

PLANNING JUSTIFICATION **REPORT**

ZONING BY-LAW AMENDMENT

3696 and 3832 Scotland Drive
City of London

Date:

November 2023

Prepared for:

Bre-Ex Aggregates Ltd.

Prepared by:

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Our File 2245'A'

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1.0 Introduction

1.1 Overview

MHBC has been retained by Bre-Ex Aggregates Ltd. (the 'Applicant') to assist with a Zoning By-law Amendment (ZBA) application for properties addressed as 3696 and 3832 Scotland Drive, London (the 'Site'). The intent of this application is to permit concrete and asphalt batching plants on these lands, which would be accessory to the existing aggregate resource extraction operation located on the Site.

The subject lands are situated on the north side of Scotland Drive, approximately 310 m east of White Oak Road. The Site is generally described as the South Part of Lots 19 and 20, Concession 5, and measures approximately 56.6 ha in area. In total, the subject lands have approximately 750 m of frontage along Scotland Drive. For the purposes of this application, 3696 and 3832 Scotland Drive are considered a consolidated development site.

The planning merits of the proposed ZBA application are evaluated in this Report and are generally summarized below:

- The southern portion of the Site is well suited for the proposed batching plants considering its physical characteristics, the local development context, its frontage on a designated truck route (Scotland Drive) and its proximity to Provincial Highway 401;
- The Conceptual Site Plan prepared by Black Creek Engineering Inc. (BC Engineering) illustrates that the proposed batching plants and associated facilities can be accommodated on the project site. Further, the proposed development would support a scale and form of development that is compatible with existing aggregate operations, waste management facilities and agricultural activities proximate to the Site;
- Howe Gastmeier Chapnik Limited (HGC Engineering) completed an acoustical analysis which generally concludes that sound levels predicted under worst case operating scenarios are expected to comply with applicable Ministry of Environment, Conservation and Parks (MECP) limits at the neighbouring receptors;
- Preliminary servicing assessments completed by BC Engineering conclude that adequate servicing infrastructure is available or planned to accommodate the proposed development; and

- In our opinion, the development proposal is consistent with the Provincial Policy Statement (2020) and aligns with the policy direction and permissions of the City's Official Plan (The London Plan).

In light of these considerations and commentary provided this Report, in our opinion this proposal is appropriate for the Site and the local development context, and should not generate significant land use conflicts with adjacent properties.

1.2 Report Framework

This Planning Justification Report has been prepared for submission to the City of London in support of the associated ZBA application. The Report includes the following core components:

- An introduction and general description of the subject lands, surrounding uses and existing conditions, to provide an understanding of the locational context;
- A summary of the concept plan prepared for the Site, including an overview of the core elements of the development proposal;
- A review of the planning permissions applicable to the property; and
- An assessment of the proposal relative to: (1) the policy framework of the Provincial Policy Statement and The London Plan and (2) the development regulations of the City's Zoning By-law.

The following documents were primary references reviewed in the preparation of this Report:

- Provincial Policy Statement;
- City of London Official Plan (The London Plan); and,
- City of London Zoning By-law No. Z.-1.

1.3 Planning Applications

Our analysis has confirmed that the following planning applications are required to permit the proposed development project:

Table 1.0 – Required Planning Applications

Planning Application	Approval Authority
Zoning By-law Amendment Generally, to change the zoning applying to a portion of the subject lands from 'Resource Extraction (EX)' to 'Resource Extraction (EX1)' to permit concrete and asphalt batching plants on the associated lands.	City of London
Site Plan Approval (future application)	City of London

A Pre-Application Consultation meeting was held with City of London staff on June 14, 2022 to review the submission requirements for the development concept. Pursuant to the associated Record of Pre-Application Consultation and further discussion with City Staff, the following reports have been prepared in support of the ZBA application:

- Planning Justification Report;
- Noise Feasibility Study;
- Stage 1-2 Archaeological Assessment; and
- Conceptual Servicing Report.

2.0 Site Location & Surrounding Land Uses

2.1 Site Description

The subject lands (the Site) are municipally addressed as 3696 and 3832 Scotland Drive and are generally described as the South Part of Lots 19 and 20, Concession 5. These lands are located on the north side of Scotland Drive, approximately 310 m east of White Oak Road and approximately 3.0 km northeast of the Provincial Highway 401/Wonderland Road South interchange (via Scotland Drive/Morrison Road). Collectively, these properties are generally rectangular in shape, measure approximately 56.6 ha in area and have approximately 750 m of frontage along Scotland Drive. These lands form part of the City's Brockley planning district.

An active aggregate extraction operation is located on the northern portion of the subject property, which is licenced by the Ministry of Natural Resources and Forestry (MNR) and encompasses approximately 29.4 ha. Several outbuildings associated with this operation are located on the Site and a vegetated berm is located along the Scotland Drive frontage. The easterly portion of the subject lands are also located within the limits of the Upper Thames River Conservation Authority (UTRCA) Regulated Area.

Figure 1 of this Report illustrates the general location of the subject lands and the site context.

2.2 Surrounding Land Uses

The subject lands are located along the Scotland Drive corridor within a portion of the Brockley planning district containing a mix of aggregate extraction operations, landfill facilities, agricultural uses and rural residences.

Table 2.0 provides additional details on surrounding land uses:


Table 2.0 – Surrounding Land Uses

Relative Location	Existing Land Uses
TO THE NORTH:	Aggregate extraction; concrete batching plant; Westminster Drive road allowance
TO THE EAST:	Agricultural operations; rural residences (fronting Scotland Drive)



Figure 1
General Location Map

LEGEND

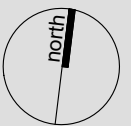
 Subject Lands (± 566,118.64m²/ 56.61 ha)

Date: June, 2023

Scale: 1:15,000

File: 2245A

Drawn: CCF



Q:\2245A - 3832 & 3696 Scotland Drive, London\Graphics\CAD\RPT_19Jun2023.dwg

3696 and 3832 Scotland Drive
City of London
County of Middlesex

Source: City of London Aerial Imagery, 2022

Relative Location	Existing Land Uses
TO THE SOUTH:	Scotland Drive road allowance; agricultural operations; City of London W12A Landfill
TO THE WEST:	Aggregate extraction; White Oak Road right-of-way; agricultural operations; farm implement dealership; Provincial Highway 401 corridor

Proximate to the Site, Scotland Drive contains two lanes of through traffic, roadside ditches and no sidewalks. With respect to transportation considerations, this portion of Scotland Drive is designated as a Rural Connector pursuant to Map 3 (Street Classifications) of City’s Official Plan (The London Plan). As set out in Policy 371 of this Official Plan, Rural Connectors are to prioritize the movement of vehicles, farm equipment and freight/goods, and are to provide a quality standard or urban design. Further, pursuant to the City’s mapping platform (CityMap), Scotland Drive is designated as a trucking route (24 Hour Truck Route).

3.0 Description of Proposal

3.1 Concept Plan

Figure 2 illustrates the Conceptual Site Plan developed by BC Engineering for the southern portion of the Site, with input from the Applicant. The concept plan illustrates the concrete batching plant, asphalt batching plant, administrative office and shop planned for the Scotland Drive frontage. Each of these facilities would be accessory to the licenced aggregate extraction operation located on the northern portion of the Site.

The following summarizes the core elements of the Conceptual Site Plan:

- A ready mix concrete batching plant and a hot-mixed asphalt plant are proposed for the central and western portion of the Scotland Drive frontage. These batching plants would facilitate the production of concrete and asphalt using aggregate extracted from the Site and would recycle manufactured materials derived from mineral aggregates. This component of the planned development would include parking, aggregate piles, wash bays and other processing equipment to service the batch plant operations. The associated development area measures approximately 14.8 ha in area.
- An administrative office and shop are proposed for the eastern portion of the Scotland Drive frontage. It is anticipated that the shop would be utilized for various activities related to aggregate operations, including equipment repairs, fabrication and storage. The office/shop component of the project would also include a new entrance from Scotland Drive, an associated parking area and an individual on-site sewage system (septic system). The proposed septic system would also service the batch plants.
- An improved Scotland Drive entrance providing vehicular access to the batching plants and the extraction operation.

Additionally, the eastern portion of the subject lands would not be developed in conjunction with this project. Specifically, the proposed office/shop component of the project would be setback a minimum of 120 m from the portion of the Site zoned Environmental Review (ER).

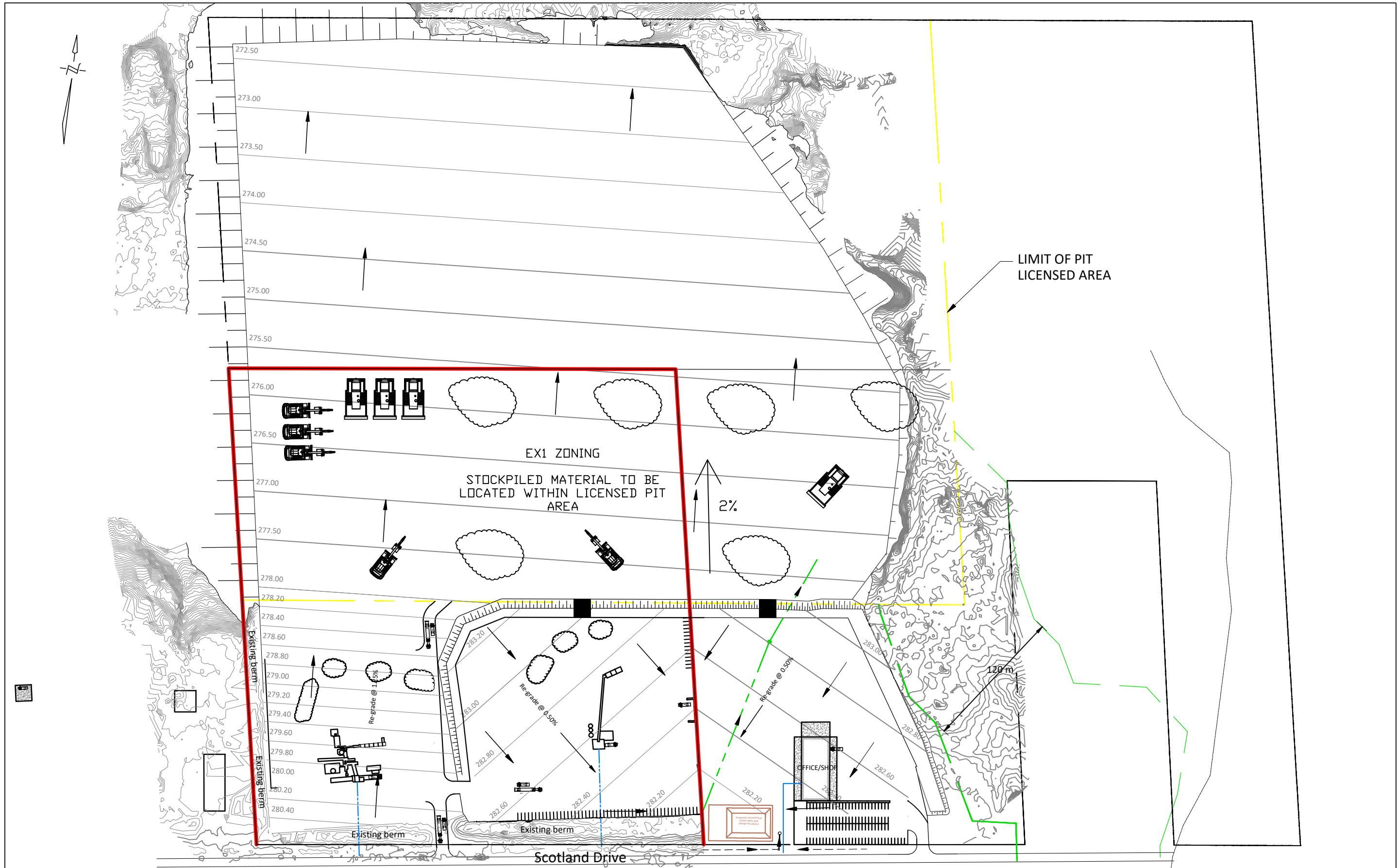


Figure 2

SURVEY	DeKay Construction				
DESIGN	K. GRAHAM				
DRAWN	K. GRAHAM	C	FOR APPROVAL	K.G.	JUL 14/23
DATE	JANUARY 2022	B	FOR APPROVAL	K.G.	JUN 20/23
		A	FOR REVIEW	K.G.	APR 27/23
		No.	REVISION	BY	DATE

STAMP	
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BRE-EX CONSTRUCTION INC.
 LONDON, ONTARIO
 #3832 & #3696 SCOTLAND DRIVE
 CONCEPTUAL SITE PLAN

PROJECT NO.	2041.02
SHEET NO.	GR

4.0 Planning Analysis

The proposed Zoning By-law Amendment must be assessed in relation to applicable policies prescribed by the Province of Ontario and the City of London. The following discussion outlines how the proposal addresses relevant policies of the Provincial Policy Statement and the City of London’s Official Plan (The London Plan).

4.1 Provincial Policy Statement

The current Provincial Policy Statement (PPS) was issued under Section 3 of the Planning Act and came into effect on May 1, 2020. The PPS provides overall policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. Part IV of the PPS sets out that this policy instrument provides a vision for land use planning in Ontario that focuses growth within settlement areas, and encourages efficient development patterns to optimize the use of land, resources and public investment in infrastructure and public service facilities.

The proposed development plan has been evaluated with regard to the policy direction and provisions of the PPS. Based on this analysis, it is our opinion that specific policies in Section 1.0 (Building Strong Healthy Communities) and Section 2.0 (Wise Use and Management of Resources) are particularly relevant to this proposal. Table 3.0 demonstrates how the proposed development is consistent with the identified policies.

Table 3.0 – Consistency with Provincial Policy Statement

PPS Policy	Response
1.1.1 Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached,	This development proposal promotes an efficient land use pattern and would support the localized production of concrete and asphalt providing convenient material access for construction-related projects in the London area (which contribute to the long-term financial well-being of the Province of Ontario and local municipalities). Economic benefits would also be derived from construction and operation of these facilities.

PPS Policy	Response
<p>additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;</p> <p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p> <p>g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;</p>	<p>The subject lands are located within a development area predominately comprised of aggregate operations, waste management facilities and agricultural uses. Implementation of this proposal would be compatible with this mix of land uses.</p> <p>HGC Engineering completed a Noise Feasibility Study, dated November 3, 2023, which assessed sound levels expected to be produced by the two plants at the nearest residential receptors. As concluded in Section 6 of this Report, sound levels predicted under worst-case operating scenarios are expected to comply with applicable MECP limits at the neighbouring receptors. Given study findings, the proposed development should not result in environmental or public health and safety concerns.</p> <p>A preliminary servicing review has been completed to confirm that (1) the development can proceed in a cost-effective manner and (2) the necessary servicing infrastructure would be available to meet projected needs. Specifically, BC Engineering has completed a Conceptual Servicing Report, dated June 20, 2023, to support the ZBA application. BC Engineering generally concludes in the report that the development can be adequately serviced by the existing watermain located along Scotland Drive, a conventional raised bed septic system and a stormwater management system outletting to the existing gravel pit. The proposed servicing arrangement is illustrated on Figure 2 of this Report. Section 9.0 of the Conceptual Servicing</p>

PPS Policy	Response
	<p>Report also sets out a number of mitigation measures to be employed during site construction (e.g., provision of straw bales and/or site fencing to minimize erosion and sediment migration).</p>
<p>1.2.6.1 Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered, and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.</p>	<p>Resource extraction activities are defined in Section 6.0 of the PPS as major facilities. The proposed batching plants would be accessory to an active aggregate extraction operation and also have the potential to impact on sensitive land uses proximate to the Site. HGC completed an acoustical analysis for the proposed development that generally concludes that sound levels predicted under worst-case operating scenarios are expected to comply with applicable MECP limits at the neighbouring receptors. Given study findings, in our opinion the proposed development would satisfy Policy 1.2.6.1.</p>
<p>1.3.1 Planning authorities shall promote economic development and competitiveness by:</p> <p>a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;</p>	<p>The proposed batching plants would increase the localized production of concrete and asphalt materials for convenient material access for construction projects in the London area. In effect, this project would respond to market demand while also reducing material transportation costs for local construction projects. Collectively, the benefits of this proposal should help strengthen the City's economic competitiveness.</p>
<p>1.6.1 Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs.</p>	<p>As discussed, a preliminary servicing review has been carried out by BC Engineering to confirm that the development can proceed in a cost-effective manner, and to ensure that the necessary infrastructure is available to meet projected needs. It is also anticipated that existing public service</p>

PPS Policy	Response
	facilities in the vicinity of the Site would accommodate the demands of this development.
<p>1.6.7.2 Efficient use shall be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.</p>	<p>The proposed mix of aggregate extraction and processing activities intended for the Site would support the efficient use of the existing transportation system servicing the property. In particular, to support efficient freight movement, it is anticipated that truck traffic would utilize designated haul routes proximate to the Site to access the batching plants (e.g., Scotland Drive, White Oak Road, Morrison Road, Westminster Drive, Manning Drive, Wellington Road)</p>
<p>1.7.1 Long-term economic prosperity should be supported by: a) promoting opportunities for economic development and community investment-readiness;</p>	<p>This proposal involves development of an underutilized portion of the Site for the concrete and asphalt production. This accessory use would help to optimize the resource extraction activities occurring on these lands. Further, as discussed above, it is expected that the proposed uses for this Site would help meet market demand and promote further economic development within the Brockley planning district.</p>
<p>2.1.1 Natural features and areas shall be protected for the long-term.</p>	<p>A 120 m setback buffer has been incorporated into the concept plan to buffer the proposed development from the portion of the Site zoned Environmental Review (ER).</p>
<p>2.4.1 Minerals and petroleum resources shall be protected for long-term use.</p>	<p>The subject lands do not contain any known mineral or petroleum resources.</p>
<p>2.5.1 Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified.</p>	<p>The north portion of the Site is subject to an existing MNRF pit licence. The proposed asphalt/concrete batching plant is a complementary accessory use for the existing aggregate extraction operation.</p>
<p>2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless</p>	<p>A Stage 1-2 Archaeological Assessment of the Site was conducted by Lincoln Environmental Consulting Corp (LECC). LECC concludes in the associated study</p>

PPS Policy	Response
<p>significant archaeological resources have been conserved.</p>	<p>report, dated June 2023, that no archaeological resources were found on the study property and no further archaeological assessment of the property is required. The findings of this assessment will be registered with the Ministry of Heritage, Sport, Tourism and Culture Industries.</p>

In light of these considerations and our broader evaluation of this proposal relative to the policies of the PPS, provided recommended mitigation measures are employed as appropriate, it is our opinion that this proposal is consistent with this policy document.

4.2 City of London Official Plan (The London Plan)

4.2.1 Status

The City of London Council adopted a new Official Plan (The London Plan) on June 23, 2016 and the Ministry of Municipal Affairs (MMA) issued its approval of The London Plan, with modifications, on December 30, 2016. Several policies and schedules of this Official Plan applicable to the Site were appealed, and were subject to adjudication by the Ontario Land Tribunal and its predecessors (Case No. OLT-22-002286). The Tribunal, in its Decision issued May 25, 2022, resolved the final phase of the general policy appeals and ordered The London Plan to be fully in-force (excluding outstanding site-specific appeals).

4.2.2 Place Type and Related Considerations

The subject lands are predominantly designated Farmland pursuant to Map 1 (Place Types) of the London Plan, with the environmental feature on the eastern portion of the property designated Green Space.

Map 5 (Natural Features) identifies Wetlands, Unevaluated Wetlands, Valleylands and Potential Environmentally Sensitive Areas (ESAs) contained within the general boundaries of the applicable Green Space place type. Additionally, the northern portion of the Site is designated as an Extractive Industrial Area on Map 6 (Hazards and Natural Resources), with the aforementioned UTRCA Regulated Area also delineated on this Map.

4.2.3 Policy Overview

Considering this land use framework and the scope of the proposal, it is our opinion that the Our Strategy, Our City, City Building Policies and Place Type Policy parts of The London Plan contain policies applicable to the proposed development.

The following discussion (1) summarizes, in our opinion, the core policies of The London Plan respecting this proposal and (2) evaluates the merits of this project relative to this policy framework.

4.2.4 **Our Strategy**

The Our Strategy part of The London Plan contains a series of policies that address the core values, vision and key directions of the Plan to help guide planning and city building activities. Core values of this Official Plan are set out in Policy 52, and include a number of themes relating to development proposals (e.g., be collaborative, be innovative, think sustainable). Further, Policy 53 defines the vision for The London Plan to provide a focus for planning decisions: “London 2035: Exciting, Exceptional, Connected”.

Policies 55 to 63 define key directions to help achieve this broad vision and to guide planning development to the year 2035 (being The London Plan’s 20-year planning horizon). In our opinion, the following key directions and associated planning strategies have particular relevance to this proposal:

“55_ Direction #1 Plan strategically for a prosperous city

1. Plan for and promote strong and consistent growth and a vibrant business environment that offers a wide range of economic opportunities.
9. Identify and strategically support existing and emerging industrial sectors.
11. Plan for cost-efficient growth patterns that use our financial resources wisely.

60_ Direction #6 Place a new emphasis on creating attractive mobility choices

4. Link land use and transportation plans to ensure they are integrated and mutually supportive.
13. Provide for the safe and efficient movement of people, goods, and services through the city to keep London competitive.

62_ Direction #8 Make wise planning decisions

1. Ensure that all planning decisions and municipal projects conform with The London Plan and are consistent with the Provincial Policy Statement.
2. Plan for sustainability – balance economic, environmental, and social considerations in all planning decisions.
4. Plan so that London is resilient and adaptable to change over time.

8. Avoid current and future land use conflicts – mitigate conflicts where they cannot be avoided.

It is our opinion that the planned concrete and asphalt batching plants support the key directions set out in the referenced policies, as approval of this proposal would:

- Establish land use permissions for concrete/asphalt production on the Site to help address market demand and to contribute to the economic vitality of the City of London;
- Efficiently utilize land resources and infrastructure to accommodate the intended development; and
- Promote a land use pattern that: is in keeping with Provincial and City planning policies; is compatible with the existing development context; and should not generate adverse land use impacts provided recommended mitigation measures are implemented, as appropriate.

4.2.5 **Our City**

The Our City part of The London Plan contains policies and schedules relating to the City Structure Plan that have particular relevance to this project.

Policy 69 of this Official Plan states that the City Structure Plan establishes a framework for London's growth for the 20-year planning horizon and informs other policies of the Plan. Policy 70 of this Official Plan further prescribes that, "All of the planning we do will be in conformity with the City Structure Plan ... Planning and development applications will only be approved if they conform to the City Structure Plan."

Policy 69 also identifies that the City Structure Plan is set out in five associated frameworks: growth, green, mobility, economic, and community. Policies 71 to 146 provide policy direction relating to each of these frameworks. Figures 2 and 3 of The London Plan also illustrate that the Site is located outside of the City's Built-Area Boundary and Primary Transit Area, respectively. Figure 18 further identifies that the subject lands are situated within rural London.

Notably, with respect to the subject lands and the proposed development, the green framework policy structure provides direction relating to the protection of the City's Natural Heritage System. Policy 120 provides specific policy direction for regarding the structure of natural heritage policies:

"120_ Map 5 - Natural Heritage and Map 6 - Hazards and Natural Resources show our natural heritage system and our natural resources and hazards respectively. The Environmental Policies part of this Plan provides the policy framework for the protection and conservation of these systems."

Policy 141 also provides direction for policies pertaining to development within Rural Place Types, which includes the Farmland place type:

“141_ The Food System and Rural Place Type chapters of this Plan provide more detailed policy direction regarding planning for rural London areas.”

Based on the foregoing and our review of associated policies, in our opinion the development context associated with this proposal is in keeping with the City Structure Plan. It is also our opinion that the project has regard for the policies and schedules relating to the five frameworks.

4.2.6 City Design

Within the City Building part of this Official Plan, the City Design chapter provides a series of guidelines with respect to urban design. Policies 189 to 306 of this Official Plan define the City Design policies that are intended to guide the character and form of development. The overarching objectives of these policies are outlined in Policy 193:

“In all of the planning and development we do and the initiatives we take as a municipality, we will design for and foster:

1. A well-designed built form throughout the city.
2. Development that is designed to be a good fit and compatible within its context.
3. A high-quality, distinctive and memorable city image.
4. Development that supports a positive pedestrian environment.
5. A built form that is supportive of all types of active mobility and universal accessibility.
6. High-quality public spaces that are safe, accessible, attractive and vibrant.
7. A mix of housing types to support ageing in place and affordability.
8. Sustainably designed development that is resilient to long-term change.
9. Healthy, diverse and vibrant neighbourhoods that promote a sense of place and character.”

In our opinion, the Conceptual Site Plan demonstrates that this proposal has been designed to achieve these broad objectives, where applicable. Further, in conjunction with the City’s Site Plan Approval (SPA) process, it is anticipated that the design of the proposed facilities would align with the intent of the site layout and building form policies set out in the City Design section of the Official Plan.

Considering the nature of this proposal and the local development context, it is our opinion the following site layout policies will help to guide the design review of this project during the SPA process:

“252_ The site layout of new development should be designed to respond to its context and the existing and planned character of the surrounding area.

253_ Site layout should be designed to minimize and mitigate impacts on adjacent properties.

255_ Site layout will promote connectivity and safe movement for pedestrians, cyclists, and motorists between, and within, sites.”

4.2.7 Farmland and Green Space Place Types

As discussed, pursuant to Map 1 of The London Plan the Site is predominately designated Farmland, with the eastern portion of these lands designated Green Space.

Policy 1178 describes the City’s vision for the Farmland place type and outlines its core permitted uses:

“1178_ Farmland in London will continue to be an area of intense production and vibrant economic activity. The landscape will be characterized by viable agricultural fields which support general farming, livestock farming, cash crop farming, market gardening, specialty crops, nurseries, forestry, aquaculture, and agricultural research. ... Agricultural uses, agricultural-related commercial and industrial uses and on-farm diversified uses will be permitted. ...”

It is further stated in Policy 1181 that non-agricultural uses may be permitted within the Farmland place type where it can be demonstrated that the proposed use is consistent with the PPS. In this respect, natural resource extraction is identified as a specific permitted use for this place type in Policy 1182.

Policy 1209 prescribes that aggregate resource extraction will be subject to the Natural Resources policies of the Plan, which are set out in Policies 1511 to 1555. Policy 1511 states that lands containing aggregate resources available for extraction, which includes the subject lands, are to be protected to support ongoing development and infrastructure needs in the City. Moreover, Policy 1513 identifies the importance of natural resources to the London community:

“1513_ **Ready access to convenient resources is important to the continued growth and development of the city.** Sand and gravel provide a valuable source of street and building construction material. Policies of this Plan provide for the protection of these resources, including the continuation and expansion of existing pits and quarries and the introduction of new pits and quarries. ... [emphasis added]”

Additionally, Policy 1514 sets out that the following policy objectives for natural resources:

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

1. Promote aggregate resource conservation, including aggregate extraction and the recovery and recycling of manufactured materials derived from aggregates.
2. Provide for the continuation of existing extractive operations.
3. Protect aggregate resources for long-term use from development and activities that would preclude or hinder the expansion or continued use of the operation, or would be incompatible for reasons of health, safety or environmental impact.
5. Minimize potential land use compatibility problems between pits and quarries and surrounding land uses.
6. Ensure that human health and safety impacts are mitigated.

With respect to land use permissions, Policy 1518 states that (1) aggregate extraction is a permitted interim use in all place types and that (2) Map 6 identifies the locations of aggregate resource areas, licensed pits and quarries and properties appropriate for consideration for a license under the Aggregate Resources Act. Additionally, Policy 1522 states that, “... the recovery and recycling of manufactured materials derived from aggregates for re-use is a permitted use within an aggregate operation.”

With respect to this policy framework, in our opinion, the proposed concrete and asphalt batching plants are permitted accessory uses to the established aggregate operating on the Site. It is also our opinion that the proposed batching plants would not hinder the continued use of the subject lands for aggregate extraction. Rather, the proposed plants represent a complementary accessory use that would provide an additional source for concrete and asphalt materials proximate to the London market. Also, with implementation of the mitigation measures recommended in Conceptual Servicing Report as appropriate, in our opinion the project is compatible with the local development context and should not generate adverse land use impacts.

Policy 759 describes that the intent of the policies for the Green Space place type is to conserve the City’s natural areas, to keep development an appropriate distance from hazard lands and offer a variety of parks for Londoners. As previously discussed, a 120 m setback buffer has been incorporated into the concept plan to buffer the proposed development from the portion of the Site zoned Environmental Review. In light of this, as set out in the aforementioned Record of Pre-Application Consultation, a Subject Lands Status Report and Environmental Impact Study were not required to advance this proposal.

4.2.8 **Conclusions**

Given these considerations, in the context of The London Plan, in our opinion the proposed development supports the planned function of the Farmland and Green Space place types, aligns with the policy direction and permissions of Natural Resources policies and has regard for design direction set out in the City Design chapter. It is also our opinion that with implementation of recommended mitigation measures as appropriate, the ZBA application would conform to this Official Plan.

5.0 City of London Zoning By-law Z.-1

5.1 Existing Zoning

Figure 3 of this Report illustrates that the subject lands are predominately zoned Resource Extraction (EX) pursuant to Schedule “A” of City of London Zoning By-law Z.-1 (Zoning By-law), with the eastern portion of the Site zoned Environmental Review (ER). The proposed concrete/asphalt batching plants and office/shop would be located entirely within the EX Zone boundary and situated a minimum of 120 m from the ER Zone boundary.

Section 43.2 of the Zoning By-law prescribes permitted uses in the EX Zone as follows: resource extraction operations, including accessory reprocessing; farms, except for livestock facilities; wayside pits; and, forestry uses.

The existing EX Zone structure does not permit concrete and asphalt batching plants as permitted uses. These uses are expressly permitted in the EX1 Zone variation, as accessory uses to resource extraction operations. The EX1 Zone is applied to the adjacent properties to the west and north of the Site, and a concrete batching plant is located at 3777 Westminster Drive.

Accordingly, a Zoning By-law Amendment is required to facilitate the proposed development within the Site.

5.2 Proposed Zoning

Following an analysis of the Zoning By-law, it was concluded that the EX1 Zone variation should be applied to the portion of the Site intended for the proposed concrete and asphalt batching plants as illustrated in the Conceptual Site Plan.

Appendix A to this Report includes Zoning Data Sheets assessing the zoning conformity of the proposed EX() and EX1() Zones. This zoning review is predicated on 3696 and 3832 Scotland Drive being considered a consolidated development site, with the lands to be rezoned EX1 measuring approximately 14.8 ha. In this context, the Zoning Data Sheet illustrates that the proposed site layout meets applicable EX1 Zone regulations. It is anticipated that the height of the batching plant silos and related mechanical equipment would be exempted from the maximum height permission of the EX Zone (15 m) pursuant to the exceptions set out in Section 4.9 of the Zoning By-law.

To address Zoning By-law conformity, in our opinion site-specific provisions are required to recognize that the EX and EX1 Zone boundaries proposed for 3696 and 3832 Scotland

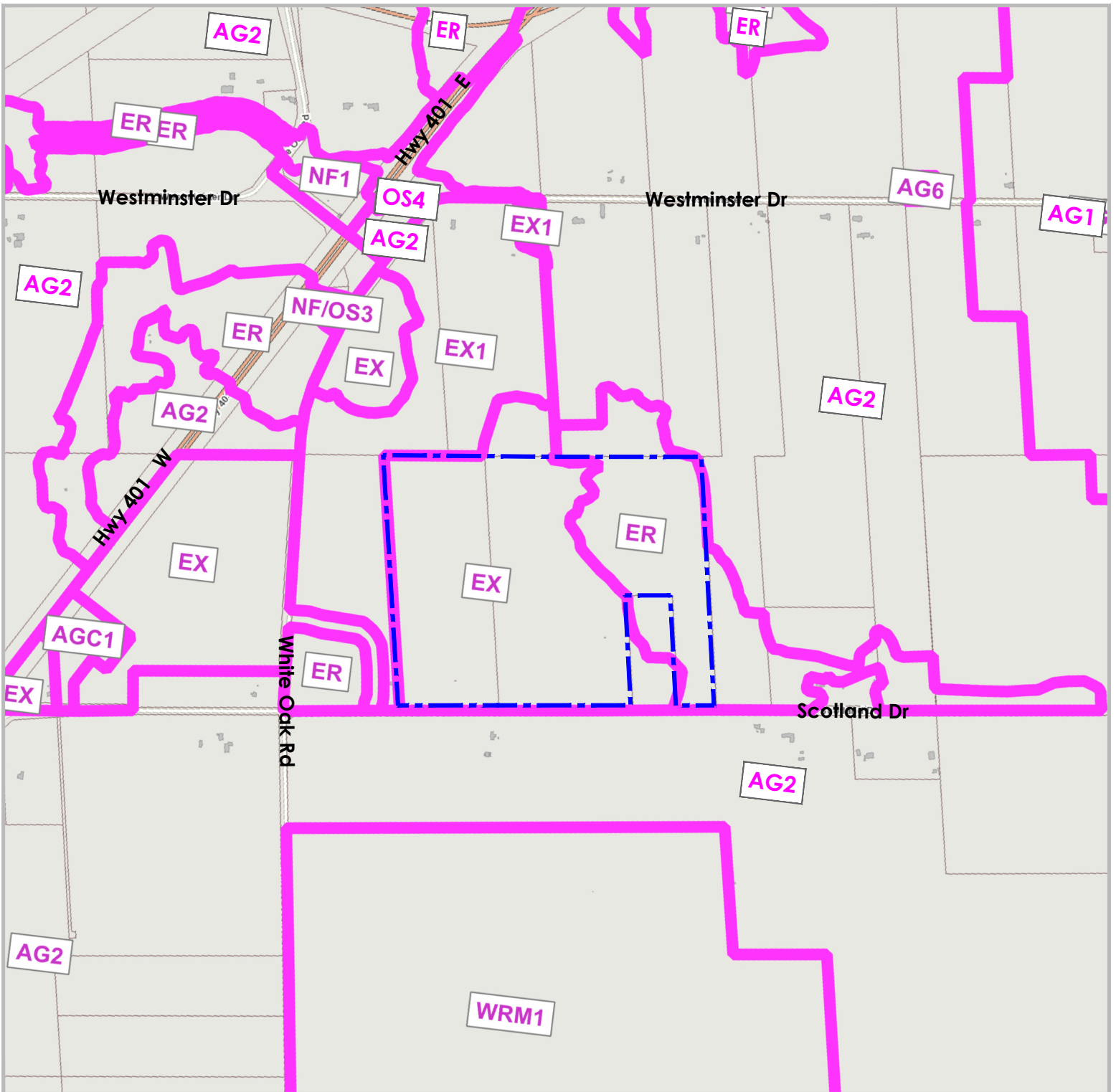


Figure 3
Existing Zoning

LEGEND

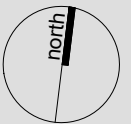
- Subject Lands (± 566,118.64m²/ 56.61 ha)
- Z.-1 Zones
- AG Agricultural Zone
- AGC Agricultural Commercial Zone
- ER Environmental Review
- EX Resource Extraction Zone
- NF Neighbourhood Facility Zone
- OS Open Space Zone
- WRM Waste and Resource Management Zone

Date: June, 2023

Scale: 1:15,000

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Drawn: CCF



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3696 and 3832 Scotland Drive
City of London
County of Middlesex

Source: City of London Interactive Zoning CityMap, 2023


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Drive are to apply to the zone boundary rather than individual property boundaries (to recognize that site operations on these properties are consolidated). Specifically, it is proposed that the following special provisions be applied to Section 43.4 of the Zoning By-law:

“43.4 Special Provisions

- a) EX Zone Variation
 - _) EX() 3696 and 3832 Scotland Drive
 - a) Regulations
 - i) Notwithstanding any provisions of this By-law to the contrary, the application of zoning requirements shall be to the zone boundaries and not to the individual properties contained within the zone.
- b) EX1 Zone Variation
 - _) EX1() 3696 and 3832 Scotland Drive
 - a) Regulations
 - i) Notwithstanding any provisions of this By-law to the contrary, the application of zoning requirements shall be to the zone boundaries and not to the individual properties contained within the zone.”

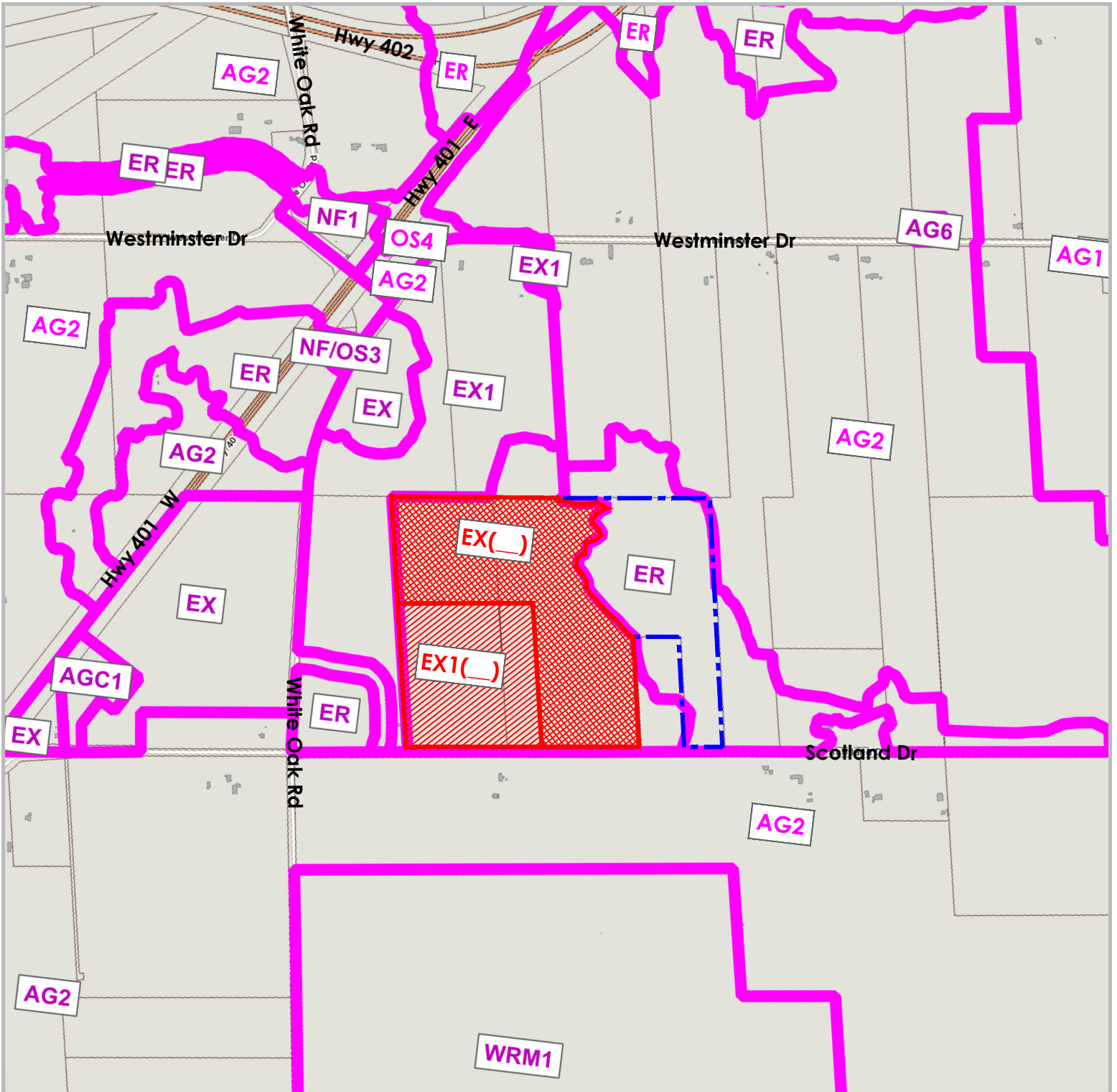
Figure 4 of this Report illustrates the boundaries of the proposed Resource Extraction Special Provision (EX()) and Resource Extraction Special Provision (EX1()) Zones. No change is proposed to the ER Zone boundary applied to the Site.

5.3 Minimum Distance Separation (MDS)

With respect to Minimum Distance Separation (MDS) considerations, Section 4.32 of the Zoning By-law states that MDS setbacks are applied in the Agricultural (AG) Zone, and in other zones such as Rural Settlement Commercial (RRC), Agricultural Commercial (AGC) or Urban Reserve (UR) where there is the potential for agriculturally generated odour impacts. With respect to MDS I requirements, the following is prescribed in this Section:

“Lands to be rezoned from an Agricultural (AG) or Urban Reserve (UR) Zone to any other zone to permit a residential, facility, commercial, industrial or recreational use will comply with the MDS I formula. ...

The setbacks calculated under the MDS I formula will apply to development proposed through building permit on existing lots of record only in the following Zone variations:



**Figure 4
Proposed Zoning**

3696 and 3832 Scotland Drive
City of London
County of Middlesex

LEGEND

- Subject Lands (± 566,118.64m² / 56.61 ha)
- Land to be rezoned to EX1()
- Land to be rezoned to EX()
- Z-1 Zones
- AG Agricultural Zone
- AGC Agricultural Commercial Zone
- ER Environmental Review
- EX Resource Extraction Zone
- NF Neighbourhood Facility Zone
- OS Open Space Zone
- WRM Waste and Resource Management Zone

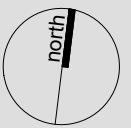
Source: City of London Interactive Zoning CityMap, 2023

Date: September, 2023

Scale: 1:15,000

File: 2245A

Drawn: CCF



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Agricultural (AG) Zone, Rural Settlement Commercial (RRC) zone or Urban Reserve (UR) Zone.”

Notwithstanding that the proposal is not subject to these Zoning By-law requirements, in the Our Tools part of The London Plan, Policy 1773 states that planning applications pertaining to lands outside of the Urban Growth Boundary are to meet the required odour setbacks in accordance with provincial Minimum Distance Separation (MDS I) Implementation Guidelines and Formulae.

In light of this, the Minimum Distance Separation (MDS) Document (Publication 853), issued by the Ministry of Agriculture, Food and Rural Affairs (OMAFRA) was referenced to address Policy 1773 and related requirements in the applicable planning framework. The following key findings were identified:

- Implementation Guideline #3 states that certain proposed uses are not reasonably expected to be impacted by existing livestock facilities or anaerobic digesters and as a result, do not require an MDS I setback. Identified uses include mineral aggregate resources.
- Based on the parameters set out in Implementation Guideline #33, in our opinion the proposed batching plants would be considered a Type A land use (Less Sensitive), as these plants are intended for a lower density of human occupancy, habitation or activity. In our opinion, the existing aggregate extraction would also be categorized as a Type A land use.
- Implementation Guideline #10 prescribes that, “Amendments to rezone or redesignate land already zoned or designated for a non-agricultural use, shall only need to meet the MDS I setbacks if the amendment(s) will permit a more sensitive land use than existed before.”

With consideration for the aforementioned Zoning By-law regulations and associated guideline direction, based on our review the proposed batching plants are exempt from MDS I setback requirements. An MDS assessment was also not specified in the Record of Pre-Application Consultation as a ZBA application requirement.

6.0 Conclusions

In conclusion, it is our opinion that the proposed Zoning By-law Amendment is appropriate for the Site, compatible with the existing development context and in keeping with the framework of applicable planning policy. This assessment is based, in part, on consideration of the following project merits:

- The southern portion of the Site is well suited for the proposed batching plants considering its physical characteristics, the local development context, its frontage on a designated truck route (Scotland Drive) and its proximity to Provincial Highway 401;
- The Conceptual Site Plan prepared by BC Engineering illustrates that the proposed batching plants and associated facilities can be accommodated on the project site. Further, the proposed development would support a scale and form of development that is compatible with existing aggregate operations, waste management facilities and agricultural activities proximate to the Site;
- HGC Engineering completed an acoustical analysis which generally concludes that sound levels predicted under worst case operating scenarios are expected to comply with applicable MECP limits at the neighbouring receptors;
- Preliminary servicing assessments completed by BC Engineering conclude that adequate servicing infrastructure is available or planned to accommodate the proposed development;
- In our opinion, the development proposal is consistent with the Provincial Policy Statement (2020) and aligns with the policy direction and permissions of the City's Official Plan (The London Plan);
- The proposed Zoning By-law Amendment would appropriately implement the intended site layout set out in the Conceptual Site Plan; and
- The proposed development represents good land use planning.

Given the noted considerations and the commentary presented in this Report, it is recommended that the City of London approve the Zoning By-law Amendment application, as proposed.

Respectfully submitted,

MHBC

A handwritten signature in black ink, appearing to read "Scott Allen". The signature is fluid and cursive, with the first name "Scott" and last name "Allen" clearly distinguishable.

Scott Allen, MA, RPP
Partner

APPENDIX A

Zoning Data Sheet (Draft)

ZONING DATA SHEET – ZONING BY-LAW AMENDMENT

To be completed by Applicant as part of Complete Application

File No.

Description of Land	
Municipal street address: 3696 and 3832 Scotland Drive	
Legal Description: Part of Lots 19 and 20, Concession 5 (London)	
Street Frontage / Street Flankage (name): Scotland Drive	
Existing Zone(s) in Z-1 Zoning By-law: EX	Proposed Zone(s) in Zoning By-law: EX1

BY-LAW RESTRICTIONS	REQUIRED (PROPOSED ZONE)	AS SHOWN ON PLAN
(a) Use	concrete/asphalt batching plant	concrete/asphalt batching plant
(b) Lot Area (m ²) Min	10,000 m ²	148,448.44 m ²
(c) Lot Frontage (m) Min	100 m	374.9 m
(d) Front Yard Depth (m) Main Building/ Garage (m) Min	30 m	57.9 m
(e) Rear Yard Depth (m) Min	30 m	247.7 m
(f) Interior Yard Depth (m) Min	30 m	55.4 m
(g) Interior Yard Depth (m) Min	30 m	59.0 m
(h) Exterior Yard Depth (m) Min	30	N/A
(i) Lot Coverage (%) Max	20	~ 3%
(j) Landscaped Open Space (%) Min	10 %	~ 10%
(k) Height (m) Max	15 m	<15 m*
(l) Off-street Parking Min (rate/number)	1 space	~ 50 spaces
(m) Bicycle Parking Min (rate/number)	N/A	
(n) Parking Area Coverage (%) Max	N/A	
(o) Parking Set Back Min	3.0 m	19.7 m
(p) Gross Floor Area (m ²) Max	N/A	
(q) Gross Floor Area For Specific Uses (m ²) Max	N/A	
(r) Yard Encroachments (if applicable)	N/A	
(s) Density Max (rate/number) (see Section 3.4 1) for mixed-use)	N/A	
(t) Special Provisions	N/A	
(u) Other By-law Regulations	N/A	

COMMENTS *Assumes building height exemptions of Section 4.9 of Zoning By-law apply to batching plant silos and related components**NOTE:**

- Please be sure to carefully review and include data / details related to:
 - General Provisions (Section 4) of the Zoning By-law
 - Zones and Zone Symbols (Section 3) of the Zoning By-law
 - Regulations Section and Table for Proposed Zone
 - Zoning By-law Definitions
- The Applicant is responsible for submitting complete & accurate information on the Zoning Data Sheet and associated plans.
- Failure to provide complete & accurate information on the Zoning Data Sheet and associated plans will result in processing delays, and may require the submission of a revised Zoning By-law amendment application.

ZONING DATA SHEET – ZONING BY-LAW AMENDMENT

To be completed by Applicant as part of Complete Application

File No.

Description of Land	
Municipal street address: 3696 and 3832 Scotland Drive	
Legal Description: Part of Lots 19 and 20, Concession 5 (London)	
Street Frontage / Street Flankage (name): Scotland Drive	
Existing Zone(s) in Z.-1 Zoning By-law: EX	Proposed Zone(s) in Zoning By-law: EX()

BY-LAW RESTRICTIONS	REQUIRED (PROPOSED ZONE)	AS SHOWN ON PLAN
(a) Use	Aggregate extraction (with accessory uses)	Aggregate extraction (with accessory uses)
(b) Lot Area (m ²) Min	10,000 m ²	260,318.21 m ²
(c) Lot Frontage (m) Min	100 m	268.5 m
(d) Front Yard Depth (m) Main Building/ Garage (m) Min	30 m	38.9 m
(e) Rear Yard Depth (m) Min	30 m	575.5 m
(f) Interior Yard Depth (m) Min	30 m	87.4 m
(g) Interior Yard Depth (m) Min	30 m	158.7 m
(h) Exterior Yard Depth (m) Min	30 m	N/A
(i) Lot Coverage (%) Max	10	< 1%
(j) Landscaped Open Space (%) Min	10	> 10%
(k) Height (m) Max	15.0 m	< 15.0 m
(l) Off-street Parking Min (rate/number)	1 space per 100 m ² of G.F.A. (12 spaces)	~ 100 spaces
(m) Bicycle Parking Min (rate/number)	N/A	
(n) Parking Area Coverage (%) Max	N/A	~ 2 %
(o) Parking Set Back Min	3.0 m	3.0 m
(p) Gross Floor Area (m ²) Max	N/A	1,286.2 m ²
(q) Gross Floor Area For Specific Uses (m ²) Max	N/A	
(r) Yard Encroachments (if applicable)	N/A	
(s) Density Max (rate/number) (see Section 3.4 1) for mixed-use)	N/A	
(t) Special Provisions	N/A	
(u) Other By-law Regulations	N/A	

COMMENTS Concept plan does not demonstrate required parking setback of 3.0m, however, this will be revised and the 3.0 m setback minimum has been used for the analysis along the front lot line.

NOTE:

- Please be sure to carefully review and include data / details related to:
 - General Provisions (Section 4) of the Zoning By-law
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