



June 25, 2018



Ms. Jo Ann Merrick  
Administrative Assistant  
Public Works & Operations/Development Services  
Township of Uxbridge  
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The Regional  
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Brian Bridgeman, MCIP, RPP  
Commissioner of Planning  
and Economic Development

Dear Ms. Merrick,

Re: **Regional Review of a Zoning By-law Amendment**  
**File No.:** ZBA-2018-07  
**Applicant:** Grainboys Holdings Inc.  
**Location:** Part of Lot 17, Concession 3  
251 Regional Highway 47  
**Municipality:** Township of Uxbridge

The Region of Durham has reviewed the above noted application and offers the following comments with respect to the Durham Regional Official Plan (ROP), Provincial policies, delegated Provincial Plan review responsibilities, proposed method of servicing, transportation and environmental health.

### Purpose of the Rezoning

The purpose of this application is to permit: a dry grain processing plant (mill) with activities including milling, blending and packaging, warehousing, shipping, and office uses in a building with a floor area of approximately 3,700 m<sup>2</sup> with an enclosed processing tower (height of 18.3 metres or 60 feet); a total of 18 exterior storage surge bins with an average diameter of 4.5 metres and heights ranging from 12 – 15 metres with a floor area of approximately 700 m<sup>2</sup>; and concrete pads, scales, and receiving and loading areas with a total area of 2,164 m<sup>2</sup>. The total coverage is approximately 11.3% of the subject site.

The subject site is located on the south side of Regional Highway 47, about a half kilometer east of the eastern boundary of the Hamlet of Goodwood. The site currently consists of a residential dwelling, which is proposed to be demolished.

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If this information is required in an accessible format, please contact David Perkins at 1-800-372-1102, extension 2571.

## **Provincial Policy**

### **Provincial Policy Statement (PPS)**

The PPS promotes development that is compatible with the rural landscape and can be situated by rural service levels. The PPS also requires that development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure. Agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices should be promoted and protected in accordance with provincial standards.

In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted; however, growth and development may be directed to rural lands in accordance with certain PPS policies.

The application appears to conform to the general intent of the PPS as it proposes an agriculture-related use, and the development is compatible with the rural landscape and can be sustained by rural service levels, both of which the PPS states should be promoted.

### **2017 Oak Ridges Moraine Conservation Plan (ORMCP)**

The ORMCP designates the subject site as "Countryside Areas." The purpose of Countryside Areas is to provide for the continuation of agricultural and other rural land uses and normal farm practices, and maintain the character of rural settlements.

Within Countryside Areas, agriculture-related uses may be permitted. The ORMCP defines agriculture-related uses as farm-related commercial and industrial uses that:

- a) are directly related to, and compatible with, farm operations in the surrounding area and do not hinder those farm operations;
- b) support agriculture;
- c) benefit from being in close proximity to farm operations; and
- d) provide products or services, or both, directly to farm operations as a primary activity.

According to MPAC data, there are two farm properties listed as growing grain seeds in the Township of Uxbridge and another in the Township of Brock.

A Planning Justification Report, prepared by Zelinka Priamo Ltd. and dated April 2018, was submitted in support of the application. The report noted that the storage of grains is not an efficient use of land in a fully serviced or partially serviced industrial park, such as where the operations

of the applicant are currently located in Aurora, Ontario. It also noted that the grain used in the above location is transported by truck from various suppliers and that no grain is delivered directly from fields, and that the proposed rural location in Uxbridge is desirable for increasing the grower base locally and regionally for direct from field delivery and from nearby grain storage operations.

The application conforms to the policies of the ORMCP as it meets the four criteria of an agriculture-related use.

### **Durham Regional Official Plan (ROP) Conformity**

The ROP designates the subject site as “Oak Ridges Moraine – Countryside Areas” in the “Greenlands System”. Within the Oak Ridges Moraine designation, only applications for development and site alteration that conform with the ORMCP will be considered.

Countryside Areas are intended to protect prime agricultural areas and provide for the continuation of agricultural and other rural land uses. Permitted uses include, but are not limited to: agricultural-related uses and small-scale industrial uses consistent with the ROP and the Oak Ridges Moraine Conservation Plan (ORMCP).

According to Schedule ‘B’ – Map ‘B2’ of the ROP, the subject site is located in an area of High Aquifer Vulnerability. The proposed use would fall into the Group 3 – Low Risk Land Uses (processed foods and meats) category. As such, the Region has no concerns that the proposed use will pose a risk to any aquifer in the vicinity.

According to Schedule ‘D’ of the ROP, the subject site is located in a High Potential Aggregate Resource Area. The establishment of land uses adjacent to or within high potential aggregate resource areas which could preclude or hinder existing or future aggregate extraction in such areas, shall not be permitted unless it is demonstrated that:

- a) the extraction of the resource would not be feasible;
- b) the proposed land uses would serve a greater long-term public benefit; and
- c) issues of public health, public safety and environmental impact are addressed.

The proposal will support the surrounding agricultural community, providing a direct service to farming operations in Durham Region. It is a dry industrial use and the subject site does not contain or is not adjacent to any key natural heritage features. Accordingly, the proposed use will have a minimal impact on the environment and there does not appear to be any public health or safety issues.

The application proposes an agriculture-related use in the “Oak Ridges Moraine – Countryside Areas” designation of the ROP which is consistent with the policies of the ORMCP, does not pose a risk to aquifer(s) in the area, and does not appear to preclude or hinder existing or future aggregate extraction in the area. As such, the application conforms to the policies of the ROP.

### **Provincially-Delegated Review Responsibilities**

#### **Archaeological Assessment**

According to the Region’s Archeological Potential Model, the subject site is located within a zone of archeological potential.

A Stage 1 & 2 Archaeological Site Assessment, prepared by The Archaeologists Inc. and dated January 26, 2016, was submitted in support of the application.

The Stage 1 background study found that the subject site exhibits potential for the recovery of archaeological resources of cultural heritage and value and concluded that a Stage 2 assessment was required.

The Stage 2 property assessment did not result in the identification of archaeological resources, and recommended that no further archaeological assessment of the property is required.

The Region requires that the proponent submit the above assessment to the Ministry of Tourism, Culture and Sport for their review and clearance letter. The letter is then to be submitted to the Region to our satisfaction.

#### **Potential Noise Impacts**

The proposal is a potential source of stationary noise located in proximity to noise sensitive land uses. Also, the subject site is located adjacent to Regional Highway 47, which is classified as a Type ‘B’ Arterial road in the ROP.

A Noise Impact Study, prepared by HGC Engineering and dated April 2018, was submitted in support of the application.

The report characterized the area surrounding the subject site as a Class 2 (‘semi-urban’) acoustical environment due to the significant volumes of road traffic on Regional Highway 47, and identified five residential dwellings located from 160 m to 340 m from the proposed industrial facility as noise receptors.

The report determined through measurement that the background sound levels from road traffic on Regional Highway 47 were between 45 and 56 dBA. The report also noted that since the facility has not yet been

constructed, analysis of sound emissions from key items of equipment was based on measurements at similar facilities, predictions using standard acoustical engineering calculations from reference texts, and specifications developed by the acoustical consultant.

The key sources of sound emissions include on-site truck movements, a dust collector exhaust, and unloading tanker trucks. The tabulated sound power levels from these sources assumed that an outlet silencer for the dust collector exhaust would be implemented, and that a stationary plant-based blower system, rather than traditional truck-based blowers, would be employed, and noted that noise levels would exceed MOECC limits if truck-based blowers were to be used.

Sound levels were predicted at the nearest noise sensitive points of reception using Cadna/A software, a computer implementation of the MOECC approved ISO standard 9613-2, "Acoustics – Attenuation of sound during propagation outdoors – Part 2: General Method of Calculation".

The report concluded that sound emissions from the proposed industrial facility can be within the applicable sound level criteria under typical "predictable worst case" operating conditions. It noted that an acoustical engineer should verify that the source sound level specifications and locations of equipment conform to the assumptions made, and that acceptable sound levels will result at all off site residential receptors.

The Region of Durham requires that the source sound level specifications and locations of equipment either conform to the assumptions made in the report, including the implementation of an outlet silencer for the dust collector exhaust and a stationary plant-based blower system, or that an updated report or addendum letter be prepared, detailing the source sound level specifications and locations of equipment once known, and the resulting impact on the noise sensitive receptors.

The above requirements must be satisfied prior to the passing of the zoning by-law, or alternatively, be subject to an ('H') Holding Provision. The Holding Provision can be lifted once the Region is satisfied with the conclusions and/or recommendations of the report.

In addition, the proponent will be required to implement the recommended noise attenuation measures of the Noise Impact Study affecting the proposed development in a Site Plan or Development Agreement with the Township of Uxbridge, or a Land Titles Agreement with the Region of Durham to the satisfaction of the Region.

### Potential Site Contamination

A Phase I Environmental Site Assessment (ESA) report, prepared by Golder Associates and dated November 2015, was submitted in support of the application. The report concluded that no issues of actual or potential environmental concern were identified.

The Region requires that the proponent submit a Regional Reliance letter and Certificate of Insurance (templates attached) to the Region's satisfaction in order to provide reliance to the Region of the environmental work completed.

### Regional Servicing and Transportation

Regional sanitary sewer and water are not available on the subject site or within the area.

The Region of Durham will require a Traffic Impact Brief with the submission of the Site Plan application. The scope of the study will be limited to the operation of the site and site access, building upon the supporting statement which was submitted with the application. The Region would like to understand how the truck trips have been derived and the likely employee/visitor trips. The scope of the Traffic Brief should be agreed upon before submission.

Regarding access location, based on a design speed of 100 km/hr. (posted 80 km/hr) the Region requires 300 m of Decision Sight Distance at the proposed access. While the application discusses the available sight distance as being in excess of 300 m in both directions, this is based on contour information. The available Decision Sight Distance should be measured in the field and included in the above noted Traffic Brief.

Generally the design of the site appears to be acceptable; however, the Region will require more detailed drawings when a site plan submission is made. The site access drawing should include tracking of the design vehicles. It may also be appropriate to consider paved shoulders in the vicinity of the site access. Please note that the site access will need to be constructed to Regional Standards for industrial entranceways.

### Environmental Health

The Region of Durham Health Department has no objection to the approval of the application; however, the applicant will be required to apply separately for the construction of a private sewage system.

### Conclusion

The Region does not object to the proposed rezoning of the subject site, provided that the requirements noted above in this letter are addressed,

including regarding archaeological potential, potential noise impacts, and site contamination, prior to the passing of the zoning by-law, or alternatively, be subject to a 'H' Holding provision.

Please feel free to contact me at 905-668-4113, ext. 2571, if you have any questions or require further information.

Yours truly,



David Perkins  
Planner

Attach: Regional Reliance Letter and Certificate of Insurance

cc: Jeff Almeida – Regional Works Department  
Lesley Kennedy – Regional Environmental Health  
Christopher Norris – Durham Region Transit  
Christopher Leitch – Regional Transportation Planning