

Planning and Design Report

3502 Manning Drive
Corporation of the City of London



October 2023

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INTRODUCTION AND SUMMARY

Background

Staff from Economic Services and Supports, in consultation with Staff from Climate Change, Environment & Waste Management, have submitted an application for London Plan and Zoning By-law amendments for a portion of the property municipally known as 3502 Manning Drive. This Planning and Design Report attempts to distinguish between the municipal lot boundaries (the “property”) and the area of the property that is subject to the requested amendments (“subject site”). The intent of these amendments are to:

- Bring the zoning for the subject site into conformity with The London Plan for both the ecological and land use place types
- Expand the area of land zoned WRM1 to create a buffer area for the W12A operational area and allow for an expanded Material Drop-off Area at the southeast portion of the subject site
- Implement the findings of the Environmental Impact Statement

The City of London has completed and submitted an Environmental Assessment to facilitate expansion of the W12A facility. Please note that the expansion will be to allow an increase in the height of the fill (i.e. vertical expansion) of the existing W12A operations area. The area being identified for the requested amendments will act as a buffer to the existing W12A operations area and will not be used to facilitate an outward expansion. The Environmental Assessment is being reviewed by the Province for approval.

The purpose of the following Planning and Design Report is to provide details of the requested amendments and evaluate the proposed Official Plan and Zoning By-law amendments within the context of applicable land use policies and regulations, including:

- 2020 Provincial Policy Statement (“PPS”);
- The London Plan; and,
- City of London Zoning By-law No. Z.-1, as amended.

Pre-application Consultation

A Pre-Application Consultation Meeting was originally held on May 15, 2023 with Staff from Planning and Development. The Record of Pre-Application Consultation confirmed that an amendment to The London Plan and Zoning By-law No. Z. -1 are required to facilitate the requested creation of a buffer for the W12A operations and expanded Material Drop-off Area.

Summary

This report concludes that the requested London Plan and Zoning By-Law amendments are appropriate and desirable for the following reasons:

- The requested amendments are consistent with the Provincial Policy Statement, 2020;

- The requested amendments are consistent with The London Plan;
- In keeping with the purpose and intent of The London Plan, the requested Zoning By-law amendments intend to apply an appropriate zone variation that is more in keeping with the “Waste Management Resource Recovery Area” and “Green Space” Place Types;
- The requested London Plan amendments to Map 5 (Natural Heritage) are intended to update the Valleylands and Unevaluated Wetlands designations to implement the results of the Environmental Impact Study (“EIS”);
- The requested amendments will facilitate the creation of a buffer area along the southern boundary of Scotland Drive to assist with operations of a future vertical expansion to the W12A operations area;
- The requested zoning amendments will also allow for an expanded Material Drop-off Area at the southeast portion of the subject site.

SUBJECT PROPERTY

The W12A property is located at the northeast corner of the Manning Drive and White Oaks Road intersection. The property is approximately 288 hectares (711 acres) with approximately 153 hectares (378 acres) currently zoned for Waste & Resource Management (WRM1), and the remaining area currently zoned for Agricultural (AG2). The entirety of the property is within the Waste Management Resource Recovery Area Place Type, with the Environmental Review Place Type spanning across portions of the property. A City-owned Material Recycling Facility is located on the southeast portion of the property just east of the main landfill site (Figure 1).

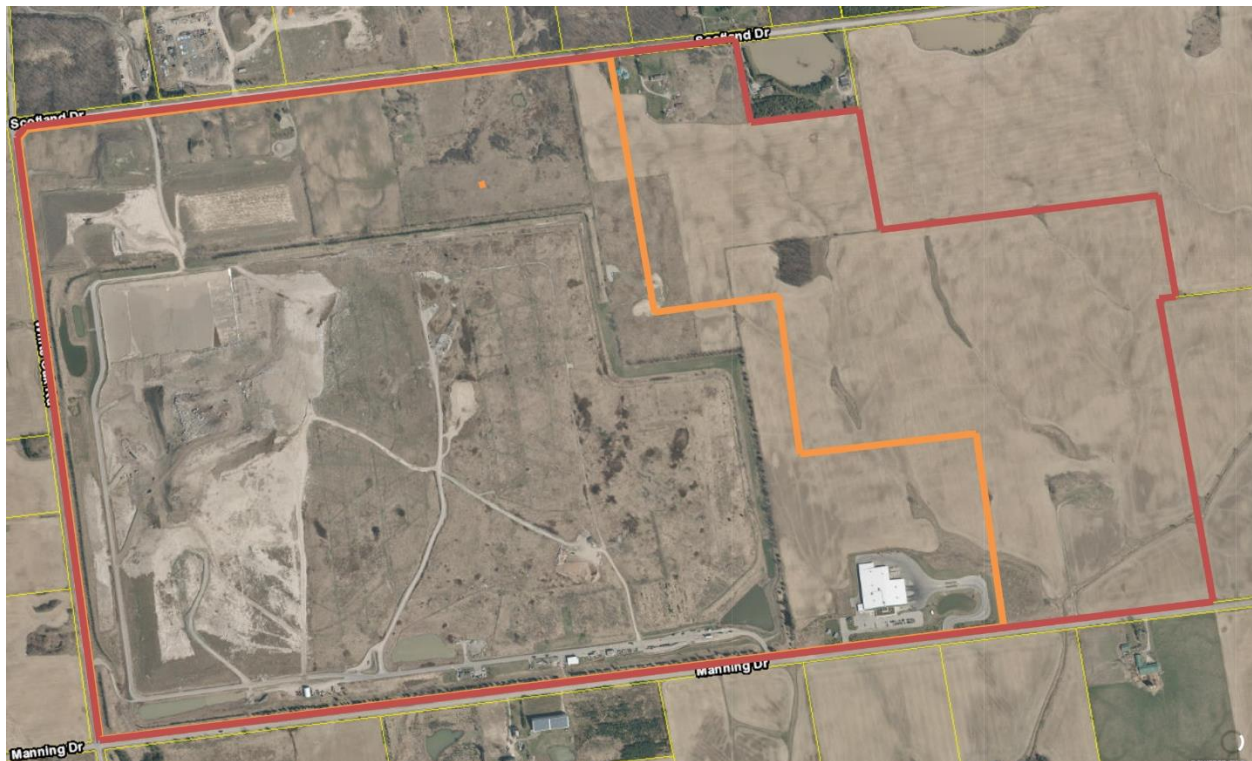


Figure 1 – Subject property depicted with a red outline and the portion of the subject property for which amendments are being requested outlined in orange.

The portion of the property that is subject to this requested Zoning By-law amendment includes all the lands between the existing WRM1 zone line and the Scotland Drive corridor at the northern portion of the subject property; an expansion from the current eastern edge of the zone line by a distance of approximately 85 metres; and, an expansion north of the existing Material Drop-off Area by a distance of approximately 200 metres.



Figure 2 – Aerial photo of subject property at 3502 Manning Drive. The photo depicts a hatched within the boundaries of the subject property outlining where the W12A operations currently occur

No changes are proposed to the existing vehicular access points or to the existing municipal services.



Figure 3 – Google Streetview image of subject site from Scotland Drive facing south highlighting the area of land that is proposed to be rezoned to accommodate a buffer to the existing W12A operations

This subject site is entirely within the Waste Management Resource Recovery Area Place Type as well as portions of the Environmental Review Place Type. The lands surrounding the property are within the Farmland Place Type with pockets of Environmental Review and Green Space Place Types.

To the north of the property are lands zoned and used for Resource Extraction and Environmental Review. To the west of the property are lands zoned and used for Agricultural. The lands to the south of the property the lands are zoned Open Space to accommodate a cemetery as well as Agricultural lands. Lands to the east are zoned Agricultural and Environmental Review.

SPATIAL ANALYSIS AND NEIGHBOURHOOD CHARACTER

Figure 4 shows the subject property, notable features, and land uses within 400m and 800m radii. The two radii were selected to originate from the existing Material Drop-off Area since this is the only part of the requested rezoning that will actually result in an increase in intensity from a future expansion of the existing facility. The remainder of the subject site will comprise a buffer area. The two radii represent walking distances of approximately 5 and 10 minutes, respectively, although given the limited residential uses near the property, the lack of sidewalks on Manning Drive, and the nature of operations at a waste management facility, it is not anticipated that the property will be frequented by pedestrians. Roads designated under The London Plan as “*Rural Thoroughfare*” are shown as a blue line.

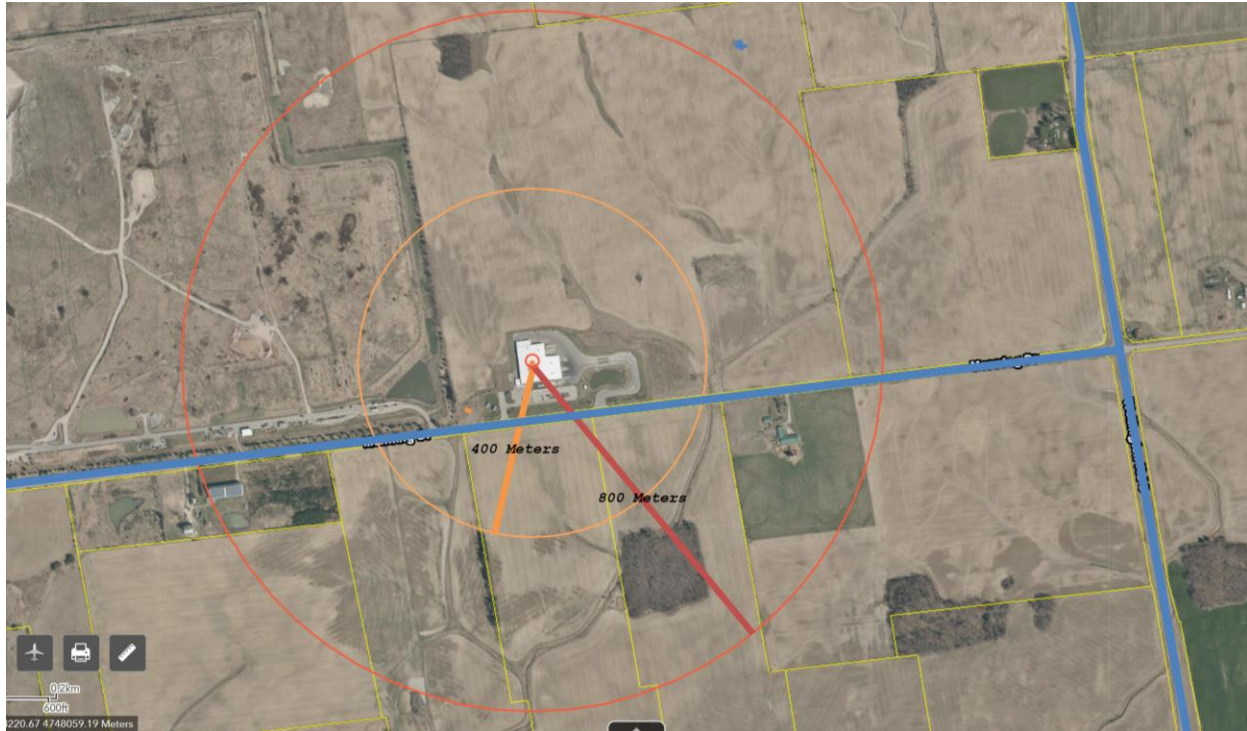


Figure 4 – Image of subject lands, notable features, and land uses within 400m and 800m radii

The subject lands have frontage on a Rural Thoroughfare (Manning Drive), which spans in an east-west direction. The eastern boundary of the property is located approximately 600 metres from another Rural Thoroughfare to the east (Wellington Road South) and the western and northern boundaries of the property abut Rural Connector roads (White Oak Road to the east and Scotland Drive to the north).

Land uses within both the 400- and 800-metre radii are comprised of Agricultural (AG2), Environmental Review (ER) or Waste Management Resource Recover Area (WRM1). The lands on the north side of Manning Drive are entirely owned by the Corporation of the City of London to provide a buffer between the W12A facility and surrounding properties and therefore no impacts are anticipated in response to the requested amendments. On the south side of Manning Drive, the easternmost property, located within the 800m radius, is also owned by the City of London. Three properties immediately to the south Material Drop-off Area building, and located within the 400- and 800m radii, are privately owned by the same controlling interests and are being used for agricultural purposes. Two additional properties to the southwest are located within the 800m radius and are separately owned by private individuals. These properties are also being used for agricultural purposes. No impacts are anticipated to occur on any of these properties considering the requested amendments are intended to facilitate the creation of a buffer zone and not intended to facilitate an expansion to the W12A operations area. Although the requested zoning is also intended to expand the Material Drop-off Area, this expansion is intended to occur to the north of the existing facility and away from the properties on the south side of Scotland Drive.

There is no transit service available to the property. This is due to the lack of employment and residential density in the area and the nature of landfill operations.

POLICY CONTEXT

Given the applicable policy and regulatory framework, and the ability to implement the results of the Environmental Impact Statement, this section outlines how the requested amendments implement The London Plan policy framework in a manner that is also consistent with the Provincial Policy Statement, 2020.

Provincial Policy Statement, 2020

The Provincial Policy Statement (“PPS”), 2020 provides policy direction on matters of provincial interest related to land use planning and development.

The PPS directs that waste management systems need to be provided that are of an appropriate size and type to accommodate present and future requirements, and facilitate, encourage and promote reduction, reuse and recycling objectives (PPS, Policy 1.6.10.1). The PPS also directs municipalities to ensure that waste management facilities are located and designed in accordance with provincial legislation and standards (PPS, Policy 1.6.10.1).

Within the definitions of the PPS, the term *waste management systems* is imbedded within the definition of *Infrastructure*. There are many policies in the PPS that require municipalities to have sufficient *infrastructure* capacity available to accommodate growth and prosperity. For example, the PPS requires planning authorities to promote economic development and competitiveness by ensuring the necessary infrastructure is provided to support current and projected needs (PPS, Policy 1.3.1(e)).

In addition to the provision of sufficient waste/infrastructure capacity, the PPS also requires municipalities to protect natural heritage features for the long term (PPS, Policy 2.1.1). The policies of the PPS require natural heritage systems to be identified while recognizing that these features will vary in size and form (PPS, Policy 2.1.3.).

The London Plan

The majority of the subject property is located within the Waste Management Resource Recovery Area Place Type on Map 1 – Place Types in The London Plan (see Figure 5) with the Environmental Review Place Type applied to portions of the property. The Waste Management Resource Recovery Area Place Type provides for the continued evolution of the W12A Landfill and surrounding area as an integrated waste management centre. Environmentally responsible and sustainable operations and practices, compatible land uses, and minimal impacts on the environment and surrounding properties will guide the future development of these lands (The London Plan, Policy 1254).

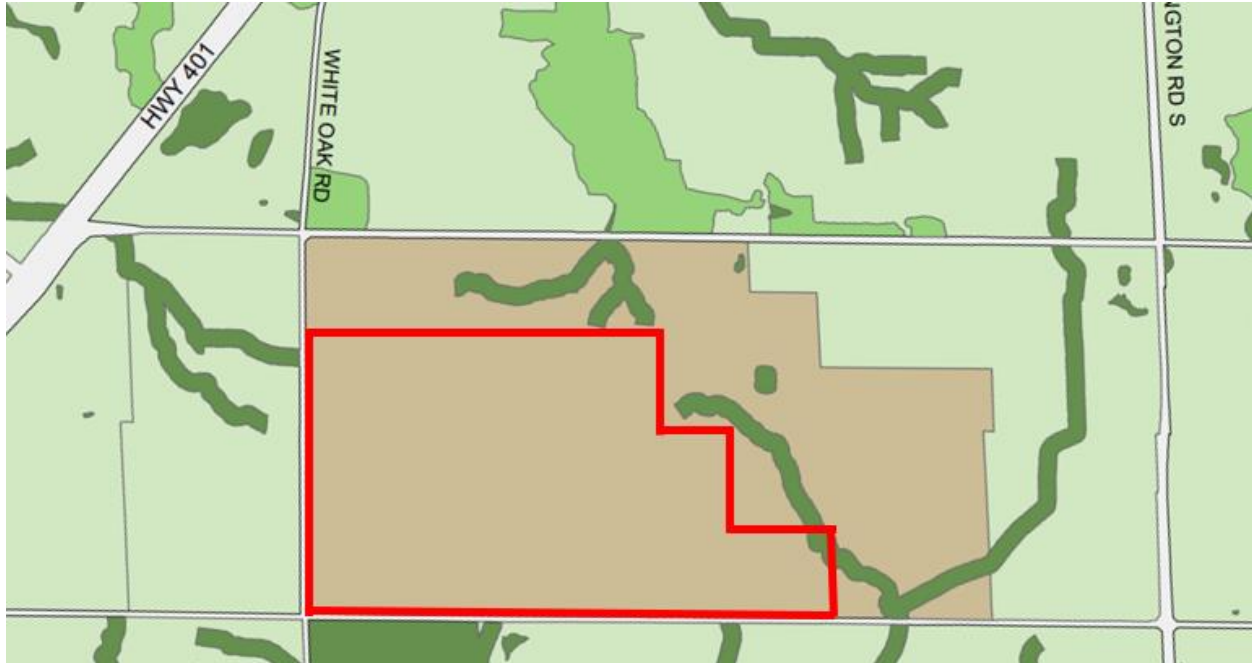


Figure 5 – London Plan Map 1 excerpt illustrating the subject property located within the Waste Management Resource Recovery Area and Environmental Review Place Types with a red outline depicting the W12A operational area

In reviewing the Waste Management Resource Recovery Area policies, the “Location” section recognizes that lands outside of the active W12A waste disposal facility, but within the Waste Management Resource Recovery Area may be used for resource recovery subject to a zoning by-law amendment. Lands within the Waste Management Resource Recovery Area may be added to the area defined for the W12A landfill without an amendment to this Plan, subject to a zoning by-law amendment (The London Plan, Policy 1257).

The “Permitted Uses” policies of The London Plan permit the Waste Management Resource Recovery Area Place Type to accommodate landfills, related uses necessary to the operations of the W12A operations, and eco-industrial parks (The London Plan, Policy 1258). In addition to the uses permitted in Farmland Place Type, The London Plan also identifies additional uses permitted by Site-Specific Zoning, including:

- Municipal waste disposal facility
- A leachate pre-treatment/hailed liquid waste facility
- Public drop-off depot for municipal hazardous or special waste
- Community recycling drop-off depot
- Material recovery facility
- Yard waste composting facility (The London Plan, Policy 1259).

The requested WRM1 zone permits the above-listed uses in conformity with The London Plan.

In terms of “Intensity”, The London Plan provides minimal guidance, only stating that the place type will contain landfill operations that are scaled and designed such that negative environmental effects can be mitigated (The London Plan, Policy 1263).

The “Form” policies of The London Plan list four criteria. These include that landfills will be suitably buffered; they will limit the number of vehicular access points; new buildings will be reviewed through the Site Plan approval process; and, the public realm respect the rural landscape including through the use of buffering (The London Plan, Policy 1264).

In reviewing the Environmental Review Place Type policies, the Vision for these lands is to ensure that development which may negatively impact the value of these features does not occur until such time as the required environmental studies are completed (The London Plan, Policy 779). The policies also identify the potential for features to appear on both Maps 1 and 5 of The London Plan (The London Plan, Policy 780).

In order to realize the Vision of The London Plan, the policies require that a detailed environmental study to assess the significance of the lands identified as Environmental Review will be undertaken as part of any planning and development application process (The London Plan, Policy 781). Where such environmental studies are determined to satisfy the criteria for significance in conformity with the Environmental Policies, all or a portion of those lands will be included in the Green Space Place Type. And where the lands are not deemed to perform an ecological function, those lands will be included within a more appropriate place type (The London Plan, Policy 782).

In addition to the components of the Natural Heritage System which are within the Green Space Place Type on Map 1, other natural heritage features and areas may be included within the Environmental Review Place Type on Map 1 and may be identified on Map 5 as one of the following: Unevaluated Vegetation Patches; Unevaluated Wetlands; Valleylands; and, Potential ESA’s (The London Plan, Policy 783)

The “Permitted Uses” policies identify essential public utilities and municipal services that have been the subject of an Environmental Assessment process or an environmental impact study as permitted uses (The London Plan, Policy 785).

It is noteworthy that the “Planning and Development Applications” policies only speak to lands that are within the Urban Growth Boundary (The London Plan, Policy 786). Notwithstanding, an Environmental Impact Statement (“EIS”) was undertaken, reviewed and accepted by the City’s Ecologist and the requested amendments are intended to implement the findings of the EIS and recommendations of the Ecologist in conformity to these policies.

The “Permitted Uses” policies of the Green Space Place Type identifies essential public utilities and municipal services as uses that may be permitted in the Green Space Place Type. However, the intent of these amendments is to identify and preserve the ecological features and protect them from any future W12A activities.

Zoning By-law

Section 51.1 – *General Purpose of the WRM Zone* – states that, “This Zone provides for and regulates a range of waste management and resource recovery uses which shall be permitted by site-specific zoning, subject to the criteria in the Plan.” This is a very specialized zone that is to be applied to lands within the rural area of the city, which are planned for use as a waste management resource recovery area.



Figure 6 – Image of subject lands illustrating the future areas that will comprise the WRM1 zone and the OS5 zone should the requested zoning amendments be approved

While the entirety of the subject property is identified as a Waste Management Resource Recovery Area Place Type, the Zoning By-law separates the property into two zones thereby creating a “Multiple Zoned” site. Section 3.9(2) of the Zoning By-law stated that, “Where a lot is divided into two or more zones, each such portion of the said lot shall be considered a separate lot as defined herein and shall be used in accordance with the provisions of this By-Law which are applicable to the zone wherein such portion of the said lot is located.” The creation of two separate lots from a zoning perspective creates a situation whereby certain land uses are permitted on the southern Waste & Resource Management (WRM1) zoned portion while being prohibited on the northern and eastern Agricultural (AG2) zoned portion of the site.

It is also noteworthy that while Maps 1 and 5 identify ecological features on the subject property, the current zoning does not recognize these features through either an ER or OS5 zone.

The requested amendment is intended to facilitate the creation of a buffer area around the existing W12A operations area and to recognize the identify and protect the extent of the ecological features in conformity with The London Plan.

Requested Amendment

The requested London Plan amendments to Map 1 are as follows and depicted in Figure 7, below:

- Amend The London Plan to change the designation of a portion of the subject lands **FROM** an Environmental Review Place Type **TO** a Green Space Place Type on Map 1 – Place Types
- Amend The London Plan to change the designation of a portion of the subject lands **FROM** a Waste Management Resource Recovery Area Place Type **TO** a Green Space Place Type on Map 1 – Place Types
- Amend The London Plan to change the designation of a portion of the subject lands **FROM** an Environmental Review Place Type **TO** a Waste Management Resource Recovery Area Place Type on Map 1 – Place Types

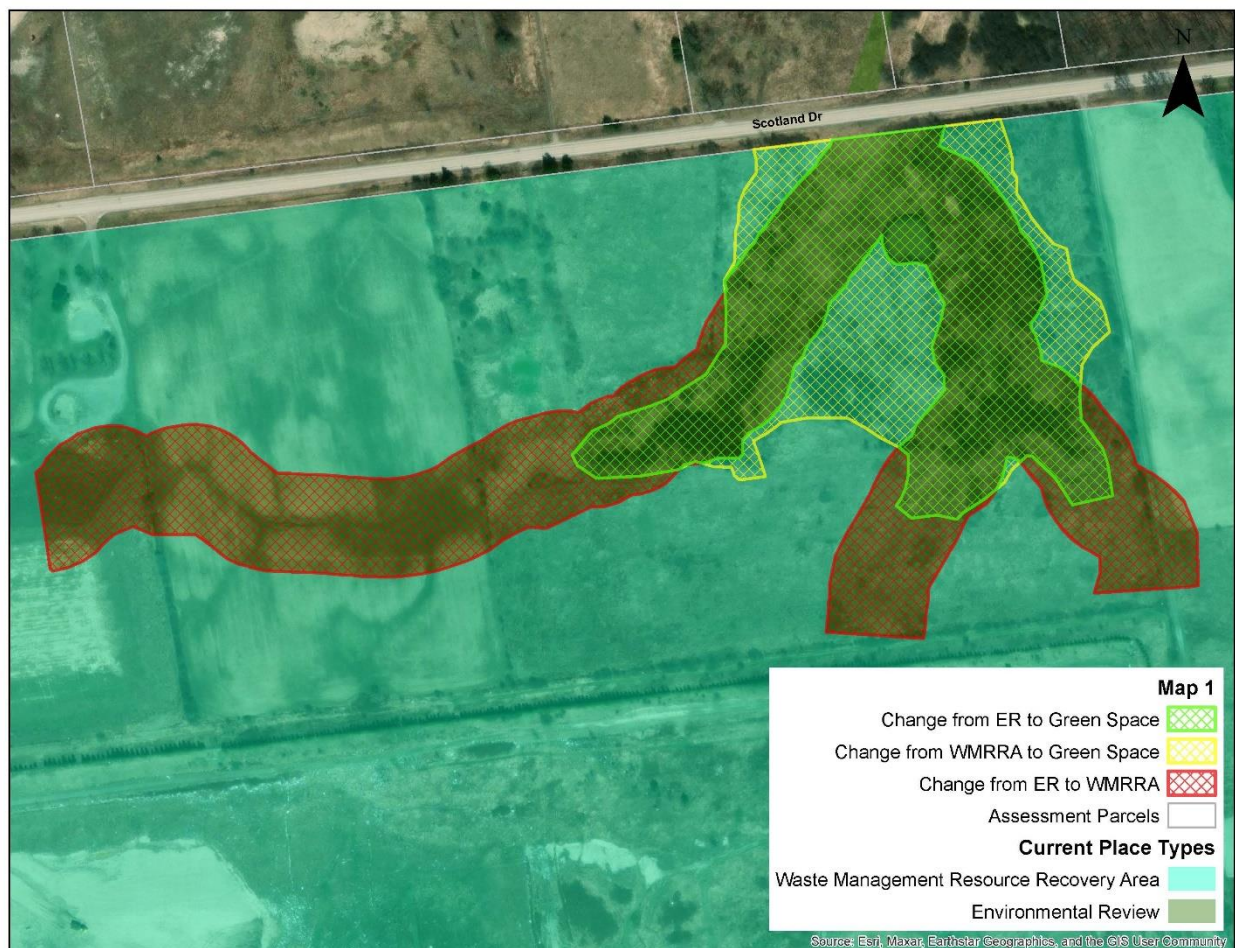


Figure 7 - Image of the northern portion of the subject site outlining the various changes being requested to Map 1 of The London Plan to identify the areas of ecological concern and the areas where W12A buffering can apply

The requested London Plan amendments to Map 5 are as follows and depicted in Figure 8, below:

- Amend The London Plan to change the designation of a portion of the subject lands **FROM** a Valleylands **TO** a Significant Valleylands on Map 5 – Natural Heritage
- Amend The London Plan to **ADD** Significant Valleylands designation to a portion of the subject lands on Map 5 – Natural Heritage
- Amend The London Plan to **DELETE** a portion of the Valleylands designation on Map 5 – Natural Heritage
- Amend The London Plan to change the designation of the northerly-located wetland **FROM** an Unevaluated Wetlands **TO** a Wetlands on Map 5 – Natural Heritage
- Amend The London Plan, to **DELETE** the Unevaluated Wetlands designation for the westerly located feature on Map 5 – Natural Heritage

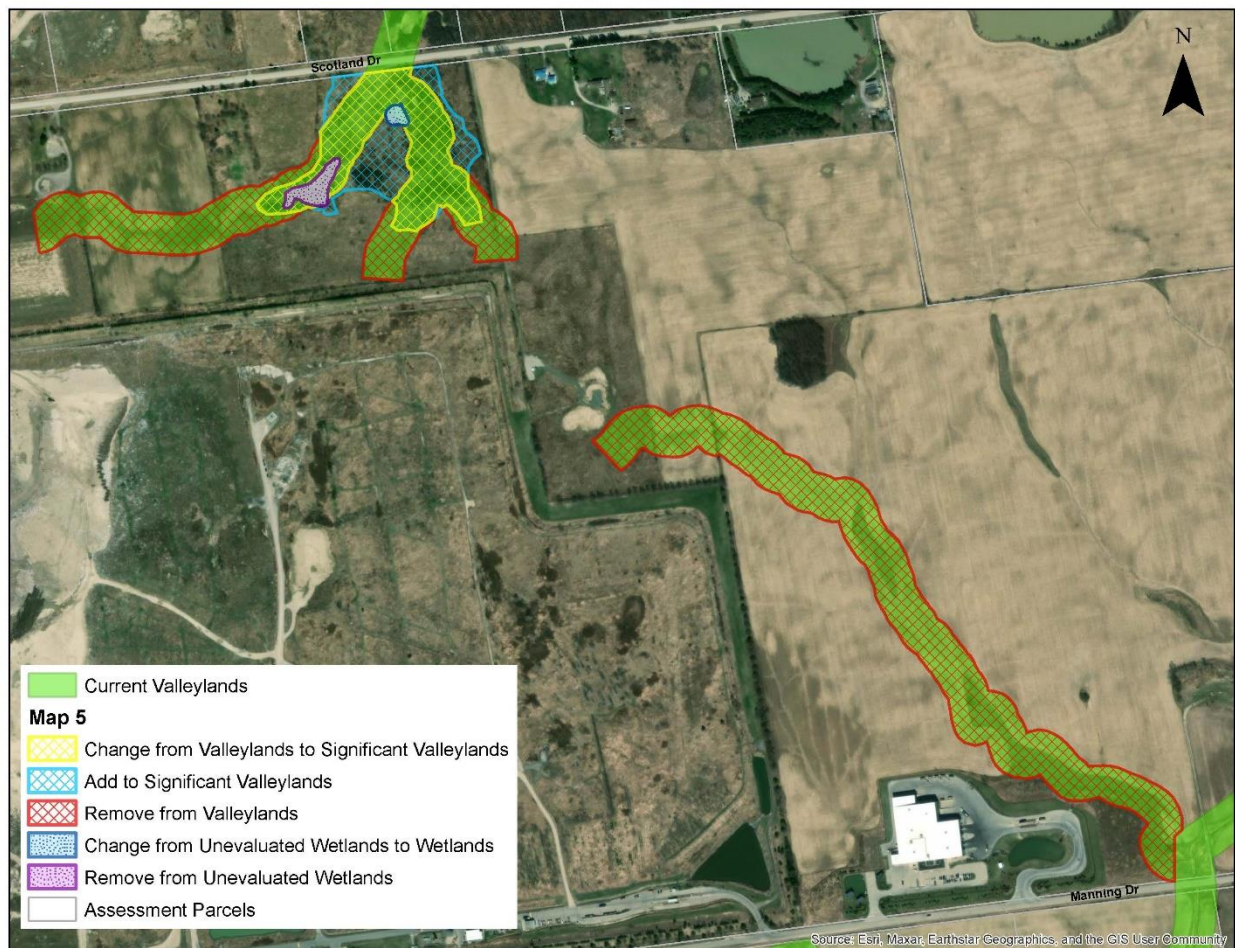


Figure 8 – Image of the eastern portion of the subject site outlining the various changes being requested to Map 5 of The London Plan to refine the areas of ecological concern based on the findings of the EIS

The requested Zoning By-law Z.-1 changes are as follows and depicted in Figure 9, below:

- Amend Zoning By-law No. Z.-1, in conformity with the Official Plan for the City of London (The London Plan, 2016 as amended above) to change the zoning of a portion of the subject property **FROM** an Agricultural (AG2) Zone **TO** an Open Space (OS5) Zone
- Amend Zoning By-law No. Z.-1, in conformity with the Official Plan for the City of London (The London Plan, 2016 as amended above) to change the zoning of a portion of the subject property **FROM** an Agricultural (AG2) Zone **TO** a Waste & Resource Management (WRM1) Zone

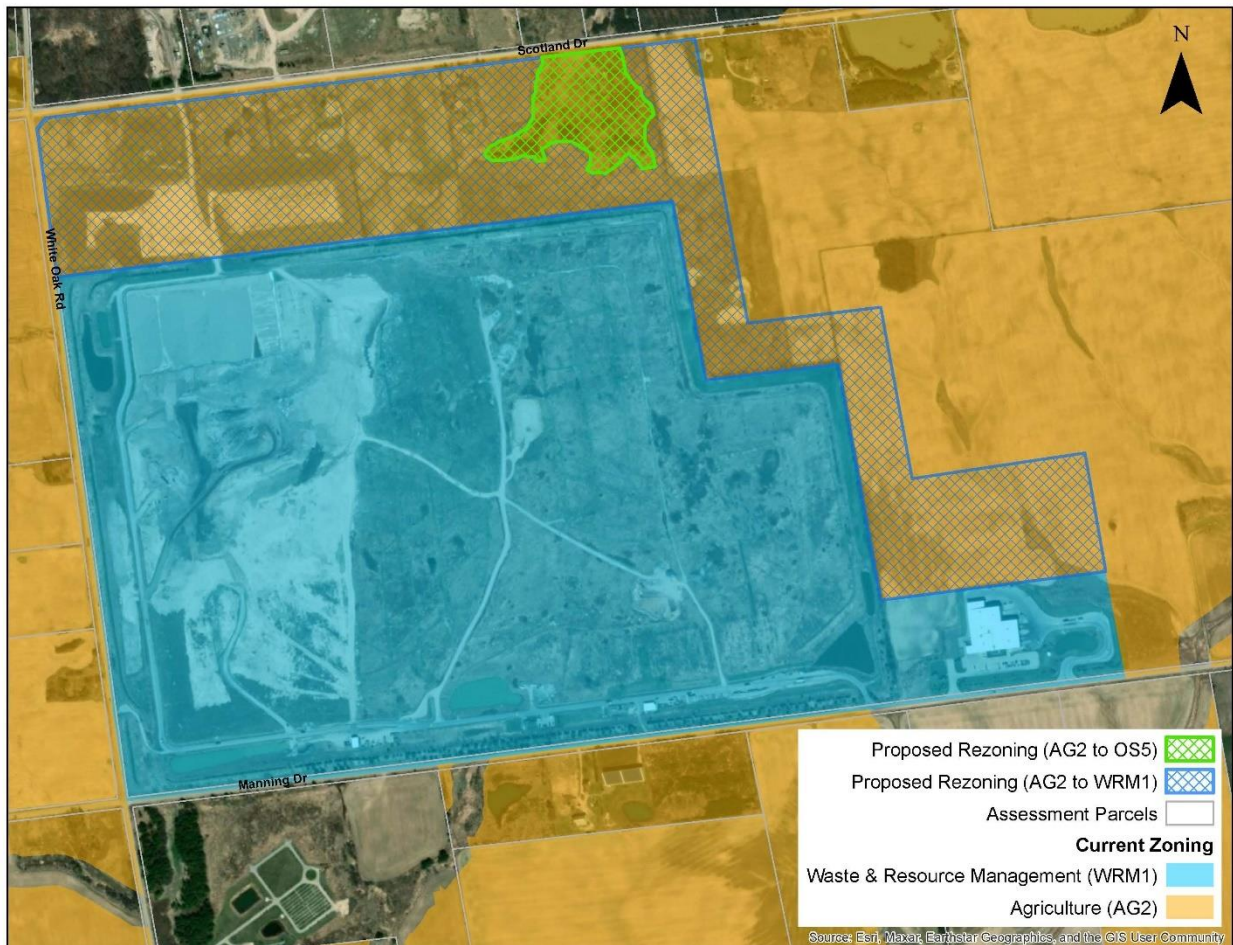


Figure 9 - Image of subject site with blue hatching outlining the area to be rezoned from AG2 to WRM1 and green hatching depicting the area to be rezoned OS5

Issue and Consideration #1 – Are the requested amendment consistent with the Provincial Policy Statement, 2020

The PPS requires municipalities to ensure that sufficient capacity is available within waste management systems and infrastructure (which includes waste management systems) to accommodate future municipal growth (PPS, Policy 1.6.10.1). The Municipality has completed and submitted an Environmental Assessment to the Province intended to facilitate a vertical expansion to the W12A operations area. The requested amendments are intended to create a buffer area around the existing W12A operations area and facilitate an expansion to the Material Drop-off Area to ensure that sufficient capacity is available in conformity to the policies of the PPS.

Additionally, the PPS also requires municipalities to protect natural heritage features for the long term (PPS, Policy 2.1.1). An Environmental Impact Statement has been completed and approved by the City which identified the presence of a Valleyland and Wetlands on the northern portion of the subject site. The requested amendments include a zone change to OS5 for the identified feature as well as amendments to Maps 1 and 5 to recognize and protect the feature in conformity with the policies of the PPS.

Issue and Consideration #2 – Do the requested amendments conform to the policies of The London Plan

A review of the relevant place type policies demonstrates the consistency of the requested amendments. The Waste Management Resource Recovery Area policies recognize that the subject lands may be used for resource recovery subject to a zoning by-law amendment. The permitted uses policies contemplate all (and more) of the uses requested to be added to the subject site by way of the requested WRM1 zone.

The Intensity and Form policies of the Waste Management Resource Recovery Area Place Type require that landfill operations mitigate negative environmental impacts and that the public realm respect the rural landscape such as through the use of buffering. The City completed and submitted an Environmental Assessment to allow for a vertical expansion to the W12A operations area and the requested amendment is intended to employ the use of a buffer area around the active W12A operations area consistent with these policies.

The Environmental Review policies require planning applications to undertake a detailed environmental study to assess the significance of ecological features. And where ecological features are confirmed, all or a portion of those lands will be included in the Green Space Place Type and where no ecological features are identified, those lands will be included within a more appropriate place type. The EIS identified the presence of Significant Valleylands and Wetlands on a portion of the subject site. The requested amendments seek to rezone and amend Maps 1 and 5 to delineate the features in conformity with the policies of The London Plan.

CONCLUSION

In support of the submitted Environmental Assessment and to facilitate a vertical expansion to the W12A operations area and the existing material drop off area, it is requested that a portion of the subject property be zoned to the Waste & Resource Management (WRM1) zone as well as an Open Space (OS5) zone to identify and protect the ecological features. The portion of the subject property that is requested to be rezoned to WRM1 is currently identified as a Waste Management Resource Recovery Area Place Type and therefore no Map 1 changes are requested to implement the zone. However, some portions of the subject property are identified as an Environmental Review Place Type on Map 1 with various features on Map 5 and therefore the recommended OS5 zone is requested to identify and preserve those areas of the site where ecological features exist.

The requested amendments are consistent with the Provincial Policy Statement, 2020 given that they ensure that sufficient capacity is available to this vital component of the City's infrastructure and to recognize and protect the ecological features.

The requested amendments conform to the permitted uses, intensity, and form policies contemplated for the Waste Management Resource Recovery Area Place Type in The London Plan. Additionally, the EIS identified the presence of Significant Valleylands and Wetlands on a portion of the subject site and the requested amendments are intended to implement the recommendations of the EIS in conformity with the policies of The London Plan.

Lastly, the multiple zones currently applied create ambiguity by separating the subject property into various lots whereby some uses are permitted on portions of the site and other uses are not. The requested amendments will result in a better delineation of where activities are occurring on the subject property and where natural features exist.