

PLANNING JUSTIFICATION REPORT

OFFICIAL PLAN AMENDMENT AND ZONING BY-LAW AMENDMENT

0 Manning Road

PIN: 75009-0011 (LT)

ARN: 37512200000264000000

Municipality of Lakeshore, Ontario

August 3, 2022

Prepared by:



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1.0 INTRODUCTION

I have been retained by 2438305 Ontario Limited., the owner/applicant, to provide a land use Planning Justification Report (PJR) in support of proposed land use changes for property located at 0 Manning Road, ARN: 37512200000264000000 (PIN: 75009-0011 (LT)) (herein the "Site") in the Municipality of Lakeshore, in the County of Essex.

It is proposed to allow for the formal site specific operation of a Class 1 soil management facility.

It is also proposed to allow other non-effluent producing industrial uses that are not rail related. However, there are no specific proposals at this time and additional uses will be subject to Site Plan Control (SPC) approval.

An amendment to the Municipality of Lakeshore Official Plan (OP) and the Municipality of Lakeshore Zoning By-law (ZBL) is required in support of the proposed land use changes, which are housekeeping in nature.

The purpose of this report is to review the relevant land use documents, including the Provincial Policy Statement (PPS), County of Essex Official Plan (COP), Lakeshore Official Plan (OP) and Lakeshore Zoning By-law (ZBL).

Pre-consultation meetings were held by the owner/applicant and Municipal Staff.

This PJR will show that the proposed development is consistent with the PPS, conforms with the intent and purpose of the County and Municipal OP, complies with the Municipal ZBL and represents good planning.

2.0 SITE AND SURROUNDING LAND USES

2.1 Legal Description and Ownership

The Site, subject to the application, is made up of one (1) parcel and owned by 2438305 Ontario Limited, the applicant/owner. The property is locally known as 0 Manning Road, ARN: 37512200000264000000 (PIN: 75009-0011 (LT)) and legally described as PT LT 7-8 CON WEST OF RIVER PECHE MAIDSTONE PT 2, 4, 5 & 7 12R11154; S/T R1285372; LAKESHORE; S/T EASEMENT OVER PT LT 7 AS PT 2 PL 12R11154 AS IN CE120439; SUBJECT TO AN EASEMENT OVER PT 1 ON PL 12R26036 IN FAVOUR OF PT 3 ON PL 12R11154 AS IN CE641381(see the area shaded in green on Figure 1 – Key Map).



Figure 1 – Key Map (Source: Lakeshore GIS)

The Site is located on the east side of Manning Road (County Road 19). Abutting lands are also owned by Mr. John Jurak, the principal of 2438305 Ontario Limited and are locally known as 2084 Manning Road and 2064 Manning Road (see the area in blue on Figure 1 – Key Map). These abutting lands are owned by Fairlane Machine Tools Inc. and Sylvester Group Inc., respectively.

2.2 Physical Features of the Site

2.2.1 Size and Site Dimension

The Site consists of a total area of approximately 35 hectares, which includes one (1) parcel of land.

The Site is an irregular-shaped parcel of land with a frontage of approximately 21.6 m (71 ft) along Manning Road (driveway only).

Current access to the Site is via an asphalt driveway from Manning Road.

2.2.2 Building and Structures

There are no buildings and structures on the Site.

2.2.3 Vegetation

There is no vegetation on the Site.

2.2.4 Topography

The Site is generally level and slopes gradually to the east.

A portion of the Site is subject to Essex Region Conservation Authority (ERCA) regulations and is located in a Source Water Protection Area.

2.2.5 Other Physical Features

The Site is located immediately north of the Canadian Pacific Railway (CPR). The railway right-of-way is 20 m (66 ft) wide and contains a set of active rails with a level crossing at Manning Road (County Road 19).

There is an existing municipal drainage ditch approximately 6 m (19.65 ft) wide, traversing the property in a north-south direction.

2.2.6 Services

The Site is currently not using any services (municipal or private).

Storm water is currently managed by existing drainage ditches on the Site.

2.3 Surrounding Land Uses

North – The lands immediately to the north of the Site are used for industrial purposes (see Photo 1 - North).



Photo 1 - North

South – The Canadian Pacific Railway lands are located to the south of the Site. Immediately abutting the access at Manning Road, the lands south of the Site are used for industrial purposes and a mix of residential (see Photo 2 – South/Industrial & Photo 3 – South/Railway).



Photo 2 – South/Industrial



Photo 3 – South/Railway

East – 421 West Pike Road is a 6 ha parcel of land in agricultural use with a single detached home (see Photo 4 - East) located to the east of the Site.



Photo 4 - East

West – Across Manning Road (County Road 19), to the west, is farmland (see Photo 5).



Photo 5 – West

3.0 SITE HISTORY

The Site was purchased in 2014 and has remained vacant for several years.

With permission of the Ontario Ministry of Environment, Conservation and Parks (MECP), 2438305 Ontario Limited has been operating a soil management facility on the Site since 2021.

4.0 DEVELOPMENT PROPOSAL

4.1 Description of Proposal

The owner/applicant proposes to allow for the formal operation of a site specific Class 1 soil management facility and non-effluent producing industrial uses that are not rail related to be located at 0 Manning Road.

The Site is accessed from Manning Road, using the access driveway directly north of the 2084 Manning Road property.

The operation receives and processes dry and wet soil for beneficial reuse at the Site, for site development purposes and sale to market. The excess soils will be managed and placed for regrading/leveling the Site. Construction of screening attenuation berms around the perimeter of the Site, and temporary storage for future sale to market are also part of the Site.

Traffic onto the Site includes dump trucks. Site access is controlled by a lockable gate, which is located where the access driveway from Manning Road enters the main Site footprint.

It is noted that effluent would not be produced on the Site during the importation and processing of dry and wet soil. Site access would be restricted to the designated County Road No. 19 via the aforementioned access driveway.

It is also proposed to allow other non-effluent producing industrial uses that are not rail related. However, there are no specific other uses being considered for the Site at this time. Other industrial site uses would be subject to Site Plan Control approval and the signing of a site plan control agreement.

4.2 Public Consultation Strategy

The Planning Act requires that the applicant submit a proposed strategy for public consultation with respect to an application as part of the complete application requirements.

In this case, the application is for the proposed ZBA and OPA.

As part of a public consultation strategy, the applicant proposes that the required public meeting will be sufficient as the size of the development is small scale.

At this time, no informal public open house is proposed to be held by the applicant.

5.0 PROPOSED APPLICATION

5.1 Official Plan Amendment

The proposed application requires a site-specific Official Plan Amendment (OPA).

The lands are designated “Employment Area” and “Urban Reserve Area” (Lakeshore West/Manning Road Special Planning Area) according to Schedule “A” Community Structure attached to the OP for the Municipality of Lakeshore.

Site-Specific Policy Area 6.11.3.2 (Maidstone Rail-Related Employment Area) also applies to the Site.

It is proposed to further amend the designation to remove the reference of rail related uses.

Further analysis is provided in Section 7.3 of this PJR.

5.2 Zoning By-law Amendment

The proposed application requires a site-specific Zoning By-law Amendment (ZBA).

According to Schedule “A”, Maps 7 & 11 attached to the ZBL, the Site, subject to the application, is zoned Urban Reserve Zone Exception 5 (UR-5) which includes the driveway area and General Employment Zone Exception 2 (M1-2) and General Employment Zone Exception 2 Holding (M1-2(h2)) which includes that balance of the Site.

It is proposed to further amend the current M1-2 and M1-2(h2) zoning to permit the site specific use of a non-effluent formal operation of a Class 1 soil management facility. The reference to “that have a dependency on the rail line, rail-related storage facilities” shall be removed.

It is also proposed to allow other non-effluent producing industrial uses that are not rail related. However, there are no specific other uses being considered at this time.

The holding (h) provision can remain as development will be subject to site plan approval being granted and a site plan control agreement has been entered into.

Permitted uses: existing uses until such time as the (h) is removed. Upon removal of the (h) permitted uses shall include only non effluent producing industrial uses and uses accessory to the foregoing permitted uses, including accessory retail and office uses.

Further analysis is provided in Section 7.4 of this PJR.

6.0 SUPPORT STUDIES

The following studies have been completed as part of this PJR in support of the application for the ZBA.

6.1 Traffic

A Traffic Memo was prepared by Dillon Consulting dated June 1, 2022. Copies of the report have been submitted to the Town for review.

The purpose of the review was to provide confirmation of traffic volume to and from the Site and driveway design information (i.e., sight lines).

The review concluded the following:

- No concerns with daily site volume,
- No concerns with sight lines, and
- No concerns with driveway design to accommodate dump trucks and transport trucks.

6.2 Soil

An Impact Assessment was prepared by RWDI AIR Inc. dated February 24, 2022. Copies of the report have been submitted to the Town for review.

The purpose of the assessment was to review the impact of the operation of a soil management facility on the Site and the surrounding area.

The document also provides details on the operation of the soil management facility.

It was concluded that the proposed operation of the Site as a Class 1 Soil Management Site is suitable and can occur without causing risk to the natural environment and surrounding community.

7.0 POLICY AND REGULATORY FRAMEWORK

7.1 Provincial Policy Statement

The Provincial Policy Statement (PPS), 2020 provides policy direction on matters of provincial interest related to land use planning and development, providing for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environments.

The PPS was issued under Section 3 of the Planning Act and came into effect on May 1, 2020. It applies to all land use planning matters considered after this date.

The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The following provides a summary of the key policy considerations of the PPS as it relates to the proposed development.

PPS Policy #	Policy	Response
1.0Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns.....	The soil management facility is required for the area and supports the long-term vision of the PPS. There is also a need for other non-effluent uses that are not rail related.
1.1.1	Healthy, liveable 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; c) avoiding development and land use patterns which may cause environmental or public health and safety concerns; d) avoiding development and	The proposal represents an efficient and resilient development and land use pattern. The Site is within the current settlement area.

PPS Policy #	Policy	Response
	land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas; e) promoting.....cost-effective development patterns and standards to minimize land consumption and servicing costs; h) promoting development and land use patterns that conserve biodiversity.	
1.1.3.1	Settlement areas shall be the focus of growth and development.	The facility is within an existing settlement area.
1.2.6.1 – Land Use Compatibility	Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.	The Site is suitable, and the proposed uses can occur without causing risk to the natural environment and surrounding community. Appropriate buffering is included for the Site.
1.3.1	Planning authorities shall promote economic development and competitiveness...	The proposed development will support the economy in the area.
1.6	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.	No services are required for the proposed operation of the soil management facility.
1.6.7.1	Transportation systems should be provided which are	The Site has efficient access to The King's Highway No.

PPS Policy #	Policy	Response
	safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.	401 via Manning Road (County Road 19).
1.6.9.1	Planning for land uses in the vicinity of airports, rail facilities and marine facilities shall be undertaken so that: a) their long-term operation and economic role is protected; and b) airports, rail facilities and marine facilities and sensitive land uses are appropriately designed, buffered and/or separated from each other, in accordance with policy 1.2.6.	The Site is no longer dependent on the rail line. Appropriate buffering is included for the operation.
2.1.1	Natural features and areas shall be protected for the long term.	There is no impact on natural features.
2.2.1	Planning authorities shall protect, improve or restore the quality and quantity of water.	There is no impact on the quality and quantity of water.
3.0	Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.	The proposed uses are suitable and can occur without causing risk to the natural environment and surrounding community.

Therefore, the proposed development is consistent with the PPS.

7.2 County Official Plan

The County of Essex is the upper tier municipality of the Municipality of Lakeshore. The County's Official Plan (COP) is dated February 19, 2014, as modified by the Ministry of Municipal Affairs and Housing (MMAH) on April 28, 2014.

The purpose of the COP is to implement the PPS. The COP provides a cross-boundary policy framework from which more detailed land use planning can be continued by the local

municipalities. Local OPs will implement and be in conformity with the COP by providing more detailed strategies, policies, and land use designations for planning and development at the local level.

The subject lands are within the “Settlement Areas” designation according to Schedule “A1” Land Use Plan attached to the COP (see Figure 3 - COP Schedule “A1”).

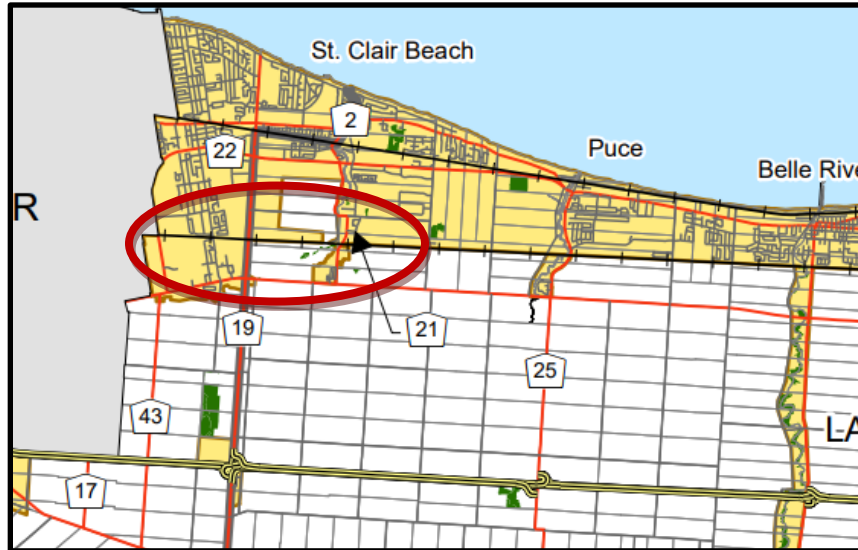


Figure 3 - COP Schedule “A1”

The lands are within the “Primary Settlement Areas” designation as shown on Schedule “A2” Settlement Structure Plan attached to the COP (see Figure 4 - COP Schedule “A2”).

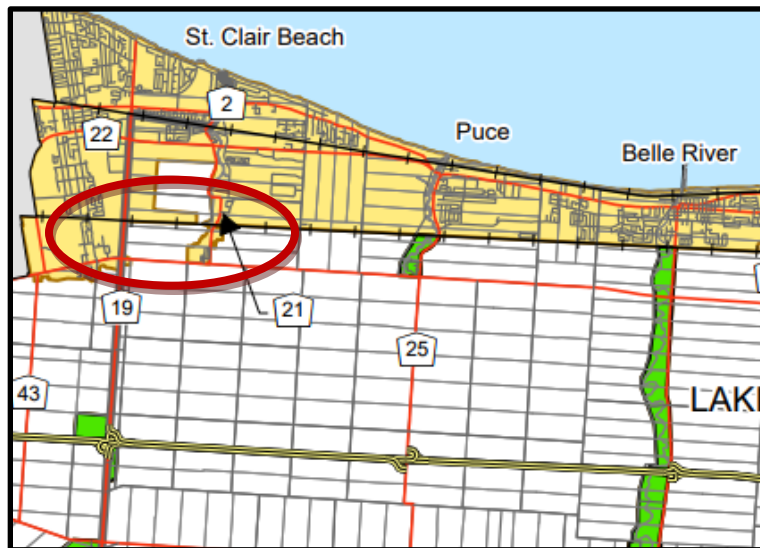


Figure 3 - COP Schedule “A2”

The “Regulated Areas Under the Conservation Authorities Act” touches the southeast corner of the property as shown on Schedule “C2” Regulated Areas map attached to the OP for the County of Essex.

A portion of the “Inland Protected Zones 3” traverses the property in a north-south direction along a municipal drainage ditch located approximately one-quarter the distance from the most westerly property line.

Manning Road / County Road 19 is designated “County Roads” according to Schedule “D1” Road System Plan attached to the OP for the County of Essex.

County Road 19, in proximity to the subject lands, shows a “Bike Lane – Multi-Use Trail, proposed” as shown on Schedule “D2” Active Transportation System plan attached to the OP for the County of Essex.

Regarding the “Natural Environment Overlay”, the proposed development touches the southeast corner of the lands as shown on Schedule “B2” Natural Heritage System Plan attached to the COP.

A portion of the “Secondary (1-2)” area encroaches onto the most southeast portion of the subject lands as shown on Schedule “B3” Natural Heritage System Restoration Opportunities Overlay plan attached to the OP for the County of Essex.

The following provides a summary of the relevant COP policy considerations as it relates to the proposed application.

OP Policy #	Policy	Response
1.5	The “Overall” goals is to create a healthy County.	The proposed uses support the goals set out by the COP. It supports the economy and is in an appropriate location to service the surrounding area.
2.2	...outlines that future growth is directed to “Settlement Areas” as part of growth management.	The Site is within the Primary Settlement Area, which directs growth to occur in order to help attract new well-paying employment opportunities.
2.5.1.1	Intake Protection Zones (IPZs) Intake Protection Zones are areas of land and water, where run-off from streams or drainage systems, in conjunction with currents in lakes and rivers, could directly impact on the source water at the municipal	Permits will be obtained if required.

OP Policy #	Policy	Response
	drinking water intakes. Schedule "C3" maps the three Intake Protection Zones within and surrounding the County.	
2.8 - Transportationas it pertains to the proposed development a) to facilitate the safe, energy efficient and economical movement of people and goods throughout the County.	<p>The Site has efficient access to The King's Highway No. 401 via Manning Road (County Road 19).</p> <p>Manning Road is designed as a County Road and can accommodate additional truck traffic from the Site.</p> <p>A Traffic Memo has been completed and approved by the County.</p> <p>The property is generally level which is conducive to easier vehicular movements.</p>
2.8.3 f)	All proposed development adjacent to railways shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided, to the satisfaction of the local Municipality in consultation with the appropriate railway. Where applicable, the local Municipality will ensure that sightline requirements of Transport Canada and the railways are addressed.	<p>The Site is no longer dependent on the rail line.</p> <p>Appropriate measures such as setback and berms will be incorporated into the site plan to help buffer from the adjacent railways and nearby residents.</p>
2.10 - Sewage and Water Systemsthe County does promote efficient and environmentally responsible development which is supportable on the basis of appropriate types and levels of water supply and sewage disposal consistent with the Provincial	No services are required for the soil management facility.

OP Policy #	Policy	Response
	Policy Statement.	
3.2.1 – Land Use	It is the vision and purpose of this Plan to direct the majority of future growth and development into the Primary Settlement Areas in order to strengthen the County’s settlement structure.	The Site is within the existing settlement area.
3.2.2	<p>f) To increase the opportunity for job creation within each local Municipality by attracting and maintaining industries and businesses closer to where County residents live.</p> <p>l) encourage employment opportunities on lands within “Settlement Areas” that are in proximity to rail corridors.</p>	<p>The facility will support the area economy.</p> <p>The Site is no longer dependent on the rail line.</p>
3.2.4	Primary Settlement Areas are the largest and traditional centres of settlement and commerce in the County. Protection of these communities by focusing growth and investment is a priority of the County.	The Site is within the primary settlement area.
3.4.1	...provides the general directive for the “Natural Environment Overlay” for Priority and Secondary restoration opportunity areas is to promote opportunities to enhance the County’s natural heritage system through policy, stewardship and education.	The proposed uses do not have any impact on natural features.

Therefore, the proposed development conforms to the COP.

7.3 Lakeshore Official Plan

The Municipality of Lakeshore Official Plan (OP) was approved by the Ontario Municipal Board (OMB) on November 22, 2010.

The OP implements the PPS and the COP and establishes a policy framework to guide land use planning decisions related to development and the provision of infrastructure and community services throughout the Municipality.

The following provides a summary of the relevant Municipality of Lakeshore OP policy considerations as related to the proposed application.

The lands are designated “Employment Area” and “Urban Reserve Area” (Lakeshore West/Manning Road) according to Schedule “A” Community Structure attached to the OP for the Municipality of Lakeshore (see Figure 5 - Lakeshore OP).

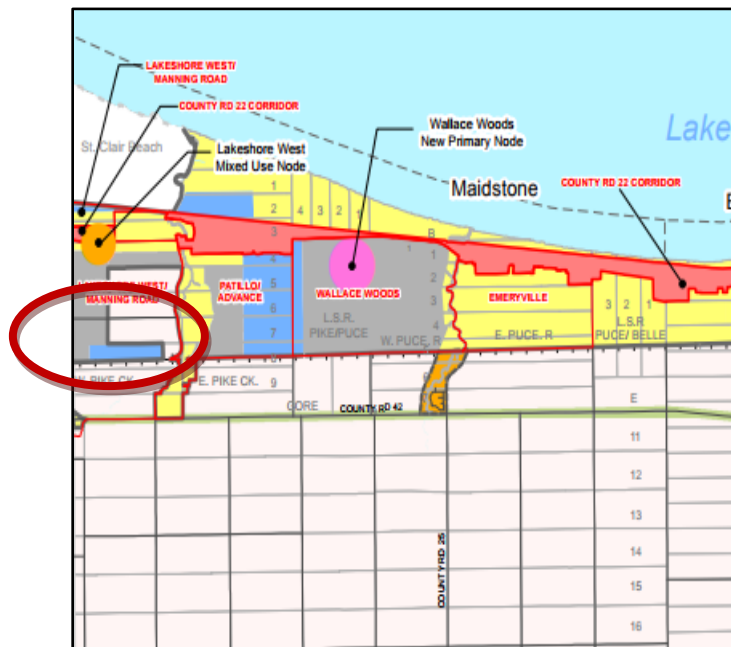


Figure 5 - Lakeshore OP, Schedule “A”

The Site is located in the Lakeshore West / Manning Road Special Planning Area according to Schedule “C.1” Land Use (Rural Area) attached to the OP for the Municipality of Lakeshore (see Figure 6 - Municipality of Lakeshore OP, Schedule “C.1”).

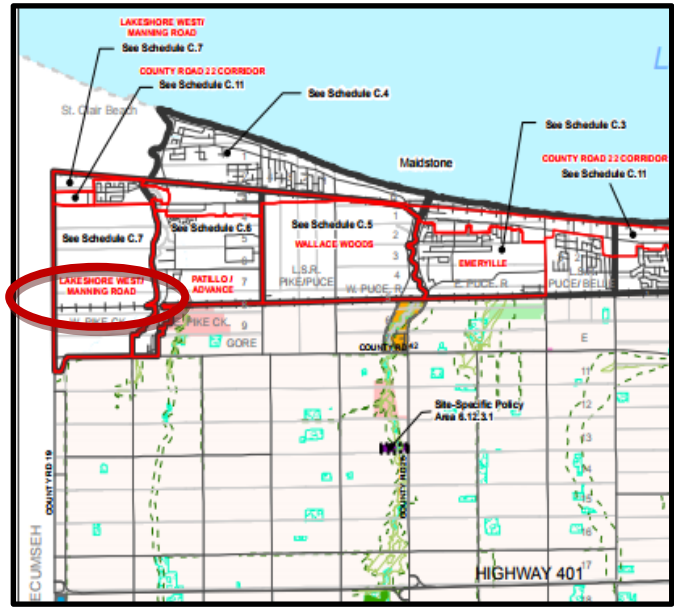


Figure 6 - Municipality of Lakeshore OP, Schedule “C.1”

The lands are shown as “Employment Designation” and “Urban Reserve Designation” (Site Specific Policy Areas 6.11.3.2) according to Schedule “C.7” Land Use (Maidstone Rail-Related Employment Area) attached to the Lakeshore OP (Figure 7 - Municipality of Lakeshore OP, Schedule “C.7”).

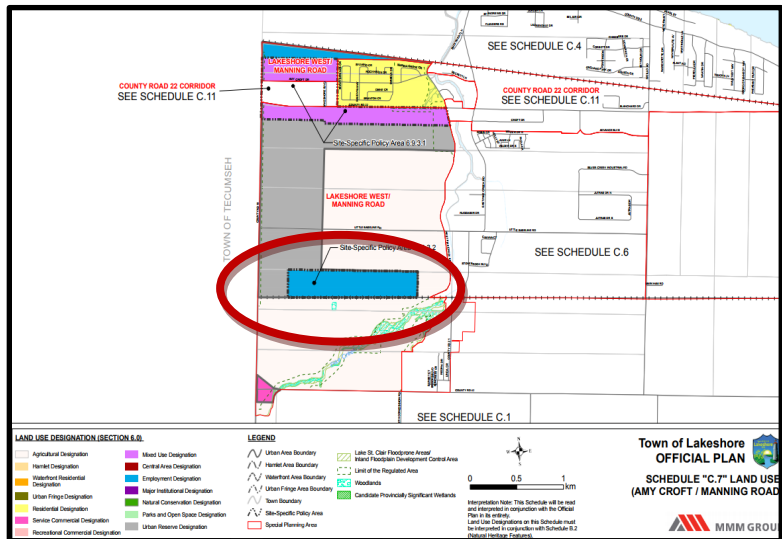


Figure 7 - Municipality of Lakeshore OP, Schedule “C.7”

Policy 6.11.3.2 (Maidstone Rail-Related Employment Area) requires the following:

- a) *The predominant use of land will be for **dry industrial uses that require a location abutting a direct rail line**. Examples of these types of industries include, but are not limited to, a transfer yard and a wood recutting operation;*
- b) *All development will be required to conform to high standards relating to parking, loading, lighting, landscaping, buffering, outdoor storage and access as set out in detail in the implementing zoning by-law and site plan agreements;*
- c) *Access to the lands will be restricted to County Road 19;*
- d) *The lands that are not planned for immediate development will be placed in a corresponding holding zone in the implementing zoning by-law. The holding provisions will not be removed until such time as development proposals complete with site plans are submitted and approved by the Town. In the interim, agricultural uses will be the only uses permitted on the site;*
- e) *Consent applications involving the lands will be in accordance with the policies of Section 8.3.5.2, and will generally not be permitted except for the creation of an easement or right-of-way or a minor lot alteration required for legal or technical reasons; and*
- f) *All development will be subject to site plan control in accordance with Section 8.3.4 of this Plan*

It is proposed to amend the OP designation to remove the reference of rail related uses.

The following provides a summary of the relevant OP policy considerations as it relates to the proposed application.

OP Policy #	Policy	Response
3.3.2	Employment Areas section in the OP notes that the Town promotes a diverse economic base by maintaining a range and choice of suitable employment sites that support a range of employment and ancillary uses.	The proposed use is for non-effluent producing industrial uses that are not dependent on the rail line, rail related storage facilities and is consistent with the Employment Land policies and permitted uses.

OP Policy #	Policy	Response
	<p>The Employment Areas are the focus of major concentrations of industrial-related employment growth and development in the Town, which may include manufacturing, logistics operations, warehousing, distribution, offices and related industrial and business park uses, in addition to ancillary highway commercial uses serving the Employment Area.</p>	<p>A site specific use for the operation of a Class 1 soil management facility is also being proposed.</p>
3.3.12	<p>Urban Reserve Areas are intended to permit existing and compatible agricultural uses while protecting the lands for future residential, employment, commercial and community related uses, parks and open spaces.</p>	<p>The facility provides for employment opportunities and supports the area's economy.</p>
3.4.5	<p>....sets out the policies for the Lakeshore West/Manning Road Special Planning Area and include the following:</p> <p>a) The policies of Section 8.3.1 relating to the preparation of a Secondary Plan will apply.</p> <p>b) The policies of Section 3.3.12 relating to the Urban Reserve Area will apply until such time as a Secondary Plan is prepared to determine the preferred land use, community design, transportation and servicing policies for these lands.</p> <p>c) Development within the existing land use designations is permitted in accordance with the policies of Section 6.0. A Settlement Area</p>	<p>The facility is in keeping with the planning area policies.</p> <p>A Traffic Memo has been completed.</p> <p>A Soil Assessment has been completed.</p> <p>The operation of the soil management facility will be on lands already designated "Employment".</p>

OP Policy #	Policy	Response
	<p>expansion beyond the existing Urban Area on lands designated Agriculture will be in accordance with the policies of Section 3.3.1 or 3.3.2.</p> <p>d) Through a review of this Plan or the Lakeshore West/Manning Road Special Planning Area Secondary Plan, the Town may consider an amendment to this Plan to transfer existing, vacant commercial/employment designated lands from one location, to another location outside of a Settlement Area, provided that the lands to be transferred from the existing, vacant commercial/employment designated lands will be removed from the Settlement Area, included within the Agricultural Area and designated an appropriate Land Use Designation. In doing so, the Town will be satisfied that the matters identified in Section 3.3.2 e) are addressed for the lands where the commercial/employment designation is to be transferred.</p> <p>e) A Planning Rationale Report will be prepared to address the requirements of Section 8.3.1. In addition, the study will address land use compatibility issues between the existing and proposed land uses within the Special Planning Area and the Town of Tecumseh.</p>	

OP Policy #	Policy	Response
	<p>f) A Transportation Study will be undertaken to make recommendations on required improvements to the road network including access to the Special Planning Area. Access to Manning Road and the associated development will be undertaken in accordance with the recommendations of the Manning Road Environmental Assessment.</p> <p>g) Should lands within the Lakeshore West/Manning Road Special Planning Area be identified for a new Employment Area in accordance with the Employment Lands Strategy, the policies of Section 3.3.2.1 will apply.</p>	
6.11	<p>....the Employment Designation consists of lands that are characterized by their high visual profile and accessibility and are generally comprised of industrial, employment, accessory commercial and related uses. Furthermore, the OP states that these areas are expected to accommodate a wide range of employment uses requiring high visibility and good accessibility. Permitted uses in the Employment Designation lands include manufacturing, logistics operations, warehousing, distribution, offices and related industrial and business park uses, in addition to ancillary service commercial uses serving the</p>	<p>The Site will support the policies for employment.</p> <p>The Site is located in a high visual area of Manning Road.</p> <p>Manning Road has access to Hwy 401.</p> <p>The Site, other than the driveway, is already designated "Employment".</p>

OP Policy #	Policy	Response
	<p>Employment Area employees and the travelling public.</p> <p>Open storage is permitted with the Employment Designation provided that it will be screened such that it is not visible from a roadway.</p>	
6.11.1 c)	<p>....requires that a study will be prepared in accordance with the relevant MOE guidelines for demonstrate that the proposed use is compatible with any nearby potentially incompatible or sensitive uses where the use exhibits any or all of the following characteristics:</p> <ul style="list-style-type: none"> i) Outdoor storage of goods and materials; ii) Frequent shipment of products and/or materials; iii) Long production hours and shift operations/unusual hours of production; iv) Large volumes of traffic at off-peak hours; and/or, v) Likelihood of nuisances, such as noise, odour, dust, lighting or vibration. 	<p>A Soil Assessment has been completed. The assessment also outlines how the facility will operate.</p> <p>A Traffic Memo has been completed. The review also outlines the type and volume of trucks that will access the facility.</p>
6.11.1 d)	<p>...acknowledges that commercial and office uses associated with and clearly ancillary to the main employment use are permitted.</p>	<p>There are no buildings or structures required for the operation of the soil management facility.</p>
6.11.1 h)	<p>provides that specific uses permitted and accessory uses will be established in the Zoning By-law.</p>	<p>A site specific ZBA is requested.</p>
6.11.3.2 – Special Policy Area, “Maidstone Rail-Related Employment Area”	<p>The following policies apply:</p> <ul style="list-style-type: none"> a) The predominant use of land will be for dry industrial uses that require 	<p>The proposed application supports the policies set out in the Special Planning Areas of the OP as it promotes a</p>

OP Policy #	Policy	Response
	<p>a location abutting a direct rail line. Examples of these types of industries include, but are not limited to, a transfer yard and a wood recutting operation;</p> <p>b) All development will be required to conform to high standards relating to parking, loading, lighting, landscaping, buffering, outdoor storage and access as set out in detail in the implementing zoning by-law and site plan agreements;</p> <p>c) Access to the lands will be restricted to County Road 19;</p> <p>d) The lands that are not planned for immediate development will be placed in a corresponding holding zone in the implementing zoning by-law. The holding provisions will not be removed until such time as development proposals complete with site plans are submitted and approved by the Town. In the interim, agricultural uses will be the only uses permitted on the Site;</p> <p>e) Consent applications involving the lands will be in accordance with the policies of Section 8.3.5.2, and will generally not be permitted except for the creation of an easement or right-of-way or a minor lot alteration required for legal or technical reasons; and,</p> <p>f) All development will be subject to site plan control</p>	<p>diverse economic base by maintaining a full range and choice of suitable employment sites which is close to the local skilled labour force.</p> <p>The Site is no longer dependent on the rail line.</p> <p>No buildings or structures are proposed.</p>

OP Policy #	Policy	Response
	in accordance with Section 8.3.4 of the OP.	
7.3	The Town will ensure that a cost-effective and adequate system of water supply and sewage treatment is provided to support, enhance and sustain existing and future residents and businesses in the Town.	No services are required for the operation of the facility.

Therefore, the proposed development conforms to the OP with the requested amendment.

7.4 Zoning By-law

The Municipality of Lakeshore Zoning By-law (ZBL) was approved on January 17, 2017.

According to Schedule “A”, Maps 7 & 11 attached to the ZBL, the Site, subject to the application, is zoned Urban Reserve Zone Exception 5 (UR-5) which includes the driveway area and General Employment Zone Exception 2 (M1-2) and General Employment Zone Exception 2 Holding (M1-2(h2)) which includes that balance of the Site (See are in red on Figure 8, Map 7 and Figure 9, Map 11 – ZBL).

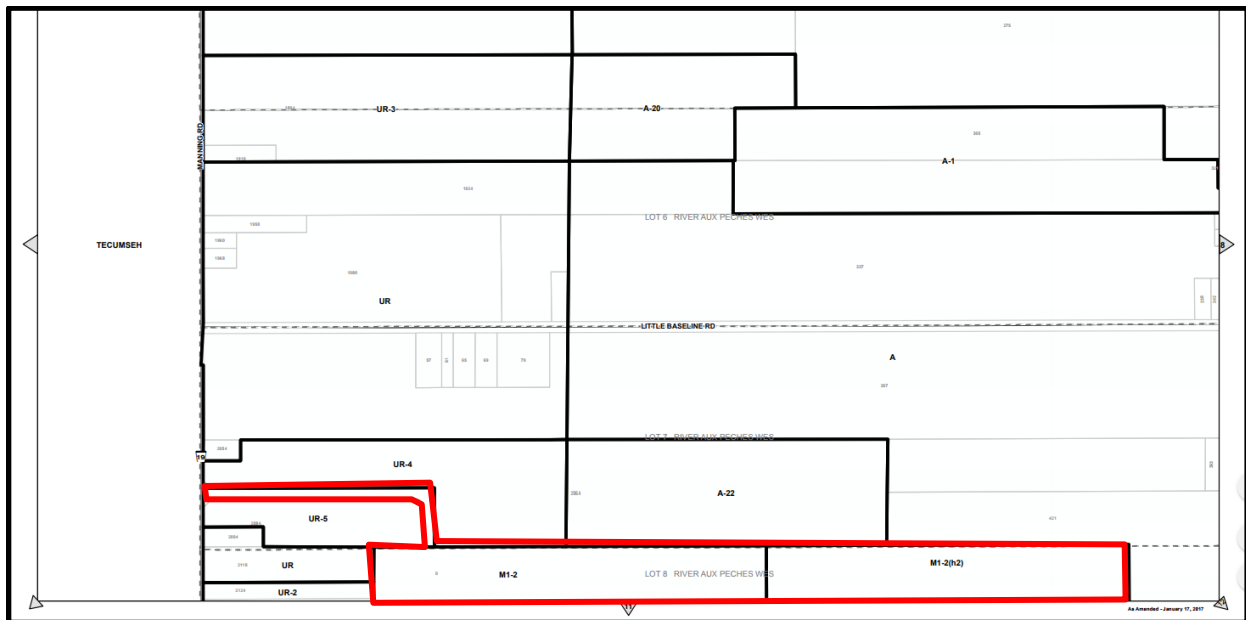


Figure 8 – ZBL, Map 7

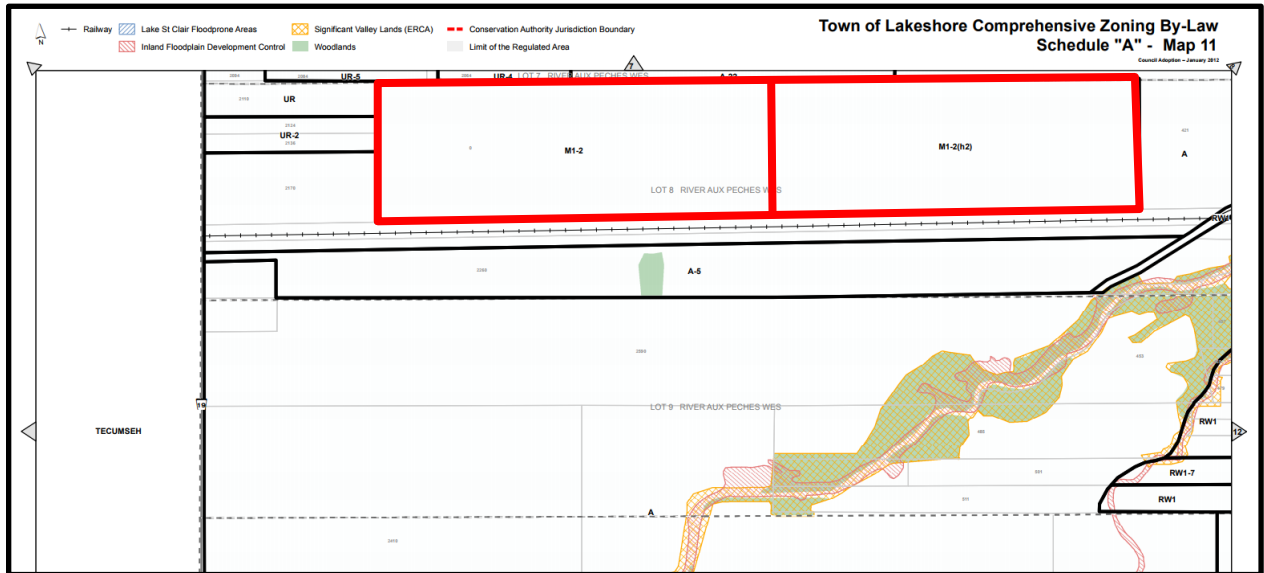


Figure 9 – ZBL Map 11

According to Subsection 9.16.2 the follow is required:

9.16.2 General Employment Zone Exception 2 (M1-2) (h2) (Map 7 and Map 11)

*a) Permitted Uses: Existing uses only until such time as the (h2) is removed. Upon removal of the (h2), permitted uses shall include only non-effluent producing industrial uses **that have a dependency on the rail line, rail-related storage facilities** and uses accessory to the foregoing permitted uses including accessory retail and office uses.*

b) Zone Regulations: All lot and building requirements shall be in accordance with the following regulations: i) The maximum lot coverage shall be 50%.

ii) The maximum height of main buildings shall be 10.5 m.

iii) No building, structure or outdoor storage shall be located closer than 10 m to any lot line except the south lot line where there is no yard requirement.

iv) Vehicular access shall be restricted to County Road No. 19.

It is proposed to further amend the current M1-2 and M1-2(h2) zoning to permit a site-specific non – effluent use of a formal operation of a Class 1 soil management facility and remove any reference to uses being rail related.

It is also proposed to allow other non-effluent producing industrial uses that are not rail related. However, there are no other uses being considered at this time.

Permitted uses: existing uses until such time as the (h) is removed. Upon removal of the (h) permitted uses shall include only non effluent producing industrial uses and uses accessory to the foregoing permitted uses, including accessory retail and office uses.

The Holding (h) can remain as any new industrial use would be subject to site plan control approval and the entering into of a site plan control agreement.

8.0 SUMMARY

8.1 Context and Site Suitability

8.1.1 Site Suitability

The Site is ideally suited to allow for the formal operation of a Class 1 soil management facility and other non-effluent producing industrial uses that are not rail related for the following reasons:

- The land area is sufficient to accommodate development with adequate landscape buffer areas from the rail corridor,
- The property is generally level, which is conducive to easier vehicular movements,
- There is sufficient physical separation between any proposed development and nearby residences,
- The property provides for appropriate drainage,
- There are no environmental concerns caused by the past or current use of the property, and
- The location of any proposed development is appropriate in that it is in close proximity to similar industrial uses in the surrounding area and Hwy 401.

8.1.2 Compatibility of Design

The existing driveway is intended to function as the primary access for the soil management facility and any proposed uses.

The Site is compatible between existing uses within the Special Planning Area and the abutting Town of Tecumseh.

The required separation and buffer will be provided.

No buildings or structures are proposed at this time.

8.1.3 Good Planning

The proposal represents good planning as it addresses the needs for the economic development of the region.

The facility represents an efficient development pattern that optimizes the use of land.

The amendment is housekeeping in nature.

8.1.4 Natural Environment Impacts

The proposal does not have any negative natural environmental impacts.

There are no constraints regarding the regulated areas, source water protection zones, or natural environment, as the area to the southeast corner of the Site is minor and will not be affected.

8.1.5 Municipal Services Impacts

There will be no negative impact on the municipal system as the non-effluent industrial development does not require services.

8.1.6 Social and/or Economic Conditions

The proposal application does not affect the social environment.

The Site will bolster the economic conditions in the area by providing employment opportunities in close proximity to major transportation corridors.

The proposed application promotes efficient development and land use pattern, which sustains the financial well-being of the Municipality.

The proposal does not cause any environmental or public health and safety concerns.

The proposal represents a cost effective development pattern that minimizes land consumption and servicing costs.

There will be limited sprawl as the proposed application is within the existing settlement area.

9.0 CONCLUSION

In summary, for the reasons noted in the PJR, it would be appropriate for the Municipality of Lakeshore to approve the application for OPA and ZBA to allow for the formal operation of a soil management facility and other non effluent producing industrial uses that are not rail related.

This PJR has concluded that the proposed use is consistent with the PPS, conforms with the intent and purpose of the County and Municipal OPs, complies with the Municipal ZBL and represents good planning.

Planner's Certificate:

This Planning Justification Report was written by Tracey Pillon-Abbs, a Registered Professional Planner (RPP) within the meaning of the *Ontario Professional Planners Institute Act 1993*.


Tracey Pillon-Abbs, RPP
Principal Planner

