

To: Warden and Members of County Council

From: Director of Community Planning

Application for Official Plan Amendment OP 22-20-1 – Telephone City Aggregates Inc. & 882527 Ontario Ltd.

RECOMMENDATIONS

1. That Oxford County Council not approve Application No. OP 22-20-1, submitted by MHBC Planning on behalf of Telephone City Aggregates Inc. and 882527 Ontario Ltd. for lands described Part Lots 17 & 18, Concession 7 (Blenheim) and municipally known as 806721 & 806727 Oxford Road 29 in the Township of Blandford-Blenheim to include a site specific development policy to permit a warehouse facility.

REPORT HIGHLIGHTS

- The application for Official Plan Amendment proposes to include a site-specific development policy to permit a warehouse facility within the Agricultural Reserve.
- Staff are not recommending approval of the proposed Official Plan Amendment as it is not consistent with the relevant policies of the Provincial Policy Statement and does not support the strategic initiatives and objectives of the Official Plan regarding non-agricultural uses in agricultural areas.

Implementation Points

The recommendations contained in this report would result in no implementation measures.

Financial Impact

Consideration of this application will have no financial impacts beyond what has been approved in the current year's budget.







Communications

Notice of complete application and public notice regarding this proposal was provided to surrounding property owners in accordance with the requirements of the *Planning Act* on November 15, 2022 and July 13, 2023, respectively. A notice was also sent to surrounding landowners on August 10, 2023 to advise of Oxford County Council's decision to move all meetings to daytime meetings, which moved the scheduled public meeting of September 27, 2023 from an evening meeting to a daytime meeting.

As of the date of the writing of this report, four letters of opposition have been received. Copies of said letters have been attached to this staff report for Council's consideration.

The decision of Council will be communicated to the applicant and all parties that have expressed interest in the proposal.

Strategic Plan (2020-2022)

					
WORKS WELL TOGETHER	WELL CONNECTED	SHAPES THE FUTURE	INFORMS & ENGAGES	PERFORMS & DELIVERS	POSITIVE IMPACT
		3.ii			

DISCUSSION

Background

Owner: Telephone City Aggregates Inc. & 882527 Ontario Ltd.
 14442 Regional Road 50, Bolton, ON L7E 3E2

Agent: MHBC Planning
 540 Bingemans Centre Drive, Kitchener, ON N2B 3X9

Location:

The subject lands are described as Part Lots 17 & 18, Concession 7 in the former Township of Blenheim, now in the Township of Blandford-Blenheim. The lands are located on the north side of Oxford Road 29, immediately east of the Highway 401 interchange, and are municipally known as 806721 Oxford Road 29 and 806727 Oxford Road 29.

County of Oxford Official Plan:

Existing:

Schedule 'B-1'	Township of Blandford-Blenheim Land Use Plan	Agricultural Reserve & Open Space
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Proposed:

Schedule 'B-1'	Township of Blandford Blenheim Land Use Plan	Agricultural Reserve & Open Space - with a site specific policy to permit a warehouse facility
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Township of Blandford-Blenheim By-law 1360-2002:

Existing Zoning: General Agricultural Zone (A2)

Proposed Zoning: Special General Agricultural Zone (A2-sp) and Special Open Space Zone (OS-sp)

Proposal:

The County of Oxford and the Township of Blandford-Blenheim have received applications for Official Plan Amendment (OPA) Zone Change to facilitate the development of two blocks for employment uses. According to the Planning Justification Report submitted in support of the applications, each of the two blocks would contain a 46,451 m² (500,000 ft²) warehouse facility. The OPA proposes to implement site specific policies that would permit a warehouse facility on a portion of the subject lands identified on Plate 1 of this report.

The subject lands consist of two parcels that are currently separately conveyable. The larger of the two parcels is approximately 41.3 ha (102 ac); zoned 'General Agricultural Zone (A2),' and currently contains a single detached dwelling and numerous accessory buildings. The smaller of the two parcels is approximately 0.1 ha (0.24 ac), is currently zoned 'Residential Existing Lot Zone (RE),' and contains a single detached dwelling and a detached garage.

The Zone Change Application proposes to rezone approximately 27.4 ha (67.7 ac) of the subject lands from 'General Agricultural Zone (A2)' and 'Residential Existing Lot Zone (RE)' to 'Special General Agricultural Zone (A2-sp).' The special provision would add a warehouse facility as a permitted use in the A2 Zone. A small portion of the westerly side of the subject lands would be rezoned 'Special Open Space Zone (OS-sp).' The lands to be rezoned to OS-sp contain both a Provincially Significant Wetland and a non-Provincially Significant Wetland. The purpose of the OS Zone would be to protect these lands from future development.

Access to the two blocks to be developed for warehouse purposes would be obtained via a 12 m (39.3 ft) wide shared access from Oxford Road 29. The Transportation Impact Study (TIS) submitted in support of the applications used the Institute of Transportation Engineers (ITE) Trip Generation Manual to estimate the peak hour traffic volumes generated by a development such

as is being proposed. The TIS advises that the traffic patterns found in Table 1 below are to be expected at peak AM and PM hours. A breakdown of the origin and destination of these trips can be found below in Table 2.

Table 1: Trip Generation

Trip Type	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
Passenger Car	182	55	237	67	173	240
Truck	37	35	72	55	51	106
Total Trip Generation	219	90	309	122	224	346

Table 2: Estimated Trip Distribution

Origin/Destination	Cars	Trucks
North via Hwy 401	40%	70%
South via Hwy 401	25%	30%
East via Oxford Road 29	20%	0%
West via Oxford Road 29	15%	0%
Total	100%	100%

Plate 1, Location Map and Existing Zoning, shows the existing zoning of the subject lands and surrounding area.

Plate 2, Aerial Photography (2020), provides an aerial view of the subject lands with existing zoning.

Plate 3, Official Plan Designation Map, shows the designation of the subject lands and surrounding lands in the Official Plan.

Plate 4, Applicants' Sketch, shows the general layout of the proposed development, as provided by the applicant.

Comments

2020 Provincial Policy Statement

The 2020 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Under Section 3 of the Planning Act, where a municipality is exercising its authority affecting a planning matter, such decisions shall be consistent with all policy statements issued under the Act.

Section 1.1.1 states that healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long-term and cost-effective development patterns and standards to minimize land consumption and servicing costs.

Section 1.1.3.2 directs that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. Furthermore, land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land, resources, existing infrastructure and public service facilities. A range of uses and opportunities for intensification and redevelopment should also be promoted where it can be accommodated in settlement areas.

Section 1.3.1 states that planning authorities shall promote economic development and competitiveness by providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs.

Section 1.6.6 outlines that where municipal sewage services and municipal water services are not available, planned, or feasible, individual on-site services may be used provided that site conditions are suitable for long-term provision of said services to avoid any negative impacts. Planning for stormwater management shall:

- a) Be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;
- b) Minimize or, where possible, prevent increases in contaminant loads;
- c) Minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater;
- d) Mitigate risks to human health, safety, property and the environment;
- e) Maximize the extent and function of vegetative and pervious surfaces; and,
- f) Promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

Section 1.6.7 outlines the need for transportation systems to be provided that are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.

Section 2.1 outlines that natural features and areas shall be protected long term. Development and site alteration shall not occur within significant wetlands or significant coastal wetlands.

Section 2.3 outlines that prime agricultural areas are to be protected for long-term use for agriculture. Permitted uses and activities within prime agricultural areas are agricultural uses, agriculture-related uses, and on-farm diversified uses.

Section 2.3.6 outlines that planning authorities may only permit non-agricultural uses in prime agricultural areas for:

- a) Extraction of minerals, petroleum resources and mineral aggregate resources; or
- b) Limited non-residential uses, provided all of the following are demonstrated:
 - 1.) The land does not comprise a speciality crop area;
 - 2.) The proposed use complies with the minimum distance separation formulae;
 - 3.) There is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to accommodate the proposed use; and
 - 4.) Alternative locations have been evaluated, and

- i. There are no reasonable alternative locations which avoid prime agricultural areas; and
- ii. There are no reasonable alternative locations in prime agricultural areas with lower priority agricultural land.

Section 2.3.6 also outlines that impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible.

Official Plan

The subject lands are predominately located within the Agricultural Reserve designation according to the Township of Blandford-Blenheim Land Use Plan, as contained in the Official Plan. A small portion of the subject lands is also located within the Environmental Protection designation, however, the extent of the proposed development would be located within the Agricultural Reserve designation.

Section 3.1.1 of the Official Plan directs that the goal of the Agricultural Reserve policies is to ensure prime agricultural lands are preserved for food and fibre production by avoiding the fragmentation of the land base, by minimizing conflict between agricultural and non-agricultural uses, and by supporting the needs of the agricultural community by permitting land uses which are complimentary to and supportive of agriculture. The on-going goal of the Agricultural Reserve designation is to minimize conflicts between farm operations and commercial, industrial, and residential developments.

Section 3.1.5 of the Official Plan states that it is an objective of the Plan to only permit new non-agricultural uses where such uses do not conflict with the 'Goal for Agricultural Policies' set out in Section 3.1.1. Further, non-agricultural uses shall remain clearly secondary to the principal function of food and fibre production, and shall be directed to designated settlements as a first priority.

Non-agricultural uses include commercial, industrial, institutional, infrastructure, public works yards, recreational and residential uses that are not directly related to, or supportive of agriculture.

Within the Agricultural Reserve designation, the use of prime agricultural land for agricultural, mineral, petroleum and environmental resources will be given higher priority in land use decision making than other non-agricultural uses.

To maintain the agricultural land resource for agriculture and related uses, and to ensure that new commercial, industrial and institutional uses develop on an appropriate level of services, new non-agricultural commercial, industrial and institutional uses will not be permitted within the Agricultural Reserve.

Section 3.1.6 of the Plan directs that proposals to amend the Official Plan to permit the establishment of new non-agricultural uses in the Agricultural Reserve will be considered in accordance with the following:

- Justification analysis, which provides compelling evidence that the proposed development should be located outside of a designated settlement, with consideration for the following:

- There is a demonstrated need within the planning period for additional land to be removed from agricultural production;
- Nature of the proposal and whether the use requires special locational requirements or physical features that are only available in prime agricultural areas;
- Amount of land proposed for the new development will be consistent with the requirements of the proposed use; and,
- Long-term suitability and feasibility of the proposed site for centralized wastewater and/or water supply facilities or private water and private septic systems.
- Agricultural impact analysis, which demonstrates:
 - The lands do not comprise a specialty crop area;
 - There are no reasonable alternatives which avoid prime agricultural areas;
 - There are no reasonable alternatives on lands with lesser agricultural capability or on lands left less suitable for agriculture by existing or past development;
 - MDS I is satisfied; and,
 - Impacts from the new use on nearby agricultural operations are mitigated to the extent possible.
- The proposed use shall not create traffic hazards and the road infrastructure shall be capable of accommodating the new use.
- The proposal is consistent with Environmental Resource Policies and Cultural Heritage Policies.
- The proposal will not conflict with Resource Extraction Policies.
- The proposal is acceptable regarding the ability to achieve the Goal for Agricultural Policies as set out in Section 3.1.1, the precedent to be established for other sites within the County and the ability to implement planned land uses in the vicinity.

Zoning By-law

The subject lands are currently zoned 'General Agricultural Zone (A2)' and 'Residential Existing Lot Zone (RE)' according to the Township's Zoning By-law. The A2 zone permits a variety of agricultural uses, including a farm and single detached dwelling if accessory to a farm. The A2 zone requires a minimum lot area of 30 ha (74.1 ac) and a minimum lot frontage of 100 m (328.1 ft). The RE zone permits non-farm rural residential uses, including a single detached dwelling, while recognizing that the existing lot area and lot frontage as being the required minimums.

The applicants propose to rezone the majority of the subject lands to a 'Special General Agricultural Zone (A2-sp)' while a small portion of the lands, which contain natural heritage features, would be rezoned to 'Special Open Space Zone (OS-sp).' The A2-sp zoning would permit a warehouse facility. The purpose of the OS-sp zoning would be to recognize existing natural heritage features and prohibit development on those lands.

Agency Comments

The Oxford County Public Works Department has indicated no concerns at this time, however, it was noted that the Department recommends the installation of a right-turn lane along Oxford Road 29 at the entrance to the site to maintain a constant traffic flow.

The Township's Drainage Superintendent noted that the area will need to be reviewed for stormwater management and that the northeast corner of the subject lands is affected by the Duncan Drain.

The Township's Engineering Consultant indicated that they will require a Grading Plan, Servicing Plan, Erosion Plan, and a Stormwater Management Plan moving forward.

The Oxford County Federation of Agriculture (OCFA) provided a letter outlining their concerns and a copy has been attached to this report for Council's consideration.

The Grand River Conservation Authority (GRCA) has indicated no objection to the proposed Official Plan Amendment and Zone Change Applications. The GRCA, however, did include comments for a future Site Plan Approval process and a copy of the GRCA letter has been attached to this staff report.

Canada Post has indicated no concern or comments with respect to the subject applications.

Township of Blandford-Blenheim

Township of Blandford-Blenheim Council recommended support of the proposed Official Plan Amendment and approved the proposed Zoning Change Application 'in principle', at the Township's regular meeting of August 2, 2023.

Planning Analysis

Provincial Policy Statement (PPS)

The subject lands are located within a prime agricultural area, as defined by the PPS. Section 2.3 of the PPS directs that prime agricultural areas shall be protected for long-term use for agriculture. Permitted uses and activities within a prime agricultural area include agricultural uses, agriculture-related uses and on-farm diversified uses.

Planning staff have considered the proposed warehouse facility in accordance with PPS policies for non-agricultural uses, as outlined in the '2020 Provincial Policy Statement' section of this report. The subject lands do not comprise a specialty crop area as defined by the PPS and the Agricultural Impact Assessment (AIA) submitted by MHBC Ltd. appears to confirm that the proposed use complies with the Minimum Distance Separation (MDS) requirements from nearby livestock/poultry operations. Further, the location of the use would appear to have merit in that the site is located on a County Road designed to facilitate truck traffic and is in close proximity to Highway 401.

In 2020, Hemson Consulting Ltd. carried out a Phase 1 Comprehensive Review for Oxford County. The purpose of the report was to review population, household, and employment projections for the County over a 25-year planning horizon while also reviewing the projected land need for said projections. The report looked at the County as a whole, while also looking at each of the area municipalities individually.

Based on the most up-to-date data, using available development information to the end of 2021, the Community Planning Department has calculated there are currently 22 gross development hectares available for industrial employment use in the Township. When taking into consideration underutilization and factoring in required land for roads and infrastructure, there are approximately 16 net developable hectares. According to Planning's future projections, there is a need in the Township for 13 net developable hectares for industrial employment uses, leaving a surplus of 3 net development hectares in the Township.

Staff are of the opinion that the need for lands to accommodate the use at this location, particularly in the context of considering alternative locations, has not been adequately established in the context of the Township of Blandford-Blenheim or Oxford County. Specifically, there would appear to be a reasonable alternative for the establishment of this use in nearby Drumbo, which has approximately 21 ha (51.8 acres) of contiguous industrially designated lands. While the layout of the lands in Drumbo are of a somewhat irregular configuration compared to the subject lands, the Drumbo lands, which consist of two (2) separately conveyable lots, could provide an option that would avoid prime agricultural areas.

While staff acknowledge that the Village of Drumbo currently has existing wastewater constraints, staff remain of the opinion that industrial uses that are generally dry or low-impact in terms of servicing requirements are suitable for industrially-designated land within the settlement. Township Council recently endorsed the Drumbo Secondary Plan that outlined the preference for non-residential development within the Village of Drumbo that has low water and wastewater requirements. The purpose of prioritizing development with low water and wastewater impacts was to ensure that available capacity could be used efficiently. A warehousing facility, such as that proposed, would fall under the category of low water and wastewater impact development.

The PPS outlines that there shall be transportation systems that are safe, energy efficient, and facilitate the movement of people and goods. Staff recognize that from a transportation of goods aspect, the subject lands have merit given the location on a main County Road (Oxford Road 29) and proximity to Highway 401. However, the Village of Drumbo lies approximately 2 km to the east of the subject lands which would only represent approximately 2 minutes of additional driving time between the facility and Highway 401 if the facility were located within the settlement.

The Oxford County Public Works Department has indicated no concerns with the current proposal to amend the Official Plan and Zoning By-law, including the proposed left-turn lane on Oxford Road 29, which was recommended in the submitted TIS. In addition to the left-turn lane, the County Public Works Department advised that they also recommend a right-turn lane to improve traffic flow. The submitted TIS did not speak to the need for a right-turn lane on Oxford Road 29. For Council's information, the proposal has been circulated to the Ministry of Transportation (MTO) on two separate occasions and to date, there has been no feedback from MTO.

In conclusion, Planning staff are of the opinion the applicants' proposal to permit a warehouse facility on the subject lands is not consistent with the policies of the PPS for the establishment of a non-agricultural use in a prime agricultural area.

Official Plan

Staff have evaluated the proposal in accordance with the review criteria of the Official Plan to permit the establishment of a new non-agricultural use in the Agricultural Reserve designation. To this end, while the location of the lands for the use has some positive characteristics, as identified in the consideration of Provincial policy, the applicants have not demonstrated that the use has special locational requirements that are only available in a prime agricultural area. Further, the location of the use would not appear to meet the 'no reasonable alternatives' criteria that are included in both the PPS and the Official Plan.

As noted previously, the goal for agricultural policies, as contained in the Official Plan, directs that the County will ensure that prime agricultural areas are preserved for food and fibre production by minimizing conflict between agricultural and non-agricultural uses and by supporting land uses which are complimentary to and supportive of agriculture. In the opinion of staff, a warehouse facility is a use which is generally incompatible with the goals and objectives of the Official Plan for the Agricultural Reserve designation as the facility would not be supportive of the local agricultural community.

In light of the foregoing, Planning staff are of the opinion that the applicants' proposal to amend the Official Plan to introduce special policies to allow for a warehouse facility as a non-agricultural use in an agricultural area does not support the strategic initiatives and objectives of the Agricultural Reserve and has the potential to set an undesirable precedent for the establishment of such uses within the immediate vicinity going forward.

Zoning By-law

The subject lands are currently zoned 'General Agricultural Zone (A2)' and 'Rural Existing Lot Zone (RE)' in the Township Zoning By-law, which permits a wide range of agricultural uses, but does not allow a warehouse facility, which is defined to mean a building or part thereof which is used for the storage, adaption for sale, packaging or wholesale distribution of goods, wares, merchandise, foodstuff, substances or articles, but does not include a fuel storage tank except as an accessory use. These types of uses are typically restricted to lands zoned 'Restricted Industrial Zone (MR)' or 'General Industrial Zone (MG)', which are predominantly located within settlement areas.

Conclusions

In light of the foregoing, it is the opinion of this Office that the applicants' proposal to permit a warehouse facility on the subject lands as a non-agricultural use is not consistent with the policies of the PPS and does not support the strategic initiatives and objectives of the Official Plan. As such, staff are of the opinion that the proposal should not be given favorable consideration.

SIGNATURES

Report Author:

Original Signed By _____

Dustin Robson, MCIP, RPP
Development Planner

Departmental Approval:

Original Signed By _____

Gordon K. Hough, RPP
Director of Community Planning

Approved for submission:

Original Signed By _____

Benjamin R. Addley
Chief Administrative Officer

ATTACHMENTS

- Attachment 1 - Plate 1, Location Map & Existing Zoning
- Attachment 2 - Plate 2, Aerial Photography (2020)
- Attachment 3 - Plate 3, Official Plan Designation Map
- Attachment 4 - Plate 4, Applicants' Sketch
- Attachment 5 - OCFA Letter
- Attachment 6 - GRCA Letter
- Attachment 7 - Janssen Letter
- Attachment 8 - Owen Letter
- Attachment 9 - Demeulenaere Letter
- Attachment 10 - Awde Letter