and safety, and the natural environment;*
- c. promote water conservation and water use efficiency;*
- d. integrate servicing and land use considerations at all stages of the planning process; and*

*1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development.*

*At the time of the official plan review or update, planning authorities should assess the long-term impacts of individual on-site sewage services and individual on-site water services on the environmental health and the character of rural settlement areas. Where planning is conducted by an upper-tier municipality, the upper-tier municipality should work with lower-tier municipalities at the time of the official plan review or update to assess the long-term impacts of individual on-site sewage services and individual on-site water services on the environmental health and the desired character of rural settlement areas and the feasibility of other forms of servicing set out in policies 1.6.6.2 and 1.6.6.3.*

The existing soil mixing facility is currently un-serviced. No on-site private sewage or water services are contemplated or required for the operation.

## Section 2.1 – Natural Heritage

Section 2.0 of the PPS outlines policies towards the wise use and management of resources in the Province, describing its long-term prosperity, environmental health, and social well-being as dependent on protecting these resources which include agricultural lands. Specifically, Section 2.1 provides direction for protecting natural heritage features. The following policies are relevant:

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

*2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.*

*2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*

The EIS prepared by Birks Natural Heritage Consultants identified potential impacts from the soil mixing facility, and recommended mitigation measures to ensure that adjacent *Key Natural Heritage Features* or *Key Hydrologic Features* and their ecological functions within the study area would not be negatively impacted. These mitigation measures include restoration of encroached areas, installation of retaining walls, and preparation of an Erosion and Sediment Control Plan and Grading Plan, which are proposed through this application. The continued operation of the facility is not anticipated to negatively impact the identified adjacent natural heritage features.

Overall, the proposed application will protect the diversity and connectivity of adjacent natural features and areas, and their ecological functions, for the long-term.

### Section 2.3 - Agriculture

Section 2.3 of the PPS provides direction for protecting the Prime Agricultural Areas across the Province. The following policies are relevant:

*2.3.1 Prime agricultural areas shall be protected for long-term use for agriculture.*

*Prime agricultural areas are areas where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the prime agricultural area, in this order of priority.*

### 2.3.3 Permitted Uses

*2.3.3.1 In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses.*

*Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. 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.*

*2.3.3.2 In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards*

*2.3.3.3 New land uses in prime agricultural areas, including the creation of lots and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.*

Per the above, *agriculture-related uses* are permitted within *Prime Agricultural Areas*. The planning analysis in this Report shall demonstrate and qualify the existing soil mixing operation as an *agriculture-related use* that is permitted as-of-right within the *Prime Agricultural Area*. The criteria for qualifying *agriculture-related uses* are outlined within the Guidelines, and will be discussed in Section 9 of this Report. We believe that the proposed application satisfies these criteria, and demonstrated that the existing operation is compatible with, and not hinder, surrounding agricultural operations, and that the *Prime Agricultural Area* will be protected for long-term use for agriculture.

### Summary

We have reviewed and considered the all sections of the PPS and determined the following policies have been addressed in this review:

- 1.1.1.c) – Safe communities;
- 1.1.4.1.a), 1.1.4.1.e), 1.1.4.1.h), and 1.1.4.1.i) – Rural areas;
- 1.6.6.1.a) to 1.6.6.1.d) & 1.6.6.4 – Servicing infrastructure;
- 2.1.1, 2.1.2, and 2.1.8 – Protection of natural heritage features; and,
- 2.3.1, 2.3.2, 2.3.3.1, 2.3.3.2, and 2.3.3.3 – Protection of *Prime Agricultural Areas*.

The proposed application is considered to be 'consistent' with the above PPS policies.

## 9.4 GREENBELT PLAN (2017)

The Greenbelt Plan was approved under the *Greenbelt Act* and took effect in December 2004. The document provides policy direction regarding the protection of the agricultural land base and the ecological and hydrological features, areas, and functions within the Greater Golden Horseshoe. The Greenbelt Plan works in conjunction with the Growth Plan, Niagara Escarpment Plan, and Oak Ridges Moraine Plan to establish a land use planning framework for the Greater Golden Horseshoe that balances economic growth, environmental protection, and social equity. An Amendment to the Greenbelt Plan took effect on July 1, 2017.

The Subject Property is designated within the *Protected Countryside*, with large portions of the site also containing a *Natural Heritage System* overlay per Map 22 of the Greenbelt Plan.

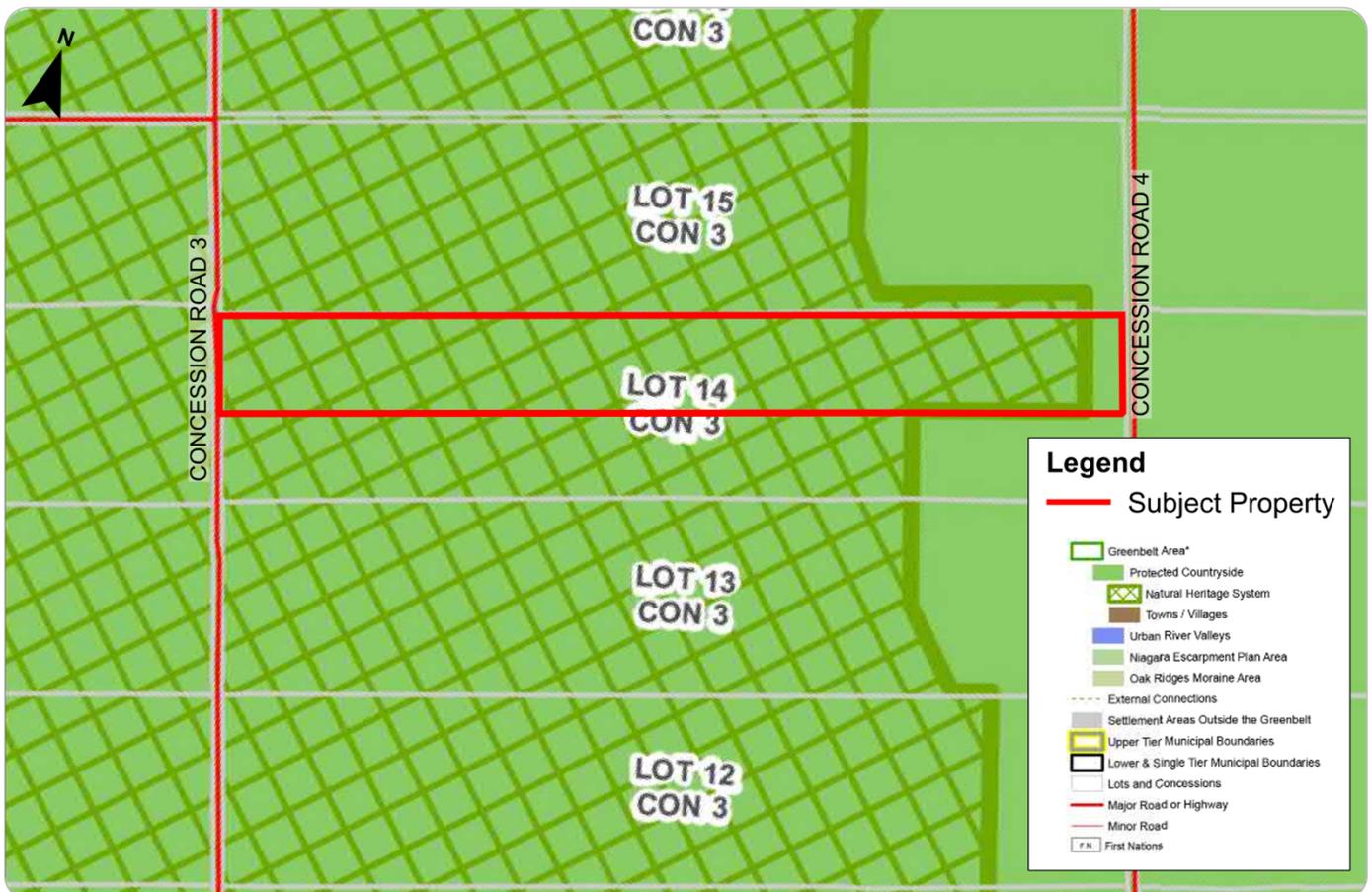


Figure 4: Greenbelt Plan, Ministry of Municipal Affairs and Housing, Map 22

## Section 1.4 - How to Read This Plan

Section 1.4 of the Greenbelt Plan provides direction on how to read and interpret the policies of the document. The following is of particular relevance to the proposed application:

### Relationship with the Provincial Policy Statement

*The PPS provides overall policy direction on matters of provincial interest related to land use and development in Ontario and applies to the Greenbelt, except where this Plan or another provincial plan provides otherwise.*

*Like other provincial plans, this Plan builds upon the policy foundation provided by the PPS and provides additional and more specific land use planning policies to address issues facing specific geographic areas in Ontario. This Plan is to be read in conjunction with the PPS. The policies of this Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. Where the policies of this Plan address the same, similar, related or overlapping matters as policies in the PPS, applying the more specific policies of this Plan satisfies the requirements of the more general policies in the PPS. In contrast, where matters addressed in the PPS do not overlap with policies in this Plan, those PPS policies must be independently satisfied.*

The Greenbelt Plan is to be read in its entirety and is intended to be read in conjunction with the PPS. As earlier noted, on similar matters as policies in the PPS, applying the more specific policies of this Plan satisfies the requirements of the more general policies of the PPS. Therefore, conformity with the Greenbelt Plan equates to consistency with the PPS.

## Policies Represent Minimum Standards

*The policies of this Plan represent minimum standards. Within the framework of the provincial policy-led planning system, decision-makers are encouraged to go beyond these minimum standards to address matters of importance, unless doing so would conflict with any policy of this Plan.*

Similar to the PPS, planning authorities may go beyond the minimum standards of the Greenbelt Plan unless doing so would result in conflict and non-conformity with any policy of the Plan.

### Section 3.1 - Agricultural System

Section 3.1 of the Greenbelt Plan outlines policies that, when applied, will provide for and protect a continuous, productive, and permanent agricultural land base along with a complementary agri-food network. The agricultural land base is comprised of *Prime Agricultural Areas*, *Specialty Crop Areas*, and *Rural Lands*. The Subject Property is designated within the *Prime Agricultural Areas* of the *Protected Countryside*, and is subject to the following policies under Section 3.1.3:

1. *All types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted based on provincial Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with and shall not hinder surrounding agricultural operations.*
4. *New land uses, including the creation of lots (as permitted by the policies of this Plan), and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.*

Per Policy 3.1.3.1, a **full range** of *agriculture-related uses* are permitted within the *Prime Agricultural Area* based on criteria outlined within the noted Guidelines. Our evaluation of these Guidelines will demonstrate that the existing soil mixing operation qualifies as an *agriculture-related use* and is thus permitted within the *Prime Agricultural Area* of the *Protected Countryside*. Furthermore, it is our interpretation that, in conjunction with Section 5.3, any area municipal official plan policies which restrict the range of *agricultural uses*, *agriculture-related uses*, and *on-farm diversified uses* would conflict with Policy 3.1.3.1 and result in non-conformity with the Greenbelt Plan.

An analysis of the Minimum Distance Separation Formulae conducted by Colville Consulting indicates that the existing use complies with the Formulae.

### Section 3.2 – Natural System

This section of the Greenbelt Plan outlines policies that protect areas of natural heritage, hydrologic and/or landform features within the *Protected Countryside*. The following policies are applicable to the proposed application under Sections 3.2.2 and 3.2.5:

#### 3.2.2 Natural Heritage System Policies

5. *When official plans are brought into conformity with this Plan, the boundaries of the Natural Heritage System may be refined, with greater precision, in a manner that is consistent with this Plan and the system shown on Schedule 4.*

In addition to the above, we have reviewed Section 5.3 which states that municipal official plans are required to provide schedules illustrating the boundaries of the Greenbelt Area, the *Protected Countryside*, the *Natural Heritage System*, and the agricultural land base. Further to this, official plan schedules must illustrate *key natural heritage features* and *key hydrologic features* and any associated minimum *vegetation protection zones* that are identified in the Greenbelt Plan. It is stated that “*The identification of the Natural Heritage System boundary will form the basis for applying the policies of section 3.2.*”

Our interpretation of the above is that municipal official plans must incorporate the *key natural heritage features and key hydrologic features* and any associated minimum *vegetation protection zones* of the Greenbelt Plan into their schedules. These features may be refined within municipal official plans in a manner that conforms with the Greenbelt Plan at the time of municipal conformity exercises.

Further to the above and based on our review of Schedule B, Map B2 of the DROP, the existing mixing operation is not located within a *Key Natural Heritage Feature, Key Hydrologic Feature, or the Greenbelt Natural Heritage System*; however, it is adjacent to them. The EIS provided by Birks delineated possible on-site *Key Natural Heritage Features or Key Hydrologic Features* and identified them as being outside of the existing mixing area. Any encroachments into those features were recommended to cease and for restoration to be undertaken per the EIS. Accordingly, the proposed application is not subject to the policies under Section 3.2.2, 3.2.3, and 3.2.4.

### 3.2.5 Key Natural Heritage Features and Key Hydrologic Features Policies

5. *A proposal for new development or site alteration within 120 metres of a key natural heritage feature within the Natural Heritage System or a key hydrologic feature anywhere within the Protected Countryside requires a natural heritage evaluation or a hydrological evaluation which identifies a vegetation protection zone which:*
  - a. *Is of sufficient width to protect the key natural heritage feature or key hydrologic feature and its functions from the impacts of the proposed change and associated activities that may occur before, during and after construction and, where possible, restore or enhance the feature and/or its function; and*
  - b. *Is established to achieve and be maintained as natural self-sustaining vegetation.*
  
7. *Notwithstanding section 3.2.5.5, new buildings and structures for agricultural, agriculture-related or on-farm diversified uses are not required to undertake a natural heritage or hydrologic evaluation if a minimum 30 metre vegetation protection zone is provided from a key natural heritage feature or key hydrologic feature. In addition, these uses are exempt from the requirement of establishing a condition of natural self-sustaining vegetation if the land is and will continue to be used for agricultural purposes. However, agricultural, agriculture-related and on-farm diversified uses shall pursue best management practices to protect and/or restore key natural heritage features and key hydrologic features and functions.*

The existing mixing area is located adjacent to *Key Natural Heritage Features* or *Key Hydrologic Features* and is thus subject to Policies 3.2.5.5 and 3.2.5.7.

An EIS was conducted in support of the proposed application and did not identify or recommend a *vegetation protection zone* as a necessary measure. Instead, the study recommended mitigation measures including site restoration of impacted wetland areas, installation of a barrier fence to prevent the encroachment of the mixing business into the natural heritage system, and preparation of a Grading Plan and Erosion and Sediment Control Plan to control stormwater runoff into the adjacent system. In particular, the barrier fence is proposed as a block retaining wall that will define the boundary of the mixing area, ensure that no sediment accidentally migrates into the adjacent wetland, and to allow for the migration of shallow groundwater through to the wetland.

In accordance with the intended policy objectives and outcomes of Policies 3.2.5.5 and 3.2.5.7, the EIS concludes that implementation of the recommended mitigation measures will ensure that continued operation of the mixing business will not negatively impact any identified *Key Natural Heritage Features* or *Key Hydrologic Features* after mitigation, that the impacts of past encroachments into the features will be reversed, and will ensure the continued protection of the natural heritage system by providing for a clear, firm physical separation between the mixing operation and the system.

### Section 5.3 - Municipal Implementation of Protected Countryside Policies

Section 5.3 of the Greenbelt Plan describes how municipalities are to implement the *Protected Countryside* policies of the Plan. Further to what was earlier noted in this Report, the following is relevant to the proposed application:

*Despite the policies in the Greenbelt Plan, there is nothing in this Plan that limits the ability of decision-makers on planning matters to adopt policies that are more stringent than the requirements of the Plan, unless doing so would conflict with any of the policies or objectives of the Plan. With the exception of the policies of section 4.6, official plans and zoning by-laws shall not, however, contain provisions that are more restrictive than the policies of sections 3.1 and 4.3.2 as they apply to agricultural uses and mineral aggregate resources respectively.*

As outlined above, municipal official plans shall not contain provisions that are more restrictive than the *Protected Countryside* policies under Section 3.1 as they apply to agricultural uses. It should be noted that “agricultural uses” within the quoted paragraph is not an italicized term, which we interpret to therefore refer broadly to the spectrum of *agricultural uses, agriculture-related uses, and on-farm diversified uses*.

In our interpretation of this paragraph in relation to Policy 3.1.3.1, we believe that the policies of municipal official plans must permit a **full range** of *agricultural uses, agriculture-related uses, and on-farm diversified uses*, and that not doing so would constitute a more restrictive policy framework than the Greenbelt Plan, which is contrary to Section 5.3 of the Plan. As will be discussed further in this Report, it is our opinion that the agricultural policies of the DROP do not conform to the Greenbelt Plan and are thus also not consistent with the PPS.

## Summary

The following Greenbelt Plan policies were determined to be the most relevant to the proposed application:

- 3.1.3.1 & 3.1.3.4 – Prime Agricultural Areas of the Protected Countryside; and,
- 3.2.5.5 & 3.2.5.7 – Natural System of the Protected Countryside.

It is our opinion that the proposed application conforms to the noted policies under the Greenbelt Plan and is thus also consistent with the PPS.

## 9.5 PLACES TO GROW – GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE (2020)

The Growth Plan for the Greater Golden Horseshoe ('Growth Plan') provides policy direction on the development and growth of communities within the Greater Golden Horseshoe. It was prepared under the *Places to Grow Act*, 2005 and provides a framework for implementing the Provincial Government's vision for building stronger and more prosperous communities by better managing growth in the Greater Golden Horseshoe (GGH). The Growth Plan (2019) was approved through Order in Council No. 641/2019 under the *Places to Grow Act* and came into effect on May 16, 2019 and applies to the development of the Subject Property. Amendment 1 to the Growth Plan was later passed and came into effect on August 28, 2020.

The Growth Plan establishes a vision to plan and accommodate population growth up to the year 2051. With imminent growth in the GGH, policies have been put in place to manage that growth, and direct it to be implemented within the *Settlement Areas* and the *Delineated Built Boundaries*. The Growth Plan includes a broad range of topics, including housing, employment, protection of agricultural lands and natural heritage systems, etc. The Subject Property is located outside of a *Settlement Area* and is located within the *Prime Agricultural Area*.

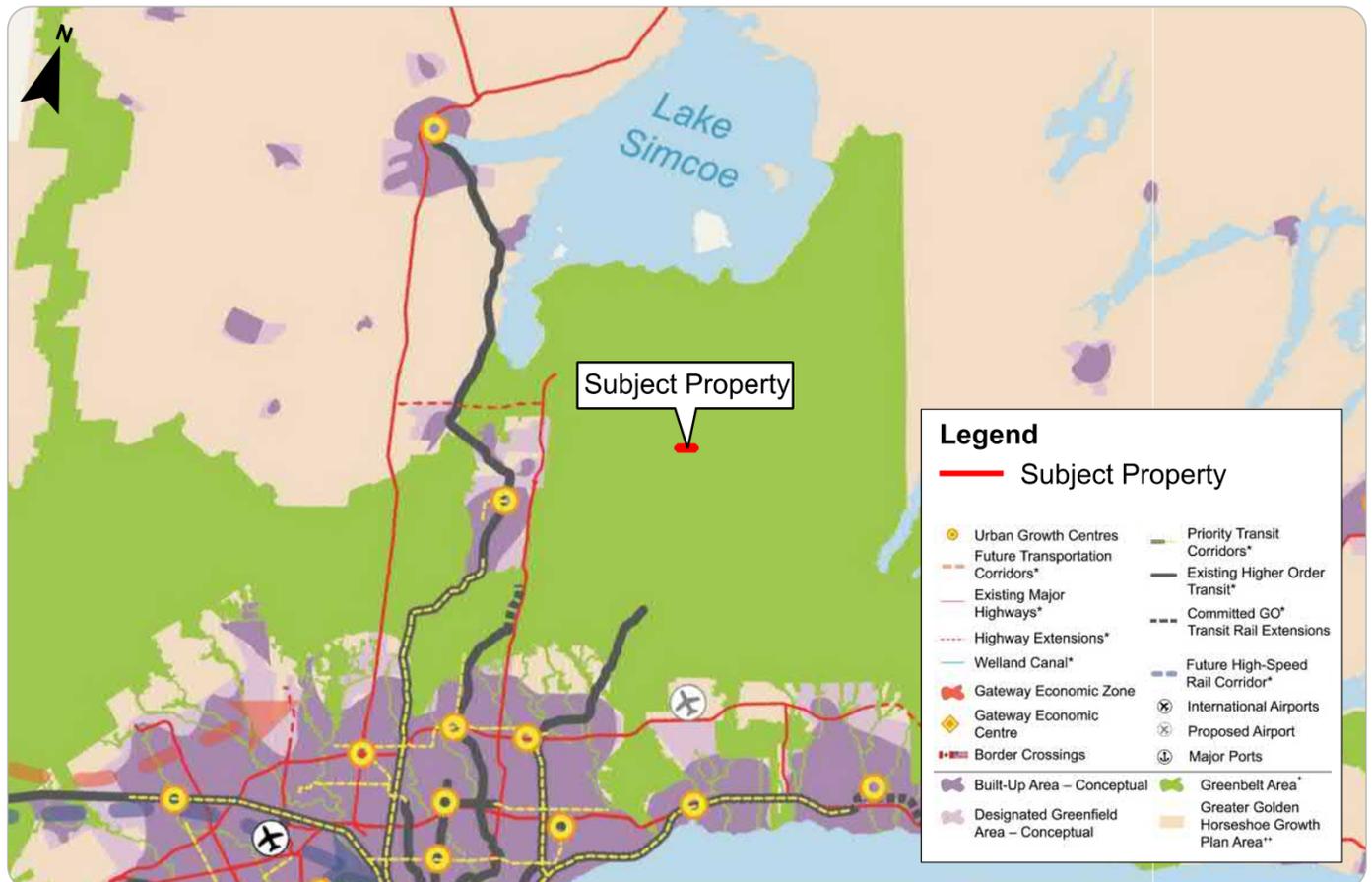


Figure 5: Growth Plan Policy Area, Ministry of Municipal Affairs and Housing, Schedule 2

### 1.2.3 – How to Read this Plan

Section 1.2.3 of the Growth Plan provides direction on how to read and interpret the policies of the document. The Growth Plan is to be read in its entirety and is intended to be read in conjunction with the PPS and the Greenbelt Plan. In instances where matters in the PPS do not overlap with the Growth Plan policies, those PPS policies must be independently satisfied. The following is of particular relevance to the proposed application:

#### *Policies Represent Minimum Standards*

*The policies of this Plan represent minimum standards. Within the framework of the provincial policy-led planning system, decision-makers are encouraged to go beyond these minimum standards to address matters of importance, unless doing so would conflict with any policy of this Plan.*

Similar to the PPS and Greenbelt Plan, planning authorities may go beyond the minimum standards of the Growth Plan unless doing so would result in conflict and non-conformity with any policy of the Plan.

### 4.2.4 - Lands Adjacent to Key Hydrologic Features and Key Natural Heritage Features

Section 4.2 of the Growth Plan outlines policies for protecting the Province's natural heritage, agricultural, renewable and non-renewable, and cultural heritage resources while ensuring that growth and development continue within the Greater Golden Horseshoe. Section 4.2.4 provides policy direction for development that is within or adjacent to *key natural heritage* and *hydrologic features*. The following policies are relevant:

1. *Outside settlement areas, a proposal for new development or site alteration within 120 metres of a key natural heritage feature within the Natural Heritage System for the Growth Plan or a key hydrologic feature will require a natural heritage evaluation or hydrologic evaluation that identifies a vegetation protection zone, which:*
  - a. *is of sufficient width to protect the key natural heritage feature or key hydrologic feature and its functions from the impacts of the proposed change;*
  - b. *is established to achieve and be maintained as natural self-sustaining vegetation; and*
  - c. *for key hydrologic features, fish habitat, and significant woodlands, is no less than 30 metres measured from the outside boundary of the key natural heritage feature or key hydrologic feature.*
2. *Evaluations undertaken in accordance with policy 4.2.4.1 will identify any additional restrictions to be applied before, during, and after development to protect the hydrologic functions and ecological functions of the feature.*

As earlier outlined, in order to ensure the protection of the natural environment, an EIS was conducted in support of the proposed application and did not identify or recommend a *vegetation protection zone* as a necessary measure. Instead, mitigation measures were proposed to ensure that the mixing operation can continue without any negative impacts on the identified *Key Natural Heritage Features* or *Key Hydrologic Features* after mitigation, reverse any impacts resulting from past encroachments into the noted features, and ensure the protection of the natural heritage system in accordance with the intended policy objectives and outcomes of Policies 4.2.4.1 and 4.2.4.2.

#### 4.2.6 - Agricultural System

Section 4.2.6 outlines policies for protecting the broader agricultural system and *Prime Agricultural Areas*. The following policies are applicable to the Proposed Development:

2. *Prime agricultural areas, including specialty crop areas, will be designated in accordance with mapping identified by the Province and these areas will be protected for long-term use for agriculture.*

Section 4.2.6 does not outline policies specifying permitted uses within the *Prime Agricultural Area*. Thus, the policies of the PPS must be independently satisfied. It is our view that the existing operation is an *agriculture-related use* that is permitted within *Prime Agricultural Areas* after evaluating it against the criteria of the Guidelines, which will maintain the site and area context for long-term use for agriculture.

#### Summary

The following Growth Plan policies were determined to be the most relevant to the Proposed Development:

- 4.2.4.1 and 4.2.4.2 – Lands adjacent to Key Hydrologic Features and Key Natural Heritage Features; and
- 4.2.6.2 and 4.2.6.4 – Protecting *Prime Agricultural Areas*;

It is our opinion that the proposed application conforms to the noted policies under the Growth Plan.

## 9.6 DURHAM REGION OFFICIAL PLAN (2020 OFFICE CONSOLIDATION)

The original Durham Region Official Plan was adopted by Council on July 14, 1976 and approved by the Minister of Housing on March 17, 1978. This document was later replaced with the current Official Plan, which was adopted by Council on June 5, 1991 and approved by the Minister of Municipal Affairs and Housing on November 24, 1993. The most recent Office Consolidation includes Ministry and OMB approvals as well as approved ROPAs up until May 26, 2020.

The DROP is a policy document intended to provide a long-term policy framework for land use decision making to the year 2031. The DROP was produced with considerations made to the population and employment growth forecasts of the Growth Plan, increasing densities in urban areas, the creation of employment opportunities, and the protection of natural resources for future generations. The Region is currently conducting a Municipal Comprehensive Review (MCR) to conform to the latest versions of the PPS and Growth Plan, including the Growth Plan's population and employment forecasts to 2051, along with other provincial plans. A new DROP is expected to receive Provincial approval in 2022.

The Subject Property is designated within the *Prime Agricultural Area* and *Major Open Space Area* per the Schedule A, Map A2 of the DROP. Schedule B, Map B2 of the DROP identifies the existing mixing operation as being adjacent to a *Key Natural Heritage Feature*, *Key Hydrologic Feature*, and the *Greenbelt Natural Heritage System*.

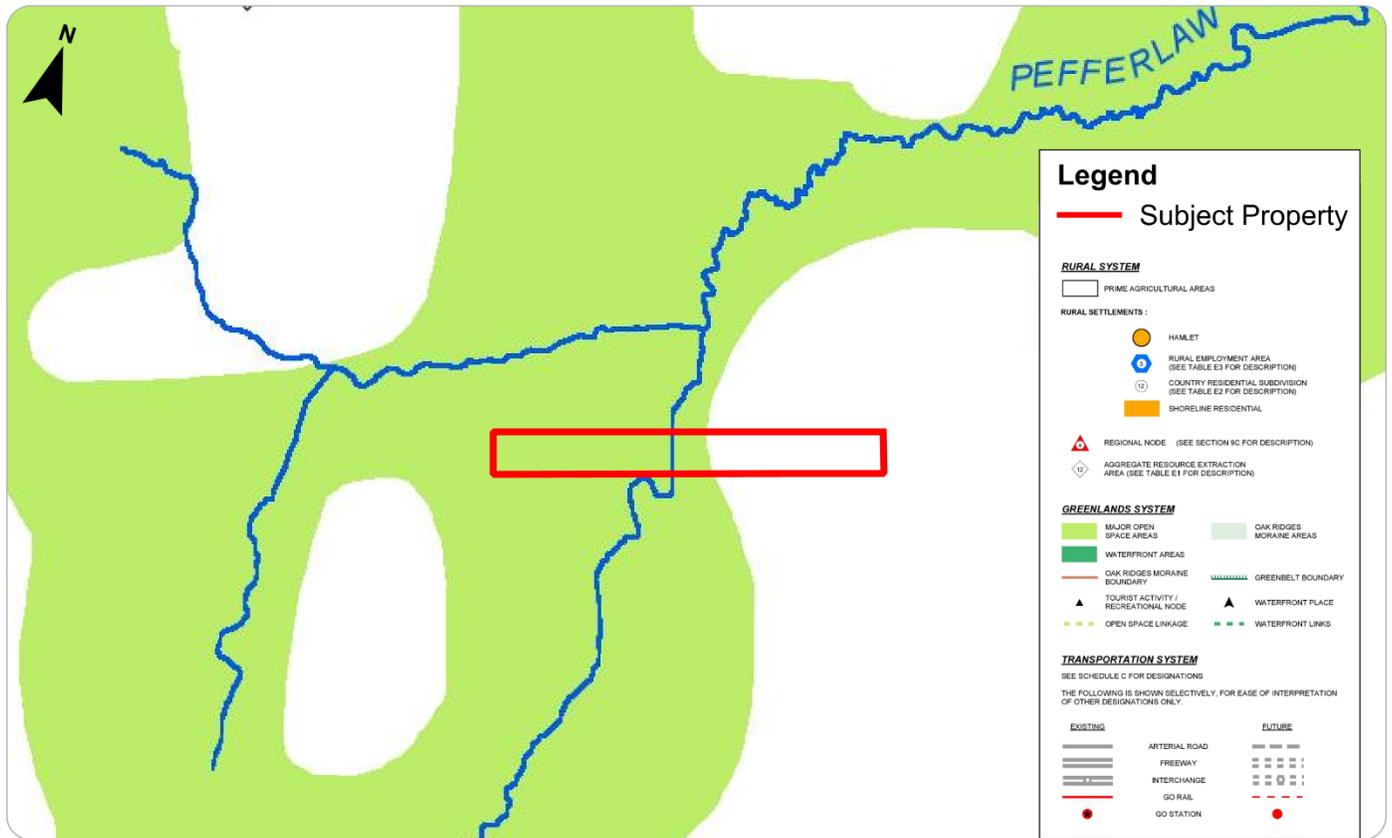


Figure 6: Durham Region OP Schedule A, Map A2, Regional Structure



Figure 7: Durham Region OP, Schedule B, Map B1b, Greenbelt Natural Heritage System & Key Natural Heritage and Hydrologic Features

## Section 1 – Basis, Goals, and Direction

Sections 1.2 and 1.3 of the DROP outline the goals and directions with respect to land use planning across the Region. The following are relevant to the application:

### *1.2 Goals*

#### *1.2.1 The goals of this Plan are:*

- b. to live in harmony with the natural environment and heritage of the Region*

#### *1.3.1 The goals of this Plan will be achieved through the following directions:*

- c. protecting significant features and functions of the natural environment;*
- d. encouraging development that will not have adverse cumulative impacts on the natural, built and cultural environments*

As earlier outlined, implementing the recommended mitigation measures of the EIS will ensure the protection of significant environmental features and functions, and avoid adverse cumulative impacts on the natural environment.

## Section 2 – Environment

Section 2 of the DROP outlines goals and policies to ensure the preservation, conservation, and enhancement of the natural heritage system across the Region. The following are relevant to this application:

### *2.1 Goals*

*2.1.1 To ensure the preservation, conservation and enhancement of the Region's natural environment for its valuable ecological functions and for the enjoyment of the Region's residents.*

In addressing Policy 2.3.17 below, the proposed application will ensure the preservation, conservation and enhancement of the natural environment.

### *2.2 General Policies*

*2.2.4 In the consideration of development applications, the impacts on surface water and groundwater resources shall be examined in order to maintain and/or enhance such resources in sufficient quality and quantity to meet existing and future needs of the Region's residents on a sustainable basis*

A Hydrogeological Study was conducted by Sirati in support of this application in order to document the existing hydrogeological conditions of the mixing area. A Grading Plan and Erosion Sediment Control Plan prepared by Sirati accompanied the study in order to mitigate any potential impacts on surface and groundwater resources.

2.2.5 Development within the Region shall take into account the following:

- a. aesthetics;
- b. sources of noxious or hazardous substances;
- c. noise, odour, dust and light pollution;

The mixing operation has no visual impacts on the rural landscape given its location within the interior of the lot.

The existing soil mixing operation does not utilize any potentially noxious or hazardous substances as part of its business practices.

As well, it is our view that any noise or odour resulting from the mixing operation would be neither unusual or unexpected given the agricultural context where many farmers frequently and commonly employs the use of heavy machinery as part of their day-to-day operations.

## 2.3 Policies

2.3.17 Outside of Urban Areas and Rural Settlements, an environmental impact study, in accordance with Policy 2.3.43, shall be required for any development or site alteration within 120 metres of a key natural heritage or hydrologic feature to identify a vegetation protection zone which:

- a. is of sufficient width to protect the feature and its functions from the impacts of the proposed change and associated activities that may occur before, during, and after, construction;
- b. where possible, will restore or enhance the feature and/or its function; and
- c. will maintain natural self-sustaining vegetation. The vegetation protection zone for wetlands, seepage areas and springs, fish habitat, permanent and intermittent streams, lakes, and significant woodlands, shall be a minimum of 30 metres wide, measured from the outside boundary of the feature.

As earlier outlined in this Report, the submitted EIS did not identify or recommend a *vegetation protection zone* as a necessary measure. However, the study recommended mitigation measures that will still accomplish the intended policy objectives and outcomes of Policy 2.3.17, concluding that implementation of the recommended mitigation measures will ensure that continued operation of the mixing business will not negatively impact any identified *Key Natural Heritage Features* or *Key Hydrologic Features* after mitigation, that the impacts of past encroachments into the features will be reversed, and will ensure the continued protection of the natural heritage system by providing for a clear, firm physical separation between the mixing operation and the system.

## Section 9 – Rural System

Policies for supporting and protecting the *Rural System* and *Prime Agricultural Areas* are outlined under Section 9 of the DROP. Sub-Section 9A provides more detailed policies to ensure the protection of the *Prime Agricultural Area*. The following policies are relevant to the application:

### 9.1 Goals

*9.1.1 To establish a Rural System that supports agriculture and aggregate extraction as key economic industries, and existing rural settlements which support residential, social and commercial functions for the surrounding area.*

## *Prime Agricultural Areas*

*9.1.3 To protect and maintain agricultural land for future generations.*

*9.1.4 To support a healthy and productive agricultural industry as an important element to the Region's heritage, identity and its economic base*

### 9.2 General Policies

*9.2.1 Development in the Rural System shall be on the basis of individual private drilled wells and private sewage disposal systems, unless otherwise specified in this Plan.*

#### 9A.1 General Policies

*9A.1.1 Prime Agricultural Areas consist of areas where prime agricultural lands predominate. They also include areas of lesser agricultural significance (Canada Land Inventory Classes 4 to 7 soils) and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Agricultural Areas shall be used primarily for agriculture and farm-related uses.*

*9A.1.2 The Region shall discourage fragmentation of the agricultural land base*

*9A.1.7 New land uses and lot creation, as permitted by the policies of this Plan, and new or expanding livestock facilities shall comply with the Minimum Distance Separation formulae.*

*9A.1.8 Prime Agricultural Areas shall be protected as a significant element of the Region's economy and a secure source of food.*

## 9A.2 Policies

9A.2.2 *Within Prime Agricultural Areas a full range of agricultural, agricultural-related and secondary uses shall be permitted. The establishment of non-agricultural uses in Prime Agricultural Areas shall be strictly limited to forest, fish and wildlife management, conservation, infrastructure, aggregate extraction, existing uses, in accordance with the policies of this Plan, and the Oak Ridges Moraine Conservation Plan and Greenbelt Plan where applicable.*

9A.2.3 *Agriculture-related uses, such as grain drying and storage for farm produce may be permitted, provided such uses are small in scale and exclusively devoted to the farm operation. Severances for agriculture-related uses shall not be granted.*

The DROP utilizes the term *agriculture-related uses*, which is defined as follows:

*“...means those farm related commercial and farm-related industrial uses that are small in scale, directly related to the farm operation and are required in close proximity to the farm operation.”*

It is noted that this defined term is different than *agriculture-related uses* as defined and referenced in the policies of the PPS, Greenbelt Plan, and Growth Plan. Our understanding that the term *agriculture-related uses* is an adaptation of the Provincial term *agriculture-related uses* to be more applicable to the Regional context.

We have undertaken an analysis of the existing use against the Guidelines and determined that it qualifies as an *agriculture-related use* under the PPS, Greenbelt Plan, and Growth Plan, and is thus permitted as-of-right within the *Prime Agricultural Area* under the noted documents. As a permitted use, the existing business will not result in fragmentation of the *Prime Agricultural Area*. Thus, the mixing operation and its business practices will maintain the protection of the *Prime Agricultural Area* and support a productive, local agricultural economy.

An analysis of the Minimum Distance Separation Formulae conducted by Colville Consulting confirms the operation’s compliance with the Formulae.

The existing business currently operates without on-site private servicing. No new services are proposed or will be required for continued operation of the business.

It will be demonstrated in our Report that Policies 9A.2.2 and 9A.2.3 of the DROP, along with the defined term *agriculture-related use* are inconsistent with the PPS and does not conform to the Greenbelt Plan. Applying these policies and terminology to the proposed application, which limits agriculture-related uses to being “*small in scale*” and “*exclusively devoted to the farm operation*”, would restrict the range of *agriculture-related uses* and preclude the existing use contrary to the PPS and Greenbelt Plan. Further analysis on this has been carried forward to Section 10 of this report.

### Summary

The following DROP goals and policies were determined to be the most relevant to the proposed application:

- 1.2.1, 1.3.1.c) and 1.3.1.d) – Goals and Directions;
- 2.1.1, 2.2.4, 2.2.5, and 2.3.17 – Environmental Protection; and,
- 9.1.1, 9.1.3, 9.1.4, 9.2.1, 9A.1.1, 9A.1.2, 9A.1.7, and 9A.1.8 – Rural System and Prime Agricultural Areas.

It is our opinion that the proposed application achieves the DROP’s goals regarding the Rural System and conforms to the noted policies.

Policies 9A.2.2 and 9A.2.3, along with the defined term *agriculture-related uses*, will be carried forward for detailed discussion in the planning analysis (Section 10) segment of this Report.

## 9.7 TOWNSHIP OF UXBRIDGE OFFICIAL PLAN (JANUARY 2014 OFFICE CONSOLIDATION)

The Township of Uxbridge Official Plan was originally approved and came into effect in July 1970. The document has since been amended numerous times since to respond to changing community needs and dynamics, and new Provincial and Regional planning policies.

A number of significant changes to the land use planning system in the Province occurred from 2005 to 2006, notably the introduction of the Provincial Policy Statement, the Greenbelt Plan, the passing of the *Planning and Conservation Land Statute Law Amendment Act*, and the Growth Plan for the Greater Golden Horseshoe. The Township has updated its Official Plan into conformity with the various Provincial plans and legislation through various official plan amendments since the early 2000s.

The TUOP is a document intended to provide a long-term policy framework for land use decision making to the year 2031. The TUOP has been amended to meet the population and employment growth forecasts of the Growth Plan, and ensure the protection of agricultural lands, and natural resources for future generations.

The Subject Property is outside of the planning area of the TUOP. Per Sections 1.1.2 and 1.1.3 of the TUOP, the applicable policies of the DROP apply to the Township of Uxbridge. In instances where a property is located outside of the planning area of a lower-tier municipality, the Official Plan and all its applicable policies and objectives of the upper-tier municipality shall apply. As a result, the current planning application shall only be reviewed against the DROP.

## 9.8 TOWNSHIP OF UXBRIDGE ZONING BY-LAW 81-19 (JULY 2020 OFFICE CONSOLIDATION)

The Township of Uxbridge Zoning By-Law 81-19 is a by-law regulating the use of lands and the character, location, and use of buildings and structures within the Town. The Zoning By-Law came into force in 1981 and consolidates and incorporates amendments enacted by Township Council and the Ontario Municipal Board that are in full force and effect as of June 8, 2020. The Zoning By-Law divides the City into zones, each with their own set of land use permissions and performance standards regulating development. The Subject Property is currently zoned as *RU – Rural* and *EP – Environmental Protection*. The existing mixing area is located within the *RU Zone*, while the identified *Key Natural Heritage Features* or *Key Hydrologic Features* correspond with the *EP Zone*.

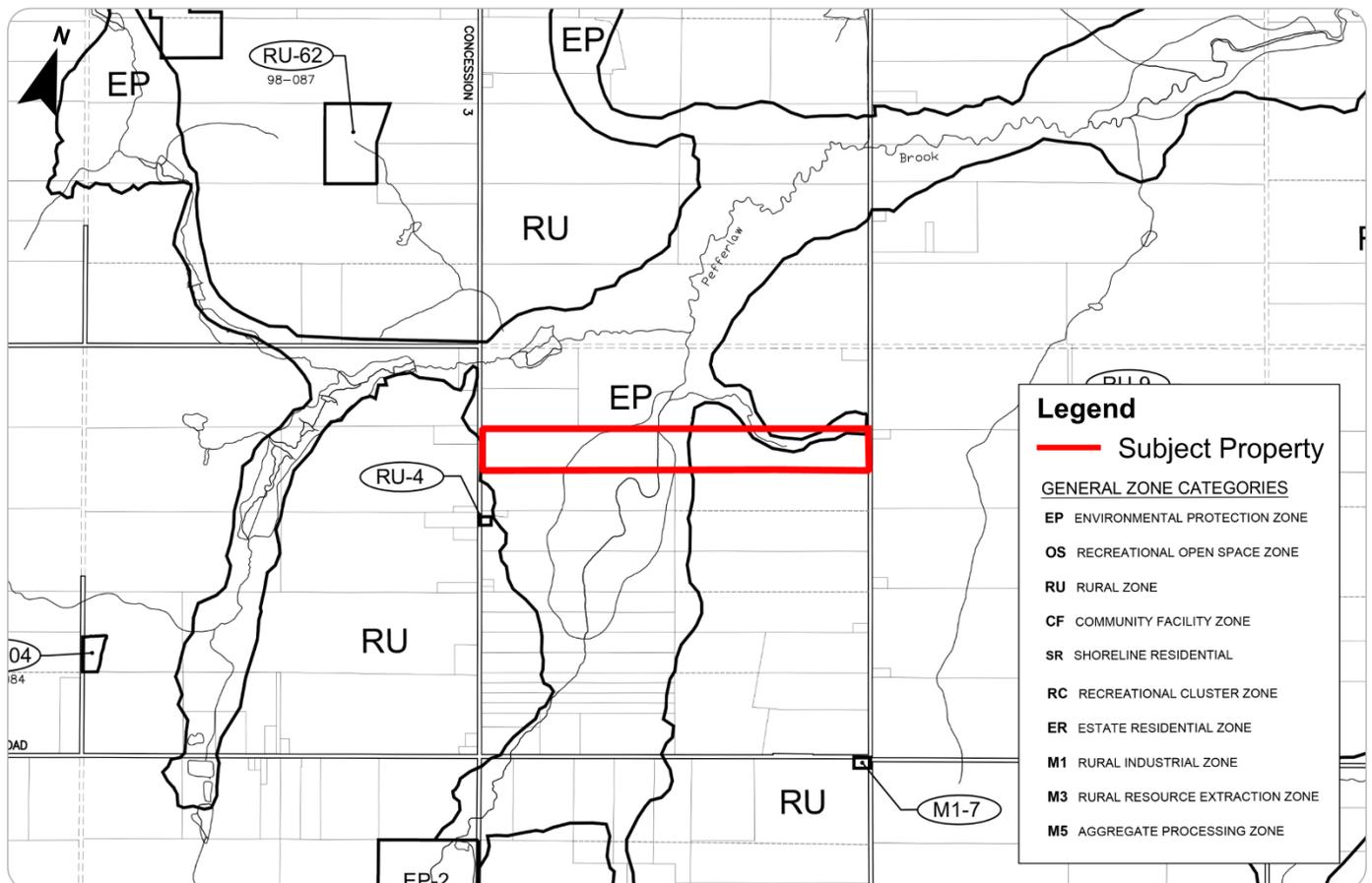


Figure 8: Zoning By-Law 81-19, Town of Uxbridge, Schedule A5

The following land uses are permitted as-of-right within the *RU Zone* under Section 4.4.1:

*a. Residential Uses*

- i. a single-family detached dwelling house; and*
- ii. a converted dwelling house.*
- iii. private home daycare in accordance with Section 5.26 of Zoning By-law No. 81-19*

*b. Non-Residential Uses*

- i. conservation, forestry and reforestation;*
- ii. a farm or nursery farm and greenhouse associated therewith;*
- iii. a farm produce retail sales outlet operated on a temporary and seasonal basis provided that the majority of such produce offered or kept for sale is the produce of the farm on which such retail sales outlet is located;*
- iv. a home occupation in accordance with the provisions of Section 5.10 hereof and a home industry use in accordance with the provisions of Section 5.30 hereof;*
- v. a public park; and*
- vi. a public use in accordance with the provisions of Section 5.18 hereof.*

*c. Accessory Uses*

*Uses, buildings or structures accessory to any of the foregoing listed permitted uses are permitted provided such are in accordance with the provisions of Section 5.1 hereof.*

As outlined, the current zoning designation does not permit *agriculture-related uses*, specifically a soil mixing operation, on the Subject Property. As a result, a Zoning By-Law Amendment is required to legalize the existing use.

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# 10. NON-STATUTORY PLANNING DOCUMENTS

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## 10.1 GUIDELINES ON PERMITTED USES IN ONTARIO'S PRIME AGRICULTURAL AREAS

The Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, Publication 851 is a document whose purpose is to complement, be consistent with, and explain the intent of the PPS 2014 policies and definitions, although the intent of the document is to provide guidance on all versions of the PPS, including the PPS 2020. The Guidelines were published in 2016 as a companion to the PPS and is not a statutory planning document.

### Section 1.1 – Purpose and Scope of the Guidelines

As outlined in Section 1.1 of the document, the purpose and scope of the Guidelines is to assist municipalities, decision-makers, and others interpret the policies within the PPS on the permitted uses within the *Prime Agricultural Areas*. The Guidelines comprise the provincial guidelines referred to in Policy 2.3.3.1 of the PPS and Policy 3.1.3.1 of the Greenbelt Plan. The following paragraph provides further clarity into the purpose of the Guidelines:

*These guidelines are meant to complement, be consistent with and explain the intent of the PPS policies and definitions. Where specific parameters are proposed, they represent best practices rather than specific standards that must be met in every case. These parameters are based on the judgement and experience of the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) and the Ontario Ministry of Municipal Affairs (MMA) as well as consultation with municipalities and stakeholders on how to be consistent with PPS policies.*

The noted paragraph clarifies the purpose of the Guidelines as a complementary document that explains the intent of PPS policies and definitions. Furthermore, any specific parameters (quantitative provisions) proposed in the Guidelines are best practices rather than standards, allowing municipalities to adopt their own policies and criteria for permitted uses in *Prime Agricultural Areas* as long as they achieve the same objectives as the provincial guidelines. This is further detailed in Section 1.5 of the Guidelines.

Our interpretation of Section 1.1 is that consistency with the Guidelines equates to consistency with the PPS, which we will demonstrate in this Report.

### Section 1.3 – Objectives and Criteria for Permitted Uses

Section 1.3 of the Guidelines states the following:

*The criteria for the uses permitted in prime agricultural areas are specifically derived from PPS policies and definitions. They revolve around two key objectives:*

- 1. maintaining the land base for agriculture (PPS Policy 2.3.1)*
- 2. supporting a thriving agricultural industry and rural economy (PPS Vision and PPS Policy 1.1.4)*

*These objectives may at times compete with each other. These guidelines are intended to help decision-makers balance the objectives. This can be done by ensuring all applicable criteria are met for the permitted uses. Table 1 summarizes the specific criteria for agricultural, agriculture-related and on-farm diversified uses. The criteria cover all key descriptors referred to in Policies 2.3.3.1, 2.3.3.2 and 2.3.3.3 of the PPS and the applicable PPS definitions. Each criterion is discussed in detail in these guidelines.*

As described above, the criteria for qualifying permitted uses within *Prime Agricultural Areas*, including *agriculture-related uses*, are specifically derived from PPS Policies 2.3.3.1, 2.3.3.2, and 2.3.3.3 and are intended to balance the two key objectives noted.

In our interpretation of this section, meeting the criteria for qualifying *agriculture-related uses* equates to consistency with Policies 1.1.4, 2.3.1, 2.3.3.1, 2.3.3.2, and 2.3.3.3 of the PPS, which has been demonstrated in this Report.

Table 1 under Section 1.3 outlines 6 criteria for qualifying *agriculture-related uses* as provided by PPS policies and definitions:

- 1. Farm-related commercial and farm-related industrial uses*
- 2. Shall be compatible with and shall not hinder surrounding agricultural operations*
- 3. Directly related to farm operations in the area*
- 4. Supports agriculture*
- 5. Provides direct products and/or services to farm operations as a primary activity*
- 6. Benefits from being in close proximity to farm operations*

An analysis of these criteria is contained within the following sections of this Report.

## Section 1.5 – Municipal Consistency

Section 1.5 of the Guidelines states the following which are directly relevant to the proposed application:

*While consistency with these guidelines is preferred, Policy 2.3.3.1 of the PPS allows municipalities to develop their own criteria for permitted uses in municipal planning documents as long as they achieve the same objectives as the provincial guidelines. To do so, municipalities would need justification that ensures they are consistent with all PPS policies and criteria for the permitted uses.*

*Policy 4.9 of the PPS indicates that planning authorities and decision-makers may go beyond the PPSs minimum standards to address matters of importance to a specific community, unless doing so would conflict with any policy of the PPS.*

*Some municipalities have elected to be more restrictive than the PPS on the types of uses permitted in their prime agricultural areas, where further restrictions may be warranted based on local circumstances. While this is appropriate in some instances, being more restrictive may limit options for farmers and local economic development. Being more restrictive may also be inconsistent with the PPS and the objectives and criteria for permitted uses.*

*When assessing municipal consistency with the PPS, the following should be considered:*

- *Municipal approaches shall be consistent with all PPS policies.*
- *The PPS permits agricultural, agriculture-related and on-farm diversified uses in prime agricultural areas. None of these categories of uses can therefore be excluded.*
- *PPS policy 2.3.3.2 states that all types, sizes and intensities of agricultural uses shall be protected and promoted, in accordance with provincial standards<sup>3</sup>. Therefore, prohibiting or restricting any types, sizes or intensities of agricultural uses must be avoided (Section 2.1.1 (3)).*

It is noted that Policy 4.9 was referenced in relation to the PPS 2014. This policy has since been incorporated into Part III of the PPS 2020.

Our interpretation of Section 1.5 is that while going above the minimum standards of the PPS is appropriate in certain circumstances, there may be situations where this would limit options for farmers and local economic development, and result in inconsistencies between a municipal official plan and the PPS and the objectives and criteria for permitted uses. As earlier noted, our position is that the agricultural policies of the DROP are inconsistent with the agricultural policies of the PPS.

## Section 1.6 – Relationship to Provincial Plans

Section 1.6 states that Provincial plans which build on the policy foundation in the PPS are to be read in conjunction with the PPS, and take precedence over the PPS in instances of conflict except where otherwise provided. The following paragraphs are directly relevant to the proposed application:

*If an agriculture-related or on-farm diversified use is to be located in a prime agricultural area, a best practice is to place the use on lower-capability agricultural lands. In addition, consideration should be given to directing agriculture-related and on-farm diversified uses to settlement areas (the focus of growth and development) or rural lands (where recreation, tourism and other economic opportunities are promoted).*

*When siting, designing and operating permitted uses in prime agricultural areas, care must be taken to ensure PPS environmental policies are met. For example, the environment is clean and healthy; any undesirable effects of development, including impacts on air, water and other resources, are minimized; land, resources and biodiversity are conserved; and the quality and quantity of water resources are protected, improved and restored.*

In our opinion, from an agricultural-perspective it would be best for the existing soil mixing operation to remain in its current location as the subject area has already been impacted. Containing the operation to the subject area would minimize the overall impact on the *Prime Agricultural Area* by ensuring that the remainder of the Subject Property remains farmable land and readily available for the growing of crops.

An EIS plus associated mitigation measures, Restoration Plan and Edge Management Plan are provided within this application to meet and ensure consistency with the environmental policies of the PPS.

## Section 2.2 – Qualifying Agriculture-Related Uses

Section 2.2 of the Guidelines outlines criteria for qualifying a use as an *agriculture-related use* within the *Prime Agricultural Area*. *Agriculture-related uses are described as adding to the “[...] vitality and economic viability of prime agricultural areas because they are directly related to and service farm operations in the area as a primary activity. These uses may be located on farms or on separate agriculture-related commercial or industrial properties.”* In our view, the existing operation supports the vitality and economic viability of *Prime Agricultural Areas*.

As earlier described, the Guidelines outline 6 criteria for qualifying *agriculture-related uses*. An analysis of these criteria is provided in Table 1.

Table 1. OMAFRA Criteria for Qualifying Agriculture-Related Uses

Criteria for Qualifying Agriculture-Related Uses	Permitted
<p>1. Farm-related commercial and farm-related industrial use. (from the PPS definition of <i>agriculture-related uses</i>)</p>	<p>The existing soil mixing operation is a farm-related industrial use that receives manure and mushroom compost from nearby local farms and mixed with various soil amendments to produce a value-added soil product. The product is then sold and shipped to local farms and nurseries for use in agricultural operations. It is our opinion that the existing operation is a value-adding process with a symbiotic relationship with local farms. The operation utilizes the agricultural by-products of local farms and, in return, provides them with soil products for growing crops. Overall, we believe it is reasonable to categorize the existing operation as a farm-related industrial use and that it meets Criteria 1 as a result.</p>

Criteria for Qualifying Agriculture-Related Uses	Permitted
<p>2. Shall be compatible with, and shall not hinder, surrounding agricultural operations. (from PPS Policy 2.3.3.1) Note: this policy applies to both <i>agriculture-related uses</i> and <i>on-farm diversified uses</i></p>	<p>Compatibility with surrounding agricultural operations is achieved when the following sub-criteria are met:</p> <ul style="list-style-type: none"> <li>• <i>Ensure surrounding agricultural operations are able to pursue their agricultural practices without impairment or inconvenience.</i></li> </ul> <p>An analysis of the Minimum Distance Separation Formulae was conducted by Colville Consulting and confirms that the existing use complies with setbacks from sensitive receptors. The existing use is not subject to setbacks from livestock facilities as it constitutes an Earthen Manure Storage area, thus also constituting a livestock facility itself and subject to setbacks from sensitive receptors instead.</p> <p>The existing operation utilizes heavy machinery to move and mix its soil products, resulting in some noise, dust, and odour; however, the use of heavy machinery is commonly and frequently employed across large fields within the <i>Prime Agricultural Area</i> as part of <i>Normal Farm Practices</i>, and the noted emissions are common outputs of such practices within an agricultural context. It is our view that the practices and operations of the existing use are neither unusual within the agricultural context nor a source of disturbance or nuisance that would impair or inconvenience nearby agricultural operations.</p> <ul style="list-style-type: none"> <li>• <i>Uses should be appropriate to available rural services (e.g., do not require the level of road access, water and wastewater servicing, utilities, fire protection and other public services typically found in settlement areas).</i></li> </ul> <p>The existing soil mixing operation does not require servicing and is thus appropriate for the rural services in the area. Furthermore, the TIS conducted by CGE Engineering confirms that the traffic generated from the operation does not adversely impact the local rural roads or require upgraded road access infrastructure.</p> <ul style="list-style-type: none"> <li>• <i>Maintain the agricultural/rural character of the area (in keeping with the principles of these guidelines and PPS Policy 1.1.4).</i></li> </ul> <p>The mixing area is located within the interior of the lot, providing significant visual screening from roadways. Furthermore, soil mixing is an activity that is not out of character within an agricultural area.</p> <ul style="list-style-type: none"> <li>• <i>Meet all applicable provincial air emission, noise, water and wastewater standards and receive all relevant environmental approvals.</i></li> </ul> <p>A Grading Plan and Erosion Sediment Control Plan were prepared by Sirati to meet the applicable water and wastewater standards outlined within the Hydrogeological Study.</p>

Criteria for Qualifying Agriculture-Related Uses	Permitted
	<ul style="list-style-type: none"> <li><i>The cumulative impact of multiple uses in prime agricultural areas should be limited and not undermine the agricultural nature of the area.</i></li> </ul> <p>An analysis of the Minimum Distance Separation Formulae, EIS, Restoration Plan and Edge Management Plan, and TIS were all conducted and demonstrate that any cumulative impacts from the existing operation are limited, mitigatable, and manageable/containable. The Grading Plan and Erosion Sediment Control Plan will also mitigate potential impacts on groundwater quality.</p> <p>Overall, it is our opinion that the existing use meets Criteria 2.</p>
3. Directly related to farm operations in the area. (from the PPS definition of <i>agriculture-related uses</i> )	As earlier outlined, the existing soil mixing operation maintains a mutually beneficial relationship with the local agricultural area by utilizing their farming by-products and producing value-added soil products, which are then sold to nearby farms and nurseries. These business practices are directly related to farms in the area and provides/transport soil products that are required as inputs to local farming operations. It is our opinion that the existing use meets Criteria 3.
4. Supports agriculture. (from the PPS definition of <i>agriculture-related uses</i> )	The existing use supports local agricultural operations for reasons outlined earlier in Criteria 1 and 3. We believe that the existing operation meets Criteria 4.
5. Provides direct products and/or services to farm operations as a primary activity. (from the PPS definition of <i>agriculture-related uses</i> )	The existing operation directly serves an agricultural need for soil products that can be utilized for the growing of crops on local farming operations. The provision of these soil products to local farms is the primary function/business activity of the mixing operation. Overall, it is our view that the existing use meets Criteria 5.
6. Benefits from being in close proximity to farm operations. (from the PPS definition of <i>agriculture-related uses</i> )	The existing business benefits from being near the local farming operations that it serves. This proximity reduces the transportation distances between the farm purchasers of the soil products, and results in increased accessibility to the raw material (animal and mushroom compost) that is required to produce the soil products. The proximity of the business to local farms results in an efficient operation. Overall, we believe that the existing use meets Criteria 6.

### Summary

The existing soil mixing operation meets the 6 criteria to qualify it as an agriculture-related use in accordance with the Guidelines. Because consistency with the Guidelines equates to consistency with the PPS, it is our opinion that the existing use is consistent with the rural and agricultural policies of the PPS.

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## 11. PROPOSED ZONING BY-LAW AMENDMENT

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## 11.0 PROPOSED ZONING BY-LAW AMENDMENT

A Zoning By-law Amendment is required to legalize the existing soil mixing operation as the current *RU Zone* on the Subject Property does not permit *agriculture-related uses*, including the existing use. The Zoning By-law Amendment is required to amend the Zoning By-Law in order to permit a site-specific exception for the property that will permit the existing soil mixing operation as an *agriculture-related use* within the *RU Zone*, and legalize the noted use.

The proposed rezoning from *RU Zone* to *RU-XXX Zone* will permit a soil mixing operation subject to the applicable provisions of the *RU Zone*, save and except for the following site-specific provisions as outlined below:

- a. Minimum Lot Area Requirement: 38.6 hectares
- b. Minimum Interior Side Yard Width: 0 metres
- c. Minimum Landscaped Open Space Requirement: 0 per cent

Relief from the By-Law for lot area is required as the area of the Subject Property (38.65 ha) is currently deficient of the minimum requirement for the *RU Zone* (40 ha).

Relief for interior side yard width will also be required in order to reflect and legalize the existing condition of the mixing area, which does not provide for an interior side yard setback. It is noted that this deficiency is limited to the boundaries of the existing soil mixing area, and that sufficient interior side yard width is provided for the rest of the property. Given the large distances between the mixing area and nearby residential dwellings, and the operation's compliance with the Minimum Distance Separation Formulae, we do not anticipate any adverse impacts on sensitive receptors.

The requested relief from the minimum landscaped open space requirement is a technical function of the minimum requirement under Section 4.4.2.h. of the By-Law. Farms with a single-detached dwelling are not required to provide for minimum landscaped open space, which is applicable to the site. The site is also currently used as a farm property and contains a detached dwelling, and is thus not required to provide landscaped open space per Section 4.4.2.h. We do not anticipate any adverse visual or stormwater management impacts to result from this technical requested relief given the mixing area's location within the interior of the lot, the presence of the actively farmed growing fields on the site, and the Grading Plan and Erosion and Sediment Control Plan provided.

For the reasons outlined in this section, we are of the opinion that the proposed Zoning By-Law Amendment conforms with the DROP and TUOP and thus represents good planning.

## 12. PLANNING ANALYSIS AND JUSTIFICATION

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## 12.0 PLANNING ANALYSIS AND JUSTIFICATION

The following section contains a rationale of the various planning and policy considerations, and provides justification in support of the proposed application to legalize the existing soil mixing operation.

## 12.1 DURHAM REGION OFFICIAL PLAN – EVALUATING CONSISTENCY WITH THE PPS & CONFORMITY WITH THE GREENBELT PLAN

As earlier stated, it is our position that Policies 9A.2.2 and 9A.2.3 of the DROP, along with the defined terminology *agricultural-related uses* as outlined below, are inconsistent with the PPS and does not conform to the Greenbelt Plan or Growth Plan.

*9A.2.2 Within Prime Agricultural Areas a full range of agricultural, agricultural-related and secondary uses shall be permitted. The establishment of non-agricultural uses in Prime Agricultural Areas shall be strictly limited to forest, fish and wildlife management, conservation, infrastructure, aggregate extraction, existing uses, in accordance with the policies of this Plan, and the Oak Ridges Moraine Conservation Plan and Greenbelt Plan where applicable.*

*9A.2.3 Agricultural-related uses, such as grain drying and storage for farm produce may be permitted, provided such uses are small in scale and exclusively devoted to the farm operation. Severances for agricultural-related uses shall not be granted.*

*Agricultural-related use means those farm related commercial and farm-related industrial uses that are small in scale, directly related to the farm operation and are required in close proximity to the farm operation.*

We have outlined the policies and criteria regarding *agriculture-related uses* and which also address municipal implementation of such uses from the PPS, Greenbelt Plan, and the Guidelines. An analysis of these policies and criteria against the DROP is provided below.

Table 2. Comparison of Durham Region Official Plan Versus Provincial Policy Documents & OMAFRA Guidelines

Policy Document and Applicable Policy or Definition	Policy Purpose and Intention
<p><b>Provincial Policy Statement:</b>            2.3.3.1 <i>In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses.</i></p> <p><i>Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. 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.</i></p> <p><i>Agriculture-related uses are defined as “...those 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.”</i></p>	<p>The purpose and intention of Policy 2.3.3.1 of the PPS is to permit <i>agricultural uses, agriculture-related uses, and on-farm diversified uses</i> within <i>Prime Agricultural Areas</i>.</p> <p>It is stated that an <i>agriculture-related use</i> must be compatible with and not hinder surrounding agricultural operations, meaning that if this test of compatibility is met in accordance with the Guidelines, then the use is permitted. Criteria for permitting such uses may also be developed by municipalities provided that they meet the intended policy objectives and outcomes and do not conflict with the PPS.</p>
<p><b>Greenbelt Plan:</b></p> <p>3.1.3.1. <i>All types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted based on provincial Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with and shall not hinder surrounding agricultural operations.</i></p> <p>5.3. <i>Despite the policies in the Greenbelt Plan, there is nothing in this Plan that limits the ability of decision-makers on planning matters to adopt policies that are more stringent than the requirements of the Plan, unless doing so would conflict with any of the policies or objectives of the Plan. With the exception of the policies of section 4.6, official plans and zoning by-laws shall not, however, contain provisions that are more restrictive than the policies of sections 3.1 and 4.3.2 as they apply to agricultural uses and mineral aggregate resources respectively.</i></p> <p>The definition of <i>agriculture-related uses</i> is the same as within the PPS 2014, which remains unchanged under the PPS 2020.</p>	<p>The purpose and intention of Policy 3.1.3.1 of the Greenbelt Plan is to permit a <b>full range</b> of <i>agricultural uses, agriculture-related uses and on-farm diversified uses</i> based on criteria for qualifying such uses under the Guidelines.</p> <p>As with the PPS, the test of compatibility is referenced for <i>agriculture-related uses</i>. If this test is met in accordance with the Guidelines, then the use is permitted.</p> <p>Per Section 5.3, a municipal official plan cannot contain provisions that are more restrictive than the <i>Protected Countryside</i> policies under Section 3.1 of the Greenbelt Plan.</p>
<p><b>Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas:</b></p> <p>Criteria for qualifying <i>agriculture-related uses</i>:</p> <ol style="list-style-type: none"> <li>1. <i>Farm-related commercial and farm-related industrial uses</i></li> <li>2. <i>Shall be compatible with and shall not hinder surrounding agricultural operations</i></li> <li>3. <i>Directly related to farm operations in the area</i></li> <li>4. <i>Supports agriculture</i></li> <li>5. <i>Provides direct products and/or services to farm operations as a primary activity</i></li> <li>6. <i>Benefits from being in close proximity to farm operations</i></li> </ol>	<p>The purpose and intention the criteria are to clarify the policy tests that must be met under the PPS definition of <i>agriculture-related uses</i> in order for a use to be qualified as such. The test of compatibility is also included as Criteria 2 and, if met, would also meet the test of compatibility under PPS Policy 2.3.3.1.</p>

We have reviewed the agricultural policies of the DROP, and specifically note that the policy document references the term *agricultural-related uses* within its policies, which is a term that is different than *agriculture-related uses* as defined within the PPS, Greenbelt Plan, and Growth Plan. The DROP term is intended as the Regional equivalent to the PPS term, the latter of which is referenced within the Greenbelt Plan and Growth Plan.

We find that the DROP outlines 4 policy tests within the definition of *agricultural-related uses*. Under the DROP, a use is qualified as such if it meets all of the following:

- i. The use is a farm-related commercial or farm-related industrial use
- ii. The use is small in scale
- iii. The use is directly related to the farm operation
- iv. The use is required in close proximity to the farm operation

However, the noted policy tests conflict with those outlined within the PPS, specifically when viewed against Criteria 3 and 5 of the Guidelines for added clarity. Criteria 3 and 5 do not require that the use be committed to a singular farm operation on the subject lot, nor do the rest of the criteria require that it be small in scale. The noted Guideline criteria explicitly states that the use must be directly related and provide products and/or services to farm operations in the area, and do not provide a restriction on the size of *agriculture-related uses*. In contrast, the DROP policy tests make no reference to the use having to relate and provide products/services to local farm operations, instead requiring the use to serve only the subject farm operation which is contrary to the PPS.

The PPS and Greenbelt Plan state that planning authorities and decision-makers may go beyond their minimum standards unless doing so would result in conflict with their policies, in particular Policy 3.1.3.1 of the Greenbelt Plan. Being the Regional equivalent of the Provincial term *agriculture-related uses*, the DROP term restricts and frustrates the range of possible *agriculture-related uses* contrary to the noted Provincial policy documents.

The DROP policies are inconsistent with the objectives and criteria for permitted *agriculture-related uses* as outlined within the PPS. It is clear that *agriculture-related uses* are intended to be uses that support the “...*vitality and economic viability of prime agricultural areas because they are directly related to and service farm operations in the area as a primary activity.*” as clarified within the Guidelines. The DROP policies run contrary to the intended policy objectives and outcomes of the PPS. The PPS does not require exclusive devotion to one farm property nor does it place a restriction on the scale of an *agriculture-related use*. By utilizing the defined term *agricultural-related uses* as part of its policies which restricts such uses to serving one farm property and being small in scale, the DROP has implemented policies that run contrary to the PPS’s objectives of having these uses serve the local farming area and support the local agricultural economy.

Furthermore, municipal official plan policies cannot be more restrictive than the policies under Section 3.1 of the Greenbelt Plan, and we highlight Policy 3.1.3.1 in particular which permits a **full range** of *agriculture-related uses*. By restricting such uses to serving one farm property and limiting the scale of such uses, the DROP has implemented policies that run contrary to the Greenbelt Plan's policies which do not place any restrictions on the operational aspects, location, or size of *agriculture-related uses*, subject to meeting the criteria within the Guidelines and the test of compatibility. The more restrictive policies of the DROP limit the range of permitted *agriculture-related uses* and do not conform to the Greenbelt Plan. Given that satisfying the specific policies of the Greenbelt Plan also satisfies the general PPS policies as earlier noted, the DROP is also inconsistent with the PPS.

In our email correspondence with OMAFRA staff, they noted that the DROP term *agriculture-related uses* and agricultural policies seem to be based on the PPS 2005 definition of *agriculture-related uses* as “*farm-related commercial and industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation.*”

In consideration of the above, the agricultural policies and *agriculture-related uses* term of the DROP do not appear to recognize the evolution of the PPS's agricultural policies when it was updated in 2014 and carried over to 2020. While the agricultural policies of the DROP were consistent with the PPS 2005, it is inconsistent with the PPS 2020. Furthermore, given that the Greenbelt Plan was updated to reflect the agricultural policies of the PPS 2014, the DROP also appears to be non-conforming to the 2017 version of the Plan. This OMAFRA email correspondence has been submitted as part of the application.

For the reasons noted, it is our opinion that the agricultural policies and *agriculture-related uses* terminology of the DROP are inconsistent with the PPS 2020 as it has not evolved with updates to the policy document, and do not conform to the Greenbelt Plan 2017 as a result. Accordingly, we believe that the proposed application should not be evaluated against Policies 9A.2.2 and 9A.2.3 or the *agriculture-related uses* terminology of the DROP.

It is our view that the proposed application and existing use conform to all other policies of the DROP and do not require a Regional Official Plan Amendment to legalize the noted use.

The proposed Zoning By-Law Amendment application is consistent with the PPS and conforms to the Greenbelt Plan, and should be approved on this basis.

## 12.2 COMPATIBILITY AND SUPPORTING THE PRIME AGRICULTURAL AREA

The proposed application has demonstrated that the continued operation of the existing mixing operation and its business practices will maintain the protection of the *Prime Agricultural Area* and support a productive, local agricultural economy. Our evaluation of the 6 criteria under the Guidelines indicate that the existing use is an *agriculture-related use* that will maintain compatibility with and not hinder surrounding agricultural operations, and will support and strengthen the local agricultural economy via its symbiotic relationships with nearby farming operations. Our view is that the proposed application maintains consistency/conformity to the agricultural policies of the PPS, Greenbelt Plan, Growth Plan, and DROP (notwithstanding Policies 9A.2.2 and 9A.2.3 of the DROP).

## 12.3 PROTECTING THE NATURAL ENVIRONMENT

The results of the technical studies submitted in support of this application demonstrate that existing natural heritage and water resources will be maintained, protected, and enhanced for the long-term. The mitigation measures proposed in the EIS include site restoration of impacted wetland areas, installation of a block retaining wall to contain the operation and protect from sediment migration, and preparation of a Grading and Erosion and Sediment Control Plan to mitigate stormwater impacts on nearby features. These measures will ensure that continued operation of the mixing business will not negatively impact any identified adjacent *Key Natural Heritage Features* or *Key Hydrologic Features* after mitigation, and reverse the impacts of past encroachments into the features.

The Grading Plan and Erosion Sediment Control Plan were prepared to ensure the maintenance and protection of groundwater quality with continued operation of the mixing business.

We believe that the proposed application maintains consistency/conformity to the natural heritage policies of the PPS, Greenbelt Plan, Growth Plan, and DROP.

## 13. CONCLUSION

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## 13.0 CONCLUSION

The Zoning By-Law Amendment application proposes a site-specific exception to the *Rural Zone* in order to permit and legalize the existing soil mixing operation under the Township of Uxbridge Zoning By-Law 81-19. The proposed application will ensure the continued protection and enhancement of the *Prime Agricultural Area* and adjacent *Key Natural Heritage Features* or *Key Hydrologic Features*, along with the strengthening of the local agricultural economy.

The accompanying plans and reports to support the proposed application indicate that no significant impacts from an agricultural, environmental, and traffic perspective are anticipated to result from the continued operation of the existing business, and that any potential or past impacts, including from a hydrogeological perspective, can be mitigated and prevented in accordance with recommended measures.

In our opinion, the Proposed Development on the Subject Property is consistent with the PPS, conforms to the Greenbelt Plan and Growth Plan, and implements the DROP and TUOP planning policy described in this document as established by the:

- Planning Act, RSO 1990, c.P.13;
- Greenbelt Act, 2005, S.O. 2005, c. 1;
- Provincial Policy Statement (2020);
- Greenbelt Plan (2017),
- Growth Plan for the Greater Golden Horseshoe (2020);
- Durham Region Official Plan (2020);
- Township of Uxbridge Official Plan (2014); and,
- Township of Uxbridge Zoning By-Law 81-19 (2020).

The proposed application is based on good planning principles and is supported by the various technical studies outlined being submitted with the noted application. The proposed planning application has merit and we request that this application be approved by the Township of Uxbridge Council.

Respectfully submitted,

**WESTON CONSULTING**



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