
Subject: Temporary Use Zoning By-law Extension – 14245 & 14395 Ninth Line

Staff Report No. DS-020-24

Commission: Development Services Commission

Date: May 15, 2024

Recommendation:

- 1) That Council approve the application submitted by the Owner to extend the Employment Extractive Exception Three Zone (Temporary) [EX(3)(t)] on the property at 14245 & 14395 Ninth Line, which permits all uses outlined through the EX Zone-permissions, in addition to a Granular Stockpile / Depot, Road Salt Storage / Depot, Topsoil Stockpile / Depot, and Accessory buildings and structures, for a period of up to three (3) years until May 15, 2027; and
- 2) That Council enact By-Law No. 2024-058-ZO, being a By-Law to amend by-law 2021-069-ZO.

1. Purpose:

The purpose of this report is to assess the merits of and make a recommendation to Council on a request for extension of a temporary use on the subject property.

2. Executive Summary:

An application has been submitted by Groundswell Urban Planners Inc. (authorized agent) on behalf of United Soils Management (USM) seeking the extension of Temporary Use Zoning By-law (2021-069-ZO). The existing Temporary Use Zoning By-law was approved by Council on July 20, 2021 for a period of three years with an expiry date of July 21, 2024, to permit depot operations and associated storage on the subject sites until the completion of the fill works as outlined in the associated Site Alteration Agreement. The Applicant has not requested any revisions to the uses and operations on site, which were approved by Council in July 2021.

Staff have reviewed the extension request and are recommending that the proposal be approved for a period of three years (i.e. to May 15, 2027).

3. Background:

3.1 Property Location

The subject lands comprise of two abutting properties and are located east of Ninth Line, south of Hillsdale Road. 14245 Ninth Line fronts onto Ninth Line and is approximately 48 hectares in size, while 14395 Ninth Line has frontage onto Ninth Line and Hillsdale Drive and is approximately 34 hectares in size.

Attachment 1 to this report shows the location of the subject lands.

3.2 Surrounding Land Uses

Below is a description of the surrounding land uses:

North: Hillsdale Drive and rural residential

East: former aggregate extraction site

South: former aggregate extraction site

West: agricultural and rural residential

3.3 Town of Whitchurch-Stouffville Official Plan

The Town's Official Plan designates the subject property "Moraine Aggregate Resource Area", with an underlying designation of "Oak Ridges Moraine – Countryside Area". Permitted uses, buildings and structures in the Aggregate Resource Area designation shall be those in the underlying land use designation.

Permitted uses in the Oak Ridges Moraine – Countryside Area designation include mineral aggregate operations, wayside pits, agricultural-related uses, accessory uses, and legally existing uses in accordance with the provisions of Section 3.2.4 of the Official Plan. Small-scale commercial, industrial, institutional, and major recreational uses are prohibited in Aggregate Resource Areas with an underlying designation of Oak Ridges Moraine – Countryside Area.

3.4 Comprehensive Zoning By-law No. 2010-001-ZO

The subject property is zoned Employment Extractive Exception Three Zone (Temporary) [EX(3)(t)] under the Town's Zoning By-law 2010-001-ZO. The EX Zone permits a range of aggregate-related uses, accessory outdoor storage, and related uses, buildings, and structures.

Exception Three Zone (Temporary) permits all uses outlined through the EX Zone-permissions, in addition to a granular stockpile/depot, road salt storage/depot, topsoil stockpile/depot, and accessory buildings and structures. Exception Zone Three was approved on a temporary basis for a period of up to three years with an expiry date of July 20, 2024.

3.5 Background on Temporary Use By-law Amendment – July

On July 20, 2021, an application for Temporary Use Zoning By-law Amendment (2021-069-21) was approved at Council to permit the following activities on a temporary basis:

- granular stockpile/depot,
- road salt storage/depot,
- topsoil stockpile depot (including processing such as screening and triple mix preparation), and
- accessory buildings and structures.

The subject sites previously operated as an aggregate extraction site for approximately 65 years, however, the extraction component of the operations has since been completed and the associated licenses have been surrendered to the Ministry of Natural Resources and Forestry (MNR).

A Site Alteration Permit and associated amendments (SAP 2016-004) were approved by the Town to permit approximately thirteen (13) million cubic metres of acceptable fill materials to be placed on 14245 Ninth Line, and approximately nine (9) million cubic metres of acceptable fill on 14395 Ninth Line to a maximum elevation of the pre-extraction grades. It is anticipated to take approximately 23 years to fill the subject site. During the course of these restoration works, the Owner intends to continue operation of the existing granular depot and topsoil uses with the associated storage previously permitted under the Ministry of Natural Resources and Forestry license and in compliance with Town's By-Law 2024-037-RE and any Regulation passed or enacted pursuant to the *Environmental Protection Act*, R.S.O. 1990, c. E. 19, and any subsequent amendments or successors to the O.Reg and/or Act.

The current Temporary Zoning permissions approved by Council in July of 2021 are set to expire on July 20, 2024. Therefore, the Applicant has applied for an extension on these permissions for a period of three (3) years.

Attachment 2 to this report is a copy of the previously approved Temporary Use Zoning By-law (2021-069-ZO).

4. Analysis and Options:

4.1 Development Proposal

An application to renew the Temporary Use Zoning By-law (2021-069-ZO) has been submitted to permit the depot operations and associated storage on the subject sites until the completion of the fill works as outlined in the Site Alteration Agreement. The existing buildings and uses on the site are intended to remain as they were approved by Council in 2021, with no changes proposed at this time.

Attachment 3 to this report is a copy of the proposed site plan/existing conditions of the site.

4.2 Request for Extension and Amendment to By-law 2021-069-ZO

The applicant has requested for an extension of the Temporary Use Zoning By-law for a period of three (3) years. The amending By-law 2024-058-ZO proposes an amendment to By-law 2021-069-ZO to revise the expiry date until May 15, 2027. There are no other amendments proposed at this time.

4.3 Department and Agency Comments

Toronto and Region Conservation Authority (TRCA)

The Toronto and Region Conservation Authority continues to have no objection to the temporary use as proposed under By-law 2024-058-ZO and previously permitted under By-law 2021-069-ZO.

Lake Simcoe and Region Conservation Authority (LSRCA)

The Lake Simcoe and Region Conservation Authority have reviewed the application and no comments or concerns at this time.

Town Planning

Town Planning Staff have no concerns with the requested Temporary Use Zoning By-law extension as the existing buildings and uses on the site are intended to remain as they were approved in 2021.

Town Engineering – R.J. Burnside & Associates Ltd.

Staff from R.J. Burnside & Associated Ltd. have been monitoring the Fill Permit operations in support of Town Staff at the site on an on-going basis since 2014, when the first permit was issued. The oversight includes regular site inspections, sampling, and review of operational reports and documents. The inspections have included areas and operations associated with the Temporary Use Zoning By-law permissions. The Temporary Use operations have been conducted in accordance with the approvals, and no significant issues have been noted.

Staff have no concerns with the on-going operations or the requested Temporary Use Zoning By-law extension.

Region of York

Regional Planning, Development Engineering, Transportation Planning, and Infrastructure Asset Management Staff have no objections/concerns on this application.

Water Resources note that as the site is within a Wellhead Protection area, any and all soils being brought onsite shall meet Table 2 Site Condition Standards.

4.4 Options

Option A (Recommended)

That Council approves the proposed Extension of Temporary Use Zoning By-law. This option is recommended as the existing buildings and uses on the site are intended to remain as they were approved in 2021, and all circulated departments and agencies have no objections.

5. Financial Implications:

None.

6. Alignment with Strategic Plan:

1. Good Governance
Provide Good Governance

7. Attachments:

1. Location Map
2. Temporary Use Zoning By-law (2021-069-ZO)
3. Site Plan – Existing Conditions

8. Related Reports:

1. July 4, 2017 – DS-015-17: Site Alteration Permit SAP 2016-004, Amendment #2, 14245 Ninth Line, Hummel Holdings Inc.
2. February 16, 2021 – DS-005-21: Application for Zoning By-law Amendment (Temporary Use) – 14245 & 14395 Ninth Line (File No. ZBA20.008)
3. July 20, 2021 – DS-030-21: Application for Zoning By-law Amendment (Temporary Use) – 14245 & 14395 Ninth Line (File No. ZBA20.008)

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For further information on this report, please contact the Commission Head:
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