

**Planning Justification Report
Application to Amend the
Zoning By-law
1580 Edworthy Side Road**

Township of North Dumfries, Ontario
June 3, 2021
Re-Issued June 9, 2021

Project Reference Number 20-346



K. SMART ASSOCIATES LIMITED

CONSULTING ENGINEERS AND PLANNERS

85 McINTYRE DRIVE, KITCHENER, ONTARIO, N2R 1H6

Table of Contents

1.0	INTRODUCTION	1
2.0	GENERAL DESCRIPTION	1
3.0	PLANNING AND LAND USE CONSIDERATIONS.....	4
3.1	PROVINCIAL POLICY STATEMENT (2020).....	4
3.2	GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE (GPGGH)	5
3.3	OTHER PROVINCIAL MATTERS	5
3.4	REGION OF WATERLOO OFFICIAL PLAN POLICIES (ROP).....	6
3.5	TOWNSHIP OF NORTH DUMFRIES OFFICIAL PLAN.....	6
4.0	CONCLUSIONS	7

Figures and Attachments

Figure 1 Concept Plan

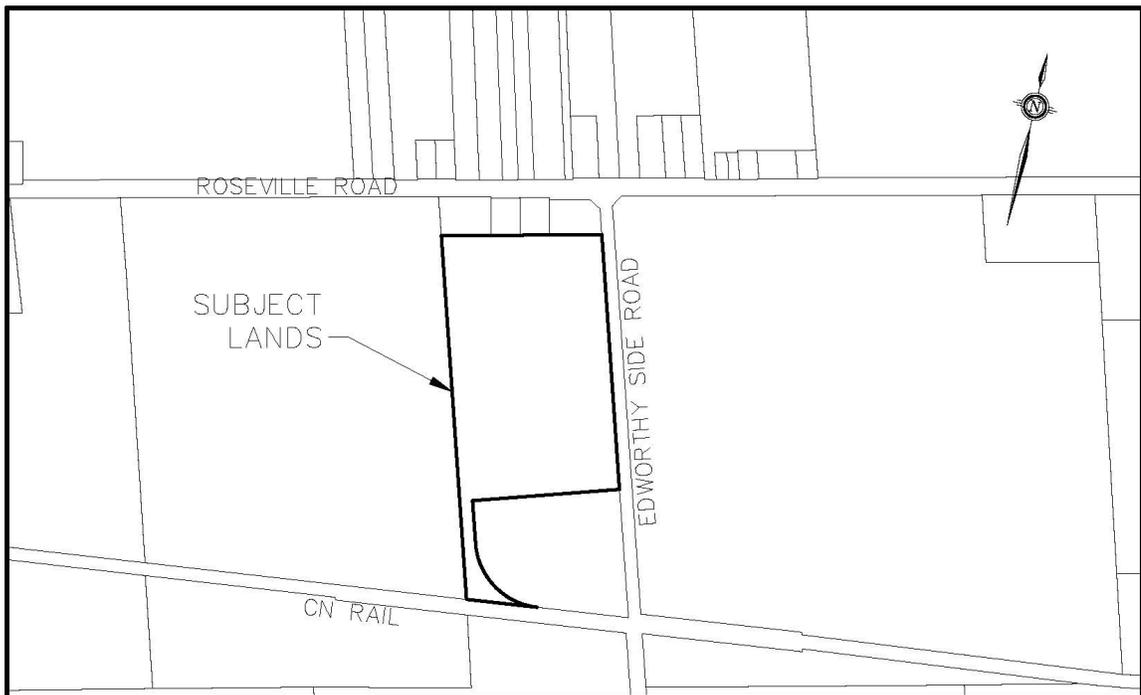
Attachment 1 Proposed Zoning By-law text and Schedule A

1.0 Introduction

K. Smart Associates Limited has been retained by Waydom Management Inc. and Sousa Convoy LTD. to prepare a Temporary Zoning By-Law Amendment application package with related documents for the property located at 1580 Edworthy Side Road in the Township of North Dumfries. The purpose of the Temporary Zoning By-Law Amendment is to permit use of the property by JBT Transport and related companies for vehicle parking and accessory use. This is an interim step prior to a final determination of the after use for this depleted aggregate extraction property.

2.0 General Description

The site is located at 1580 Edworthy Side Road in the Township of North Dumfries and is legally described as Part Lot 19, Con 11, and is shown in the Key Map below. This site is immediately south of the Dickie Two Settlement Area on the west side of Edworthy Side Road. The site contains 4 sheds left over from the previous aggregate operation. The existing access to the property is located on Edworthy Side Road.



Scale: N.T.S.

Key Map

Planning Justification Report – 1580 Edworthy Side Road
Zoning By-law Amendment

The lands surrounding the subject property are zoned agricultural, rural residential, aggregate extraction and aggregate related industrial uses (Sect. 20.1.11). The property to the south also has site specific zoning to permit a paving contractor including the storage of paving equipment (Sect. 20.2.74). The following aerial image shows the property in the context of the surrounding area plus the buildings that exist on site. Also shown on the aerial is a pond located in the west-central portion of the property.



Source: VuMap / First Base Solutions

The property was previously a licensed aggregate extraction operation which has been depleted. The license was surrendered prior to the purchase of the lands by the current owners. While the rehabilitation plans indicate the after-use is to be agriculture, there is very little topsoil on the property and the options for immediate farming uses such as cropping are limited. The proximity to the Dickie Two Settlement Area also limit the potential of the site for livestock uses due to the Provincial Minimum Distance Separation policies and the small acreage for manure storage and disposal.

One of the land owners (Waydom Management Inc.) also owns and operates JBT Transport, which is located on Waydom Drive in the 401 / 97 Industrial Area. JBT Transport has been searching for additional lands for over two years to accommodate current business operations and to permit company growth. The site search has been undertaken with the assistance of realtors throughout the Highway 401 corridor from Woodstock to the GTA.

No viable properties available for purchase have been identified, including candidate sites where offers to purchase were not accepted by the vendors. As an interim step, JBT Transport has leased parking spaces from a neighbouring property on Waydom Drive. It is not economically sustainable to continue leasing parking spaces from other land owners.

The property owners have approached the North Dumfries staff in the past 6 months for assistance with their efforts to maintain operations in this area. Township staff have also researched vacant industrial properties in North Dumfries in an effort to help retain the business in the community.

When a new round of Provincial lockdown measures were announced in December 2020, JBT Transport requested permission from Township staff to park trailers on the Edworthy Side Road property. With the restrictions, many of the JBT Transport vehicles were taken out of operation. The permission was granted by Township staff and trailers were parked there from December 2020 to approximately January 18, 2021.

There are currently over 150 employees of JBT Transport based out of the Waydom Drive location. Many of these are long term employees who live in the area, and do not want to relocate to other communities. As an interim step to maintain the business operations in North Dumfries, this request for the temporary zoning relief will allow the owners to continue the search for acceptable lands to grow and survive.

Through ongoing discussions with Township staff, the owners proposed the option to request a temporary zoning amendment with the initial 3 year timeframe. The formal preconsultation application was submitted to the Township and the agency comments were received in the week of May 31, 2021.

From the agency and Township staff review, the only supporting study requested is a storm water management brief to assess on-site drainage conditions and to demonstrate that water quantity and quality can be properly managed during the timeframe of the temporary zoning permission. To meet the Township timeline for a public meeting before the July and August Council break, this zone change application is being submitted with this Planning Justification Report to initiate processing. The storm water management brief will be submitted shortly to permit staff review prior to the public meeting.

Figure 1 is a Concept Plan for the temporary use of the subject property. The central portion of the lands is generally flat and has a hardpan base from the previous aggregate operations. There are four sheds on the site that can be used for storage. The pond on the west side of the site is outside of lands Regulated by the GRCA, and is a candidate to serve as part of the storm water management design.

The parking of tractor trailers will be in the central area of the property with appropriate setbacks from adjacent properties. The land owners will finalize the areas for the temporary uses in consultation with Township staff through the rezoning process.

As noted on the Concept Plan, a portion of the site in the south-west corner is currently used by the Waterloo Regional Police Service as a range for training purposes. It is not known exactly how many years this accessory use has been here, but based on my observations it has been at least 20 years. The current owners have been in contact with the WRPS, and at this time they wish to continue using this portion of the site.

The policy basis for this rezoning application is Section 2.6.16.1 c) of the Township Official Plan, which states:

*Bylaws may be passed to authorize the temporary use of land ... to:
provide the temporary use of vacant land for the purposes of a parking lot which is
not otherwise permitted by this Plan pending the development of the land*

As the land owners only purchased the property in 2020, they intend to work with Township staff to determine the appropriate final zoning for the property following the extraction of aggregates and removal of the license. The current zoning (Z14) reflects that previous use. On an interim basis, approval of this request for temporary zoning permission will allow time for those discussions with the Township while also addressing the immediate needs of a long standing local business that employs over 150 people.

3.0 Planning and Land Use Considerations

3.1 Provincial Policy Statement (2020)

The Provincial Policy Statement 2020 (PPS) provides policy guidance on land use issues of interest to the Province. Decisions by municipalities on planning matters “shall be consistent with” the policies in the PPS. Section 1.1.1 states that healthy, liveable and safe communities are sustained by:

- b) accommodating an appropriate range and mix of employment (including industrial and commercial) ..., and other uses to meet long-term needs;*

Section 1.3.2.1 states that *“Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.”*

It is our opinion that the proposed Temporary Zoning By-Law Amendment complies with the Provincial Policy Statement as it allows for business retention and supports the economic development goals of the municipality. It also minimizes impacts on the agricultural community by utilizing a depleted aggregate site with minimal capability while the longer term after uses are determined within the context of the Regional and local policy framework.

3.2 Growth Plan for the Greater Golden Horseshoe (GPGGH)

Consideration is given to Section 2.2.5 of the Growth Plan with respect to Employment policies:

- 2.2.5.1 b) ensuring the availability of sufficient land...
- 2.2.5.1 d) integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment

Approval of the temporary zoning permission would support the existing local employer by providing time for the larger discussions about the future use of this property within the settlement area policies and community structure / framework of North Dumfries within the Region of Waterloo.

3.3 Other Provincial Matters

With respect to Minimum Distance Separation policies, there are no known livestock operations in the vicinity requiring MDS calculations.

With respect to Heritage policies, we have reviewed the Township inventory of heritage properties and there are no sites adjacent to this property.

With respect to Land Use Compatibility D policies, the proposed use is intended to be of minimal impact as there will not be regular truck movements to or from the site. Any storage use of the existing buildings on site would also have no compatibility concerns. The owners are aware of the need for appropriate setbacks from adjacent rural residential properties. There is also considerable existing truck and industrial impacts from the licensed aggregate properties on the east side of Edworthy Side Road and north of the Dickie Two Settlement Area.

With respect to Source Water Protection polices, we have completed the Regional screening tool and this property is not within an area of interest.

With respect to Conservation Authority regulatory powers and interests, the proposal has been reviewed by GRCA staff and they have determined that there is no policy interest. It was noted that the GRCA staff would also like to see consideration given to an appropriate storm water management design for the site.

With respect to Provincial aggregate interests, the proposal will not hinder future extraction of resources as the extraction and rehabilitation has already occurred.

3.4 Region of Waterloo Official Plan Policies (ROP)

With respect to the request for temporary zoning permission the ROP is silent on temporary uses. These policies are addressed in the North Dumfries Official Plan.

In the current ROP, the site is designated as Rural Areas and Protected Countryside on Map 7 – The Countryside.

On Map 4 – Greenlands Network, the site is outside of any landscape Level Systems or Core Environmental Features.

On Map 5 – Existing, Planning and Proposed Roads and Corridors, both Edworthy Side Road and Roseville Road are recognized as Regional Road.

In Schedule A, Regional Road 71 / Edworthy Side Road has a designated Road Allowance of 30.480 m. From our review of our mapping sources, it appears that the current road allowance width is 20.1 m adjacent to the subject property.

On Map 6E – Township of North Dumfries Source Water Protection Areas, it appears that a small portion of the south-east corner of the site is within Wellhead Protection Area 8.

On Map 8 – Mineral Aggregate Resource Areas, the site is within the Mineral Aggregate Resource Area designation. As noted previously, the site was formerly a licenced aggregate operation which has been rehabilitated no longer has resources for extraction.

In consideration of the ROP policy framework, the land owners are prepared to participate in discussions regarding the longer term post-aggregate uses for the site.

3.5 Township of North Dumfries Official Plan

As noted previously, the policy basis for this application is Section 2.6.16.1 c) of the Township OP. These temporary use policies allow consideration of a request for a temporary

zoning permission while the pending future uses of the property are considered in consultation within the local, Regional and Provincial policy framework. This policy also specifically refers to the use of a property for parking as one possible temporary use.

With respect to other policy matters such as Natural Heritage, Agriculture / Countryside, and Source Water Protection the Township Official Plan has been updated for conformity with the Regional Plan. Township mapping and policies provide the same policy basis as the ROP as noted in the previous section.

4.0 Conclusions

The land owners, through K. Smart Associates Limited, have consulted with Township staff regarding the short and long term business needs of JBT Transport and related companies. As an interim solution to deal with a shortage of parking plus the complications imposed through Provincial lockdown measures, it is my opinion that this proposal represents an appropriate short term use of the property.

The storm water management brief requested by the Township will be completed and submitted shortly. My clients appreciate the efforts of Township staff to date to consider the current challenges and your efforts to identify other alternate locations for business growth.

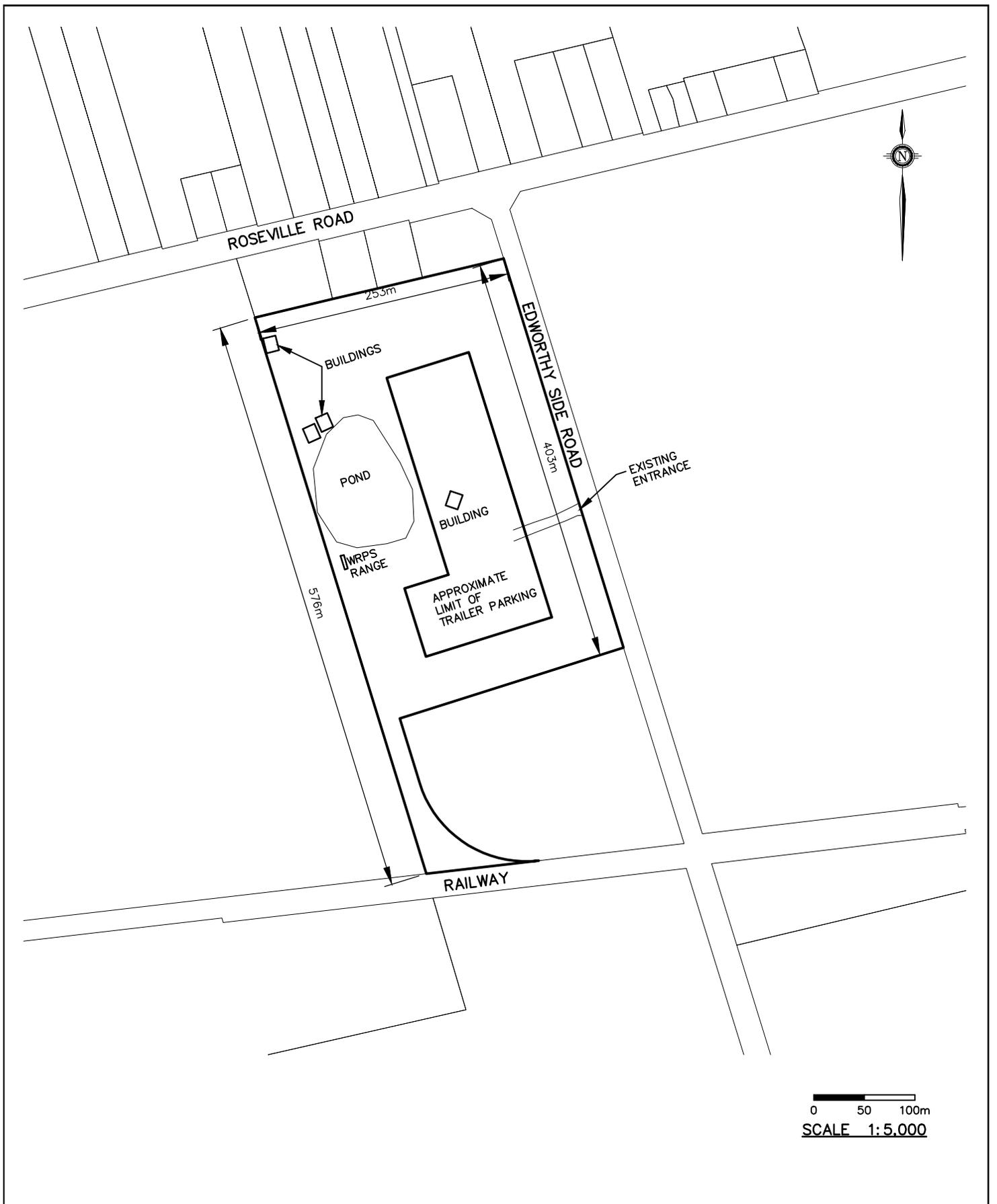
All of which is respectfully submitted:



Steven Jefferson, MCIP, RPP
K. Smart Associates Limited

Figures and Attachments

Figures and Attachments



K. SMART ASSOCIATES LIMITED
CONSULTING ENGINEERS AND PLANNERS
KITCHENER SUDBURY

CONCEPT PLAN

TOWNSHIP OF NORTH DUMFRIES
1580 EDWORTHY SIDEROAD

JOB NUMBER
20-346

JUNE 3, 2021

FIGURE
1

**THE CORPORATION OF THE TOWNSHIP OF NORTH DUMFRIES
BY-LAW NUMBER _____-21**

**BEING A BY-LAW TO FURTHER AMEND GENERAL ZONING BY-LAW NUMBER
689-83, AS AMENDED, FOR THE TOWNSHIP OF NORTH DUMFRIES**

WHEREAS an application (File No. ZC-XX/21) was received from Waydom Management Inc. and Sousa Convoy LTD., with respect to lands legally described as CON 11 PT LOT 19, municipally known as 1580 Edworthy Side Road, Township of North Dumfries, Regional Municipality of Waterloo;

AND WHEREAS it is necessary to amend General Zoning By-law Number 689-83 to permit a Temporary Use Zoning By-law Amendment for the proposed storage of goods and materials as well as the parking of vehicles, including but not limited to tractor trailers;

AND WHEREAS the *Planning Act* empowers a municipality to pass by-laws prohibiting the use of land and the erection, location and use of buildings or structures, except as set out in the bylaw;

AND WHEREAS the Council of The Corporation of the Township of North Dumfries, under Section 39 of the *Planning Act*, R.S.O. 1990, c. P 13, deems it to be desirable to further amend said General Zoning By-law Number 689-83 for the future development and use of the lands described above;

NOW THEREFORE, the council of the Corporation of the Township of North Dumfries enacts as follows:

1. That By-law Number 689-83, as amended, is hereby further amended insofar as the zoning on these lands, being 1580 Edworthy Side Road, is changed in part from Zone 14 (Z.14) to Zone 14 (Z.14) with the addition of a Section 20.1.XXX.

Section 20.1.XXX is as follows:

Notwithstanding any other provisions of this By-law:

- a) The land identified as Part 1 to Schedule "A" will contain a temporary storage of goods and materials as well as the parking of vehicles, including but not limited to tractor trailers; for the period no greater than three (3) years and shall cease on or before _____, 202_.
- b) The proposed Temporary Use By-law will apply to the property legally described as CON 11 PT LOT 19, municipally known as 1580 Edworthy Side Road, as identified Part 1 to Schedule "A."

2. AND THAT except as amended by this By-law, the subject lands as shown on Schedule "A" to this By-law shall be subject to all other applicable provisions and regulations of General Zoning By-law 689-83, as amended;
3. That By-law Number 689-83, as amended, is hereby further amended by adding Schedule 'A' - Section 20.1.XXX attached to and forming part of this by-law.
4. THAT this by-law shall come into force on the final passing thereof by the Council of the Corporation of the Township of North Dumfries subject to compliance with the provisions of the Planning Act, R.S.O. 1990, c.P.13.

READ a First and Second Time in the Council Chambers (virtual) of the Township of North Dumfries this ____ day of _____ 2021.

Mayor

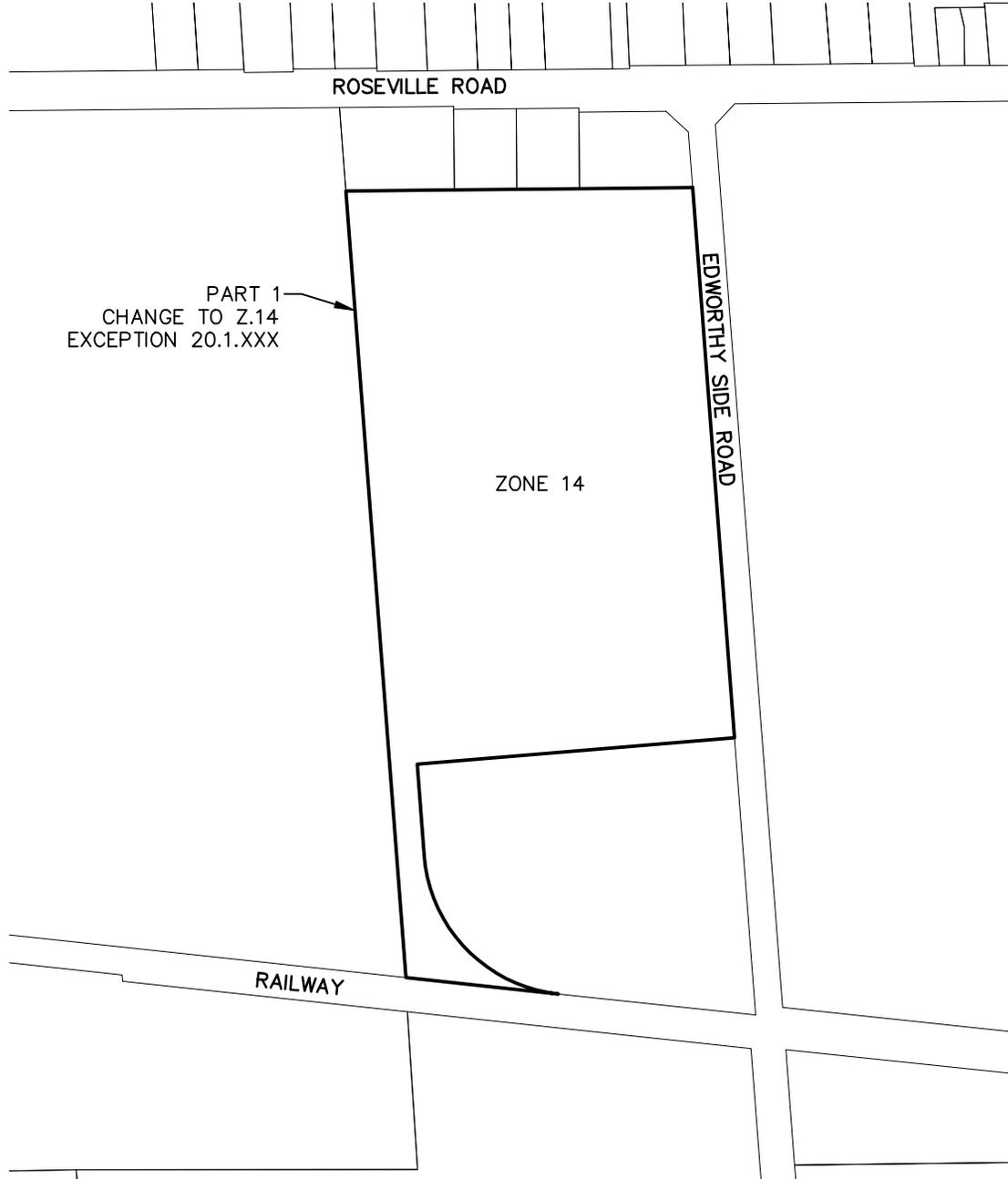
Clerk

READ a third time and Finally Passed in the Council Chambers (virtual) of the Township of North Dumfries this ____ day of _____ 2021.

Mayor

Clerk

SCHEDULE A TO BY-LAW _____-21
PART OF LOT 19 CON 11
TOWNSHIP OF NORTH DUMFRIES



NOTE:
THE ABOVE MAP BLOCK PART 1
OF SCHEDULE "A" TO BY-LAW 689-83, AS AMENDED

SCHEDULE "A" TO BY-LAW _____-21
PASSED BY COUNCIL THIS ____ DAY OF ____ 2021

MAYOR

CLERK