

Appendix G – Detailed Planning Analysis

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1.0 The Provincial Policy Statement (PPS)

The subject applications were submitted in July 2024, when the Provincial Policy Statement 2020 was in effect. During the review of the subject applications, the province introduced the Provincial Planning Statement (2024), which came into force and effect on October 20, 2024, and applies to decisions concerning planning matters occurring after this date. The PPS 2024 replaces the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (The Growth Plan) (2019). The PPS 2024 provides broad policy direction on matters of provincial interest related to land use planning and development and supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The PPS 2024 & 2020 recognizes that Official Plans are the most important vehicle for implementation of the PPS; however, all Council decisions affecting planning matters are required to be consistent with the PPS (PPS 2024, Chapter 1 & PPS 2020, Policy 4.6).

The PPS 2024 states that Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;
- d) encouraging intensification of employment uses and compatible, compact, mixed-use development to support the achievement of complete communities; and
- e) addressing land use compatibility adjacent to employment areas by providing an appropriate transition to sensitive land uses (PPS 2024, Policy 2.8.1.1)

Planning authorities shall protect employment areas that are located in proximity to major goods movement facilities and corridors, including facilities and corridors identified in provincial transportation plans, for the employment area uses that require those locations (PPS 2024, Policy 2.8.2.2).

Planning authorities shall designate, protect and plan for all employment areas in settlement areas by:

- a) planning for employment area uses over the long-term that require those locations including manufacturing, research and development in connection with

manufacturing, warehousing and goods movement, and associated retail and office uses and ancillary facilities;

- b) prohibiting residential uses, commercial uses, public service facilities and other institutional uses;
- c) prohibiting retail and office uses that are not associated with the primary employment use;
- d) prohibiting other sensitive land uses that are not ancillary to uses permitted in the employment area; and
- e) including an appropriate transition to adjacent non-employment areas to ensure land use compatibility and economic viability (PPS, 2024, Policy 2.8.2.3).

The PPS 2024 states that Natural features and areas shall be protected for the long term (PPS 2024, Policy 4.1.1).

The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features (PPS 2024, Policy 4.1.2).

Development and site alteration shall not be permitted in:

- a) significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E1;
- b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1;
- c) significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1;
- d) significant wildlife habitat;
- e) significant areas of natural and scientific interest; and
- f) coastal wetlands in Ecoregions 5E, 6E and 7E1 that are not subject to policy 4.1.4.b),

unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions (PPS 2024, Policy 4.1.5).

Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements (PPS 2024, Policy 4.1.6).

Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements (PPS 2024, Policy 4.1.6).

Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and 4.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been

demonstrated that there will be no negative impacts on the natural features or on their ecological functions (PPS 2024, Policy 4.1.8).

Planning staff are of the opinion that the proposed applications are consistent with the PPS 2020 and PPS 2024, with the inclusion of the recommended holding provision. The proposal facilitates the redevelopment of an underutilized brownfield site and provides an employment use. The holding provision will provide for the protection of the natural heritage features and ensure that the proposed development will utilize existing services.

2.0 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the Growth Plan)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the Growth Plan) came into effect on May 16, 2019, with Amendment 1 to the Growth Plan taking effect on August 28, 2020. The Growth Plan provides a growth management policy direction for the defined growth plan area. The policies in the Growth Plan intend to build on the progress that has been made towards the achievement of complete communities that are compact, transit-supportive, and make effective use of investments in infrastructure and public service facilities. As previously mentioned, the PPS 2024 replaces both the PPS 2020 and the Growth Plan. At the time of the submission of the applications, the Growth Plan was in effect and all planning decisions in Burlington were to conform to the Growth Plan. The PPS 2024, which came into force and effect on October 20, 2024, applies to decisions concerning planning matters occurring after this date.

3.0 Halton Region Official Plan (ROP)

The Regional Official Plan (ROP) provides “broad policy directions on strategic matters such as management of land and natural resources, growth strategies, housing, economic development, water and wastewater services, solid waste management, transportation, and health and social services” (Section 44). The Planning Act requires that Burlington’s Official Plan and Zoning By-law be amended to conform with the ROP.

The Urban Area (Section 72) policies of the Regional Official Plan (ROP) identify that the goal of the Urban Area and the Regional Urban Structure is to manage growth in a manner that fosters complete communities, enhances mobility across Halton, addresses climate change, and improves housing affordability, sustainability and economic prosperity.

The Subject Lands are located within the Employment Area overlay as outlined on Map 1 of the ROP, as amended. The Region’s policy for Employment Areas (Section 83) is to provide opportunities for a fully-diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

The Subject Lands are designated Regional Natural Heritage System (Map 1), Key Features (Map 1G) and Enhancement Areas Linkages and buffers (Map 1G). The goal of the Natural Heritage System (Section 114) is to increase the certainty that the biological diversity and ecological functions within Halton will be preserved and enhanced for future generations. Section 118 3.1 c) of the ROP requires an Environmental Impact Assessment for developments or site alterations, including public works, that are located wholly or partially inside or within 120 metres of the Regional Natural Heritage System.

An Environmental Impact Assessment (EIA), prepared GeoProcess, dated July 2024 and a response letter, dated November 1, 2024, was submitted in support of the applications. Conservation Halton (CH) reviewed the submitted EIA and are satisfied that the proposed development is outside of hazard lands and does not require changes to the proposed design. Staff reviewed the EIA and are generally supportive of the EIA conclusions, however there are still outstanding matters that need to be addressed before the EIA can be finalized. Therefore, staff is recommending a holding provision to require a revised EIA and confirmation from MOECP that any potential species at risk will not be impacted.

Sections 139.4 and 139.5 of the ROP contain policies that provide for the protection of the Parkway Belt West Corridor for linear facilities for transportation, community and utility purposes. The lands located north of the subject lands, within the hydro corridor, are within the Parkway Belt West (PBWP). As the proposed development within the hydro corridor is not directly related to the function of the asphalt manufacturing plant and is required to provide access to the former landfill site and hydro one easement, an Amendment to the Parkway Belt West Plan is not required. Further, staff have received an approval letter from Hydro One permitting the proposed development in their easement.

The ROP requires new development within the Urban Area to be on the basis of connection to Halton's municipal water and wastewater systems. Regional staff have reviewed the Functional Servicing Report submitted with the subject applications and have concluded that revisions are required to the report in order to determine if the downstream sanitary sewer flows can accommodate the proposed development. The Region is recommending a holding provision be placed on the subject property to address the concerns with the FSR.

Staff are of the opinion that the proposed development conforms with the policies of the ROP as it facilitates an employment use on underutilized (brownfield) lands, uses existing water and wastewater systems and protects the natural features on site. Staff believe that the holding provision will adequately address the Region's comments and that the proposed development conforms to the Regional Official Plan.

4.0 City of Burlington Official Plan (1997, as amended)

The Burlington Official Plan, 1997, was approved by Halton Region, with modifications, on March 5, 1997. Due to a number of appeals, certain parts of the plan were referred to the Ontario Land Tribunal (formerly the Ontario Municipal Board) for a decision. The following Official Plan documents were approved by the Ontario Land Tribunal in 2008. Content and maps were updated in 2019.

4.1 Business Corridor (Part 3, Subsection 3.4)

The subject lands are designated as “Employment Lands” on Schedule A, Settlement Pattern, of the City’s Official Plan (1997, as amended). “Employment Lands” are the main locations where office and industrial activities will occur.

The subject lands are designated “Business Corridor” as per Schedule “B” (Comprehensive Land Use Plan – Urban Planning Area) to the City of Burlington Official Plan (1997, amended). The “Business Corridor” designation permits a broad range of office uses; industrial uses that involve assembling, fabricating, manufacturing, processing, warehousing and distribution uses, research and information processing, communications, utilities and transportation uses, and service trades, provided these uses are located within an enclosed building and are unlikely to cause significant pollution or excessive noise; hotel, conference and convention uses broad range of wide range of office uses and industrial type uses and a range of service commercial uses ancillary to the primary use.

Part III, section 3.4.3 f) of the Official Plan provides site design and development factors for new and/or expanding Business Corridor uses. The following is an evaluation of the proposed development using these factors.

- i) Off-street parking shall be located away from adjacent uses;

Comment: The proposed parking spaces are located approximately 75 metres from North Service Road and approximately 100 metres from the east and west property lines. Staff are satisfied that the proposed located for the parking spaces will not have an impact on adjacent land uses.

Staff are satisfied that this criterion is being met.

- ii) loading areas shall be located to avoid conflict between pedestrian and vehicular traffic away from adjacent uses and adjoining roads

Comment: The proposed development will have one loading space near the control centre building. The loading area has been located to avoid conflict with pedestrian and vehicular access and away from adjacent uses and adjoining roads.

Staff are satisfied that this criterion is being met.

- iii) outdoor storage areas shall be fenced and/or screened;

Comment: The applicant is proposing outdoor storage of aggregates within open top bins. The proposed storage bins will have tall concrete wing walls that will screen the aggregates from North Service Road and adjacent land uses. Staff have included a site-specific provision in the draft by-law to only permit outdoor storage of aggregates within 60 metres of the hydro corridor and approximately 190 metres from North Service Road. This will limit the area for outdoor storage to a specific area on site that will not impact the streetscape and will be visually screened by the proposed landscaping and restoration plantings on site.

Staff are satisfied that this criterion has been met.

- iv) the number and location of vehicular access points shall be limited to minimize disruption to traffic flows;

Comment: The proposed development will have one access from the relocated Hickory Lane and three driveways to support the function of the proposed use and provide access to the hydro corridor and former landfill site for maintenance and ongoing daily operations. The proposed asphalt manufacturing use will not be operational during the winter months, which limits the amount of traffic to nine months of the year.

Although, there will be three driveways from the relocated Hickory Lane to support the site, staff are satisfied that the proposed development is meeting the intent of this policy as the driveways support the multiple functions on site, will only be used for nine months of the year for the proposed asphalt manufacturing use and will not cause disruption to traffic flows.

- v) lighting shall be directed to minimize impacts on adjacent uses;

Comment: The applicant has advised that all lighting will be directed on site to minimize impacts on adjacent uses and North Service Road. They will be required to submit a lighting plan at the Site Plan stage. All proposed lighting will be required to conform to the City's Guidelines for Outdoor Lighting and will need to be fully contained on site.

Staff is satisfied that this criterion has been met.

- vi) the proposal provides convenient access to public transit services;

Comment: The subject lands are located within proximity of four Burlington Transit bus stops with access to Route 87 (North Service – Aldershot). The property is 450 m from the 201 North Service Road bus stop and 550 m from the North Service at Yorkton. Route 87 has stops along, Kerns Road, Tyandaga Park Drive and the Burlington and Aldershot GO stations.

The subject lands are also located within 700 metres of the Aldershot GO station which provides frequent transit service along the Lakeshore West GO rail line.

Staff are satisfied that the proposed development provide convenient access to public transit services.

- vii) the proposal includes features to promote public safety;

Comment: The proposed development cannot be accessed by the general public and will have access gates and fencing at the front entrance to prevent public access. A new eastbound left-turn lane will be constructed on North Service Road to allow entering and existing trucks to make safe turns onto Hickory Lane.

As part of the complete applications, the applicant was required to submit the following: Geotechnical Investigation, prepared by Landtek Limited, dated October 28, 2022, Closed Burlington North Service Road Landfill Site 2021 Annual Monitoring Report, prepared by WSP, dated March 31, 2022, Closed Burlington North Service Road Landfill Site 2022 Annual Monitoring Report, prepared by WSP, dated March 30, 2023, Environmental Opinion Groundwater Methane, prepared by Landtek Limited, dated September 22, 2022 and Noise & Vibration Feasibility Study, prepared by HGC Engineering, dated April 27, 2022.

These materials have been submitted to the Ministry of Environment, Conservation and Parks (MOECP) for review. The proposed development will be monitored under MOECP regulations and not be permitted to emit noxious/toxic odours or emissions from the site. Further, Development Engineering staff have reviewed the Noise and Vibration Feasibility Study and concluded that the proposed asphalt plant will meet the Ministry of Environment sound level limits and will not have an adverse noise impact on surrounding land uses.

Staff is satisfied that this criterion has been met.

- viii) off-street parking areas, loading areas and site service areas shall be screened and landscaped; and,

Comment: The proposed parking areas, loading areas and site servicing areas are located approximately 70 metres from North Service Road. The Business Corridor (BC2) Zone requires a landscape area of 60 metres between the proposed development and North Service Road. The area between the proposed development and North Service Road will be landscaped and provide screening.

The applicant submitted a Viewshed Study that was reviewed and approved by the Niagara Escarpment Commission. The development will be located to minimize the impact of the proposed building and associated areas from North Service Road, adjacent land uses and the Niagara Escarpment.

Staff are satisfied that this criterion has been met.

- ix) urban design considerations contained in Part II, Section 6.0;

Comment: Part II, Section 6 of the Official Plan contains policies that require development to provide a high quality of design in both the public realm and private realm. These policies promote compact and sustainable developments that support active transportation and transit use through the provision of safe, comfortable, and accessible streetscapes. This is achieved through the implementation of Council-approved policies and design guidelines. Staff have reviewed the subject applications in accordance with the applicable design guidelines and policies and determined that the proposed development conforms with the design policies of the Official Plan.

4.2 Site Specific Policy (Part 3, Subsection 3.4.3 b) ii)

Part III, section 3.4.3 b) ii) of the Official Plan contains a site-specific policy that requires the development of lands designated “Business Corridor” on the north side of North Service Road west of King Road, to undertake the following:

- i) a site-specific Environmental Impact Assessment as described in Part II, Section 2.5 of this Plan to ensure that impacts on the natural environment are minimized through maximum impervious surface limits and setbacks from watercourses and natural features;

Comment: An Environmental Site Assessment prepared GeoProcess, dated July 2024 and a response letter, dated November 1, 2024 was submitted in support of the applications. The EIA evaluated the natural heritage features within 120 metres of the proposed development. The EIA mapping is not finalized; however, CH staff and City

staff have determined that the proposed development will not have an adverse impact on the natural features and that the limits of the hazards are outside the area of development.

The applicant has also not received confirmation from the MOECP that the tree removals on site will not impact any species at risk.

Therefore, as staff do not have the final EIA mapping and approval from MOECP, a holding provision is recommended to be placed on the property to address the outstanding EIA issues. The holding provision will require the applicant to submit a revised EIA, mapping, and confirmation from the MOECP that the tree removal on site will not impact any bat habitat identified as a species at risk.

Staff believe that with the inclusion of the holding provision, this criterion is being met.

- ii) a viewshed study and calculate maximum building heights to ensure views to the escarpment are maintained to the maximum extent;

Comment: The applicant submitted a Visual Impact Assessment , prepared by adesso design Inc, dated October 13, 2023. The Visual Impact Assessment was reviewed by the Niagara Escarpment Commission, and they advised the proposed development will have minimal visual impact on lands within the Niagara Escarpment Plan Area. The NEC is satisfied with the Visual Impact Assessment and has no further concerns with the development proposal.

Staff is satisfied that this requirement has been met.

- iii) comply with the criteria of Part V, Section 2.4, Design, of this Plan.

Comment: Part V, Section 2.4, Design of the in-force Official Plan outlines 26 design criteria for properties located within the North Aldershot Planning Area. These criteria focus on preserving significant trees and wooded area, compatible building design and location, preserving key Niagara Escarpment viewsheds from North Service Road, maintaining an open space setting, and appropriate setbacks/buffers to natural features.

As part of the development applications, the applicant was required to submit an Environmental Impact Assessment that evaluated the natural heritage features on site including significant woodlands, unevaluated wetlands, fish habitat and species at risk. As noted throughout the staff report and this appendix, the final conclusions of the EIA have not been received by staff. Therefore, staff are recommending that all areas

located outside of the site-specific boundaries of the Business Corridor (H-BC2-547) Zone be zoned Open Space O3-549 Zone to protect the natural heritage features on site.

This approach will ensure appropriate setbacks to the natural features are provided and protect the significant woodland through an open space zone. The property contains Buckthorn, which is an invasive species and identified for removal. Through the site plan process, the applicant will be required to implement a planting restoration plan for the significant woodland to compensate for the tree removal.

The proposed development is located approximately 80 metres from North Service Road and will have a control centre room, silos and conveyor belts, manufacturing equipment including dryer, rotary drum, bag house feeder bins and outdoor storage of aggregates. The proposed buildings and structures visible from North Service Road will have high quality design materials and will be screened from the roadway with landscaping. The southern portion of the property is approximately 2.4 hectare in size and only 1.24 hectares will be designated to permit the asphalt manufacturing plant, whereas the remainder of the lands will remain in the Natural Heritage System designation and be rezoned to Open Space to protect the natural features on site. The combined landscaping proposed by the development, restoration plantings and the existing natural features on site, help the proposal maintain an open space setting.

As noted above, the applicant was required to submit a Visual Impact Assessment that was reviewed by the NEC. The NEC determined that the proposed development will not have an adverse impact on the Niagara Escarpment views.

Staff is satisfied that this criterion has been met.

4.4 Cultural Heritage Resources (Part 2, Subsection 8.4.2 b)

In accordance with Part II, subsection 8.4.2 b) of the Official Plan, the applicant submitted a Stage 1 Archaeological Assessment Report, prepared by Archaeological Services Inc, dated December 22, 2022. The Stage 1 Archaeological Assessment Report concluded that the entire project area has no remaining archaeological potential due to modern large-scale landscape alterations, grading, and installation of subsurface infrastructure.

Heritage Planning staff have reviewed the submitted Stage 1 Archaeological Assessment Report and agree with the conclusions of the report. Written confirmation from the Ministry of Tourism, Culture and Gaming and Ministry of Sport's Archaeology Program Unit that the fieldwork and reporting comply with Ministry requirements and that the report has been entered into the Ontario Public Register of Archaeological Reports will be required at the Site Plan stage.

4.5 Waste Disposal Sites (Part 2, Subsection 2.9 a))

Part II, subsection 2.9 a) of the Official Plan may permit development on and within 500 m of areas identified as former Waste Disposal Sites on Schedules B and D, subject to the following policies:

- i) written approval has been received from the Ministry of Environment that the development satisfies the provisions of The Environmental Protection Act;
- ii) studies have been carried out to the satisfaction of the City and the Ministry of Environment to show that development is compatible and can safely take place;
- iii) the City shall require the construction and phasing of all development to coincide with the control of any problems identified by the studies;
- iv) the City shall be satisfied with the required studies with respect to any matter regarding structural stability, safety and integrity of any structure; and,
- v) notwithstanding the land use designations on Schedules B and D, development will not be allowed to proceed on lands identified by the study(ies) as containing waste until the requirements of the Ministry of Environment are met.

The subject lands are located within 500 metres of the former Halton Region landfill site and were required to submit environmental studies to demonstrate that the development is compatible and can safely take place. The southern portion of the property, subject to these development applications, did not contain waste and were used to store rock fill, accommodate the weigh scale, and provide truck access to North Service Road.

The applicant submitted the following documents in support of the proposed development: Geotechnical Investigation, prepared by Landtek Limited, dated October 28, 2022, Closed Burlington North Service Road Landfill Site 2021 Annual Monitoring Report, prepared by WSP, dated March 31, 2022, Closed Burlington North Service Road Landfill Site 2022 Annual Monitoring Report, prepared by WSP, dated March 30, 2023 and Environmental Opinion Groundwater Methane, prepared by Landtek Limited, dated September 22, 2022.

These materials were submitted to the Ministry of Environment, Conservation and Parks (MOECP) in April 2024 and are still under review. As the City requires written approval from the MOECP that the development satisfies the criteria of the Environmental Protection Act and that the studies are acceptable, staff are recommending that a Holding Provision be placed on the property until approval is received from the MOECP.

4.6 Environmental Impact Assessment (Part 2, Subsections 2.3 a) and 2.5)

The subject lands are located within the Regional Natural Heritage System and are adjacent to an Environmental Protection Area (EPA) and the Sassafras Woodlands Earth Science Area of Natural and Scientific Interest (ANSI). The natural heritage features on site include unevaluated wetlands, candidate Significant Woodlands, potential species at risk habitat and surface drainage features which flow to Falcon Creek. The purpose of the EIA is to demonstrate that the proposed development will result in no negative impacts to the Regional Natural Heritage System or unmapped Key Features and their associated ecological functions and provide mitigation measures, and opportunities for enhancement where avoidance is not possible.

The applicant submitted an Environmental Impact Assessment (EIA), prepared by GeoProcess, dated July 2024 and a response letter, dated November 1, 2024. Staff have reviewed the submitted EIA and response letter and determined that generally the EIA is acceptable, however there is still outstanding information including:

- Confirmation on whether the wetlands on the property form part of the Regional Natural Heritage System and should be included as a protected feature;
- Final Environmental Impact Assessment mapping which will inform the final zone boundaries and illustrate the key features, setbacks and hazard lands; and,
- Screening of all trees proposed for removal for snag be provide as part of the EIA.

The tree removal screening occurred in early November 2024 and the results have been submitted to the MOECP for review. Staff are of the opinion that the above noted matters will be addressed once the final Environmental Impact Assessment is submitted. Staff are therefore recommending that a holding provision be placed on the property to resolve the outstanding environmental issues.

In the absence of a final EIA, staff are also recommending that all areas located outside of the site-specific boundaries of the Business Corridor (H-BC2-547) Zone be zoned Open Space O3-549 Zone to protect the natural heritage features on site. Once staff receive the final EIA materials, further refinements of the Open Space zone boundaries can be revised through a Housekeeping Zoning Amendment. This approach will ensure that the natural features are protected in the interim and provides a process to implement the final results of the EIA.

5.0 City of Burlington Official Plan (2020)

On Nov. 30, 2020, the City's new Official Plan (Burlington Official Plan, 2020) was approved by Halton Region. All parts of the Burlington Official Plan, 2020 that were not appealed came into effect the day after the end of the appeal period, Dec. 22, 2020. For

the list of the appeals filed with the Ontario Land Tribunal (OLT), see the Dec. 23, 2020 update under “Burlington Official Plan, 2020 appeals process”.

On Jan. 4, 2023, the OLT formally confirmed which parts of the Burlington Official Plan, 2020 came into effect on Dec. 22, 2020 and which parts did not. The OLT also confirmed that no parts of the Official Plan (other than policies where appeal rights are limited by the Planning Act) are in effect on lands with site-specific appeals. For a list of policies in effect as of Dec. 22, 2020, see the May 16, 2023 update under “Burlington Official Plan, 2020 appeals process”. This update also includes a list of site-specific appellants.

Until all broad appeals to the Region’s approval of the Burlington Official Plan, 2020 are resolved, parts of the old Official Plan (Burlington Official Plan 1997, as amended) will stay in effect. Parts of the Burlington Official Plan, 2020 that are broadly appealed may be considered on an informative, but not determinative, basis.

The interim working version of the Burlington Official Plan, 2020 is provided for information only. For legal purposes, reference the original certified documents on file with the City Clerk, including the April 26, 2018 City of Burlington adopting bylaw and the Nov. 30, 2020 Halton Region Notice of Decision.

As the OLT process continues, the Burlington Official Plan, 2020 may change and need to be updated. Readers of the Plan must satisfy themselves as to the legal status and applicability of the policies by reviewing all Orders and Decisions from the OLT. You can view these documents by visiting the Ontario Land Tribunal's webpage for case no. OLT-22-002219: "OP - New Official Plan – City of Burlington".

5.1 Urban Structure and Growth Framework

The subject property is located within the lands identified as Employment Uses and Region of Halton Employment Area on Schedule B – Urban Structure of the new OP. These lands will provide for the location of significant diverse areas of current and future employment activities that are required for the city’s long term economic development and competitiveness, as these lands represent the principal employment generator in the city and will be guided by the underlying land use designations.

The subject property is located within an area identified as an Employment Growth Area as shown on Schedule B-1 – Growth Framework of the new OP. Employment Growth Areas shall consist of employment oriented designations not captured within the Primary Growth or Secondary Growth Areas, and will be an area of focus for the intensification of employment. all forms of employment intensification may be permitted, in accordance with the permissions established in the underlying land use designation.

5.2 Business Corridor (Chapter 8, Subsection 8.1)

The lands are designated “Business Corridor” in accordance with Schedule C – Land Use – Urban Area of the new Official Plan. The Business Corridor designation provides locations in the city for prestige-type offices and industrial uses that require good access and high visibility along major transportation routes. This designation permits a wide range of employment uses including office, industrial and ancillary employment uses and establishes high design and development standards.

Permitted uses include a broad range of office uses; industrial uses that involve assembling, fabricating, manufacturing, processing, warehousing and distribution uses, research and information processing, communications, utilities and transportation uses, and service trades, provided these uses are located within an enclosed building and are unlikely to cause significant adverse effects such as noise, vibration, odours or dust; hotel, conference and convention uses.

A limited range of accessory retail uses such as convenience stores, and a full range of accessory service commercial uses such as restaurants and banks, a limited range of recreation uses such as fitness centres and gyms, and large-scale motor vehicle dealerships, subject to certain provisions of the Business Corridor designation may also be permitted. The designation encourages a minimum Floor Area Ratio (FAR) of 0.25:1 for office uses and permits a range of building heights and intensities.

The proposed development conforms to the land use policies of the Business Corridor designation, as it provides an industrial use with high design and development standards. The proposed asphalt manufacturing use provides a range of building heights and does not exceed the FAR. Further, the proposed development represents a redevelopment of underutilized lands and a former brownfield site that may not be suitable for other Business Corridor uses.

5.2 Site Specific Policy (Chapter 8, Subsection 8.2.4 (3) b))

Chapter 8, subsection 8.2.4 b) of the Official Plan contains a site-specific policy that requires the submission and implementation of an Environmental Impact Assessment, Viewshed Study, and compliance with the North Aldershot design policies for all development of lands designated “Business Corridor” on the north side of North Service Road west of King Road, identified as 151, 201, 291 North Service Road.

This site-specific policy has the same requirements as the site-specific policy noted above in the Burlington 1997 Official Plan section. Staff is of the opinion that the site-specific policy requirements have been addressed through the recommended holding provision.

6.0 Sustainable Building Guidelines

The purpose of the Sustainable Building and Development Guidelines is to encourage sustainable design approaches through Planning Act applications, in keeping with the City's declaration as a sustainable community, and in alignment with Burlington's Strategic Plan 2015-2040. Burlington's Strategic Plan encourages energy efficient buildings and other on-site sustainable features, and sets a net carbon neutral goal for the community. Sustainable design is an integrated design process that helps to reduce infrastructure demands and costs, environmental impacts, greenhouse gas emissions, long-term building operating costs, and contributes to the City's goal of being a prosperous, livable and healthy community. The guidelines address sustainability approaches related to site design, transportation, the natural environment, water, energy and emissions, waste and building materials, and maintenance, monitoring, and communication.

In accordance with Guideline 1.6, development proposals on greenfield sites are encouraged to limit site disturbance including earthwork and clearing of vegetation to 12 metres beyond the building perimeter, 1.5 m beyond primary roadway curbs, walkways, and main utility branch trenches, and 7.5 m beyond constructed areas with permeable surfaces (such as pervious paving areas) that require additional staging areas in order to limit compaction in the constructed area. Alternately on previously developed sites, proposals should restore a minimum of 50% of the site area (excluding the building footprint) by replacing impervious surfaces with native or adapted vegetation. This guideline helps maintain the local landscape and ensure soils and vegetation remain undisturbed.

In accordance with Guideline 3.8 encourages to maintain existing on-site trees that are 30 cm or more DBH (diameter at breast height) OR Maintain 75% of healthy mature trees greater than 20 cm DBH. Additionally, tree preservation requirements are determined by Official Plan urban forestry policies. Preserving trees provides numerous benefits and services, including the reduction of air pollution, water attenuation, moderation of the urban heat island effect, carbon sequestration, shade, habitat for urban adapted wildlife, neighbourhood character and mental health benefits. 344 trees were surveyed on/in the vicinity of the Subject Lands and 105 are intended to be removed. City forestry staff have reviewed the proposed development and have no objections to the proposed tree removals and note that compensation trees and a tree restoration plan will be required at the Site Plan stage.

In accordance with the Water Conservation and Quality guidelines in Section 4, the applicant should achieve enhanced stormwater treatment for all stormwater runoff. Development Engineering have reviewed the Functional Servicing & Stormwater Management Report prepared by S. Llewellyn & Associates Limited, dated September 2021, revised May 2024 and have stated that the report has demonstrated that on-site

stormwater controls can meet the City of Burlington’s stormwater management criteria. This guideline has been met.

In accordance with guideline 5.1, development proposals require vegetated landscape areas in hard surface areas as per the Zoning By-law. Vegetation can reduce the urban heat island effect to improve human comfort and energy efficiency in the surrounding areas. The development proposal includes landscape areas and along the north and south property lines. Restoration plantings are provided along the west property line to enhance the natural feature.

In accordance with Guideline 6.1 development proposals are required to provide and implement a waste management plan in accordance with Regional requirements. Recycling and composting treats waste as a resource and reduces the need for landfill expansion. Waste will be collected privately on the site and further waste management specifications will be addressed at the Site Plan Review stage.

Staff is of the opinion the proposed development proposal complies with the required Sustainable and Design Guidelines and considers some voluntary guidelines. Additional sustainability measures will be established in more detail at the Site Plan approval stage to ensure the sustainability objectives of the City of Burlington are met.

7.0 Zoning By-law

The following table outlines the requirements of the ‘Business Corridor’ (BC2) and what is being proposed.

Zoning Regulation	BC2	Proposed
Permitted Uses	Not permitted	Asphalt manufacturing including open storage of aggregates
<p>Staff comments:</p> <p>The Business Corridor (BC2) Zone permits prestige-type offices and industrial uses that are located in an enclosed building and are unlikely to cause significant pollution or excessive noise. The proposed use is not permitted in the Business Corridor (BC2) Zone as it is considered a more industrial use, does not permit outdoor storage and the structures are not fully contained within a building.</p> <p>The subject lands are part of the former Halton Region landfill and are classified as a brownfield site. Staff believe that the proposed use, with the proper environmental protection zones, is appropriate for the site as it represents a redevelopment of an underutilized brownfield site.</p> <p>The proposed unenclosed manufacturing equipment will be approximately 190 metres from North Service Road and 100 metres from the east and west property lines. The</p>		

development area has a lower grade than the front of the property, which results in a grade change of 2 metres. The proposed use will appear lower in elevation from North Service Road creating a natural screening which is enhanced by the proposed landscaping on site.

Staff are supportive of the proposed modification.

Zoning Regulation	BC2	Proposed
Building Height	Office Buildings: 2 storeys, 10 m, shall not exceed 127 m geodetic datum Other Buildings: 1 storey, 10 m, shall not exceed 127 m geodetic datum	10 m for administrative buildings, 20 m for manufacturing equipment and 25 m for unenclosed silos and conveyor belt

Staff comments:

The applicant is proposing a maximum building height of 25 metres for the unenclosed silos. The proposed asphalt manufacturing use includes the following structures and equipment: unenclosed silos with a conveyor belt, control centre and motor control centre building, dryer, scalp screen, feeder bins, bag house, oil heating and hot elevator and conveyor.

Staff are proposing three separate height permissions in the zoning by-law to account for the varying buildings and equipment heights on site. The administrative buildings (control centre and and motor control centre) will have a maximum building height of 10 metres, which meets the zoning by-law requirement. The manufacturing equipment that does not include the silos or conveyor belt will have a maximum building height of 20 metres and the unenclosed silos and conveyor belt will have a maximum building height of 25 metres.

These height permissions align with what is being proposed on site, what was approved through the Visual Impact Assessment by the NEC and will allow for minimal impacts of the proposed use without hindering the operations.

Staff are of the opinion that the proposed height maximums are suitable for the site and are supportive of this modification.

Zoning Regulation	BC2	Proposed by Staff
Lot Width	70 m	40 m

Staff comments:

The proposed Business Corridor (H-BC2-547) zone requires a minimum lot width of 70 metres, however due to the natural heritage constraints on site the minimum lot width is 40 metres. Staff are supportive of the lot width reduction as the remainder of the property will be zoned Open Space O3-549 Zone to protect the natural features on site.

Staff support the modification.		
Zoning Regulation	BC2	Proposed by Staff
Yard abutting an O3 Zone	7.5 m	5 m
Staff comments:		
<p>The BC2 Zone requires a 7.5 metre setback to the Open Space (O3) Zone. Staff are recommending a 5 metre setback to the O3-549 Zone to allow some design flexibility as the EIA mapping is not finalized.</p> <p>Staff consider the modification to be minor and support the modification.</p>		
Zoning Regulation	BC2	Proposed
Landscape Area Abutting North Service Road	60 m	0 m
Staff comments:		
<p>As staff are recommending that all areas outside of the site-specific Business Corridor Zone be zoned Open Space O3-549 Zone to protect the natural heritage features on site, the proposed landscape areas are now outside of the Business Corridor Zone. The applicant is still proposing landscaping along North Service Road and restoration plantings along the west side of the property line; however, they will be under the Open Space zoning.</p> <p>Staff consider this a minor modification as landscape areas are still being provided on site and meet the intent of the landscape area provision by providing sufficient trees, shrubs and other landscaping materials between the streetline and the proposed development.</p> <p>Staff are supportive of the proposed modification.</p>		
Zoning Regulation	BC2	Proposed
Site Coverage	40% of net lot area	88% of net lot area
Staff comments:		
<p>The BC2 Zone requires a maximum site coverage of 40%, whereas the proposed development represents a maximum site coverage of 88%.</p> <p>The total lot area subject to these applications is approximately 7.3 hectares and the total lot area for the site-specific BC2-547 Zone is 1.4 hectares. The remainder of the lands (5.9 hectares) are being placed in an Open Space (O3-549) Zone to protect the natural features on site.</p>		

Given the natural heritage constraints on the property, staff are supportive of the increase in site coverage as the remainder of the property will be zoned for protection.

Staff are supportive of the proposed modification.

Zoning Regulation	BC2	Proposed by Staff
Landscape Area abutting an O3 Zone	3 m	0 m

Staff comments:

As noted above, the EIA mapping is not finalized, and staff are recommending that all areas outside of the site-specific Business Corridor Zone be zoned Open Space O3 Zone to protect the natural heritage features on site.

As the lands outside of the site-specific BC2-547 Zone will be protected through an Open Space Zone and the applicant is providing restoration plantings and landscaping along the front and west property lines staff are recommending that the landscape area abutting an O3 Zone be 0 m. Staff are of the opinion that the site will maintain its natural open space appearance and will provide appropriate landscaping and restoration plantings in accordance with the final approved EIA.

Staff support the modification.

Zoning Regulation	BC2	Proposed
Outdoor storage	Prohibited	Outdoor storage of aggregate is only permitted within 60 metres of the hydro corridor

Staff comments:

Outdoor storage is prohibited in the Business Corridor (BC2) Zone. The applicant is proposing outdoor storage of aggregates to support the asphalt manufacturing use. The proposed outdoor storage will be contained in tall concrete wing walls and will only contain enough aggregates to fulfill the daily requirements of the asphalt manufacturing use.

To minimize the visual impact of the outdoor storage area, staff have included a provision in the draft zoning by-law to only permit outdoor storage within 60 metres of the hydro corridor. This will confine the outdoor storage area to be located further into the site and away from the roadway and adjacent land uses. The proposed storage area will be located approximately 190 metres from North Service Road and will be screened by landscaping, the existing natural features on site and the proposed manufacturing equipment.

Staff are supportive of the proposed modification.

Zoning Regulation	BC2	Proposed
Loading and Unloading	Not permitted in a yard abutting a street	Loading is only permitted within 75 m of a yard abutting a street
<p>Staff comments:</p> <p>The applicant is proposing a loading area near the control centre room, which is approximately 75 metres from the front lot line. As loading and unloading are not permitted in a yard abutting a street, staff have included a provision in the zoning by-law to only permit loading within 75 metres of a yard abutting a street.</p> <p>The proposed loading and unloading area will be setback far enough from the roadway and adjacent land uses that there will minimal visual impact. The proposed landscaping abutting North Service Road and the existing natural heritage features on site will act as screening to further mitigate any impacts from the loading and unloading area.</p> <p>Staff are supportive of the proposed modification.</p>		

The following table outlines the requirements of the ‘Open Space’ (O3) and what is being proposed.

Zoning Regulation	O3	Proposed by Staff
Permitted Uses	Storm water management and erosion control, excluding permanent detention and retention ponds	Storm water management and erosion control, including permanent detention and retention ponds.
<p>Staff comments:</p> <p>The Open Space (O3) Zone permits stormwater management and erosion control, excluding permanent detention and retention ponds. As noted above, staff are recommending that all areas outside of the site-specific Business Corridor Zone be zoned Open Space O3-549 Zone to protect the natural heritage features on site as the mapping of the EIA is not final.</p> <p>A portion of the area located outside the site-specific Business Corridor Zone contains a permanent dry stormwater management pond that is required as part of the development. Staff are of the opinion that the inclusion of the stormwater management pond is a minor modification and with the recommended setback provisions noted below, will protect the natural heritage features.</p> <p>Staff are supportive of the proposed modification.</p>		

Zoning Regulation	O3	Proposed by Staff
N/A	N/A	A stormwater management pond is only permitted within 100 m of North Service Road and 150 m of the west property line.
<p>Staff comments:</p> <p>As the final EIA mapping is still outstanding, staff are including a provision in the Zoning By-law that will restrict the location of the proposed stormwater management pond to the frontage of North Service Road and outside Conservation Halton's regulated area.</p> <p>This will ensure that the proposed stormwater management pond will not encroach into the natural heritage features on site and maintains its proposed location.</p> <p>Staff are supportive of this modification.</p>		