

Planning and Development Council Meeting
November 1, 2021

Comments Received Regarding Item 7.1

Recommendation Report – Town-initiated Official Plan
Amendment – Bronte GO Major Transit Station Area
(File No. 42.15.58) – By-law 2021-128 – November 1, 2021

November 1, 2021

Sent Via Email to: townclerk@oakville.ca

Brad Sunderland, Planner
Geoff Abma, Senior Planner
Town of Oakville
1225 Trafalgar Road
Oakville, ON
L6H 7H6

Dear Mr. Sunderland:

***Re: Bronte GO Major Transit Station Area Recommended Official Plan
Amendment
Official Plan Amendment No. 41 and By-law 2021-128***

We are writing on behalf of Northbridge Investment Management Inc. ("Northbridge") with respect to the Bronte GO Major Transit Station Area ("MTSA") Study and recommended Official Plan Amendment Number 41 (posted online October 18, 2021) including the Staff Recommendation Report dated October 19, 2021.

As you are aware, Northbridge own the lands at 2172 Wyecroft Road (the "subject site"), a parcel directly west of the GO station lands. The subject site has an area of approximately 2.38 hectares (5.88 acres), a frontage along Wyecroft Road of 93 metres, and a varying depth of 240 to 260 metres

Northbridge has been participating in the MTSA Study process, including attending the November 2019 community meeting, submitting letters to the Town in December 2019 and March 2021 regarding the draft land use scenarios and Area Specific Plan, as well as delegating to the Town Planning and Development Council at both the March 8, 2021 and May 10, 2021 meetings.

We have reviewed the recommendation report to Planning and Economic Development Committee, including Appendix A (By-law 2021-129, Official Plan Amendment No. 41), Appendix B: Comment and Response Matrix, and Appendix C: Provincial Policy Analysis. Subject to future considerations, we are generally supportive of the policy and mapping changes reflected in the recommended OPA (dated October 18, 2021), including the recognition that the MTSA area be modified to include permissions for additional height and density on lands outside the existing station lands, including Northbridge's lands.



In conclusion, we thank you for the opportunity to continue to participate in the process and to comment on the reports and draft policies prepared in support of this proposed MTSA.

Yours truly,

Bousfields Inc.

A handwritten signature in black ink, appearing to read "E. West", is written over the printed name.

Emma West, MCIP, RPP

October 29, 2021

Brad Sunderland,
Planner,
Town of Oakville

Town Clerk
Clerk's Department
Town of Oakville

Email to: brad.sunderland@oakville.ca

Email to: townclerk@oakville.ca

Dear Mr. Sunderland:

**RE: BRONTE GO MAJOR TRANSIT STATION AREA SPECIFIC PLAN
COMMENTS BY CRH CANADA GROUP INC. ("CRH")
731 THIRD LINE
TOWN OF OAKVILLE FILE NO. 42.15.58
OUR FILE NO. 9061DR**

Further to our submission dated May 10, 2021 (attached), MHBC has reviewed the "Recommendation Report – Town-initiated Official Plan Amendment – Bronte GO Major Transit Station Area (File No. 42.15.58) – By-law 2021-128 – November 1, 2021" and associated appendices relative to CRH's asphalt operation situated at 731 Third Line. We appreciate the opportunity to provide the following comments as part of the statutory public meeting. We will not be making an oral presentation at this meeting.

Firstly, we would like to recognize Town Staff's efforts in addressing our previous comments within the updated Draft Official Plan Amendment that generally aims to address land use compatibility and the protection of existing industrial uses in the Bronte GO MTSA area. These efforts are appreciated and we are hopeful that with additional discussions with Town Staff, we can reach agreement.

With that said, in our view, the proposed draft Amendment wording currently does not go quite far enough with respect to land use compatibility and protecting CRH's long-standing industrial operations.

For this reason, we are writing to request revisions to two policies in the draft Amendment as follows:

1. **Draft Policy 27.8.1** be revised as follows (additional wording in red font):

On the lands designated Business Employment and known as 731 Third Line, **an asphalt plant, a concrete batching plant and associated existing outdoor storage, and processing and operations, including the crushing and recycling of returned asphalt and concrete** may be permitted.

2. **Draft Policy 27.4.5 (e)** be revised as follows:

Should the Town undertake a comprehensive review to update the zoning by-law to implement this plan, **sensitive land uses shall not be permitted as-of-right within the area of influence (as defined by Provincial guidelines) of an existing major facility. A Zoning By-law Amendment shall be required to implement the findings of a land use compatibility assessment undertaken by the applicant in order to appropriately protect existing industrial uses.** A holding provision "H" symbol shall be applied to require a land use compatibility assessment be undertaken where a *sensitive land use* is proposed **beyond the area of influence of an existing major facility**, prior to the removal of the holding "H" symbol.

The following provides further detailed commentary on the requested revisions for consideration by Town Staff and Council.

1. Bronte GO Major Transit Station Area – Exceptions

Firstly, CRH appreciates the inclusion of a site-specific exception policy for 731 Third Line. According to Appendix B (pg. 14), Staff indicate that "site specific policies to permit existing outdoor storage and processing facility is appropriate to recognize the continued aggregate operation located at 731 Third Line".

A call with Town Staff was held to discuss this site-specific exception policy with concern that clarity be added to clarify that current industrial land use permissions (including an asphalt plant and concrete plant facility) are permitted in addition to outdoor storage and processing, given these are heavy industrial uses. Town Staff indicated that these uses would be permitted in the Business Employment land use designation and that the exception was only required to recognize outdoor storage and processing.

However, upon reading the Livable Oakville Plan, we tend not to agree as the industrial uses permitted within the Business Employment designation consist only of light industrial uses rather than that of major/heavy industrial operations. For this reason, we continue to request this clarity even though this is the understanding of Staff.

As noted in our previous submission, this is a highly strategic site for CRH currently and in the long term. Therefore, it is imperative to CRH to have the current land use permission maintained, which is consistent with Policy 2.5.2.4 of the PPS.

2. Holding Provision vs. Zoning By-law Amendment

Policy 27.4.5(e) would allow sensitive land uses to be permitted as-of-right within the area of influence of a major facility, including CRH's asphalt plant operation, subject to a holding provision requiring a land use compatibility assessment to be completed.

There is an issue with this approach given the Ministry's study and modelling requirements when an Environmental Compliance Approval is updated for a major facility. The Provincial Guidelines require that, if lands are zoned to permit a sensitive land use (even if they are vacant), the use must be assumed to exist and be modeled accordingly. Therefore, by 'pre-zoning' sensitive land uses in areas of influence, the onus or burden of mitigation gets put on the industrial use when they go to update their ECA. In essence, this change transfers the responsibility of mitigation for noise control to the industry. Therefore, any proposed Area-specific Plan policy must keep this in mind so a wrongful transfer of responsibility does not result.

Our Ask

CRH and MHBC respectfully request that the adoption of the proposed Official Plan Amendment Number 41 be deferred in order to allow for sufficient time to further consultation regarding policies and provisions.

In the event that Council decides to proceed with adoption of the proposed OPA at this time, it is requested that Council request that Staff work with the Region and CRH/MHBC to address our comments prior to the approval of the proposed Official Plan Amendment.

We thank you for the opportunity to comment and we hope to work with Staff to address and resolve our concerns and comments over the next few months.

Yours truly,

MHBC



Debra Walker, BES, MBA, MCIP, RPP

cc: Jessica Ferri, CRH
Diane Childs, Manager, Policy Planning, Planning Services (email: diane.childs@oakville.ca)
Gabe Charles, Director of Planning, Town of Oakville (email: gabe.charles@oakville.ca)
Bob Gray, Commissioner, Legislative & Planning Services and Corporate Counsel at Halton Region