

**COMMITTEE OF THE WHOLE SEPTEMBER 6, 2005**

**OFFICIAL PLAN AMENDMENT FILE OP.05.006  
ZONING BY-LAW AMENDMENT FILE Z.05.012  
2012746 ONTARIO LIMITED  
REPORT #P.2005.17**

**Recommendation**

The Commissioner of Planning recommends:

1. THAT Official Plan Amendment File OP.05.006 (2012746 Ontario Limited) BE APPROVED, as follows:
  - a) That the implementing Official Plan Amendment:
    - i) redesignate the subject lands from “Public Use Area - Public Open Space and Buffers” within the Parkway Belt West Plan to “Employment Area General” within OPA #450 (Employment Area Plan);
    - ii) permit the uses of asphalt batching, concrete and asphalt recycling/storage, and a contractor’s yard;
    - iii) include a policy requiring that mitigation measures be undertaken by the Applicant, including provision for noise barriers, landscaping, a site management plan, and a site monitoring program, be implemented and approved prior to site plan approval;
    - iv) include a provision requiring the Applicant to enter into an agreement with the City to establish and implement a site monitoring program; and
    - v) include a provision that requires the Applicant to obtain approval from the Ministry of Environment and Energy, including a Certificate of Approval, prior to the execution of a site plan agreement.
  - b) That prior to Council adopting the Official Plan Amendment:
    - i) the applicant revise the air quality survey to take into consideration any planned residential areas within 1 kilometre of the subject lands and include any mitigation measures that may be recommended;
    - ii) the air quality survey be peer reviewed by a qualified consultant at the cost of the applicant; and
    - iii) that these lands be deleted from the Parkway Belt West Plan.
2. THAT Zoning By-law Amendment File Z.05.012 (2012746 Ontario Limited) BE APPROVED, subject to the following conditions:
  - a) That the implementing zoning by-law:
    - i) rezone the subject lands from PB1(S) Parkway Belt Linear Facilities Zone to EM2(H) General Employment Area Zone with a Holding Provision, with the inclusion of asphalt batching, concrete and asphalt recycling/storage, as additional permitted uses on the subject lands;

- ii) provide a provision that the (H), Holding Provision be removed upon Council approval of a Site Development Application;
  - iii) provide an exception to the minimum requirements for lot frontage and direct access on a public road;
  - iv) include a minimum and maximum height requirement for noise attenuation barriers;
  - v) require a minimum 6m wide landscape strip along the west property line, between the south side of Highway #407 and the north limit of the adjacent southerly woodlot;
  - vi) provide exceptions to the accessory outside storage provisions; and,
  - vii) include a Council approved site plan to secure the location of the various components of the facility, including machinery, buildings, and areas for outside storage of aggregate.
3. THAT the Site Management Plan be revised to include the following additional mitigation measures:
- a) a minimum 6m wide landscape strip with additional tree planting along the west lot line between the north limit of the adjacent woodlot within the Beechwood cemetery lands and the south property limit of Highway #407, to the satisfaction of the City of Vaughan;
  - b) the installation of services to be provided on the site, including hydro, water and sanitary mains, grading, and drainage/stormwater management works;
  - c) the replacement of the pulverizing unit on the rock breaker, with a pulverizer which will emit less noise;
  - d) clearly indicate the installation and maintenance of two noise barrier walls, being a perimeter wall near the west property line and a local wall on the west side of the crusher and rock breaker in the south portion of the site; and
  - e) provision for an on-going site monitoring program to the satisfaction of the City.

### **Economic Impact**

There are no requirements for new funding associated with this report.

### **Purpose**

The Applicant has submitted applications to amend the Official Plan and Zoning By-law to permit the continued operation of asphalt batching, concrete and asphalt recycling/storage, and a contractor's yard, on lands that are currently owned by and under the federal jurisdiction of CN Rail, and leased to a private operator (Applicant). The applications would facilitate the conveyance of the site to the operator of the yard. The proposal is to redesignate the 4.5 ha site from "Public Use Area - Public Open Space and Buffers" under the Provincial Parkway Belt West Plan, to which the lands still remain, and to redesignate the underlying "Rail Facilities" designation under the City's OPA #450 (Employment Area Plan) to "Employment Area General"; and, to rezone the subject lands from PB1(S) Parkway Belt Linear Facilities Zone to EM2 General Employment Area Zone, under By-law 1-88 to facilitate the above-noted uses.

## **Background - Analysis and Options**

The subject lands are located west of Keele Street at Highway #407 and the CN Railway tracks, in Lots 2, 3 and 4, Concession 4, City of Vaughan (Attachment 1). A private operator for asphalt batching, concrete and asphalt recycling/storage and contractor's yard is currently using the site. The 4.5 ha, irregular shaped site has no frontage on a public road. Access is achieved via an easement through CN's lands, under the Highway #407 overpass, and connecting to Freshway Drive, located to the north of the subject lands. There are existing structures, machinery and storage piles of aggregate located on the site.

The subject lands are designated "Public Use Area" (Public Open Space and Buffers) by the Parkway Belt West Plan and "Rail Facilities" by OPA #450 (Employment Plan), and zoned PB1(S) Parkway Belt Linear Facilities Zone by By-law 1-88. The surrounding land uses are:

- North - Highway #407, employment use (EM2 General Employment Area Zone)
- South - CN Rail Line, hydro corridor (PB1(S) Parkway Belt Linear Facilities Zone)
- East - CN Rail Line (PB1(S) Zone) and employment use (PBM1 Parkway Belt Restricted Industrial Zone)
- West - Beechwood Cemetery (PB2 Parkway Belt Complementary Use Zone), and employment use (PBM7 Parkway Belt Industrial Zone)

On March 24, 2005, a Notice of Public Hearing was mailed to all property Owners within 120 m of the subject lands. To date, Staff has received a letter of objection to the applications from the Beechwood Cemetery to the west. The letter indicates concerns with respect to incompatible land use, unsightly storage, noise, odour and dust emissions, and impacts on stormwater management.

The recommendation of the Committee of the Whole on April 18, 2005, to receive the Public Hearing report and to forward a technical report to a future Committee of the Whole meeting, was ratified by Council on April 25, 2005.

The Owner has made application to the Ministry of Municipal Affairs and Housing to remove the site from the Parkway Belt West Plan (Ministry File 19-PBA-028-156). On April 26, 2005, the Ministry forwarded the Parkway Belt amendment application to the Ontario Municipal Board for consideration. A Board Hearing has been scheduled for September 13-16, 2005. On August 4, 2005, Consent Application B038/05, a request by CNR to convey a parcel of land for maintenance and storage purposes, together with all required easements and right-of-ways, if required, and retain a portion for CN rail yard purposes, was heard by the Committee of Adjustment. It was the opinion of the Development Planning Department that this application was premature and should be adjourned until such time as Council considered Official Plan OP.05.006 and Zoning By-law Z.05.012 Amendment applications. The Committee of Adjustment ultimately refused the application.

On July 27, 2005, the Owner filed an appeal to the Ontario Municipal Board for the Zoning and Official Plan Amendment Applications based on Council's failure to make a decision on the application, pursuant to the provisions of Section 34(11) of the Planning Act. A request was made for these applications to be consolidated with the appeal for removal from the Parkway Belt.

Subsequently, on July 28, 2005 Site Development Application DA.05.044 was submitted to the Development Planning Department. The application is currently under review.

### **Official Plan**

The subject lands are designated "Public Use Area", and more specifically, "Public Open Space and Buffers" by the Parkway Belt West Plan. The "Public Use Area" comprise areas presently used or planned for public uses, and include legally existing uses, linear facilities, public open

space and buffers, and privately operated open space and recreation-oriented uses. The Owner has made application to delete the site from the Parkway Belt West Plan (Ministry File 19-PBA-028-156), which has been referred to the Ontario Municipal Board by the Ministry of Municipal Affairs and Housing for the Board's consideration. The Hearing has not yet been scheduled.

The subject lands are also designated "Rail Facilities" by OPA #450 (Employment Plan). Section 2.2.6.1 of OPA #450 provides policies governing the use of railway facility lands should railway and related uses cease, as follows:

- railway uses are regulated by federal statute and are not subject to municipal planning controls;
- should railway and related uses cease on lands at the periphery of this designation, the lands may be developed in accordance with the policies of the adjacent Employment Area land use designation, subject to a Block Plan being approved by Council;
- should a large portion of the lands designated "Rail Facilities" be released for development, then development shall only occur on the basis of an amendment to the Employment Plan.

The applicant intends to purchase the site from CN Rail. Therefore, an application to amend the Official Plan is required to allow the continued operation of asphalt batching, concrete and asphalt recycling/storage, and a contractor's yard, under private ownership.

The applicant proposes to redesignate the site from "Rail Facilities" to "Employment Area General" under OPA #450. The "Employment Area General" designation is intended to:

- accommodate uses that do not require higher profile locations;
- provide for industrial development requiring outside storage or uses conducted outdoors; and
- provide opportunities for a broad range of lot sizes and a diversity of building forms in order to meet the needs of any size business or industry.

The "Employment Area General" designation is an appropriate land use designation category to accommodate recycling uses that require outdoor storage or occur outdoors.

Section 2.2.7.2 (B) of OPA #450 contains policies with respect to the location and development of concrete and asphalt recycling facilities and composting facilities. Approval of a zoning amendment application shall be conditional on Council being satisfied that the proposal conforms to the Official Plan policies as they pertain to the location, design and operation of the facility. The proposal does not meet the locational criteria set-out in the Official Plan. Areas of prohibition include lots abutting a highway and a "Prestige Area" designation, and within 1 km of an existing or planned residential area. The site abuts Highway #407, is adjacent to a "Prestige Area" designation to the north and southwest, and is within 1 km of proposed residential on the north side of Steeles Avenue, between Jane Street and Keele Street. The maximum area of a facility shall be approximately 4 ha, whereas the site area is 4.5 ha.

The Official Plan policies contain assessment requirements for recycling uses, including the submission of a site management plan, and studies addressing land use and urban design, transportation and traffic, stormwater management and the environment, noise, dust, and odour. The policies allow Council to, at their discretion, require a monitoring program to resolve any off-site impacts identified during the on-going operation of the facility, and a third party peer review of the submitted studies. Development criteria required to be met include landscape screening, maximum height for storage piles, stockpile locations, paving of stockpiles and parking, location of equipment through a review process and a complex site plan agreement, and a site management plan. Prior to operating, all necessary approvals from the Ministry of Environment and Energy is required.

Planning Staff has reviewed the applications in light of the Official Plan policies and the surrounding land use and have determined that, with appropriate on-site mitigation measures and a site management and monitoring plan, the continued operation of the facility is supportable.

### Zoning

The subject lands are zoned PB1(S) Parkway Belt Linear Facilities Zone by the City's Comprehensive Zoning By-law 1-88, which permits public uses only. The applications would facilitate the conveyance of the site to private ownership, being the Applicant. An "Asphalt Manufacture or Refining" and a "Mixing Plant" are identified as prohibited uses in By-law 1-88. By-law 1-88 does not permit any form of waste recycling as-of-right within the City, which would require an application to amend the Zoning By-law to permit such use. A contractor's yard is a permitted use in an EM2 General Employment Area Zone. An exception to the by-law will be required to allow the creation of the lot that does not have direct frontage and access on a public road. Exceptions to the accessory outside storage provisions appear to be required, including the following:

- exceeding the maximum 30% allowed for outside storage
- not providing the minimum gross floor area of 550 sq.m required for a building where there is outside storage
- outside storage areas require to be fully enclosed by fencing
- no outside storage, other than for machinery or equipment, can exceed 3 m in height, whereas 9 m is proposed
- outside storage which is obnoxious, visually or otherwise, is not permitted

For these reasons, an application to amend the Zoning By-law is required. These exceptions will be necessary to facilitate the required severance application.

The Applicant proposes the EM2 General Employment Area Zone, which permits outside storage, and is an appropriate zone to facilitate the continuation of the use. However, due to the sensitive nature of the use, the Development Planning Department is suggesting a (H), Holding Provision be placed on the subject lands until such time as a Site Development application is submitted and approved by Council.

### Existing Site Condition

The 4.5 ha wedge-shaped site is approximately 650 m long, 110 m wide at the north end and tapers to 18m wide along the south lot line. Access is achieved via a 7.62 m wide easement through CN's lands, which is located along the easterly lot line and extends more than 400 m north, under Highway #407, connecting to the east end of Freshway Drive. The site is bounded by CN Railway lands to the east and south, which contains tracks connecting the main east/west line located south of the site, with the Classification Yard to the north. Immediately to the west is the Beechwood Cemetery with woodlot, and an employment building located south of the Beechwood property. The north portion of the site is located under the overpass bridge of Highway #407. There is an existing Employment Area located just north of the site. The subject property is relatively flat with no vegetation.

The existing site operation, as shown on Attachment #2, has an asphalt batching plant on the north portion, including structures and equipment for the mixing of asphalt, and stockpiles of aggregate and recycled asphalt. Central to the site is a paved parking area, including a 300 sq.m maintenance building and a row of aggregate storage bins. The southerly portion of the site includes the location of the concrete and asphalt recycling operation, which includes a portable crusher, a rock breaker, and stockpiles of both pre-processed and processed (crushed/recycled) aggregate material. With the exception of accessory structures and a maintenance building, the site operation is conducted entirely outdoors.

## Supporting Studies

In order to address the issues of impact and compatibility, and to satisfy the policy requirements of the Official Plan, studies were undertaken and submitted by the applicant. These include reports on land use planning and site design, air quality, site servicing, traffic, and noise, and a site management plan. The following represents a summary of the findings and recommendations from each study.

### Air Quality Survey

Water and Earth Science Associates Ltd. (WESA) prepared the Air Quality Survey, dated April 2005. The purpose of the study was to characterize the potential impact from the operations on the subject lands to the surrounding lands according to the applicable Ministry of Environment guidelines. Using a conservative approach, WESA surveyed a 1 km area of influence from the property line with a 300 m minimum separation distance to sensitive receptors. Two potentially sensitive land uses were identified within a 1 km area of influence from the subject property, being the adjacent Beechwood Cemetery to the west, and York University, which is located 600m to the south.

The study has not taken into consideration proposed residential development along the north side of Steeles Avenue West (the "Steeles Corridor Jane to Keele Secondary Plan" study) and potential residential development along the easterly boundary of the Corporate Centre Node, which would also permit residential uses. The applicant should revise the study taking into consideration proposed residential developments as identified above and recommend any required mitigative measures. Staff does not have the expertise to evaluate the air quality survey reports. Therefore, Staff recommends that the air quality survey be peer reviewed by a qualified consultant at the cost of the Applicant, prior to Council adopting an implementing Official Plan Amendment, should the subject applications be approved.

The study indicates that several changes proposed to the crusher area will better manage particulate matter and combustion emissions. The installation of a hydro line to run power to the crusher will remove combustion emissions. The installation of a municipal water line and spray system will be used to clean and water down the roadways and to feed wheel-washing areas. Roadways and work areas will be paved. Paving surfaces and water suppression will allow dust emissions from this area to be negligible.

The study indicates that the emissions from the hot mix asphalt operation, including volatile organic compound emissions and combustion gas emissions from mixing, and dust from aggregate transfer and yard vehicle traffic, is minor due to the existing controls that are part of the system. Under the maximum production conditions, particulate emissions (dust) produced from the crushing operation and vehicular traffic at the south end of the site, slightly exceed the Ministry of Environment's criteria, a distance of 10 m east of the property line, at the south end of the site on CN Rail lands.

WESA concludes that the facility does not pose a risk to individuals on Beechwood Cemetery or at York University. The slight exceedence of particulate matter concentrations on the CN Rail lands are unlikely to present a health risk to any individuals, since it consists of multiple rail lines that are generally unoccupied.

### Noise Study

Aercoustics Engineering Limited prepared the Noise Study, dated May 5, 2005, to address the impact on the neighbouring lands. The nearest sensitive point of reception is the Beechwood Cemetery. The findings showed that without appropriate noise controls, the facility would not satisfy the Ministry of Environment sound level limits. Recommendations include:

- the replacement of the existing noisy rock breaker with a quieter pulverizing unit;
- a 6m high perimeter barrier wall along the west lot line, north of the adjacent woodlot;
- a minimum 6m high local barrier consisting of aggregate stock piles along the west side of the concrete and asphalt recycling operation at the south end of the site, adjacent to the crusher and rock breaker.

The proposed locations of the noise barriers are shown on Attachment #3. The study concludes that with these noise controls in place, the combined facility would satisfy the prescribed sound level limits for all receptors. If changes are made to the site or equipment, a qualified acoustic consultant should evaluate them. The recommendation to replace a noisy pulverizing unit on the rock crusher with a quieter pulverizing unit should be acted upon by the applicant.

The Vaughan Engineering Department is satisfied with the Noise Study and recommends that the grading plan incorporate the noise attenuation features that are recommended in the study.

With respect to the noise study's recommendations for the provision of a minimum 6m high metal clad barrier wall along the west lot line, the Planning Department questions the appropriateness of the recommended height and material of the barrier. The Department recommends that the requirement of the noise barrier be reviewed further with the consultant and that the determination of the height and material requirements be finalized at the site plan stage.

#### Transportation and Traffic Study

The Transportation and Traffic Study, prepared by Paul Hill Consulting, dated April 4, 2005, assessed the workability of the site access and the surrounding road system, including the intersections of Freshway Drive and Costa Road, and Regional Road #7 and Creditstone Road. The study identifies the following conclusions:

- all intersections in the vicinity of the site are operating at good levels of service today;
- the site generates relatively low levels of traffic volumes in the AM and PM peak hours;
- activity on the site and trip generations are not expected to increase substantially in the future;
- traffic volumes have generally decreased at the intersection of Regional Road #7 and Creditstone Road over the past few years;
- testing of future conditions was carried-out assuming the highest counted volume to date as a basis and modest increases in east/west traffic on Regional Road #7; the testing demonstrates the availability of transportation facilities in the future; and
- the transportation and traffic analysis demonstrates the adequacy of facilities and therefore supports the Official Plan and Zoning By-law Amendments.

No additional roads or improvements to roads are required to serve the existing and future development. The Vaughan Engineering Department is satisfied with the Transportation and Traffic Study.

### Site Servicing, Grading & Storm Drainage Report

EMC Group Limited prepared a report and Conceptual Servicing Plan, dated April 14, 2005, which recommends servicing options for the site, which is currently not connected to municipal services. Proposed site improvements include connections to the municipal sanitary sewer and to municipal water. Both connections are proposed within the 7.62 m wide access easement that extends to Freshway Drive.

The site drains naturally to the west and south directions. An existing 3m to 4m high berm along the west property line, adjacent to the Beechwood Cemetery lands, serves to contain drainage within the site. Proposed storm drainage works include a combination of catch basin manholes and storm sewer, an open channel, metal culvert along the west side of the site, ending at an existing sediment trap at the south end. The report indicates that additional erosion and sediment control measures, such as granular dykes installed in the drainage channel upstream of the sediment trap, should be considered during periods of increased site operation activities.

An on-site diesel generator is currently providing for the site's electrical requirements. The applicant proposes to extend the hydro service to the site.

The Vaughan Engineering Department and the Toronto and Region Conservation Authority advises that the Site Servicing, Grading and Storm Drainage Report prepared by EMC Group Ltd. is acceptable.

### Land Use Planning & Site Design Report

Templeton Planning Limited prepared a planning report, dated April 2005, in support of the proposal. The report addresses the land use and urban design aspects of the proposal, and includes the relevant policies contained in OPA #450, the Region of York Official Plan, and the Provincial Policy Statement. It identifies the results of the supporting studies, and includes operational details of the facility and a site management plan. The report provides the following conclusions and recommendations:

- The Region of York Official Plan has been reviewed and the policies regarding giving consideration to impact and compatibility have been addressed. No amendment to the Region's Official Plan is required.
- The site is not conducive to a "Prestige Area" designation, due to its proximity to heavy rail traffic, the Highway #407 overpass, and the nature of the access connecting with Freshway Drive through a garbage recycling area. The site is highly suited to asphalt processing, aggregate recycling and contractor's yard uses that have existed on the site since 1997. These uses are impervious to the more negative locational and operational characteristics of the site and its immediate surroundings.
- The results of the required studies indicate that the existing uses on the site are or can be made compatible with surrounding land uses. Particular attention has been directed to the Beechwood Cemetery lands where mitigation measures have been focused.
- The operators of the facility have a long history of involvement and experience in the asphalt production and aggregate recycling industry, and they are well versed in the techniques and technologies for mitigating off-site impacts.
- The facility has been in operation since 1997, under a lease arrangement with CN Rail, and provides services to CN as well as to other customers. The lease agreement expires in over fifteen years, and if the lands cannot be transferred over to the applicant, the existing uses can continue under the lease agreement. The transfer of Ownership would be beneficial and the site plan approval process would result in providing buffering,



landscaping and other improvements. Without the Ownership stake in the site, the operators of the facility will likely find it difficult to invest large sums of money in what would be leasehold improvements.

- It is recommended that an Official Plan Amendment and Zoning By-law Amendment be approved by the City of Vaughan to provide land use approval for the production of hot mix asphalt, the recycling and stockpiling of concrete and asphalt and for a contractor's yard. The approvals should be conditional on the subject lands being deleted from the Parkway Belt West Plan.
- It is recommended that the applicant proceed through the City's site plan approval process and that they enter into a site plan agreement with the City.
- It is recommended that the City accept the Proposed Site Management Plan as reflecting appropriate controls and best management practices for the facility. Implementation should include a site plan agreement and zoning by-law amendment.

#### Departmental/Agency Comments

##### Ministry of Transportation (MTO)

The MTO has no objections to the proposal and advise that any new buildings will require a minimum distance of 14 m from the Highway #407 property line. Ministry permits are required for all buildings located within 46m from the highway's property line and a radius of 396m from the centrepont of the intersection of Highway #407 and any crossing roadway.

There are no new buildings proposed for the site. There would not appear to be any conflict with the future transit corridor, which is parallel with Highway #407 on the south side of the highway.

##### Regional Municipality of York

The Region of York Planning Department has advised that they have no objections to the approval of the official plan amendment as there are no Regional issues and it is considered a matter of local significance. However, since the land is still part of the Parkway Belt West Plan, the amendment will require final approval from the Region of York, should Vaughan Council approve the subject applications.

##### Toronto & Region Conservation Authority (TRCA)

The TRCA advises that the site is not influenced by either its flood and fill regulated areas or its Valley and Stream Corridor Management Program. TRCA has reviewed the Site Servicing and Grading/Drainage Report prepared by EMC Group and finds the proposal to be acceptable. TRCA advises that City staff review the proposal to ensure that servicing and stormwater management alternatives for lands to the south within the Steeles Avenue Corridor are not compromised. The TRCA advises they have no objection to the applications.

##### Vaughan Engineering Department

The Engineering Department advises that the Site Servicing, Grading/Drainage Report prepared by the EMC Group is acceptable. The submission of a site servicing plan will be required at site plan stage, to the satisfaction of the Engineering Department. Given that the applicant proposes to connect to existing private services on adjacent lands, private easements and approval from the adjacent landowner will be required. The submission of grading plans will be required at site plan stage, to the satisfaction of the Engineering Department. The grading plan should incorporate the noise attenuation features recommended in the Noise Study, which is acceptable to the Engineering Department. The Transportation and Traffic Study is also acceptable.

## Planning Analysis

Applications to amend the Official Plan and Zoning By-law to permit the continued operation of asphalt batching, concrete and asphalt recycling/storage, and a contractor's yard on the site is supportable for the following reasons:

- the City of Vaughan's Employment Area Plan (OPA #450) anticipates that surplus railway lands would be developed in accordance with the adjacent Employment land use designation, upon deletion from the Parkway Belt West Plan.

Section 2.2.6.1 (b) of OPA #450 states that: "Should railway and related uses cease on lands at the periphery of this designation, the lands may be developed in accordance with the policies of the adjacent Employment Area land use designation where applicable, subject to a Block Plan being approved by Council". There is an existing employment area adjacent to the northwest of the site, consisting of "Prestige Area" and "Employment Area General" designations under OPA #450. Within this employment area, the nearest designation to the site is a band of "Prestige Area" that applies to the rear portion of properties abutting the north side of Highway #407, and that front onto Freshway Drive. The remaining portion of these lots are designated "Employment Area General". The industrial lands to the southwest are also designated "Prestige Area". A Block Plan is not required since the site consists of a relatively small area.

The "Prestige Area" designation provides locational opportunities for activities that require high visual exposure, good accessibility and an attractive working environment. Outside storage is not permitted. Given the site location, a "Prestige Area" designation would not be appropriate. The site does not have frontage or direct access to a public road. Access is obtained via a driveway easement connecting to Freshway Drive, which is more than 400 m long. The driveway runs parallel to CN's rail line that serves the Classification Yard, and next to a waste recycling facility located immediately to the north of the site.

The Applicant proposes to redesignate the site to "Employment Area General" under OPA #450, which permits outdoor storage and uses that occur outdoors. The proposed designation is an appropriate land use category to accommodate the facility.

- The proposal conforms with the Region of York Official Plan.

The Regional Official Plan designates the site as being within the "Urban Area" and the Parkway Belt West Plan. There are no significant natural features, forest resources, or regional greenlands system on or within the vicinity of the site.

- The location of the facility is appropriate in the context of the surrounding land use.

Attachment #4 identifies the site in the context of surrounding land uses. The site is bounded to the east by CN Rail lines that connect to a nearby Classification Rail Yard, and further east is the Snidercroft Road employment area. South of the site is CN's east-west railway line and a hydro corridor. To the north is an employment area that contains various employment uses, which is for the most part zoned EM2 General Employment Area Zone – a zone category that is proposed by the Applicant for the subject lands. A waste recycling facility is located immediately north of the site, which is municipally known as 10 Freshway Drive. Highway #407 overpasses the north portion of the site. Immediately west is the Beechwood Cemetery and an employment building to the southwest, each having access from Jane Street. There is a woodlot located on the south half of the cemetery lands, adjacent to the site's west property line. The surrounding area is primarily devoted to employment uses, is not highly visible from public roads, and with appropriate mitigation measures, the subject land is an appropriate land use and compatible with the surrounding land uses.

- Appropriate implementation will ensure compatibility. If executed properly, the facility will not have an adverse impact on adjacent lands, particularly with the adjacent Beechwood Cemetery to the west.

The Applicant submitted studies addressing air quality, noise, transportation and traffic, and site servicing and grading/drainage, and have been reviewed by the various departments and agencies and with the exception of the air quality study, found to be acceptable. The site mitigation measures that are recommended for implementation by the Applicant, as reflected in the Site Management Plan (Attachment #5), include:

- the installation of minimum 6m high, solid metal clad noise barriers, together with tree planting within a landscape strip between the perimeter wall and the common property line with the Beechwood Cemetery to the west;
- strategically located stockpiles of aggregate around the crusher with minimum and maximum stockpile heights of 4 m and 9 m, respectively;
- a crusher that includes a rotor that is totally enclosed so that the amount of dust emitted is limited;
- the points of aggregate transfer on the crusher shall each contain pressurized water spraying devices; In the event of failure of these devices, crushing shall cease until repaired;
- the 7.62 m access easement into the site shall be paved with asphalt;
- a pressure water truck shall be kept on site to spray down roadways and parking areas;
- stockpiles will be sprayed with water using a misting system.

In accordance with the recycling policies of OPA #450, the Applicant has submitted a description of the facility in support of the proposal, including the name and level of experience of the operator, material type and amount to be recycled, the technology used, hours and days of operation, and other sites utilized by the business owner. The details of the facility's operation and the operator are described on Attachment #6.

Planning Staff recommends additional mitigation measures to be undertaken. This includes paving vehicular maneuvering areas and work areas to help reduce dust emissions. The proposed tree planting along the west property line as shown on the Conceptual Development Plan (Attachment #6) and Landscape Plan (Attachment #7) appears minimal. Additional tree planting will be required, and within a minimum required 6m wide landscape strip, to be located between the north limit of the adjacent woodlot and the south limit of Highway #407. The installation of services such as hydro, storm drainage works and water and sanitary mains will be required in order to achieve some of the mitigation measures that are proposed. The Noise Study also recommends that the pulverizing unit for the rock breaker associated in the crushing activity on the south portion of the site, be replaced with a quieter pulverizer. The site management plan indicates a minimum height of 4m for the strategically placed stockpiles of aggregate adjacent to the crusher and rock breaker, whereas the Noise Study recommends a minimum height of 6m. The site management plan must be revised in this regard, and to include the additional mitigation measures recommended by staff.

The Official Plan Amendment is site-specific and will permit the asphalt batching and concrete and asphalt recycling/storage, and a contractor's yard as permitted uses within an "Employment Area General" designation under OPA #450. The Amendment will contain policies, including the required mitigation measures to be undertaken by the Applicant, and all necessary approvals required by the Ministry of Environment and Energy, prior to the execution of a site plan agreement. Prior to Council adopting the Amendment, the site must be deleted from the Parkway Belt West Plan, and the Applicant must revise the air quality survey to take into consideration planned residential and have it peer reviewed.

The implementing by-law will permit the uses on the site on the basis of an approved site plan that would restrict the location of the various components of the operation. Exceptions to the outside storage provisions contained in By-law 1-88 will be required, as well as, frontage and access requirements. A minimum height of 6m is required for the noise barrier wall, and a minimum 6m wide landscape strip will be required adjacent to the west property line, north of the adjacent woodlot to the south side of Highway #407. Any other exceptions necessary, including a minimum and maximum height requirement for noise barriers, shall be included in the implementing by-law.

To resolve any off-site impacts that may be identified during the on-going operation of the facility, Planning Staff recommends that a site monitoring program be established. This program will be implemented through an agreement with the operator. This will allow the City, in consultation with the operator and the affected party, to initiate a monitoring program, in accordance with the terms of the agreement, which would identify the specific nature of the problem and the measures necessary to resolve it. The Applicant will be required to enter into a complex site plan agreement with the City of Vaughan. Staff recommends that the terms and provisions respecting a site monitoring program be included in the required site plan agreement as a means of implementation.

### **Relationship to Vaughan Vision 2007**

This report is consistent with the priorities set forth in Vaughan Vision 2007, particularly 'A-5', "Plan and Manage Growth".

### **Conclusion**

Staff has reviewed the proposed amendments to the Official Plan and Zoning By-law to permit the continued use of the site for asphalt batching, concrete and asphalt recycling/storage, and a contractor's yard, and can support the proposal, provided that mitigation measures are implemented, which are primarily directed to addressing noise and dust. This will ensure that the operations of the facility will not have an adverse impact on the adjacent lands, particularly the Beechwood Cemetery to the west.

The Official Plan Amendment will be site-specific and permit the use in the "Employment Area General" designation under OPA #450, together with policies that include site mitigation measures, provision for establishing a site monitoring program, and requirement for obtaining a Certificate of Approval from the Ministry of Environment and Energy. The site must first be removed from the Parkway Belt West Plan, which has been referred to the Ontario Municipal Board by the Minister of Municipal Affairs and Housing. The air quality survey must be revised to take into consideration any planned residential within 1km of the site and then peer reviewed by a qualified consultant at the Owner's expense. If any further mitigative measures are required, they will be included in the site management plan, zoning by-law, and site plan agreement. The policies will establish the framework for the continued use of the site to ensure that the facility will not have an adverse impact on the surrounding land use.

The implementing zoning by-law will permit the asphalt batching, concrete and asphalt recycling/storage, and a contractor's yard, in an EM2 General Employment Area Zone. Exceptions to By-law 1-88 will be required to facilitate the future severance of the site by providing relief to the lot frontage and direct access requirements on a public road. Exceptions to outside storage are required. An approved site plan will be included to secure the location of the various components of the facility.

Staff recommends that the Site Management Plan be revised to include additional on-site mitigation measures, including paving vehicular maneuvering areas and work areas to help reduce dust emissions, provide additional tree planting along the west property line, replacing the pulverizing unit on the rock breaker with a quieter pulverizer, and provision for a site monitoring

program that will provide a means of resolving any off-site impacts that may be identified during the on-going operation of the facility. The installation of services such as hydro, storm drainage works, and water and sanitary mains will be required in order to achieve some of the mitigation measures that are proposed. The Owner will be required to enter into a complex site plan agreement with the City.

On the basis of land use and compatibility, and with appropriate implementation of the mitigation measures, Planning Staff can recommend approval of the applications to amend the Official Plan and Zoning By-law, subject to conditions.

**Attachments**

1. Location Map
2. Site Plan – Existing Facility
3. Proposed Noise Barrier Locations
4. Air Photo – Land Use Context Map
5. Description of Site Management Plan
- 6a. Description of Operational Details
- 6b. Description of Operational Details
7. Proposed Conceptual Development Plan
8. Proposed Landscape Plan

**Report prepared by:**

Arto Tikiryan, Senior Planner, ext. 8212

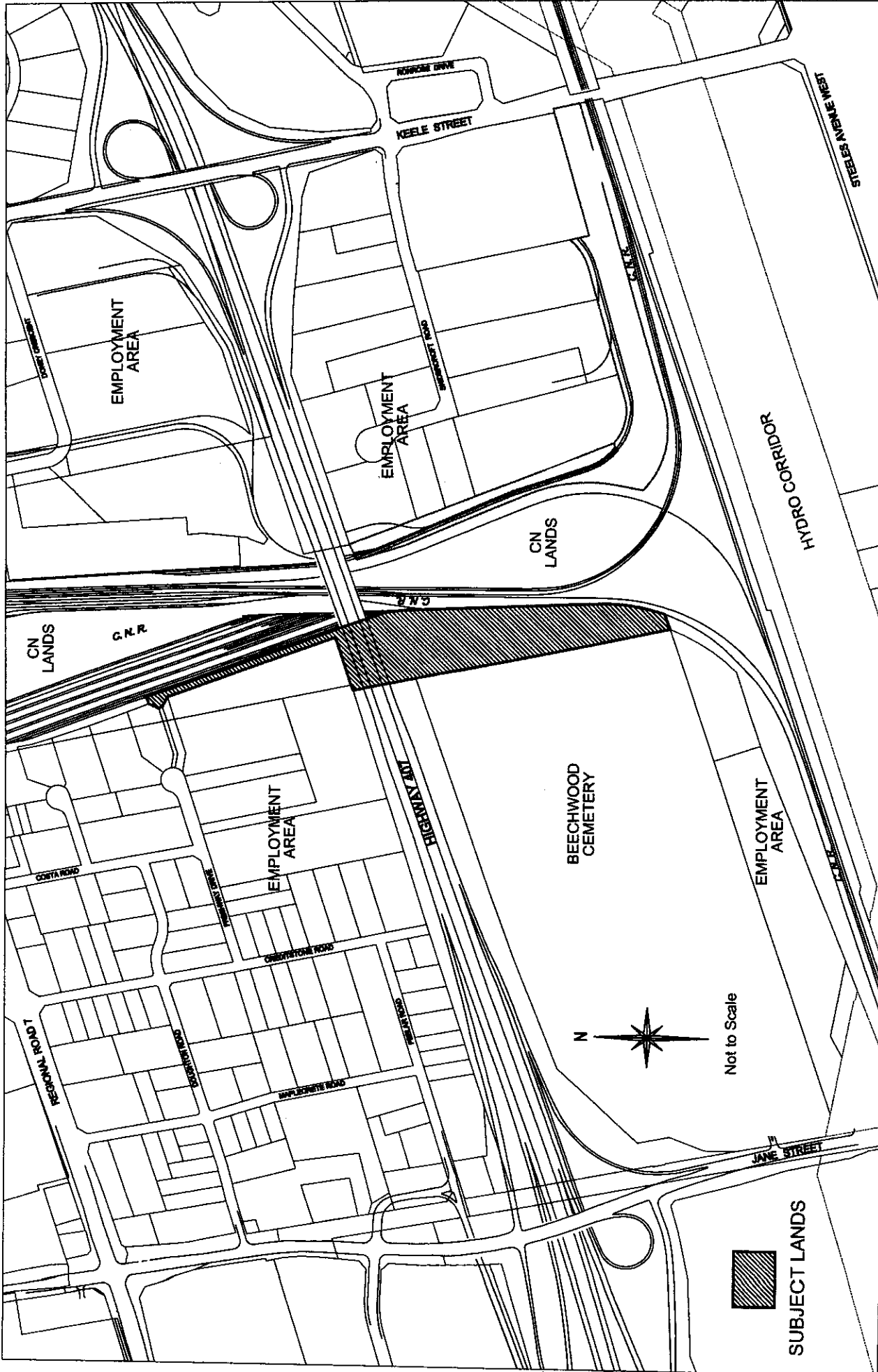
Grant A. Uyeyama, Manager of Development Planning, ext. 8635

Respectfully submitted,

JOHN ZIPAY  
Commissioner of Planning

MARCO RAMMUNO  
Director of Development Planning

/CM



# Location Map

Part of Lots 2 - 5,  
Concession 4

APPLICANT:  
2012746 ONTARIO LIMITED

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# City of Vaughan

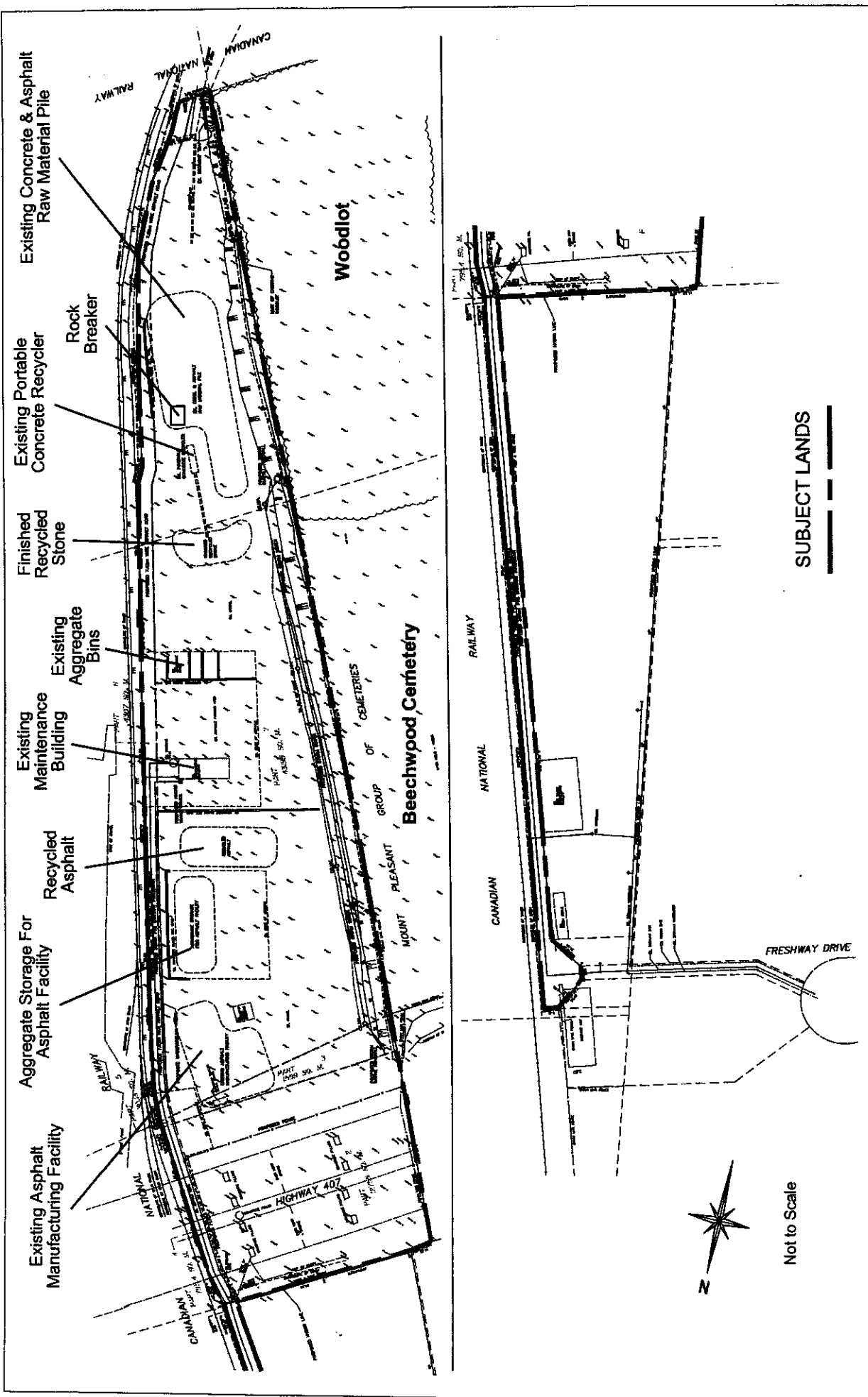
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# Attachment

# 1

FILE No's.:  
OP.05.006  
& Z.05.012

June 6, 2005



**Site Plan (Existing Facility)**

Part of Lots 2 - 5,  
Concession 4

APPLICANT:  
2012746 ONTARIO LIMITED

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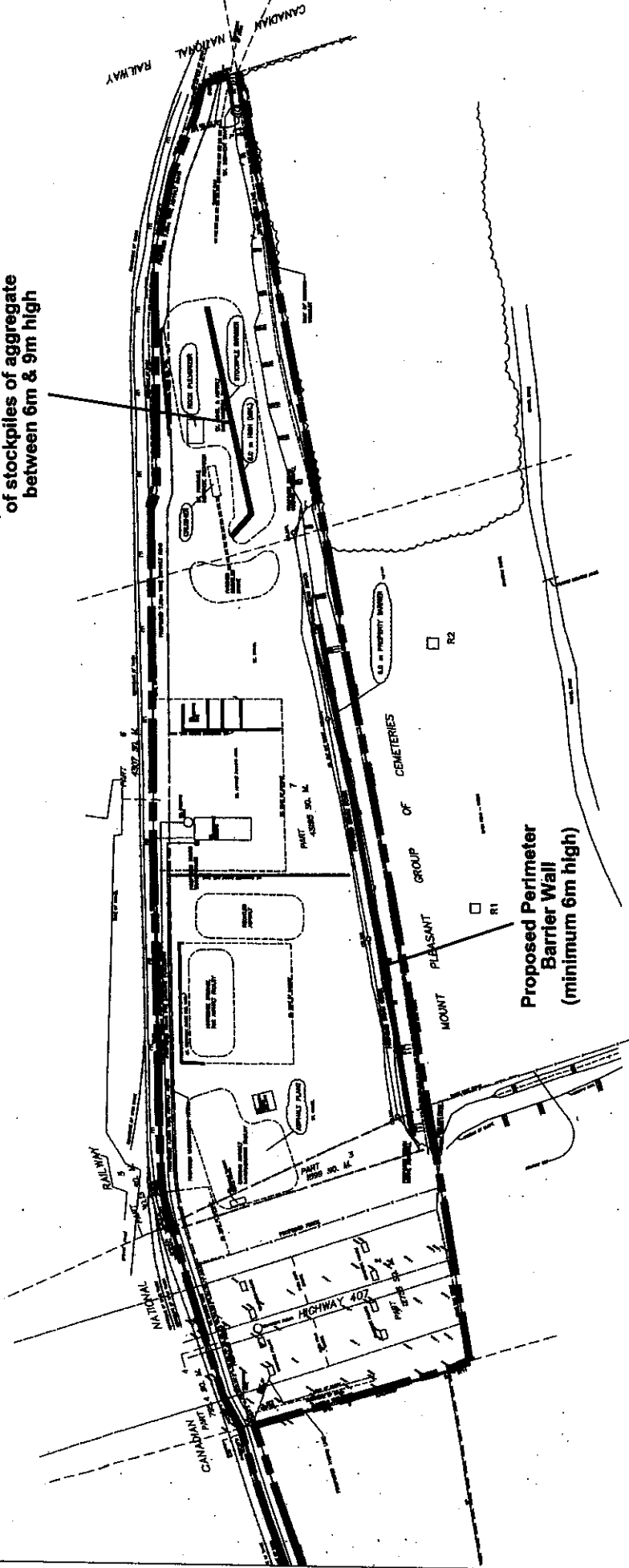


Development Planning Department



Not to Scale

Proposed Local Barrier consisting of stockpiles of aggregate between 6m & 9m high



Proposed Perimeter Barrier Wall (minimum 6m high)

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SUBJECT LANDS

# Proposed Noise Barrier Locations

APPLICANT:  
2012746 ONTARIO LIMITED  
Concession 4

# City of Vaughan

Development Planning Department

# Attachment 3

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& Z.05.012

June 13, 2005





**Air Photo - Land Use  
Context Map**

APPLICANT:  
2012748 ONTARIO LIMITED

Part of Lots 2 - 5,  
Concession 4

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**Attachment**

**4**

FILE No's:  
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June 6, 2005

**Site Management Plan**  
**2012746 Ontario Limited**  
**Part of Lots 2 & 3 Concession 4**  
**City of Vaughan**

**PREPARED BY**  
**TEMPLETON PLANNING LIMITED**

The primary objectives of this Site Management Plan are the maintenance of a clean and healthy environment and to mitigate impacts on neighbouring properties, particularly the Beechwood Cemetery property located to the west.

**1. Noise Mitigation**

Noise mitigation is required to reduce noise impact on the Beechwood Cemetery property. Mitigation measures will include a 6.0 metre high solid metal clad barrier close to the west property limit, southerly as far as the woodlot on the Beechwood Cemetery lands. The on-going obligation on the part of the numbered company shall involve:

- The maintenance in a good state of repair of the 6.0 metre metal clad barrier.
- The placement and maintenance of plant material between the metal clad barrier and the west property limit as shown on a Landscape Plan prepared by Strybos Associates Ltd, Landscape Architects. This is to include the replacement in an expeditious manner of any dead or diseased plant material.

Noise mitigation measures include the use of aggregate stockpiles strategically located around crushing machinery as shown on a site plan prepared by the EMC Group. In order to ensure the effectiveness of the mitigation function, whenever crushing is occurring, the minimum height of stockpiles shall be 4.0 metres, provided that at no time shall the height of stockpiles exceed 9.0 metres.

**2. Dust Suppression**

Dust sources from operations on the subject site can occur from the movement of trucks and heavy equipment such as loader. Dust can also be created as a result of the crusher operation and as a result of the drying out of stockpiled aggregate material. The following suppression techniques will be applied in a diligent manner to minimize the escape of particulate matter onto adjoining properties:

- The type of crusher used shall include a concrete crushing rotor that is totally enclosed so that the amount of dust emitted is limited.
- The points of aggregate transfer on the crusher shall each contain pressurized water spraying devices so that the aggregate material is exposed to a mist as it passes through the system.

- Dust suppression shall be a priority at all times and in the event of failure of the devices identified above, crushing shall cease until repair has been effected.

In regard to dust caused by the movement of vehicles, the following measures shall be implemented:

- The 7.62 metre access easement into the site shall be paved with asphalt
- A pressure water truck shall be kept on-site in order to spray down the roadways and adjoining parking areas that have high traffic volumes. Water will be applied whenever traffic and weather conditions are likely to cause dust.

Dust resulting from stockpiled material can be caused by wind action and loading equipment removing material from the piles. In order to minimize dust from such sources, the stockpiles will be sprayed using a misting system at or near the top of the piles. This system produces a rainwater effect to dampen particulate matter so that it is too heavy to become airborne.

**3. Implementation**

It is proposed that the foregoing measures be implemented though inclusion in a Site Plan Agreement or in a Zoning By-law Amendment or a combination of both, as may be appropriate.

**Description of Site Management Plan**

APPLICANT:  
2012746 ONTARIO LIMITED  
Part of Lots 2 - 5,  
Concession 4

City of  
**Vaughan**

Development Planning Department

**Attachment**  
**5**

FILE No's:  
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& Z.05.012

June 13, 2005

1. The Name and Level of Experience of the Proposed Operator

- 2012746 Ontario Limited is the company that was formed by the Alfano family group of companies that date back to the early 60's and Ontario Paving being the main company that managed asphalt and concrete plant sites in Oshawa, Windsor, Barrie, and two sites in Mississauga and two sites in Maple
- along with quarries and pits in Oro township, town of Caledon, Mara township, and Guelph
- in these years, Italo and Utly Alfano managed these assets along with their family and approximately 600 employees province wide, they bring to the table along with their key staff which are long standing employees, a combined experience in the asphalt and aggregates industry of over 40 years
- A list of owner/employees and experience are listed below:

*Italo Alfano*: owner/manager, 46 years experience in all disciplines of road building and infrastructure

*Utly Alfano*: owner/manager, 30 years experience in road building, asphalt and aggregate manufacturing and involved in the planning and management of asphalt plants and pits and quarries

*Gino Conte*: general supervisor/equipment and asset manager, road building, asphalt plant maintenance with 35 years experience

*Lou Doria C.E.T.*: chief estimator/contract administrator, 24 years experience

*Joe Delbrocco*: superintendent/building and asphalt plant/aggregate equipment coordinator, highway road building, 30 years experience

*Lou Vesio*: superintendent/ winter works coordinator/ CN contracts, road building, resurfacing contracts, 15 years experience

*Darry Alfano*: asphalt plant/crushing plant/manager, production coordinator, quality control, set up and maintenance of asphalt plant, 15 years experience

*Frank DeRango*: superintendent/ contract works/operator foreman/ snow operator/summer operator, experience in pit and quarry operations, 48 years experience

*Peter Dodaro*: asphalt foreman/ coordinates outside work/ paver work/ preparation on job sites, operator at asphalt facilities, 15 years experience

2. Materials to be Recycled and Anticipated Amounts

At the Freshway site two main operations are taking place simultaneously:

1. Hot mix asphalt that has 20%-30% reclaimed asphalt is produced and sold to customers and ourselves for use in projects mainly in the Vaughan area
2. Crushed concrete is produced from old curb and gutter, and old sidewalk that clients bring in to our Freshway site. This "Raw Material" is crushed into 2 main aggregate sizes being ¾" minus/ 2" minus. The crusher also produces a ¾ inch minus size aggregate that we call "R.A.P" asphalt. "Reclaimed Asphalt Product" is the crushed asphalt that we take in from re-construction jobs and clients that rip up old driveways and as a service we provide them with a proper facility to dispose of the broken asphalt, crush it and that material replaces 20%-30% of virgin material in the hot mix plant that otherwise would have gone to the landfill or illegally dumped. It is important to note that every ton of "R.A.P" that is produced for our Hot Mix plant contains between 3.5- 5.5% A.C content. This is the asphalt cement that binds the aggregate that we refer to as "Hot Mix Asphalt." This A.C is a by product of crude oil. Therefore we believe that we should do everything in our power to recycle this non-replenishable resource.

3. The quantity of materials that are anticipated to come out of the Freshway facility are as follows:

*Crushing Facility*

- ¾ inch crushed concrete/2 inch crushed concrete approx. 150,000- 180,000 tons
- ¾ inch crushed "R.A.P" approx 20,000-30,000 tons (to be used in the production of asphalt)
- ¾ inch crushed "R.A.P" to be used as sub-base in parking lots approx 10,000-15,000 tons

*Asphalt Manufacturing Facility*

- HL8, HL3, HL3A Hot Mix asphalt approx 80,000- 120,000 tons

## Description of Operational Details

APPLICANT:  
2012746 ONTARIO LIMITED

Part of Lots 2 - 5,  
Concession 4

Development Planning Department

# Attachment

# 6a

FILE No's.:  
OP.05.006  
& Z.05.012

June 6, 2005

3. Type of Technology to be Used Including any Mitigation Measures

*Asphalt Plant Production.*

- our asphalt plants has the capacity to produce 300- 350 tons per hour of Hot Mix asphalt
- our pollution control system/bag house dust collector system has the capacity to handle 500 tons/hr
- our average production rate will be somewhere around the 200-250 ton/hr range and will be seasonal, typically between the months of mid May to late November
- our dust collector system on the asphalt plant was upgraded recently and is now one of the most modern and efficient bag houses in the province of Ontario (purchased new in 2001 at a cost of \$300,000 CND)
- the computer that runs the asphalt plant was also purchased new and the system was upgraded so that the plant now can totally be managed and run by the "W.E.M"
- this computer system ( Wisconsin Electric Manufacturing)
- load cells and is precisely managing all materials that converge in the drum mixer along with the asphalt cement, this produces a high quality asphalt mix
- the computer also maintains a relationship and monitors all other aspects of the asphalt plant and records them on the hard drive of the computer
- this is helpful when quality control becomes an issue, we are able to have all the records on our hard drive to go back to rectify.
- the computer system also has parameters that are built into the memory as to alert the operator of the facility if any of the constants/or controls are breached such as temperature control or baghouse functions.

*Mitigation Measures of dust on roadways:*

- the site in application is approx 4.5 hectares
- the roadway, that is the easement that is shared between CN rail and 2012746 Ontario Limited is approx 600 metres in length and 7.6 metres in width
- Once the roadway is paved, a pressure water truck that holds approx 10,000 litres, is on-site to spray down the roadways and adjoining parking lots and areas that have high traffic volumes. This includes the right of way out to the Freshway cul de sac. It is important to note that this piece of equipment is dedicated for this site and will be manned as conditions requires.

*Mitigation Measures of dust/crusher.*

- the crusher that 2012746 Ontario Limited operates is a closed circuit horizontal impact crusher
- when feeding the raw material with a wheel loader the rotor that crushes the concrete is totally enclosed, thus limiting the amount of dust emitted from the rotor/crusher box
- There are 3 drop points on the crusher that will produce dust. The 3 points of transfer will each have a series of pressurized nozzles with a valve (regulator) to regulate the flow of water as to mist the aggregate as it flows on the different stacking conveyor belts

4. Hours and Days of Operation

*Asphalt Facility:*

- May to late November,  
Monday to Friday, 7:00 A.M. – 5:00 P.M.

Saturday, Occasional maintenance if required

*Crushing Plant:*

- May to late November  
Monday to Friday, 7:00 A.M. – 5:00 P.M.  
Saturday, Maintenance

5. Other Sites Utilized by the Operator

- 2012746 operates in conjunction with the Freshway Asphalt Plant/Freshway Crushing Plant and also operates:

*Alton Sand and Gravel Operation: (34 Hectare licensed site)*

**Description:** Extracting sand and stone from below water and washing and classifying it into washed concrete sand, washed brick sand, and washed stone product. The washed stone is then crushed by our forces into ¾ inch clear and 3/8 minus and screenings, where they are used in conjunction at the Freshway asphalt plant to make Hot Mix asphalt.

*Southview Paving Inc:*

**Description:** This company performs a full range of general contracting such as:

- parking lot construction
- infrastructure work
- curb and sidewalk
- road resurfacing and milling
- hot mix paving
- snow plowing and salting contracting

## Description of Operational Details

APPLICANT: Part of Lots 2 - 5,  
2012746 ONTARIO LIMITED Concession 4

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City of  
**Vaughan**

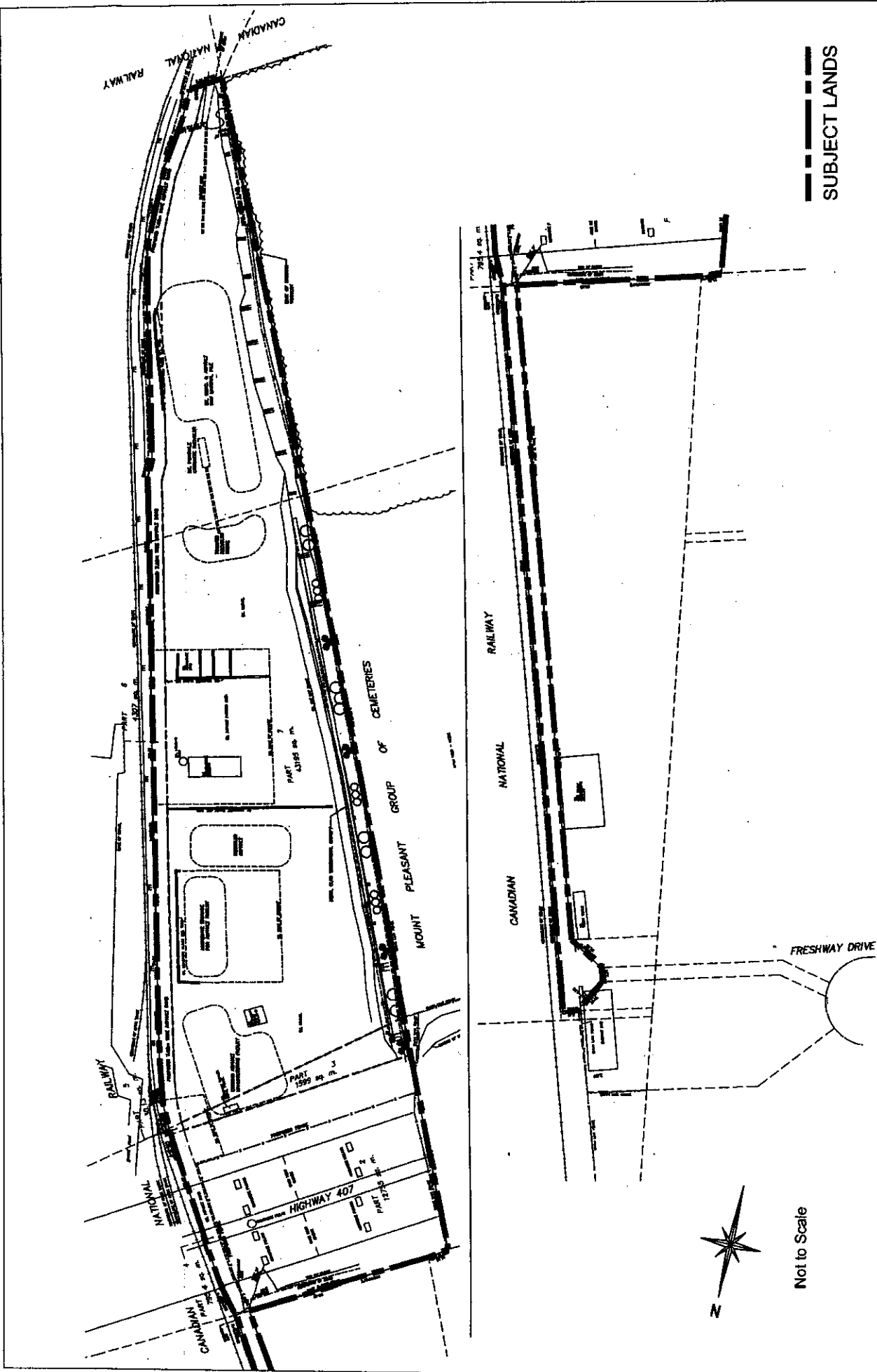
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June 6, 2005



--- SUBJECT LANDS



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# Attachment 7

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June 6, 2005

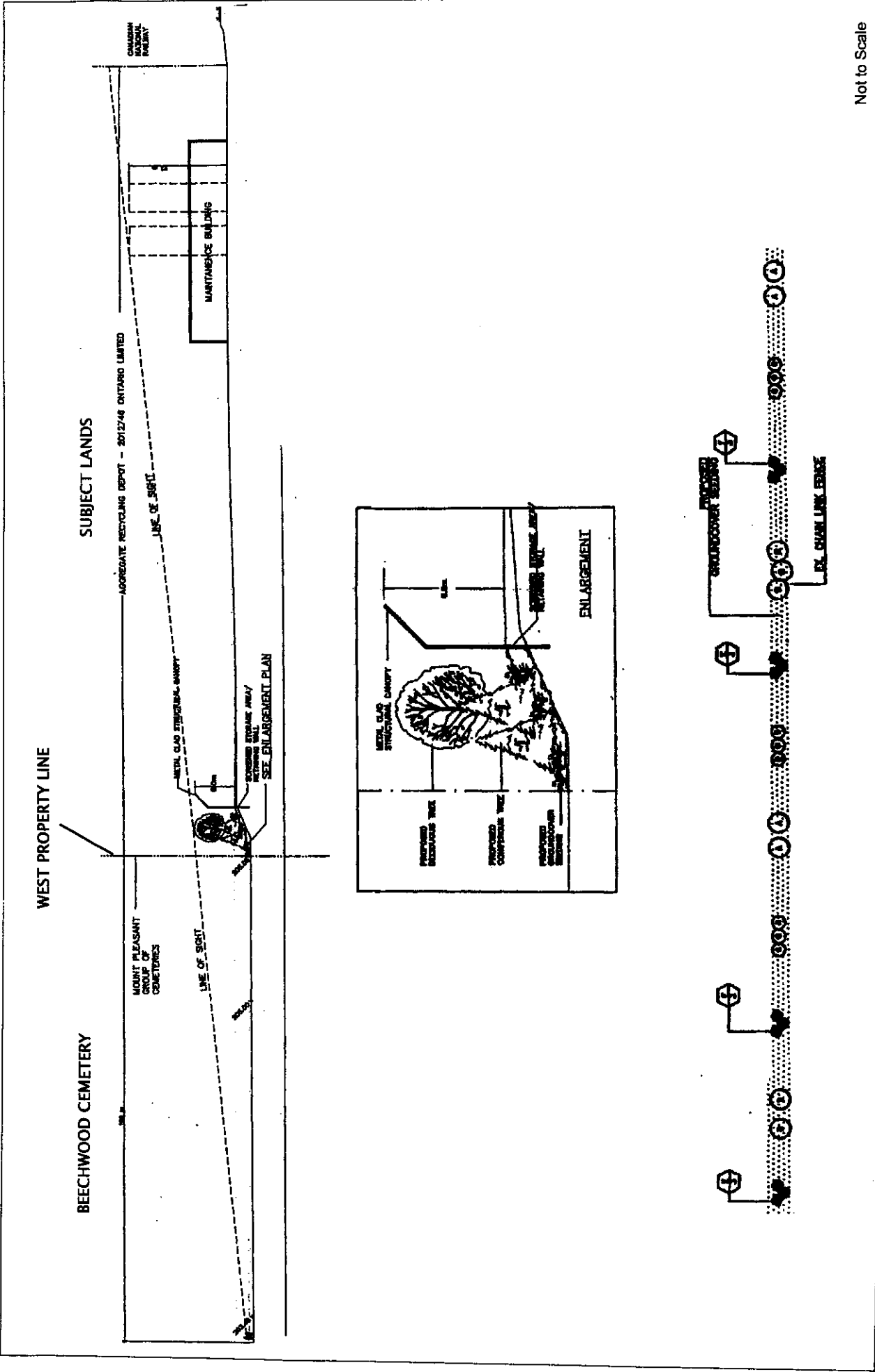
## City of Vaughan

Development Planning Department

### Proposed Concept Development Plan

APPLICANT:  
2012746 ONTARIO LIMITED  
Concession 4

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# Attachment 8

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June 13, 2005

## City of Vaughan

Development Planning Department

### Proposed Landscape Plan

Part of Lots 2 - 5,  
Concession 4

APPLICANT:  
2012746 ONTARIO LIMITED

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