

# Employment Land Justification

February 19, 2020

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# 1.0 Introduction

In February, 2020 The City of Stratford (“Stratford” or ‘City’), the Township of Perth South (“Township”) and the County of Perth (“County”) entered into a municipal restructuring (annexation) proposal. The annexation proposal would result in the lands (“Annexation Lands”) being removed from the Township of Perth South in the County of Perth and added to the City of Stratford. The Annexation Lands are intended to be redesignated for employment purposes in the City of Stratford Official Plan (“CSOP”) and Zoning By-law to allow for the expansion of the employment area located in the southerly portion of Stratford and to meet the existing demand for employment lands that the City otherwise would be unable to meet. The City will service the Annexation Lands through upgrades to, and the extension of existing City municipal services and utilities.

The purpose of this report is to provide justification for the application of a Minister’s Zoning Order on proposed Annexation Lands in Stratford. The Annexation Lands as shown in **Figure 1**.

The purpose of the annexation is to ensure that Stratford has sufficient lands to meet current and long-term industrial employment needs, to protect prime industrial employment lands and to identify industrial lands that are suitable for conversion to other employment uses and non-employment uses.

Consultation with the City of Stratford, Township of Perth South, County of Perth and Provincial Ministries and Agencies and the preparation of several technical reports have informed this Employment Land Justification.

The City of Stratford requests that the Minister exercise its jurisdiction to apply a Minister’s Zoning Order to the entire Annexation Lands to provide for the development of a large industrial manufacturing facility and associated supply-chain uses.

**Figure 1: General Location of the Annexation Lands/Subject Lands/Site**



## 2.0 Municipal Restructuring Proposal

The Councils of Stratford, the Township and County propose the annexation of the lands from the Township into the City's municipal boundaries. The Annexation Lands are all located adjacent to the current City of Stratford municipal boundary.

Parcel A shown on **Figure 2** is uniquely situated to accommodate a large manufacturing use. Parcels C, D, B1, and B2 are required for future employment/industrial uses and to respond to the City's demand for 1 – 3 acre lots.

Parcel C shown on Figure 2 is approximately 15.7 hectares (38.8 acres) in area and is located within the City's existing municipal boundary and is not included as part of the Annexation Lands. Parcel C (1199 Erie Street) is designated "Industrial Area" in the City of Stratford Official Plan ("CSOP") and zoned Prime Industrial (I1) Zone in the Stratford Zoning By-law 201-2000. Parcel C is identified on Figure 2 to illustrate that Parcels B1 and B2, forming part of the Annexation Lands, are adjacent to lands designed and zoned for industrial uses within the current City limits.

Parcel A1 represents approximately 55% of the total Annexed Lands and is proposed to accommodate a large manufacturing facility with Phase 1 estimated to be operational in 2022, and a future Stage 2 to be operational shortly thereafter.

The details of the vacant industrial land supply in the City of Stratford and the need for additional employment lands is discussed in Section 9.0 of this report.

**Figure 2: Annexation Plan**



## 3.0 Site Description and Surrounding Uses

### 3.1 Description of Proposed Annexation Lands South of Perth Line 29

Figure 2 shows the Annexation Lands including the parcels south of Perth Line 29. These lands are comprised of two (2) agricultural parcels used for farming purposes and municipally identified as 3510 and 3516 Road 119 (Farm 1); and 3557 Road 119 (Farm 2). This area is approximately 111.7 hectares (276.0 acres) in size.

The northerly boundary of these two parcels is Perth Line 29, formerly known as Gibb Road. The westerly boundary of these lands is the Canadian National (CN) railway right-of-way and the easterly boundary Provincial Highway No. 7 (Road 119). The southerly boundary of these parcels, is generally, the division line between Concession 5 and Concession 6 in the Township of Perth South. The five (5) non-farm residential properties located south of 3510 Highway 7 (3516, 3510, 3508, 3504 and 3502 Highway 7) are not included in the Annexation Area.

The lands identified for a large industrial use and Farm 2 contain woodlands that are 20 metres (66 feet) apart. The woodlands on the Farm 1 are approximately 0.96 hectares (2.37 acres) in size. The triangular-shaped woodland on Farm 2 is approximately 4.0 hectares (9.9 acres) in size. Environmental Impact Studies (EISs) were prepared for these properties and the woodlands are discussed in more detail in subsection 9.6 of this report.

A drainage feature, known as the Hislop Municipal Drain, originates at the southwesterly corner of the Farm 2 woodland and is a municipal drain that conveys water in a northeasterly direction off of the property. The Hislop Drain is unregulated by the Upper Thames Region Conservation Authority (“UTRCA”). Another drainage feature, the Waldie Drain, is located at the northwesterly edge of woodland on Farm 1, with an outlet pipe draining towards the northwest. The Waldie Drain is a registered drain under UTRCA Regulation.

### 3.2 Description of Proposed Annexation Lands North of Perth Line 29

Parcels B1 and B2 are the proposed Annexed Lands north of Perth Line 29. These parcels are known municipally as Parcel B1: 3852 Perth Line 29, and Parcel B2 has no municipal address. The total area is 18 hectares (approximately 45 acres).

Parcel C, is located within the City’s municipal boundary and is approximately 15.7 hectares (approximately 38.8 acres). Parcels B1, B2 and C function as one farm and were subject to a Stage 1-2 Archaeological Assessment dated October 23, 2019. At the time of the assessment, the area

was comprised of active agricultural land with a one-storey dwelling, shed, barn and U-shaped gravel driveway surrounded by manicured lawn. Situated to the north of Parcel C is an existing industrial property (Shackleton's Real Estate and Auction with self-storage), with Erie Street to the west and a significant woodland to the east. Parcel B2 is bound by Perth Road 113 (Embro Road) to the north, a residential property to the east and an agricultural field to the east.

### 3.3 Surrounding Land Uses in the City of Stratford

There are no sensitive land uses in the City of Stratford in close proximity to the proposed Annexation Lands. The City of Stratford Wright Business Park (see **Figure 3**) is located immediately to the north of Parcel A and adjacent to Parcel D being the lands intended for a large industrial use and is comprised of a total of 132 hectares (325 acres) of land.

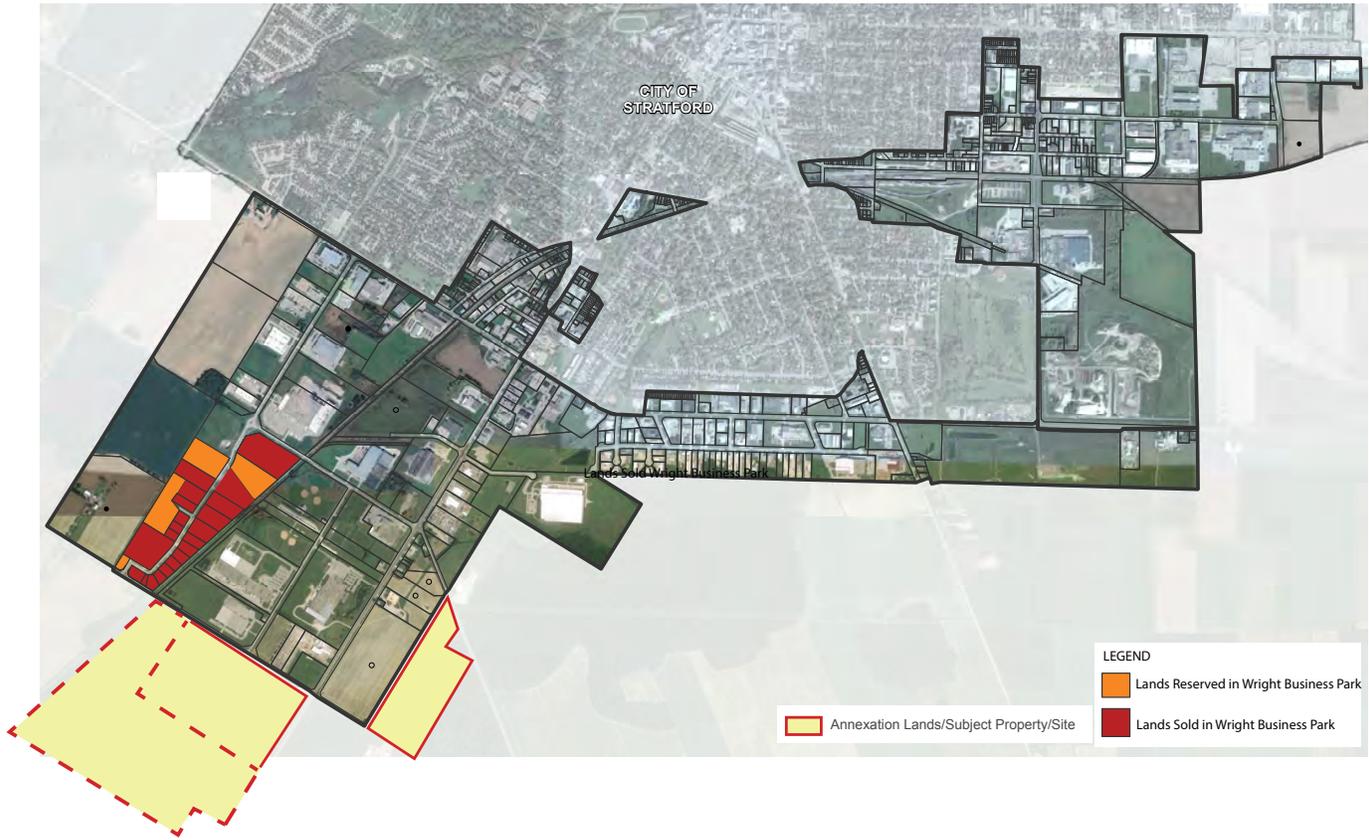
At this time, all but one parcel (9 acres) in the Wright Business Park are sold and/or being proposed to be developed for employment uses. Industrial / business uses located east of the railway include Hayashi Canada, FIO Automotive Canada Corporation, C.R. Plastic Products Inc., Ed's Concrete Product Ltd., TG Minto Corporation and VisTech Manufacturing Ontario.

The Packham Road Sports Complex is also located in the Wright Business Park and situated on lands designated and zoned for industrial purposes. These lands due to their use as a large Sports Complex are no longer available for employment uses.

The City's existing industrial zoning is flexible and allows for a broad range of general industrial manufacturing and warehousing uses including offices. Lands within the Wright Business Park, including the industrial lots on the west side of Wright Boulevard, are fully serviced with electric power, municipal water, natural gas, storm and sanitary sewers, fibre optic cable and access to rail and public transportation. The Wright Business Park contains a new transformer station and a shared storm water management facility.

Lands to the west of the industrial lots situated on the west side of Wright Boulevard are located outside of the Wright Business Park. (**Figure 4**). These lands are designated "Industrial Area" in the CSOP and zoned Prime Industrial Holding (I1-H). The Holding Provision (H) cannot be removed until the City of Stratford has confirmed that sufficient water, sanitary sewer and storm sewer facilities are available to the lands.

**Figure 3: City of Stratford Wright Business Park**





## 4.0 Details of the Large Industrial Development Proposal

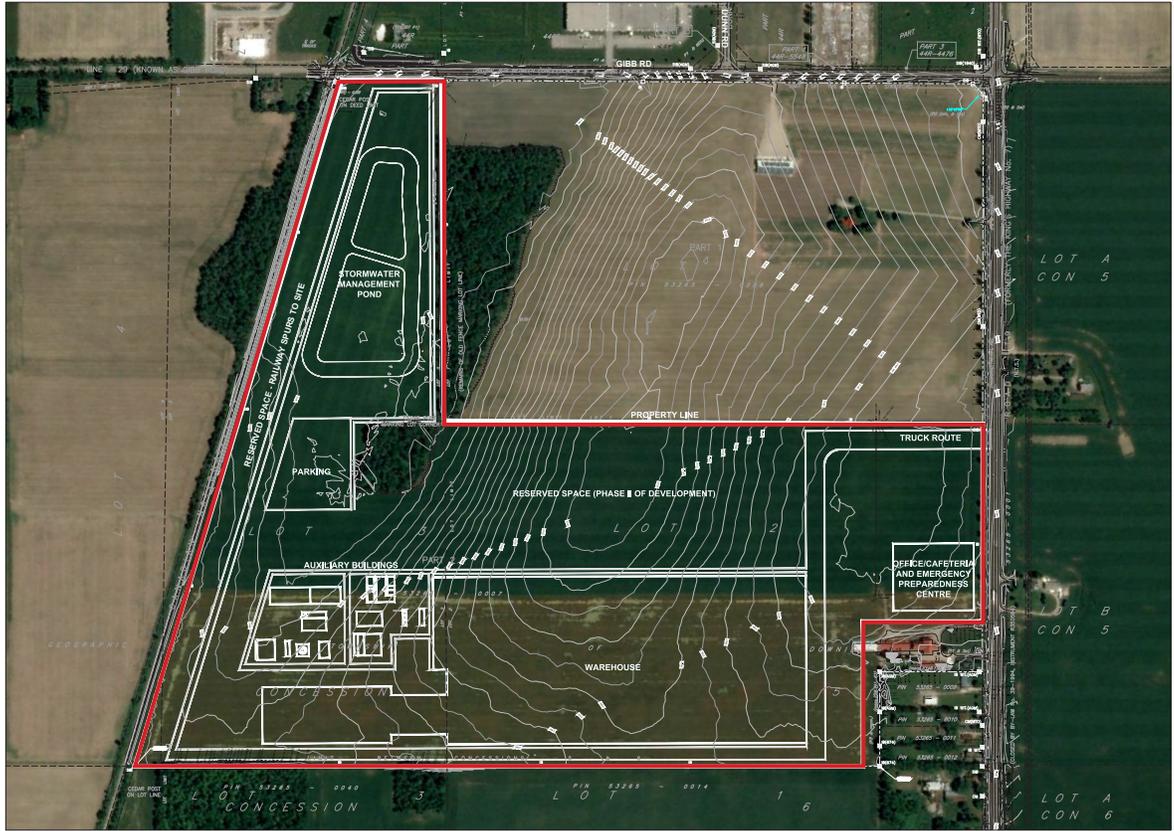
The following section sets out the proposed development of Parcel A comprised of 71 hectares (175 acres) of the 130 hectares (320 acres), equating to 54 percent of the Annexation Lands.

The City has been approached by a large glass manufacturer for the development of Parcel A to accommodate its proposed industrial use. Through consultation with the Provincial Ministry of Economic Development, Job Creation and Trade, and numerous municipalities in Ontario, coupled with an extensive evaluation of sites throughout southwestern Ontario, this large industrial glass manufacturer has identified Stratford for its new facility subject to a Minister's Annexation Order and a Minister's Zoning Order.

This large industrial manufacturer produces a range of products including high-quality float glass, automobile glass, engineering glass and electronic glass. The proposed development of Parcel A will consist of several buildings having a total maximum area of approximately 185,000 m<sup>2</sup> (2,000,000 sq. ft.), including both manufacturing and warehousing space and an Emergency Preparedness Centre/Office/Cafeteria (see **Figure 5** – Concept Plan). This industrial user estimates that it will employ between 400 to 450 people with approximately 140 employees per shift, operating on three shifts, 7 days a week, with some reduced employment on weekends.

Parcel A is uniquely situated for the proposed development as the lands are relatively flat, with easy access to railway for importing of raw products used in glass production, highway access to markets east and west on Highway 401, availability of natural gas and hydro utilities, no constraints relating municipal water and sanitary services, and good access to skilled labour including the Engineering and Apprenticeship Programs at the University of Waterloo and Conestoga College in nearby Waterloo and Kitchener.

Figure 5: Concept Plan



This large manufacturing facility proposes to increase its investment in technological innovation, energy saving and environmental protection facilities to create an environmental-friendly, innovative world-class brand

Parcel A was selected due to its unique location, including proximity to markets and good connectivity to the County Roads and the Provincial Highway system; proximity to the CN railway for raw product supply; availability of natural gas, and an abundance of hydro and municipal water; local post-secondary educational facilities for employees; and the overall size and configuration of the property.

## 5.0 Provincial Policy Statement, 2014

Section 5.0 sets out the Provincial Land Use Policy framework relating to the annexation and the requested Ministerial Zoning Order. Applicable policies from the Provincial Policy Statement, 2014 (PPS) are quoted below. A brief reference is made to certain policies that do not apply to the proposed annexation and development. The PPS policies are analyzed in Section 9.0 of this report.

The 2014 PPS was issued under Section 3 of the *Planning Act* (“Act”) and came into effect on April 30, 2014. Section 3 of the Planning Act requires that land use planning decisions shall or should be consistent with policy statements issued under the Act.

The PPS sets the policy foundation for regulating the development and use of land in Ontario and provides statements on matters of provincial interest. Based on the PPS policy foundation, municipal official plans provide for place-based long-term planning that support the principles of strong communities, a clean and healthy environment and long-term economic growth. All official plan policies must be consistent with the PPS.

Each individual proposed development must be assessed based on applicable policy statements with an understanding of how the various policies work together. The phrase “shall be” provides a positive directive, while other policies set limitations with the use of the phrase “shall not”. Supportive language is also used in the PPS such as “should”, “promote” and “encourage”. The PPS states that there is some discretion when applying a policy with enabling or supportive language in contrast to a policy with a directive, limitation or prohibition. The PPS states that the policies are outcome oriented. Some policies provide flexibility in their implementation provided that provincial interests are upheld.

Key provincial interests include the optimum use of land, resources and public investment in infrastructure and public service facilities, as well as the wise use and management of resources over the long term. Natural heritage features must be managed in a sustainable way to conserve biodiversity and protect essential ecological processes. The PPS also states that long-term prosperity, human and environmental health and social wellbeing should take precedence over short-term considerations.

The government is proposing policy changes to the PPS to help increase the supply of housing, support jobs and reduce barriers and costs in the land use planning system. The proposed changes to the PPS focuses on supporting certainty and economic growth by giving more flexibility to municipalities to ensure areas designated for employment are planned to reflect local needs and to help facilitate the conditions for economic investment, and to ensure that local infrastructure investments are efficiently used, and that protections for transportation and energy corridors for future needs are in place. The annexation and use of the Annexation Lands for employment lands promotes economic investment in the area as it allows for the development of the large industrial

manufacturing facility, consistent with the provincial objectives, and encourages spin-off development on the surrounding lands zoned, serviced and ready for development.

Part 3.0 of the PPS is titled Protecting Public Health and Safety and contains policies regarding natural and human-made hazards. Lands are considered hazardous if they are unsafe for development due to naturally occurring processes. The Subject Lands do not contain a natural watercourse or steep slopes. No potential hazards are present on the Site in the form of potential flooding or erosion associated with the Municipal Drain. Further, no human-made hazards are located on the Subject Lands.

## **5.1 PPS Section 1.0 - Building Strong Healthy Communities**

### **5.1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns**

*"1.1.1 Healthy, liveable and safe communities are sustained by:*

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;*
- f) improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;*

- g) ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs; and*
- h) promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.”*

That draft 2019 PPS amends policy 1.1.1. (e) above to promote the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs. The use of all of the Annexation Lands for employment uses represents a cost-effective development pattern as the development represents an extension of the existing Wright Business Park and provides for spin-off industry to be situated in close proximity to the large industrial user. The Annexation Lands are also situated on a major transportation corridor that provides for efficient growth and transit-supportive development.

The draft 2019 PPS also proposes policy 1.1.1. (i) the requires the preparation for regional and local impacts of a changing climate. The proposed large manufacturing facility will be required to take the effects of climate change into consideration wherever possible including but not limited to the development of solar panels on its roof and encouraging the use of alternative (non-fossil fuel) energy sources.

*1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a provincial plan, that time frame may be used for municipalities within the area.*

*Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.*

*Nothing in policy 1.1.2 limits the planning for infrastructure and public service facilities beyond a 20-year time horizon.”.*

Note that the draft 2019 PPS changes the planning horizon to 25 years as opposed to 20 years.

### **5.1.2 Settlement Areas**

*“Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario’s settlement areas vary significantly in terms of size, density,*

*population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.*

*The vitality of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.*

**1.1.3.1**            *Settlement areas shall be the focus of growth and development*

The draft 2019 PPS requires that settlement areas be the focus of growth and development. The proposed Annexation Lands are appropriately being brought into the urban centre / node of the City for industrial development where servicing can be made available and accessible as opposed to the rural Township where it would be cost prohibitive to service the proposed industrial / manufacturing uses.

**1.1.3.2**            *Land use patterns within settlement areas shall be based on:*

*a)            densities and a mix of land uses which:*

- 1.            efficiently use land and resources;*
- 2.            are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- 3.            minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- 4.            support active transportation;*
- 5.            are transit-supportive, where transit is planned, exists or may be developed; and*
- 6.            are freight-supportive; and....”*

Policies 1.1.3.2 b), 1.1.3.3, 1.1.3.4. 1.1.3.5. provide direction on intensification, redevelopment, and compact form and are not directly applicable to the Annexed Lands for a range of mid to large size employment uses. The applicable policies referred to in this section are set out in Appendices to this report.

*“Designated growth areas: means lands within settlement areas designated in an official plan for growth over the long-term planning horizon provided in policy 1.1.2, but which have not yet been*

*fully developed. Designated growth areas include lands which are designated and available for residential growth in accordance with policy 1.4.1(a), as well as lands required for employment and other uses.”*

*“1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.*

*1.1.3.7 Planning authorities shall establish and implement phasing policies to ensure:*

- a) that specified targets for intensification and redevelopment are achieved prior to, or concurrent with, new development within designated growth areas; and*
- b) the orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs.*

*“1.1.3.8 A planning authority may identify a settlement area or allow the expansion of a settlement area boundary only at the time of a comprehensive review and only where it has been demonstrated that:*

- a. sufficient opportunities for growth are not available through intensification, redevelopment and designated growth areas to accommodate the projected needs over the identified planning horizon;*
- b. the infrastructure and public service facilities which are planned or available are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment;*
- c. in prime agricultural areas:*
  - 1. the lands do not comprise specialty crop areas;*
  - 2. alternative locations have been evaluated, and*

- i) *are no reasonable alternatives which avoid prime agricultural areas; and*
  - ii) *there are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas;*
- d. *the new or expanding settlement area is in compliance with the minimum distance separation formulae; and*
- e. *impacts from new or expanding settlement areas on agricultural operations which are adjacent or close to the settlement area are mitigated to the extent feasible.*

*in determining the most appropriate direction for expansions to the boundaries of settlement areas or the identification of a settlement area by a planning authority, a planning authority shall apply the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.”*

The draft 2019 PPS amends the Settlement Areas policies and specifically sections 1.1.3.6. and 1.1.3.7 to amend the requirement of shall to should. In other words, planning authorities should establish and implement phasing policies and new development should occur adjacent to the existing built-up area and should have a compact form, mix of uses that allow for the efficient use of land. The proposed use of the Annexation Lands is adjacent to the City’s existing Wright Business Park, provides for a range of uses including a large manufacturing facility in addition to 1 – 3 acre lots for development providing for the efficient use of land.

The comprehensive review under the draft 2019 PPS requires that sufficient opportunities to accommodate growth and to satisfy market demand are not available through intensification, redevelopment and designated growth areas. The City has conducted a comprehensive review of its employment land base and has confirmed that there are no opportunities available to accommodate the proposed large scale manufacturing facility on Parcel A and no opportunities available for any spin-off employment uses as the existing Wright Business Park is at capacity with limited land available for development opportunities.

### **5.1.3 Coordination**

*“1.2.1 A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including:*

- a) *managing and/or promoting growth and development;*
- b) *economic development strategies;*
- c) *managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;*
- d) *infrastructure, electricity generation facilities and transmission and distribution systems, multimodal transportation systems, public service facilities and waste management systems;*
- e) *ecosystem, shoreline, watershed, and Great Lakes related issues;*
- f) *natural and human-made hazards;*
- g) *population, housing and employment projections, based on regional market areas; and*
- h) *addressing housing needs in accordance with provincial policy statements such as the Ontario Housing Policy Statement.*

1.2.2 *Planning authorities are encouraged to coordinate planning matters with Aboriginal communities.*

Policy 1.2.3 addresses co-ordination of specific matters within a municipality such as emergency planning, economic, environmental and social planning. Policy 1.2.4 addresses the planning responsibilities of an upper-tier municipality. The Subject Lands will become part of the City of Stratford which is a separate one-tier level of government and planning is not conducted by Perth County. Policy 1.2.5 states that single-tier municipalities should co-ordinate certain matters, such as population, housing and employment with adjacent planning authorities.

#### **5.1.4 Land Use Compatibility**

“1.2.6.1 *Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.*”

**“Major facilities:** *means facilities which may require separation from sensitive land uses, including but not limited to airports, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.*”

***“Sensitive land uses:*** means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.”

### **5.1.5 Employment**

*“1.3.1 Planning authorities shall promote economic development and competitiveness by:*

- a) providing for an appropriate mix and range of employment and institutional 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) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and*
- d) ensuring the necessary infrastructure is provided to support current and projected needs.”*

The draft 2019 PPS new policy 1.3.1. (c) provides that planning authorities shall promote economic development and competitiveness by: facilitating the conditions for economic investment by 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. The use of Parcel A to accommodate the large manufacturing facility allows the City to facilitate economic investment and identify the Annexation Lands as a strategic site for investment. The City has also confirmed that there are no other available nor suitable employment sites that can accommodate the proposed development located within its existing municipal boundaries.

Policy 1.3.2 contains direction on protecting and preserving employment areas. The Subject Lands are being added to the City of Stratford to expand an existing employment area and no conversion of employment lands is proposed.

Policies 1.4, 1.5 and 1.6 of the PPS are not directly applicable to the Subject Lands as they contain policies regarding the provision of housing, public spaces, recreation, parks, trails and open space and infrastructure and public service facilities.

## **5.1.6 Long-Term Economic Prosperity**

*“1.7.1 Long-term economic prosperity should be supported by:*

- a) promoting opportunities for economic development and community investment-readiness;*
- b) optimizing the long-term availability and use of land, resources, infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities;*

Subsections 1.7.1 c) - k) contain policies respecting downtowns, built heritage resources, brownfield sites, multimodal transportation systems, sustainable tourism development, agri-product businesses, promoting energy conservation, climate-change and communications and telecommunication infrastructure which do not directly apply to the proposed annexation and development on the Subject Lands.

## **5.1.7 Energy Conservation, Air Quality and Climate Change**

*“1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns which:*

- a) promote compact form and a structure of nodes and corridors;*
- b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;*
- c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;*
- d) focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities;*
- e) improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;*

f) *promote design and orientation which:*

1. *maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation; and*
2. *maximizes opportunities for the use of renewable energy systems and alternative energy systems; and*

g) *maximize vegetation within settlement areas, where feasible.”*

## **5.2 Part V, Section 2.0 – Wise Use and Management of Resources**

### **5.2.1 Natural Heritage**

*“2.1.1 Natural features and areas shall be protected for the long term.*

*2.1.2 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.*

*2.1.3 Natural heritage systems shall be identified in Ecoregions 6E & 7E1, recognizing that natural heritage systems will vary in size and form in settlement areas, rural areas, and prime agricultural areas.*

*2.1.4 Development and site alteration shall not be permitted in:*

- a) *significant wetlands in Ecoregions 5E, 6E and 7E; and*
- b) *significant coastal wetlands.*

*2.1.5 Development and site alteration shall not be permitted in:*

- a) *significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E;*

- b) *significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);*
- c) *significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);*
- d) *significant wildlife habitat;*
- e) *significant areas of natural and scientific interest; and*
- f) *coastal wetlands in Ecoregions 5E, 6E and 7E that are not subject to policy 2.1.4(b)*

*unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.*

2.1.6 *Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.*

2.1.7 *Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*

2.1.8 *Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 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.*

2.1.9 *Nothing in policy 2.1 is intended to limit the ability of agricultural uses to continue.”*

## **5.2.2 Water**

“2.2.1 *Planning authorities shall protect, improve or restore the quality and quantity of water by:*

- a) *using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;*
- b) *minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;*

- c) *identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed;*
- d) *maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas;*
- e) *implementing necessary restrictions on development and site alteration to:*
  - 1. *protect all municipal drinking water supplies and designated vulnerable areas; and*
  - 2. *protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions;*
- f) *planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;*
- g) *ensuring consideration of environmental lake capacity, where applicable; and*
- h) *ensuring stormwater management practices minimize stormwater volumes and contaminant loads and maintain or increase the extent of vegetative and pervious surfaces.”*

*2.2.2 Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored. Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive ground water features, and their hydrologic functions.”*

### **5.2.3 Agriculture**

*“2.3.1 Prime agricultural areas shall be protected for long-term use for agriculture.*

*Prime agricultural areas are areas where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by*

*Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the prime agricultural area, in this order of priority.*

*2.3.2 Planning authorities shall designate prime agricultural areas and specialty crop areas in accordance with guidelines developed by the Province, as amended from time to time.*

### *2.3.3 Permitted Uses*

*2.3.3.1 In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses.*

*Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.*

*2.3.3.2 In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.*

*2.3.3.3 New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formulae.*

### *2.3.6 Non-Agricultural Uses in Prime Agricultural Areas*

*2.3.6.1 Planning authorities may only permit non-agricultural uses in prime agricultural areas for:*

- a) extraction of minerals, petroleum resources and mineral aggregate resources, in accordance with policies 2.4 and 2.5; or*
- b) limited non-residential uses, provided that all of the following are demonstrated:*
  - 1. the land does not comprise a specialty crop area;*
  - 2. the proposed use complies with the minimum distance separation formulae;*

3. *there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use; and*
4. *alternative locations have been evaluated, and i. there are no reasonable alternative locations which avoid prime agricultural areas; and ii. there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.*

2.3.6.2 *Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible.”*

## **5.2.4 Minerals and Petroleum**

*“2.4.1 Minerals and petroleum resources shall be protected for long-term use.*

2.4.2.2 *Known mineral deposits, known petroleum resources and significant areas of mineral potential shall be identified and development and activities in these resources or on adjacent lands which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:*

- a) *resource use would not be feasible; or*
- b) *the proposed land use or development serves a greater long-term public interest; and*
- c) *issues of public health, public safety and environmental impact are addressed.”*

## **5.2.5 Mineral Aggregate Resources**

*“2.5.1 Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified.*

2.5.2.5 *In known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:*

- a) *resource use would not be feasible; or*
- b) *the proposed land use or development serves a greater long-term public interest; and*
- c) *issues of public health, public safety and environmental impact are addressed.*

Policies regarding rehabilitation, extraction in Prime Agricultural Areas and wayside pits and quarries, portable asphalt plants and portable concrete plants are not quoted as they do not apply to the Subject Lands and the proposed use.

## **5.2.6 Cultural Heritage and Archaeology**

*“2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*

*2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.*

*2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.*

*2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources. 2.6.5 Planning authorities shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.”*

*2.6.5 Planning authorities shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.”*

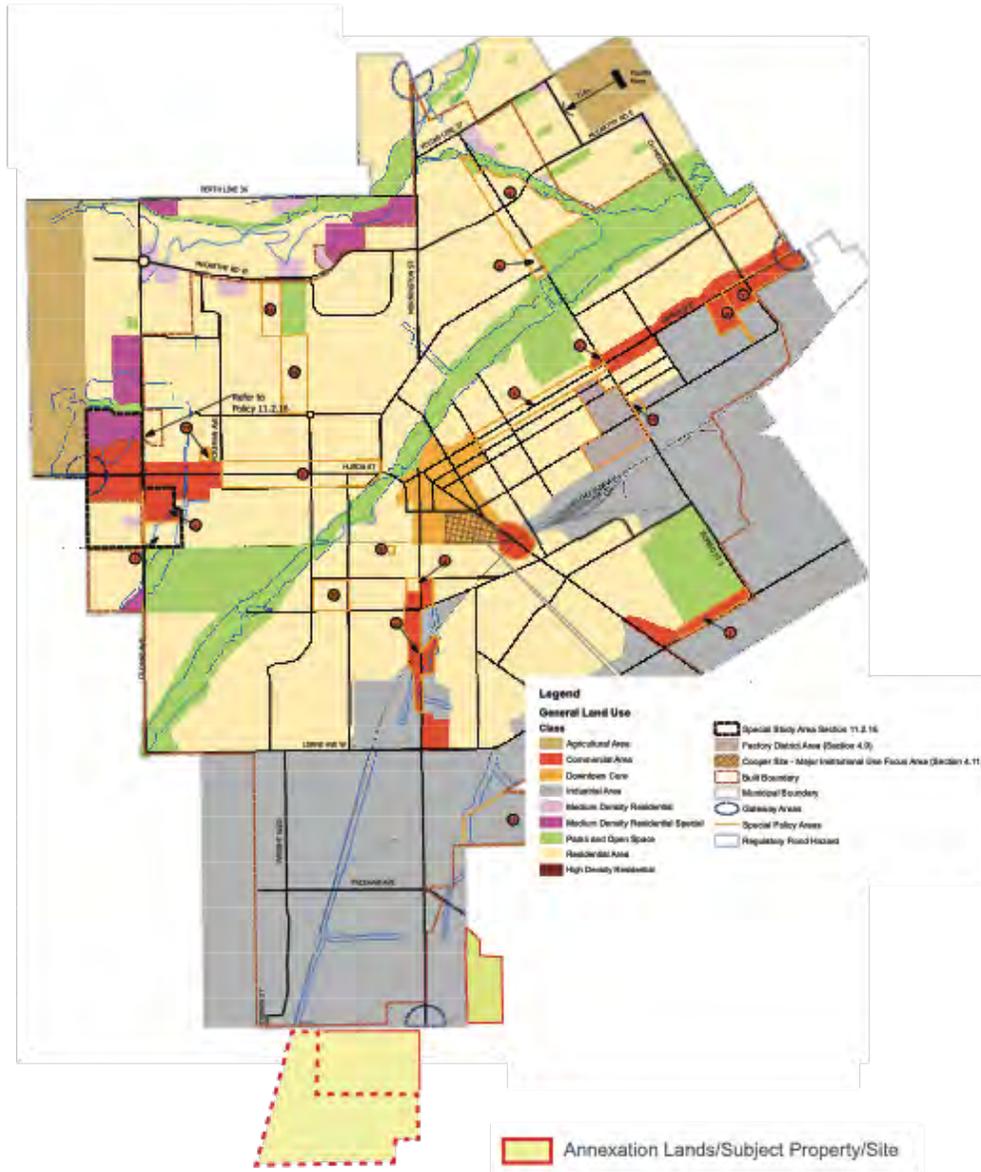
## **5.3 Part V, Section 3.0 – Protecting Public Health and Safety**

### **5.3.1 Natural Hazards**

*“3.1.1 Development shall generally be directed to areas outside of:*

- a) *hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;*
- b) *hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and*
- c) *hazardous sites.”*

**Figure 6: City of Stratford Official Plan Schedule A**



**City of Stratford Official Plan, Schedule A**

Source: City of Stratford Official Plan, Schedule A (August 2016)

## 9.0 Provincial Policy Statement Planning Analysis

### 9.1 Building Strong Healthy Communities and Settlement Areas

Policy 1.1.2 addresses the requirement for each municipality to provide a twenty (20) year supply of appropriately designated land to accommodate a mix of land uses. This 20 year requirement is proposed to be modified by the draft 2019 PPS to a 25 year planning horizon. Intensification and redevelopment opportunities must be made available to accommodate growth and if necessary designated growth areas.

The PPS promotes a range and mix of land uses, including industrial uses to meet long-term needs. The PPS also promotes efficient expansions of settlement areas by avoiding inappropriate uses adjacent to their boundaries. Minimizing land consumption and servicing costs is also a matter of provincial interest.

The PPS requires that settlement areas and any planned expansion efficiently use existing infrastructure and public services and directs municipalities to avoid unjustified and/or uneconomical settlement area expansions. To accommodate the locational requirements for a large industrial use, the City of Stratford has proposed to expand the settlement area boundary to the south, with the collaborative support of the Township of Perth South and the County of Perth.

The site proposed for large industrial development is approximately 71 hectares in area and the size and configuration meets the necessary requirements now and in the future for an initial phase of significant manufacturing and a second phase anticipated shortly after start-up in 2022. Established employment areas in the Province typically do not contain vacant lots greater than 20 hectares in size and the opportunities to create a larger lot in employment areas is limited. Further, most municipalities in the Province do not have built boundary lands or designated growth area lands available for a unique use, including rail access to a mainline, an abundance of natural gas and municipal services, and opportunities to partner with post-secondary institutions for training and employment.

The next step, to be consistent with the PPS policies, is an understanding of the inventory of vacant, serviced industrial land within the settlement area boundary that may be suitable for the proposed manufacturing use. Then a review of the City's Official Plan policies pertaining to industrial development and the growth of employment areas is necessary.

The following discussion sets out the inventory of vacant industrial land in the City and the need to expand the existing settlement area in accordance with the PPS criterion. A discussion on the

Stratford Official Plan policies that support the proposed use are discussed in a latter section of this report.

The draft 2019 PPS requires that settlement areas be the focus of growth and development. The proposed Annexation Lands are appropriately being brought into the urban centre / node of the City for industrial development where servicing can be made available and accessible as opposed to the rural Township where it would be cost prohibitive to service the proposed industrial / manufacturing uses.

The draft 2019 PPS amends the Settlement Areas policies and specifically sections 1.1.3.6. and 1.1.3.7 to amend the requirement of shall to should. In other words, planning authorities should establish and implement phasing policies and new development should occur adjacent to the existing built-up area and should have a compact form, mix of uses that allow for the efficient use of land. The proposed use of the Annexation Lands is adjacent to the City's existing Wright Business Park, provides for a range of uses including a large manufacturing facility in addition to 1 – 3 acre lots for development providing for the efficient use of land.

The comprehensive review under the draft 2019 PPS requires that sufficient opportunities to accommodate growth and to satisfy market demand are not available through intensification, redevelopment and designated growth areas. The City has conducted a comprehensive review of its employment land base as set out below and has confirmed that there are no opportunities available to accommodate the proposed large scale manufacturing facility on Parcel A and no opportunities available for any spin-off employment uses as the existing Wright Business Park is at capacity with limited land available for development opportunities.

### **9.1.1 Criteria for Settlement Area Expansions**

#### **a) Limited Opportunities for Growth within Settlement Area Boundary**

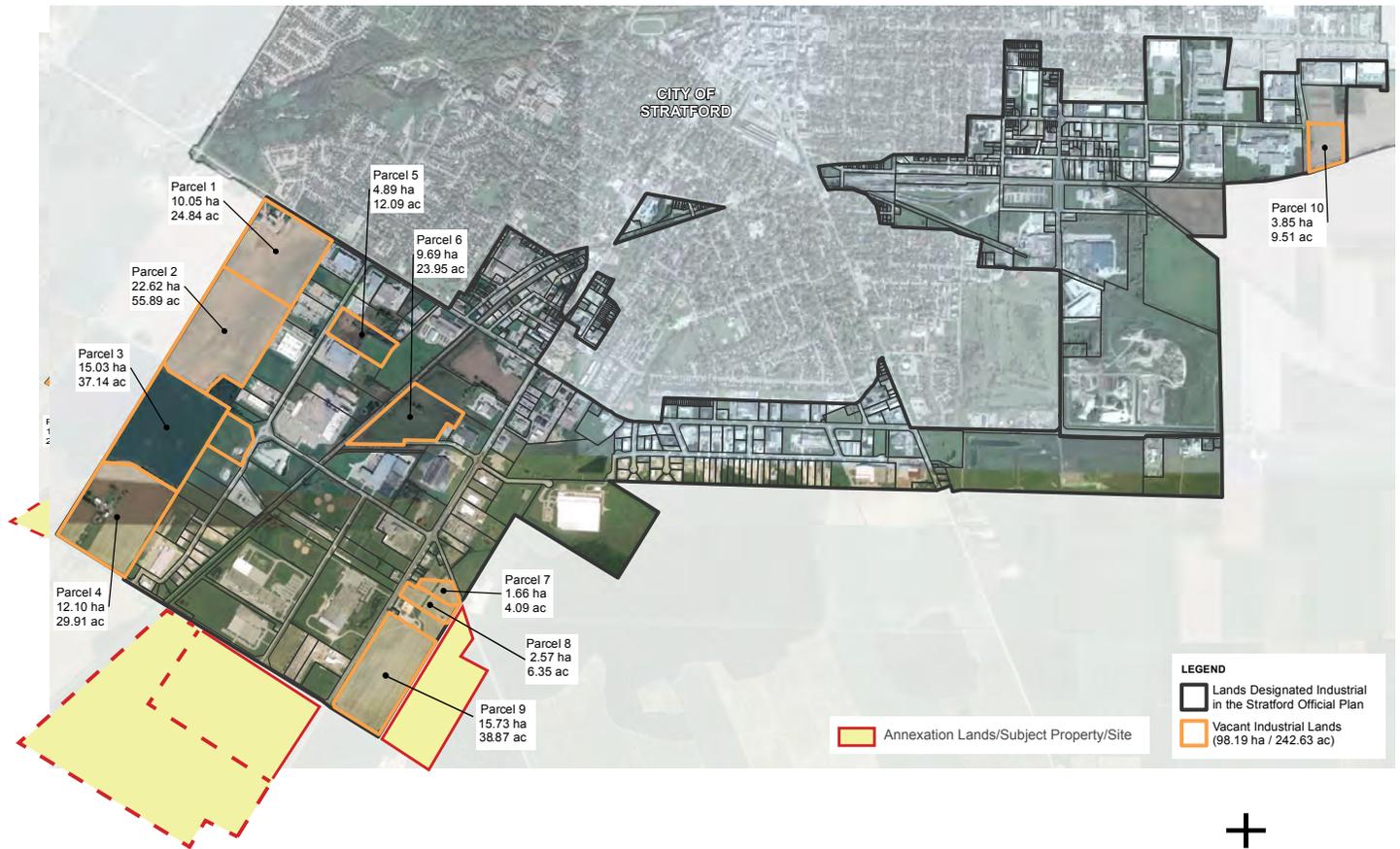
Policy 1.1.3.8 of the PPS states that a municipality may allow the expansion of a settlement area boundary only at the time of a comprehensive review and provided certain criteria are met. However, the draft 2019 PPS incorporates a new section 1.1.3.9 that allows municipalities, notwithstanding policy 1.1.3.8., to permit adjustments of the settlement area boundaries outside of a comprehensive review, such as the case here, provided: there is no net increase in land within the settlement areas; the adjustment supports the municipality's ability to meet intensification and redevelopment targets established by the municipality; prime agricultural areas are addressed; and the settlement area to which the lands would be added is appropriately serviced and there is sufficient reserve infrastructure capacity to service the lands.

Currently, the City of Stratford is not undertaking a comprehensive review of the CSOP but has completed a comprehensive review of its employment land base available for development. A special request is being proposed by the City to the Minister of Municipal Affairs and Housing to apply a Minister's Zoning Order to permit a large industrial development and subsequent supply chain uses to proceed prior to the next comprehensive review scheduled for 2021. At that time, it is anticipated that all of the Annexation Lands will be re-designated in the CSOP.

It is important to address the PPS criteria that allow for an urban settlement area expansion, given that the Annexation Lands will eventually become part of the urban settlement area and to ensure that the annexation itself is not premature. To allow for a settlement area expansion, it must be demonstrated that there are limited opportunities for employment growth within the existing settlement area boundary. The PPS directs that a municipality must determine that land for all types of employment uses is not available through intensification of Industrial Areas, redevelopment opportunities within Industrial Areas and on land designated Industrial Area with designated growth areas.

**Figure 7** shows the areas designated "Industrial Area" in the CSOP and the vacant industrial parcels therein. Currently, there are ten (10) vacant industrial parcels in the City of Stratford – only two of which are serviced and available for shovel-ready sale. Within the Wright Business Park (which is part of the Erie Industrial Park), located generally south of Lorne Avenue in the south end of Stratford there is one remaining serviced lot for sale (9 acres).

**Figure 7: City of Stratford Vacant Land Inventory**



For the proposed industrial development, access to rail is required. The only vacant parcel of industrial land adjacent to the railway is approximately 9.69 hectares (23.95 acres) and is not nearly large enough. There are four (4) vacant parcels located on the western boundary of the Wright Business Park which total 59.8 hectares (147.78 acres). These lands are presently not serviced and are not adjacent to the railway.

There is one (1) vacant parcel in the Romeo Industrial Park (Parcel 10 on **Figure 7**) and it is only 3.85 hectares (9.51 acres) in size. This parcel is also adjacent to lands re-designated for residential uses. Some lands designated “Industrial Area” and located outside of the built boundary are not immediately available (existing uses continue), are too small in area for the proposed development, are difficult to service or restricted to light industrial and service commercial uses.

Given the land area required for the proposed development and subsequent supply chain and expansion opportunities, it cannot be accommodated through intensification or redevelopment of lands within the City of Stratford built boundary. It has been clearly established that there are no opportunities for a large development to locate within the municipal boundary on lands designated “Industrial Area” and within the designated growth area.

As set out in the attached letter from the Chief Executive Officer of investStratford (attached as **Appendix A**), both Stratford City Council and the investStratford Board of Directors support the need to add land to the municipal boundary for employment purposes. Certain land within the City is very difficult to service whereas it has been determined, as discussed below, that the Annexation Lands can be serviced. The City advised that since late 2014, there has been a resurgence of manufacturing activity. The employment land absorption rate averages approximately 6.5 hectares (16 acres) per year.

The letter also states:

*“A comprehensive review of available vacant employment lands was compiled – accounting for lands that are recreation facilities, under contract for development and owned by operating companies for expansion, it was determined that 242.63 acres are existing. Very few of these lands are shovel-ready (fewer than 50 acres), and many will be complex to service and/or highly encumbered by easements for rail, electric utilities, etc. Further exacerbating the opportunity for growth is the lack of available industrial buildings for lease or sale. Recent statistics show a less than 2% availability rate in Stratford – the lowest in 11 years.”*

investStratford concludes that the supply of additional employment land is imperative for the City to foster growth and remain competitive in southwestern Ontario.

**b) Infrastructure and Public Services Available**

For a settlement area expansion, it must be demonstrated that the infrastructure and public service facilities, available or planned, are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment. The Planning Justification Report submitted in support of the Annexation confirms that infrastructure and public services are available to service the lands.

A Functional Servicing and Stormwater Management Report is being prepared for all proposed development and it has been determined that existing City services including storm and sewer can be extended to the Annexation Lands in compliance with all municipal and provincial standards. Stormwater management will be required to be addressed for each site. The City proposes to utilize a 300 mm diameter watermain along Perth Line 29 to provide service to the future development. This watermain is looped and connected to watermains on Dunn Road, Durkin Street to Wright Boulevard into the Wright Business Park.

The nearest sanitary sewer is located on Dunn Road, approximately 400 metres north of the Annexation Lands. The City is currently in the midst of designing a sanitary servicing system required to provide efficient municipal infrastructure servicing for all the Annexation Lands.

The Annexation Lands currently drain into the existing Hislop and the Waldie, Branch C, Municipal Drains. A stormwater management pond will be required to be constructed to accommodate stormwater runoff as it relates to the development being proposed by the large industrial manufacturing facility. The stormwater drainage from the Annexation Lands will be treated and outlet at a rate equal to the pre-development rate to the Hislop Municipal Drain, avoiding the need for any amendments under the *Drainage Act*.

The phrase 'public service facilities' is defined in the PPS and includes "*land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services. Public service facilities do not include infrastructure.*"

Given that the Annexed Lands are immediately adjacent to the urban area, the City can provide programs and services to the future employees that work and live in the City. The Wright Business Park includes open space and recreational facilities for all residents of Stratford. Transit has recently been extended to the Wright Business Park and will service the proposed Annexation Lands.

The existing and planned infrastructure and public services available are suitable for the proposed Annexation Lands and facilitate the large industrial use being proposed, over the long term. All

infrastructure required for the Annexation Lands shall be provided to protect public health and safety, as required by the PPS.

Based upon the City of Stratford's review of the requirements for the extension and upgrade of municipal infrastructure to service the Annexation Lands, the extension of services and utilities can be economically and efficiently provided in accordance with the policies of the PPS.

**c) Prime Agricultural Areas**

In order to support a settlement area expansion in prime agricultural areas, the lands must not comprise specialty crop areas.

'Specialty Crop Area' is defined in the PPS as:

*"areas where specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil, usually resulting from:*

- a. soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;*
- b. farmers skilled in the production of specialty crops; and*
- c. a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store, or process specialty crops."*

The Annexation Lands are considered Class 1 agricultural lands, as is the majority of Perth County. The Annexation Lands and the surrounding agricultural areas do not meet the definition of a specialty crop area. The three characteristics set out in the PPS above are not present on the Annexation Lands or in the surrounding area.

The PPS also requires that alternative areas be examined prior to a settlement area expansion in order to demonstrate that there are no reasonable alternate lands available for development that avoid prime agricultural land and no reasonable alternatives exist on lower priority agricultural lands.

The County of Perth Official Plan states that 90% of the County's total land area is classified as having Class 1, 2 or 3 soil capability for agriculture. Any expansion to the City's settlement area boundary will occur on prime agricultural land due to its location in the County. The City is surrounded by the Township of Perth East and the Township of Perth South and except for small pockets of lower capability lands, the surrounding lands are considered to be within a prime agricultural area.

The Perth Natural Heritage Systems Study (“PNHSS”) prepared by the UTRCA shows wetlands and woodlands surrounding the portions of the eastern boundary of the City. The north and northwest portions of the City are primarily residential and annexation of lands to the north or northwest of the City for employment purposes is neither appropriate nor desirable and results in conflicting land uses. The Avon River floodplain and woodlands exist along the southwest portion of the City boundary and therefore not appropriate for expansion or growth purposes. The most appropriate location to annex lands and apply industrial zoning for employment purposes is to the south given the existing employment areas in the City and location of the Wright Business Park.

**d) Minimum Distance Separation Formulae Compliance**

The major farm commodities in Perth County are cattle, dairy, grains (corn, soybeans, heat), hogs and poultry. An expanding settlement area must comply with the Province’s Minimum Distance Separation (MDS) Formulae. The City worked with the Township in applying the MDS Formulae to the Annexation Lands. The formulae are considered by the Ontario Ministry of Agriculture and Rural Affairs to be land use planning tools that determine setback distances between livestock facilities, manure storage facilities and anaerobic digesters and surrounding non-agricultural land uses. The objective of the MDS formulae is to minimize land use conflicts and nuisance complaints related to odour associated with the existing agricultural uses. The two separate MDS formulae (MDS I and MDSII) act reciprocally to site both new development and/or new or expanding livestock facilities.

MDS calculations were completed for six (6) livestock facilities in the surrounding area: two (2) livestock facilities are located on the east side of Highway 7 and four (4) livestock facilities are located to the west and southwest of the large development lands (see **Figure 8**).

The closest livestock facility is located directly to the east of the Subject Lands, within Lot A, Gore 5. It is notable that the livestock facility is currently unoccupied. The MDS calculation was based on past use, being beef (backgrounders between 7 and 12 months) and resulted in a separation distance of 251 metres. The 251 metre arc is located on a small portion of the frontage of the Annexed Lands located south of Perth Line 29.

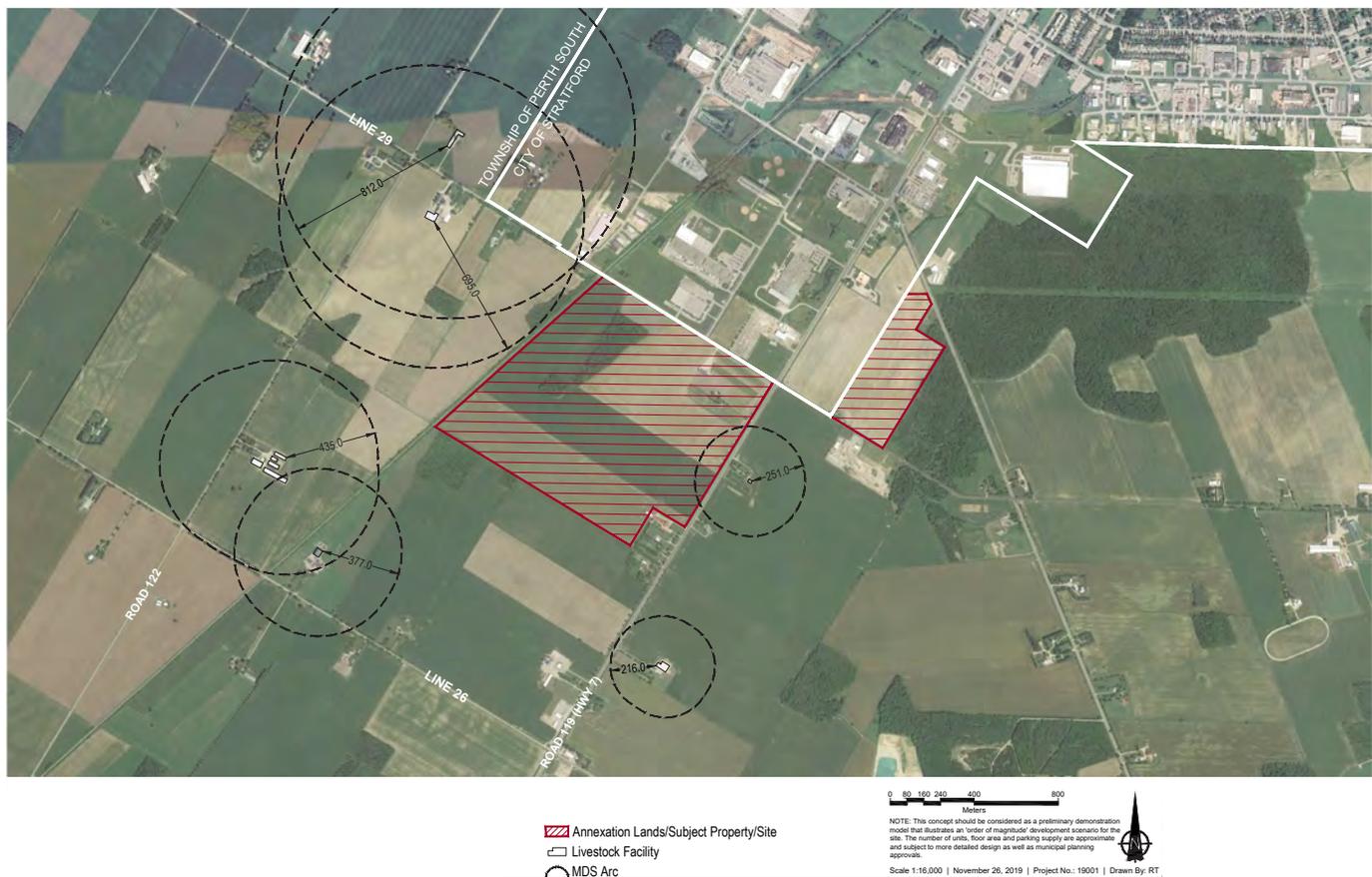
There is a swine livestock facility (sows with litter and dry sows/boars) located to the west of the CN Railway within Lot 5, Concession 5. The minimum distance separation is 695 metres which reaches the railway but does not encroach onto the Annexation Lands. The 695 metres arc is located on lands currently within the City’s settlement boundary and designated “Industrial Area” in the City of Stratford Official Plan.

On the north side of Perth Line 29, there is another swine livestock facility (weaners) and the minimum separation distance is 812 metres.

The remaining three (3) livestock facilities are located south of the Annexation Lands and include a dairy livestock facility, chicken livestock facility and three (3) dairy livestock facilities with milking age cows, large frame calves and large frame heifers. The arcs do not reach the southern boundary of the Annexation Lands and therefore comply with the MDS formulae.

There are no issues identified with the development of the Annexation Lands for employment uses as a result of the application of the MDS Formulae.

**Figure 8: Minimum Distance Separation (MDS 1) to Livestock Facilities**



f) **Direction of Growth**

In determining the most appropriate direction for additional urban growth, a municipality must also apply the policies of Section 2 of the PPS, Wise Use and Management of Resources, and Section 3 of the PPS, Protecting Public Health and Safety.

The PPS states that Ontario's urban settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available. The PPS also states that development pressures and land use changes also vary across the Province.

Policy 1.1.3.6 of the PPS states that new development in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. It is expected that the Annexation Lands will become a designated employment growth area and future development will be adjacent to the existing built-up area, more importantly situated immediately south of the existing Wright Business Park. The future employment uses on the balance of the Annexation Lands can provide for a mix of employment uses and densities in accordance with the PPS.

The large manufacturing use and associated supply chain and expansion will be located directly to the south of Perth Line 29, in close proximity to the CN Railway, adjacent to Provincial Highway No. 7 and represents an orderly progression of development.

## **9.2 Municipal Coordination and Land Use Compatibility**

### **9.2.1 Municipal Coordination**

The PPS, policy 1.2 and policy 1.2.1 states that a coordinated, integrated and comprehensive approach should be used when dealing with planning matters and with other orders of government, agencies and boards. This coordinated approach should be used within municipalities and across lower, single and/or upper-tier municipal boundaries. The draft 2019 PPS, policy 1.2.1 (a) includes management and/or promoting development that is integrated with infrastructure planning.

The City does not currently have a twenty (20) year much less a twenty-five (25) year supply of designated employment lands. The County, Township and City all support the annexation for the purposes of encouraging the development of employment lands with the City's settlement area boundaries.

### **9.2.2 Land Use Compatibility**

Given the definition of major facilities in the PPS the proposed large development is considered a

major facility.

Major facilities are defined in the PPS as:

*“means facilities which may require separation from sensitive land uses, including but not limited to airports, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.”*

The PPS states that major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.

The Ministry of the Environment, Conservation and Parks (“MECP”) governs the environmental considerations and requirements for industrial land use, sensitive lands, sewage and water services and private wells. Any development on the Annexation Lands will be required to comply with the City and MECP policies, standards and guidelines as it relates to air quality and noise. .  
Appropriate mitigation measures including but not limited to berming and other mitigation measures shall be required prior to any development occurring on the Annexation Lands. This will have the effect of buffering any nuisance complaints from truck movements to the rear yards of any existing residences.

**Figure 9: Minimum Separation Distance and Potential Areas of Influence (Noise)**



Minimum Separation Distance and Potential Areas of Influence (Noise)  
 Source: RWDI (June 25, 2019)

A Traffic Impact Study has been prepared take into account any traffic generated as a result of any proposed industrial development on the Annexation Lands. Currently, two vehicular access points are proposed: a principal entrance on Highway 7 and a secondary entrance on Line 29 (formerly Gibb Road). Any improvements to Provincial Highway No. 7 shall be subject to approval of the Ontario Ministry of Transportation.

The City has been advised that there are ongoing collaborations with CN Railway relating to the design and approval of additional rail spur lines required for the large industrial manufacturing facility.

### 9.3 Employment

The employment policies in the PPS provide direction for promoting economic development and competitiveness. Policy 1.3.1 contains four subsections which are stated below followed by a response.

<b>Policy</b>	<b>Response</b>
<p>a) <i>providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;</i></p> <p><i>The Draft 2019 PPS amends this policy to state: “providing for an appropriate mix and range of employment, institutional, and mixed uses to meet long-term needs;</i></p>	<p>The proposed large manufacturing use will be the first of its kind to be built in Canada and in the Province of Ontario. The manufacturing use will provide employment opportunities for skilled workers for the long-term. The City currently has a diverse range of employment opportunities which will be further expanded with the proposed use and additional users on the balance of the Annexation Lands.</p>
<p>b) <i>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;</i></p>	<p>A diversified economy includes different revenue streams and provides for sustainable growth given a range of businesses from various sectors of the economy. The City of Stratford is located within Ontario's largest Information Technology cluster and North America's largest Automotive cluster. The proposed manufacturing use will broaden the City's economic base. The annexation of lands into the City of Stratford from the Township will provide a greater range and choice of sites for employment uses and provides the City with the opportunity to accommodate and</p>

	service the large industrial user, recognizing the site and locational advantages of the Annexation Lands and lands being acquired by the large industrial user.
<p><i>The draft 2019 PPS proposes a new section (c) that states:</i></p> <p><i>Facilitating the conditions for economic investment by identifying strategic sites from investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;</i></p>	The Annexation Lands represent a strategic site for the development of industrial employment lands and represents a logical extension of the Wright Business Park.
<p><i>c) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and</i></p>	The proposed large manufacturer requires a significant land base for its employment uses. Urban services are also preferred, and available including municipal water and wastewater services, rail for the distribution of the raw materials, and arterial roads for the transport of the finished product. This type of employment use is ideally located at the periphery of an urban settlement area, with access to urban services to accommodate the expansive manufacturing and warehouse facility, and the internal infrastructure required in the manufacturing process.. It is not the intent of this PPS policy to require such compact built-form and integration with employment uses in all locations, but where feasible it is strongly encouraged.
<p><i>d) ensuring the necessary infrastructure is provided to support current and projected needs.</i></p>	Once the Annexation Lands are incorporated into the City of Stratford, the necessary infrastructure is available for extension to the Annexation Lands. There are watermains to the north boundary road of the Annexation Lands (Perth Line 29). North of the site (400 metres) there is a sanitary sewer connected to a sanitary pumping station. Overhead hydro and communications

	<p>infrastructure are available along Perth Line 29. The CN Rail right-of-way contains underground transport fiber option lines connecting the City of Stratford to the City of St. Marys.</p> <p>A stormwater management pond is being proposed to be constructed on-site by the large manufacturing facility to achieve the required water quality storage volume and water quality objectives of the MECP. The adjacent urban services, the CN rail line and the existing road network all support the proposed use.</p>
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The PPS encourages land use patterns, densities and specific uses that minimize the length and number of vehicle trips and support current and future use of transit and active transportation (Policy 1.6.7.4). The employment uses developed in this area will make use of existing rail infrastructure to reduce the amount of truck traffic required to deliver raw materials. The large industrial user site is also located on a County Road network that provides connections to the Provincial Highway system.

## 9.4 Long Term Economic Prosperity

Policy 1.7.1 of the PPS states that long-term economic prosperity should be supported by several actions. Subsections 1.7.1 a. and b. are applicable to the Annexation Lands and the City of Stratford’s efforts to accommodate the large industrial manufacturing facility. These policies state that communities should promote opportunities for economic development and community investment readiness and optimize the long-term availability and use of land, resources, infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities.

The annexation of land into the City for employment uses is optimizing the long-term availability of land for employment purposes. The City has confirmed their ability to provide the necessary services and infrastructure to support any future employment uses on the Annexation Lands. Economic development and servicing studies have considered designating and servicing additional lands without compromising the ability to develop the remaining vacant industrial lands in the City’s existing designated growth areas.

## 9.5 Energy Conservation, Air Quality and Climate Change

Policy 1.8 of the PPS is titled “*Energy Conservation, Air Quality and Climate Change.*” Subsection 1.8.1 states that municipalities, through land use and development patterns, shall support energy

conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation.

The Ministry of the Environmental, Conservation and Parks (MECP) guidelines and policies address minimizing the encroachment of industrial facilities on sensitive land uses. These MECP takes into consideration potential incompatibilities due to emissions such as noise, odour and dust etc. Any required minimum separation distances are established based on the industry classification. The criteria for the classification of an industry by the MECP are outputs, scale, process and the intensity of the industrial operation.

Any necessary permits including but not limited to an Environmental Compliance Approval (ECA) or registration under the Environmental Activity and Sector Registry (EASR) shall be required, where necessary, prior to the operation of any new industrial development on the Annexation Lands. The MECP application will be required as a part of the Site Plan and Building Permit processes.

The pattern of land uses in a settlement area must also minimize negative impacts to air quality and climate change, promote energy efficiency and be freight supportive.

The Annexation Lands and proposed developments are freight-supportive and utilizes the existing railway adjacent to the Annexation Lands. As stated in the PPS, planning for land uses in the vicinity of rail facilities shall be undertaken such that the long-term operation and economic role of rail facilities, and other major goods movement facilities and corridors, are protected.

Subsection 1.8.1 c) of the PPS requires planning authorities to support improved air quality and reduced greenhouse gas emission by providing for land use patterns which focus major employment land uses on sites which focus freight-intensive land uses to areas well served by major highways, airports and rail facilities.

- e) improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;
- f) promote design and orientation which:
  - 1. maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation; and
  - 2. maximizes opportunities for the use of renewable energy systems and alternative energy systems; and
- g) maximize vegetation within settlement areas, where feasible.”

Major goods movement facilities and corridors are defined in the PPS as:

*“means transportation facilities and corridors associated with the inter- and intra-provincial movement of goods. Examples include intermodal facilities, ports, airports, rail facilities, truck terminals, freight corridors, freight facilities, and haul routes and primary transportation corridors used for the movement of goods. Approaches that are freight-supportive may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.”*

## 9.6 Natural Heritage

A preliminary Environmental Impact Study (EIS) was prepared by Natural Resource Solutions Inc. (NRSI). The EIS addresses the existing conditions of the Annexation Lands, including soil, terrain, drainage, vegetation and wildlife. The EIS also addresses the significance and sensitivity of the woodlands and wetlands, Significant Wildlife Habitat (SWH) and Habitat for Species at Risk (SAR).

NRSI undertook screening exercises to determine if habitat for SAR or SWH was present on the Annexation Lands and within the surrounding area. NRSI also undertook terrestrial field surveys to identify significant natural heritage features and species that may be impacted by the proposed development. The field program was initiated in October 2018 and concluded in mid-July 2019.

Parcel A is primarily agricultural field crops, however there is a small woodland, referred to in the EIS as Woodland B. The lands to the northeast (Parcel D) contain a larger, triangular shaped woodland referred to as Woodland A. Woodland E is located immediately to the west of the railway and Woodlands C and D are located on the south side of the south property line outside of the Annexation Lands (see **Figure 10**).

Woodland is defined in the PPS as:

*“treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels. Woodlands may be delineated according to the Forestry Act definition or the Province’s Ecological Land Classification system definition for “forest.”*

The Environmental characteristics of each Woodland was established in the EIS. The Ecological Land Classification (ELC) for Woodlands A, B, D and E is “Deciduous Swamp”. A “Lowland Forest” surrounds the “Deciduous Swamp” in both Woodlands A and B. Woodland C is described as a “Sugar Maple Deciduous Forest” and Woodland D is described as a “Sugar Maple Hardwood Deciduous Forest.”

**Figure 10: Significant Natural Features on the Subject Lands**



- Annexation Lands/Subject Property/Site
- Railway
- Intermittent Watercourse
- Surveyed Wetland Boundary, UTRCA Approved (October 31, 2016)
- Ecological Land Classification (ELC)
- (FOD5) Dry - Fresh Sugar Maple Deciduous Forest Ecosite
- (FOD6-5) Fresh - Moist Sugar Maple - Hardwood Deciduous Forest Type
- (FOD7) Fresh - Moist Lowland Deciduous Forest Ecosite
- (SWD3-3) Swamp Maple Mineral Deciduous Swamp Type
- Significant Wildlife Habitat**
- Special Concern and Rare Wildlife Species (Eastern Wood-pewee)

**Significant Natural Features**  
 Source: Natural Resource Solutions (November 2019)

Any development proposal will likely require the removal of Woodland B, being 0.96 hectares in area. In accordance with the PPS, the EIS examined the diversity and connectivity of Woodland B and its ecological function.

As noted, Woodland B is characterized by a swamp area and a perimeter of disturbed upland woodland. NRSI observed that it does not provide amphibian breeding habitat or suitable habitat for reptile hibernation. The ecological function of Woodland B is limited given it is fragmented and has been exposed to disturbances associated with the adjacent agricultural use, including livestock usage in the woodland. NRSI concluded that the most important function of Woodland B is providing foraging habitat for local bats. It is also possible that Big Brown Bats are using cavity trees for maternal roosting, however the use of barns and attics is more likely.

The natural heritage features on Parcel A include regulated wetlands, woodlands and a drainage channel (Hislop Drain). Portions of the Subject Lands are regulated by the Upper Thames River Conservation Authority ("UTRCA") given the unevaluated wetland features and the Hislop Drain (watercourse). NRSI also undertook an evaluation of Parcel A for habitat of endangered species and threatened species, and significant wildlife habitat.

The PPS states the development and site alteration shall not be permitted in significant wetlands. The internal swamp area within Woodland B is not considered a significant wetland.

Development and Site alteration is not permitted in significant woodlands or significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. The PPS also states that development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

Habitat of endangered species and threatened species is defined in the PPS and means:

- a) with respect to a species listed on the Species at Risk in Ontario List as an endangered or threatened species, as per Ontario Regulation 230/08 made under the Endangered Species Act, 2007, the area prescribed by that regulation as the habitat of the species; or
- b) with respect to any other species listed on the Species at Risk in Ontario List as an endangered or threatened species, an area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding, and places that are used by members of the species as dens, nests, hibernacula or other residences.

This small Woodland B is likely to be removed as part of any development of the Annexation Lands and a compensation plan with both on-site and off-site tree planting compensation was proposed following consultation with the UTRCA, MECP, MNRF, the Township of Perth South and the County of Perth. A ratio of 1:1 tree planting will occur on undeveloped portions of the Annexation Lands (see **Figure 11**) with a planting ratio of 1:3 on the Kirkton-Woodham Arboretum owned by the Township of Perth South (see **Figure 12**).

The compensation trees will be planted along the south property line of the Annexation Lands. A total of 402 trees will be planted including Red Maple (66), Sugar Maple (45), Bitternut Hickory (45), White Pine (45), Trembling Aspen (108), Black Cherry (45) and Red Oak (48). The planting areas will also include shrubs and herbaceous species.

Seven candidate Significant Wildlife Habitat (“SWH”) types were identified as having the potential to occur on the Annexation Lands:

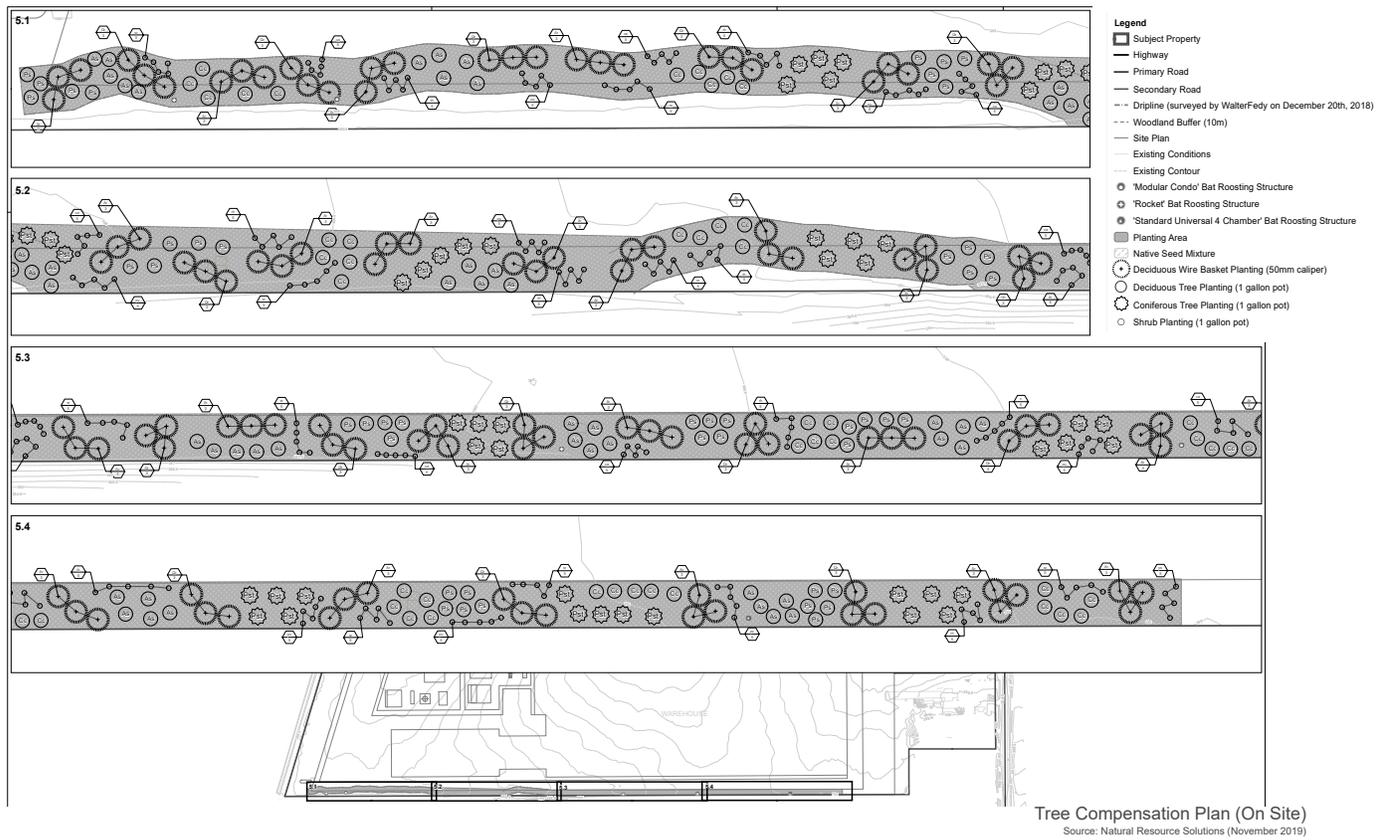
- Bat Maternity Colonies;
- Snake Hibernaculum;
- Seeps and Springs;
- Habitat of Amphibian Breeding;
- Habitat of Marsh Bird Breeding;
- Habitat of Terrestrial Crayfish; and,
- Habitat of Special Concern and Rare Wildlife Species.

Based on field surveys, only the candidate bat maternal roosting habitat (SWH) was confirmed within the Annexation Lands. Sites are considered SWH if greater than ten (10) Big Brown Bats and/or less than five (5) Silver-haired Bats are using them for maternity roost habitat. Given the number of these species observed, the Woodland B is not considered a candidate SWH. There is potential for Silver-haired Bats to be using the woodland for roosting and as maternity colony habitat. In order to comply with the PPS, MNRF has advised that removal of the woodland should only occur within the appropriately designated timeframe to avoid direct impacts to roosting bats and any development must provide artificial roosts as compensation for loss of habitat. NRSI has prepared a separate bat monitoring report.

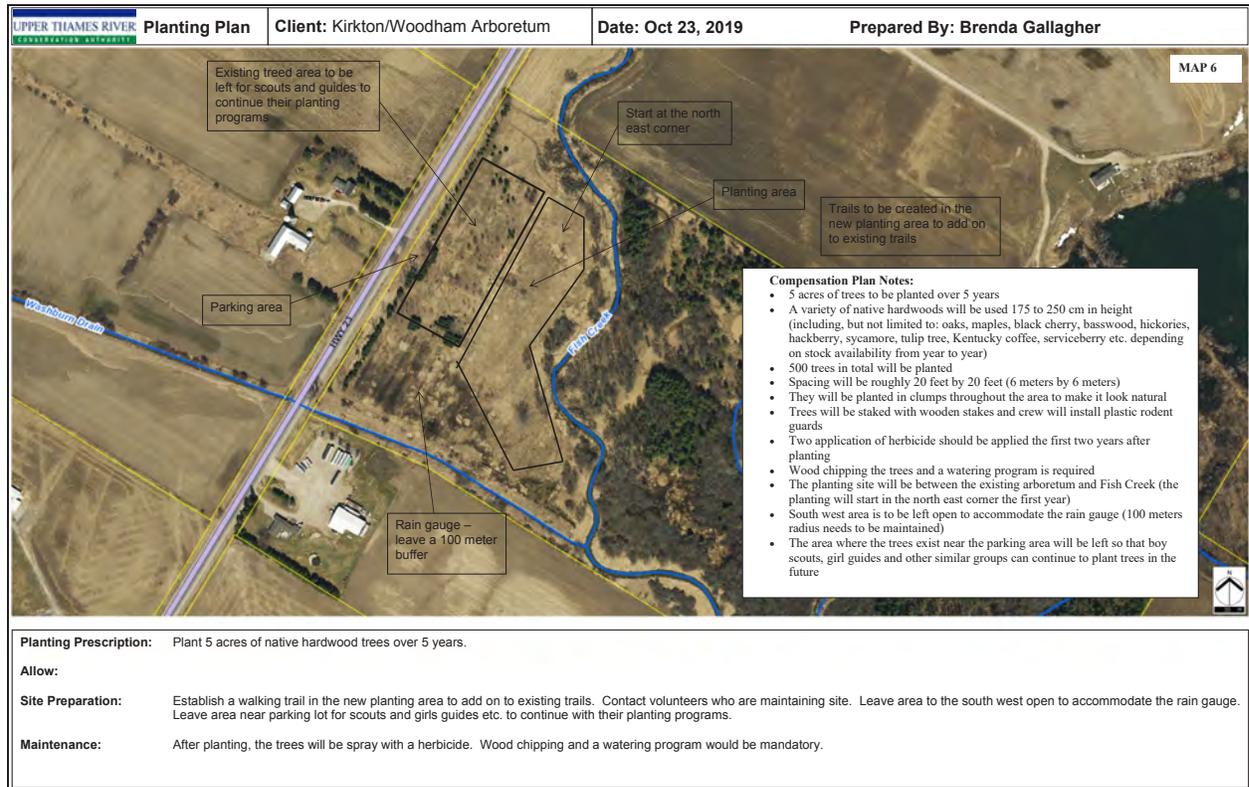
The MECP has advised that the removal of the Woodland B does not contravene the *Endangered Species Act (ESA)* if there are no maternity roosts for Species at Risk bats, and if the woodland area is foraging habitat, there must be other foraging opportunities close and accessible to their roosts. The proposed tree compensation planting on the Annexation Lands will provide additional foraging opportunities. Also, five (5) bat roosting structures will be installed within 500 metres of existing woodlands off site and within the tree planting areas. A five (5) year monitoring program

will examine the use of the structures to inform future actions. **Figure 13** shows the Candidate Bat Roost Trees and the Bat Acoustic Monitoring Stations.

**Figure 11: Tree Compensation Plan on the Subject Lands**



**Figure 12: Tree Compensation Plan Off Site**



**Figure 13: Candidate Bat Habitat and Acoustic Monitoring Stations**



Candidate Bat Habitat and Acoustic Monitoring Stations  
Source: RWD1 (June 25, 2019)

The Little Brown Myotis bat is a Species at Risk (SAR) under the ESA. A small number of Little Brown Myotis were observed on the Annexation Lands however, the data does not indicate that the woodland to be removed provides maternal roosting habitat for these bats. Therefore, it is not anticipated that a permit under the ESA (2008) will be required to remove the Woodland B.

The Eastern Wood-Pewee is a Species of Conservation Concern (SCC) both provincially and nationally and is considered regionally significant and rare. Suitably sized habitat is a woodland greater than two (2) hectares. While the woodland may be a suitable habitat for the Eastern Wood-Pewee, the woodland is not considered SWH due to its size, character and position within the landscape. NRSI has determined that the habitat within the woodland to be removed is not considered SWH but the woodlands adjacent to, but outside the Annexation Lands may be considered SWH.

There were no other species of conservation concern or large populations of any species within the woodland to be removed.

NRSI confirmed the presence of two (2) bird species breeding on the Subject Lands: the American Robin and the European Starling. The Eastern Wood-Pewee was documented within the Woodland B on the Annexation Lands and with adjacent woodlands. NRSI confirmed the absence of suitable amphibian breeding habitat and only the American Toad was observed on adjacent lands.

A ten (10) metres buffer is recommended from the dripline of the two adjacent off-site woodlands to the south and outside the Annexation Lands in order to protect the trees and their root zones. All grading and development must occur outside of the recommended buffer. Any proposed development will not be permitted to encroach into adjacent natural features or their recommended buffers.

The EIS recommends a series of mitigation measures in addition to the woodland compensation plan and artificial bat roosts. The mitigation measures will be implemented through the site plan approval process, which is the appropriate time to enforce such requirements.

## **9.7 Water**

Section 2.0 of the PPS, "*Wise Use and Management of Resources*", Subsection 2.2 is titled "*Water*". Policy 2.2.1 outlines certain measures each planning authority must take to protect, improve or restore the quality and quantity of water in watersheds. The identification of water resource systems, including ground water, surface water, hydrologic functions and natural heritage features and areas is required as well as the maintenance of linkages and related functions of these water features. Where necessary, development and site alteration must be restricted in vulnerable areas associated with municipal drinking water supplies. Other measures include planning for an efficient

and sustainable use of water resources and ensuring stormwater management practices minimize stormwater volumes and contaminant loads or increase the extent of vegetative and pervious surfaces.

Policy 2.2.2 of the PPS states that development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features. Sensitive surface and ground water features are not present on the Annexation Lands. The Lands are located within the upper watershed of the Thames River, which consists of approximately 3,482 square kilometres. To implement the policies of the PPS, the County of Perth and the City of Stratford rely upon the Upper Thames River Conservation Authority (UTRCA) policies and regulations.

The Upper Thames River watershed (see **Figure 14**) is primarily rural in nature, apart from urban communities such as London, Stratford and Woodstock. Agriculture is the main land use with approximately 3,600 farms, including over 2,000 livestock operations. Much of the forest cover in the watershed has been cleared for agricultural fields or urban development. The entire Thames River system (including tributaries) has been designated a Canadian Heritage River based on its rich cultural heritage and diverse recreational opportunities. Tributaries of the Thames include the Avon River, Dingman Creek, Jeanettes Creek, McGregor Creek, Medway Creek, Pottersburg Creek, Stoney Creek, Trout Creek and Waubuno Creek.

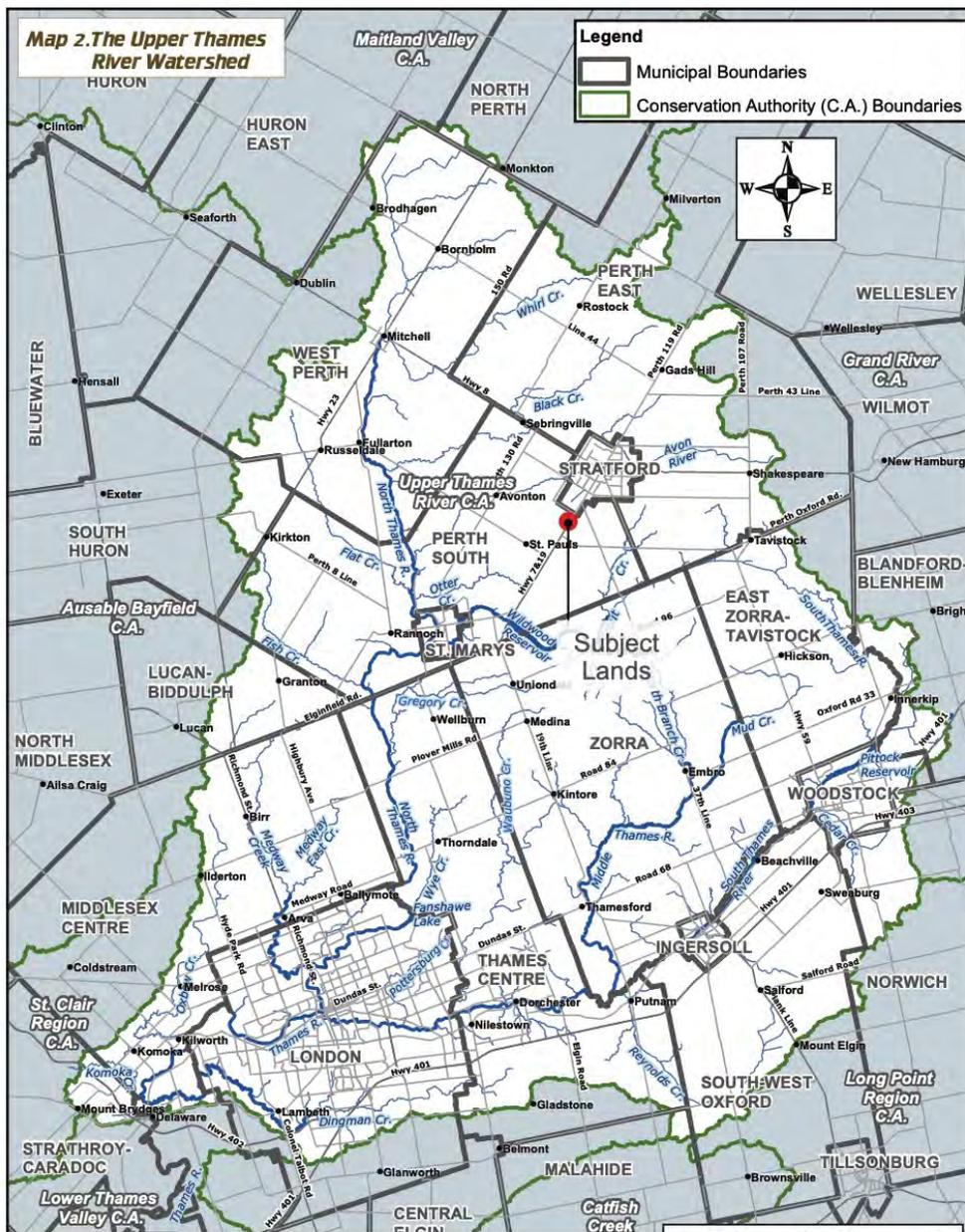
The UTRCA is responsible for the regulation of the flood plain of the Thames River and its major tributaries. The major flood prone communities in the upper Thames River basin include Mitchell, St. Marys, Ingersoll, London, Woodstock and, to a lesser extent, Stratford. There are some additional smaller flood prone areas along tributary watercourses.

The wetlands within the UTRCA are classified as deciduous swamps or mixed deciduous-coniferous swamps that are dominated by trees and shrubs such as silver maple, ash, willow, dogwood and cedar. The total area of evaluated wetland cover is approximately 57 sq. km which is less than 2% of the watershed area. The woodland/forest cover is approximately 12%, with values as high as 21% in certain sub-watersheds. The sub-watershed with the highest amount of woodland/forest cover is Dorchester, owing to the presence of the large Dorchester Swamp and North Dorchester Swamp complexes. These swamp complexes are located to the southeast of the Annexation Lands.

The water features located on the Lands include the Hislop Municipal Drain, the Waldie Municipal Drain and Woodland B feature classified as a Deciduous Swamp. As discussed above, the Deciduous Swamp Woodland B on the Annexation Lands proposed for the large industrial manufacturing facility will be removed. The Waldie Drain is not regulated by the UTRCA and approximately 31.5 hectares of the Lands is drained to this outlet. The Hislop Municipal Drain is a small drainage ditch south of Perth Line 29 and becomes a larger engineered open channel north

of Perth Line 29. Approximately 39.6 hectares of the Annexation Lands outlet to the Hislop Drain, and it is Regulated by the UTRCA.

**Figure 14: Location of Subject Lands within the Upper Thames River Watershed**



**Subject Lands Location within Upper Thames River Watershed**

Source: Upper Thames River Watershed Report Cards Map (2017)

A large stormwater management pond is proposed immediately west of the Hislop Municipal Drain as part of the large industrial development on a portion of the Annexation Lands. The pond will outlet at “pre-development rates” to the Hislop Municipal Drain south of Perth Line 29 and the outlet structure will include cooling trenches/rock cribs to lower the temperature of the water. There will be no requirement to make modifications to the Hislop Municipal Drain as a result of the outlet rate. Sediment and erosion controls will be implemented during construction, such as stabilized construction entrances, a perimeter silt fence, construction of sediment basins and diversion swales.

The proposed stormwater management strategy addresses quantity, quality, water balance, and erosion and sediment control by providing capture and infiltration of all runoff generated on the Lands. As such, the proposed development is consistent with the Policy 2.2.1 h) of the PPS regarding stormwater management practices.

The outlet for stormwater in the City of Stratford is the Avon River. The Avon River begins north east of the community of Shakespeare in the Township of Perth East, and flows west into Lake Victoria, a seasonal reservoir created by the Thomas Orr Dam in Stratford. The Avon River continues west through the community of Avonton and then south through the community of Avonbank. The Avon River empties into the North Thames River between the community of Motherwell to the north and the Town of St. Marys to the south.

The Avon River has a total watershed area of approximately 16,700 hectares and represents approximately 5% of the Upper Thames River watershed. 15% of the Avon River watershed is located within the City of Stratford, with 51% in the Township of Perth East and 34% in the Township of Perth South. The Avon River is not located on the Annexation Lands.

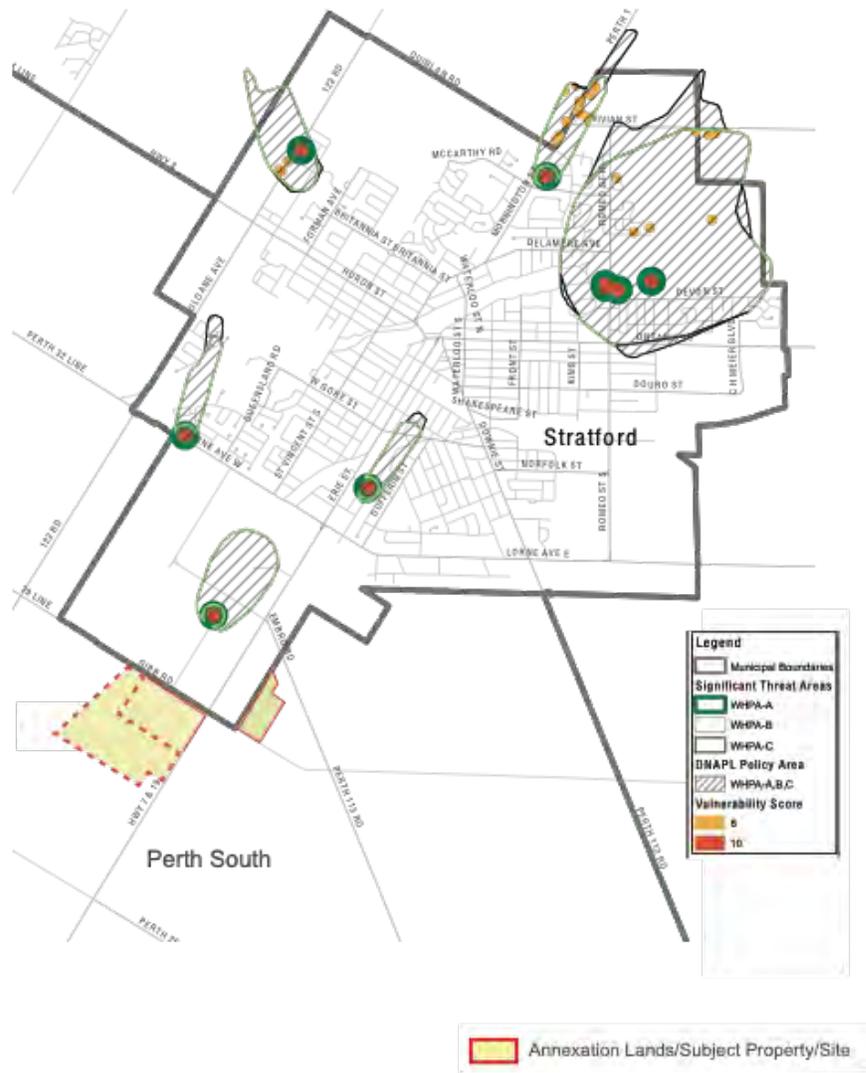
The Thames-Sydenham Region Source Protection Plan (TSRSPP) came into effect on December 31, 2015. Volume II of the TSRSPP applies to Oxford County and Volume III applies to all other areas, including the Township of Perth South and the City of Stratford.

In accordance with maps within the TSRSPP, the Annexation Lands are not located within a Wellhead Protection Area (WHPA) Significant Threat Policy Applicability Area; an Intake Protection Zone (IPZ) Significant Threat Policy Applicability Area or a Low and Moderate Threat Policy Applicability Area (see **Figures 15 and 16**). The proposed use is also not a use or activity that is or would be a significant drinking water threat.

Functional Servicing and Stormwater Management Reports will be required to be submitted prior to approving any proposed development, at the time of detailed design and any applicable TSRSPP policies will be reviewed with the UTRCA and appropriate mitigation or control measures will be

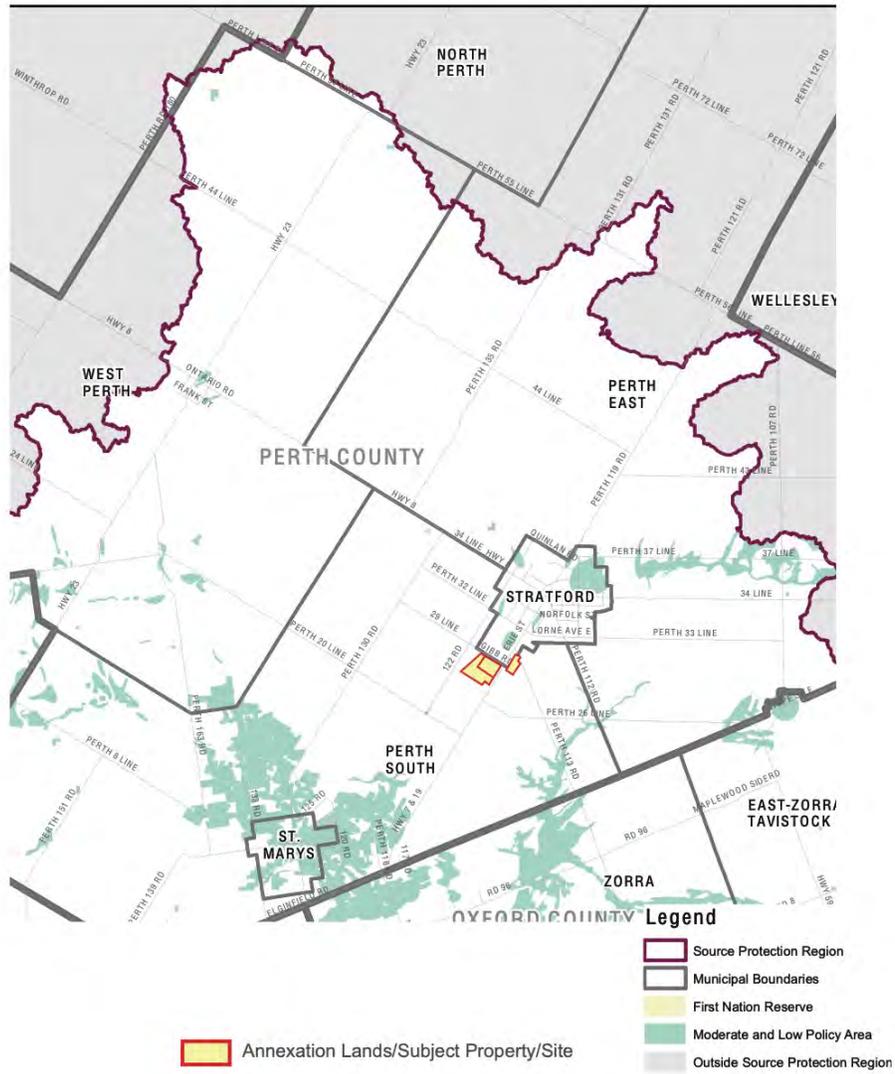
provided. The PPS policies regarding protecting municipal drinking water supplies and designated vulnerable areas have been met.

**Figure 15: Stratford Wellhead Protection Areas**



**Stratford Wellhead Protection Area**  
 Source: Source Water Protection Plan, Map 3-1-11 (June 26, 2012)

**Figure 16: Perth, Huron, St. Marys and Stratford Source Water Protection**



**Perth, Huron, St. Marys and Stratford  
Source Water Protection**

Source: Source Water Protection Plan, Map 3-2-5 (June 26, 2012)

## 9.8 Agriculture

Section 2.0 of the PPS, "*Wise Use and Management of Resources*", Subsection 2.3 is titled "*Agriculture*". Policy 2.3.1 states that prime agricultural areas shall be protected for long-term use for agriculture. Municipalities are required to designate prime agricultural areas in Official Plans restricting permitted uses to agricultural uses, agriculture-related uses and on-farm diversified uses.

Many of the agriculture policies in Subsection 2.3 of the PPS have been addressed above under Subsection 9.1.1 titled "*Criteria for Settlement Area Expansions*", e.g. MDS Formulae.

At the present time, the supply of vacant employment land within the City of Stratford does not have a 20-year supply of employment lands, nor close to a 25 year supply, and cannot accommodate a large manufacturer. While the City does have an existing supply of employment lands to accommodate certain sized uses, the supply is restrictive and unable to accommodate a full range of employment uses.

As discussed above, all lands surrounding the City of Stratford municipal boundary are prime agricultural lands, as is the entire County of Perth. There are no areas with lower priority agricultural lands that would be suitable for development.

The City-owned vacant industrial land along the western portion of the Wright Business Park are currently deemed unsuitable for development given servicing costs. There are no other areas that meet the criteria of being adjacent to the City of Stratford settlement area and adjacent to lands designated for employment/industrial purposes. Annexation Lands and applying the MZO from the to accommodate the proposed employment uses is consistent with the policies of the PPS.

It is not expected that the proposed employment uses will have any impacts on the surrounding agricultural operations. Screening and buffering techniques will be implemented at the Site Plan approval stage to mitigate impacts on surrounding non-farm uses in the Township of Perth South.

As discussed in Subsection 6.1 above, in 2011 the Perth County Economic Development office identified a need to incorporate the Business Retention and Expansion (BR+E) approach to the agriculture and food sector. Goals associated with utilizing the approach were identified and a survey was administered to a broad range of agricultural producers.

Perth County is one of the top livestock producing counties in the province, with dairy production being the largest commodity group in terms of farm cash receipts. Since 2001, the total number of farms in Perth County decreased from 2,570 to 2,252, however the total land on farms remained steady at approximately 202,343 hectares (500,000 acres). The number of livestock farms has decreased since 2006 while oilseed and grain farms increased.

It is noted that the agriculture industry in Perth County is looking to further business development and growth, specifically in the areas of local food processing, culinary tourism and value-added agriculture.

Upon reviewing the County BR +E Action Plan, it is clear that while the retention of agricultural land in production is key to maintaining a healthy agricultural economy, there are many other factors that contribute to the loss of agricultural operations other than the annexation of farmland for urban growth. Changes in types of farming activities taking place on agricultural land, including the creation and expansion of value-added agriculture will ensure that lands remain in production for longer periods of time. Farms on the periphery of urban areas do face unique challenges including the need for additional land for urban purposes.

## 9.9 Aggregate Resources

Section 2.0 of the PPS, “*Wise Use and Management of Resources*” Subsection 2.4 and 2.5 are titled “*Minerals and Petroleum and Mineral Aggregate Resources*” respectively. Policy 2.4.1 states minerals and petroleum resources shall be protected for long-term use and Policy 2.5.1 states: “*Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified.*”

For minerals, petroleum and mineral aggregate resources the PPS states that in known deposits of these resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

- a) *resource use would not be feasible; or*
- b) *the proposed land use or development serves a greater long-term public interest; and,*
- c) *issues of public health, public safety and environmental impact are addressed.*”

For information on known deposits, the provincial report titled *Aggregate Resources Inventory of the County of Perth, 2013* was consulted. The report includes an inventory and evaluation of the aggregate resources in the County of Perth and investigations were “*conducted to delineate and determine the quantity and quality of aggregate within the area, and to help ensure that sufficient aggregate resources are available for future use.*” Mineral aggregates include bedrock-derived crushed stone as well as naturally formed sand and gravel.

Map 1 to the report shows the extent and quality of sand and gravel deposits and an evaluation of the aggregate resources. Areas of primary significance are coloured red on Map 1, deposits of secondary significance are coloured orange and deposits of tertiary significance are coloured yellow.

As shown on **Figure 17**, the Annexation Lands are identified on Map 1 and therefore do not contain sand and gravel deposits of primary, secondary or tertiary significance. Map 2 to the report is an interpretative map derived from bedrock geology, drift thickness and bedrock topography maps, well water data, oil and gas well data and from geotechnical test hole data from various sources. The darkest shade of blue indicates the location of bedrock outcrops or where it is located within 1 metre of the surface. A medium shade of blue indicates areas where drift cover is up to 8 metres thick and quarrying is possible in this depth of overburden and these areas represent potential resource areas. The lightest shade of blue indicates bedrock areas overlain by 8 to 15 metres of overburden.

As shown on **Figure 18** the Annexation Lands are not shown in any shade of blue and therefore, they are not a Bedrock Resource Area.

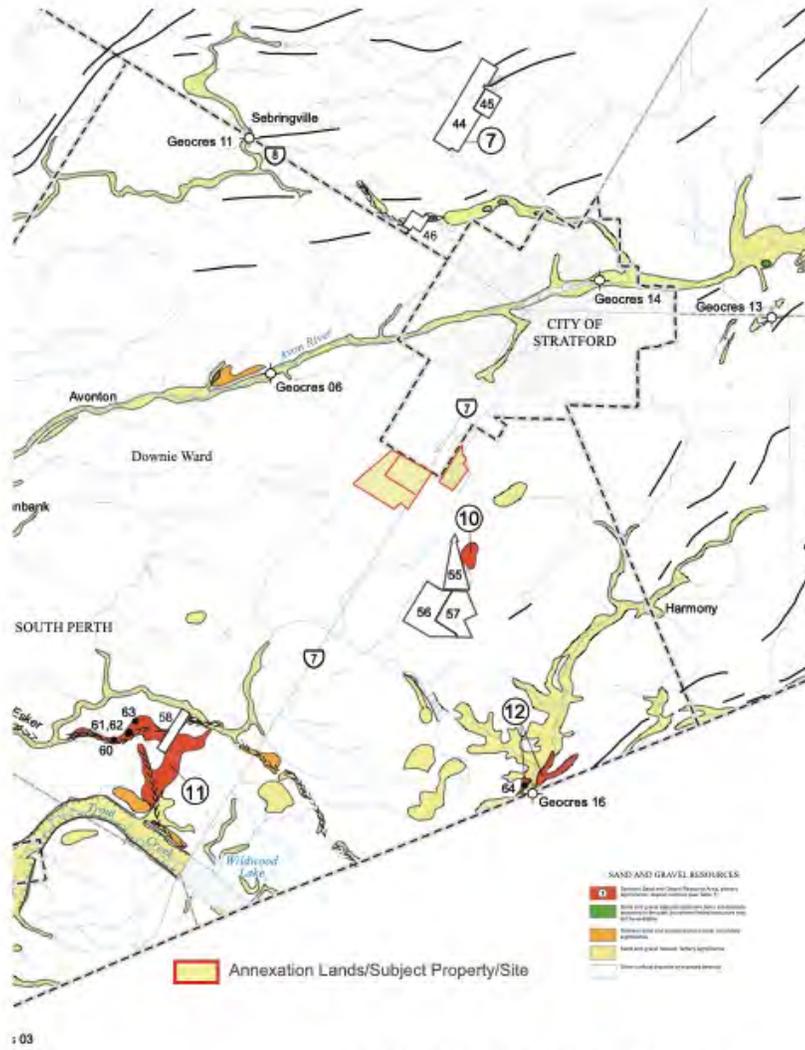
Twelve (12) Sand and Gravel Resource Areas have been chosen at the primary resource level in Perth County. The closest area to the Subject Lands is Area 10, located to the southeast. This area comprises two (2) glaciofluvial ice-contact deposits and buried granular material that appears to surround and join these two (2) surface deposits. Three (3) licensed pit operations have been developed within these deposits. Area 10 occupies approximately 17.3 hectares considering previously extracted areas.

A series of glaciofluvial outwash deposits located along Flat Creek, Fish Creek and the North Thames River have all been designated as secondary aggregate resource areas. These areas can provide reasonably good quality aggregate that can be used for local construction projects or as a wayside pit operation.

The Annexation Lands are located within the Downie Ward (former Township) and the only secondary aggregate resource area identified in the Downie Ward is the St. Marys esker deposit.

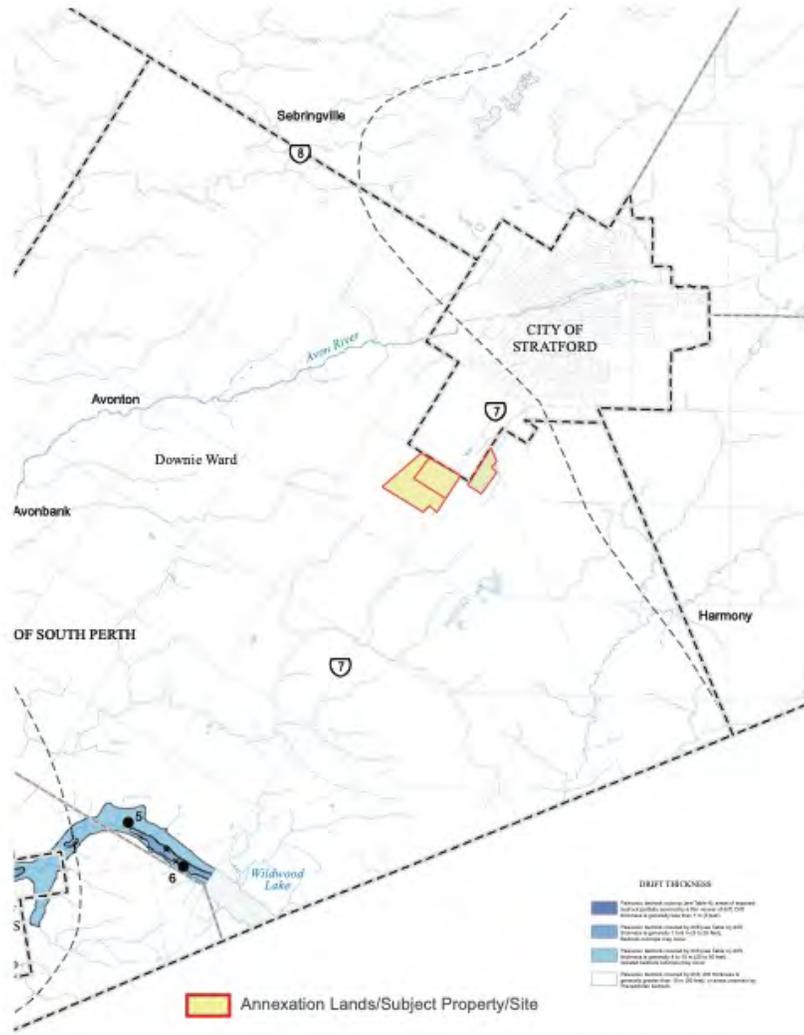
Based on the *Aggregate Resources Inventory of the County of Perth, 2013* report and mapping, the Subject Lands do not contain any Sand and Gravel Resource Areas or Significant Bedrock Areas. There are no known mineral aggregate resources to protect for extraction in the long-term.

**Figure 17: Sand and Gravel Resources for the County of Perth**



**Sand and Gravel Resources for the County of Perth**  
 Source: Aggregate Resources Inventory Paper 175, Map 1 (2013)

**Figure 18: Bedrock Resource Areas for the County of Perth**



**Bedrock Resource Areas for the  
County of Perth**

Source: Aggregate Resources Inventory Paper 175, Map 2 (2013)

## 9.10 Cultural Heritage and Archaeology

The following Archaeological Assessments were prepared by Detritus Consulting Ltd. for the Annexed Lands:

1. Parcel A – Stage1-2 Archaeological Assessment, Stage 3 Archaeological Assessment
2. Parcel B1, B2 and C - Stage1-2 Archaeological Assessment
3. Parcel D - Stage1-2 Archaeological Assessment  
(see **Figure 19**)

### **Parcel A**

The background research in Stage 1 indicated that portions of Parcel A exhibited moderate to high potential for the identification and recovery of archaeological resources. A Stage 2 archaeological assessment was subsequently prepared for the agricultural land, the small woodland and the manicured lawns.

A test pit survey of the woodlands and the manicured lawns was undertaken in April 2019. The following was identified:

- One (1) Euro-Canadian Site – 30 Euro-Canadian artifacts - Gibb 2 – (AiHg-2)
- Four (4) pre-contact Aboriginal findspots (2, 3 4 and 5) (AiHg-4)

The Ministry of Tourism, Culture and Sport (“MTCS”) maintains a database of archaeological sites registered according to the Borden system. Each ‘Borden Block’ is approximately 13 km east to west and approximately 18.5 km north to south and each block is referenced by a four-letter designator. The Subject Lands are within Borden Block AiHg. No archaeological sites have been registered with a 1 km radius of the Lands.

The Gibb 2 (AiHg-2) was located on the western portion of the Site, adjacent to the railway within Lot 3, Concession 5. The artifacts were scattered across an area of approximately 20 metres by 27 metres. The finds included mostly undecorated ironstone vessels and five (5) decorated ironstone pieces.

Given that the Gibb 2 (AiHg-2) was interpreted as a small late 19<sup>th</sup> century domestic scatter and the presence of at least 20 artifacts with a date of use before 1900, Gibb 2 (AiHg-2) meets the criteria for a Stage 3 Site Specific Assessment as per the Province’s *Standards and Guidelines*. All the surface artifacts were digitally mapped and collected for laboratory analysis. The conditions for a Stage 3 controlled surface pickup (CSP) were met during Stage 2.

**Figure 19: Parcels in Annexed Lands Subject to Archaeological Assessments**



**Parcels Subject to Archaeological Assessments**

Source: GSP Group (November 2019)

Findspots 2, 3 and 4 formed a small cluster southwest of Gibb 2 (AiHg2). The four (4) findspots do not fulfill any of the criteria for a Stage 3 archaeological assessment, given the isolated nature of the artifacts and the cultural heritage value or interest of these findspots was deemed sufficiently documented. Findspot 5 (AiHg-4) was a possible Late Archaic (7,500 – 1000 BC) Lamoka Side-Notched projectile point manufactured from chert. This point was heavily reworked as a knife blade making precise identification impossible.

The Stage 3 assessment of Gibb 2 (AiHg-2) resulted in the documentation of 384 Euro-Canadian artifacts from 26 test units. The Stage 3 artifact assemblage corresponds with the middle to late 19<sup>th</sup> century. All artifacts recovered were recorded and catalogued and retained for laboratory analysis and description. Given that less than 80% of the timespan of occupation dates to before 1870, the Euro-Canadian component of the site does not fulfill the criteria for further Stage 4 archaeological investigation.

### **Parcel C, B1 and B2 (1199 Erie Street, 3852 Perth Line 29)**

The Stage 1 background research indicated that portions of the Parcels exhibit moderate to high potential for the identification and recovery of archaeological resources. The Stage 2 Assessment involved a pedestrian survey of the agricultural land and a test pit survey of the manicured lawn in April 2019. The following areas were identified and documented:

- Three (3) Euro-Canadian Sites –A (AiHg-5), B (AiHg-6), E (AiHg-9)
- Two (2) pre-contact Aboriginal sites, C (AiHg-7), D (AiHg-8)
- One (1) pre-contact Aboriginal findspot, F

For Parcel B1 (AiHg-5) 156 Euro-Canadian artifacts were scattered in the south-central portion of the site. Based on a review of the artifacts, it appears that they date from the middle to late 19<sup>th</sup> century. This site meets the criteria for a Stage 3 Site Specific Assessment.

Parcel (AiHg-6) resulted in the documentation of 323 Euro-Canadian artifacts scattered across an area in the south-central portion of the site. Based on a review of the artifacts, it appears that they date from the middle to late 19<sup>th</sup> century. This site meets the criteria for a Stage 3 Site Specific Assessment.

Parcel C (AiHg-7) and Parcel D (AiHG-8) do not meet the criteria for a Stage 3 archaeological investigation.

Parcel E (AiHg-9) resulted in the documentation of 18 Euro-Canadian artifacts from five test pits in the manicured grass area southwest of the dwelling at 3852 Perth Line 29. Given that

the artifacts date to the middle to late 19<sup>th</sup> century, the site meets the criteria for a Stage 3 Site Specific Assessment.

A single pre-contact Aboriginal findspot was documented and it comprised a secondary flake manufactured from an unknown chert type. An intensified survey of all the agricultural lands was undertaken within 20 metres of the findspot but other archaeological materials were identified.

The closest source of potable water is the Avon River, located approximately 2.85 km to the north of the site.

### **Parcel D**

The background research in Stage 1 indicated that portions of Parcel D exhibit moderate to high potential for the identification and recovery of archaeological resources. A Stage 2 involved a pedestrian survey as well as test pit assessment of the manicured lawns surrounding the existing house. Only a small portion of the woodland along the western edge of the property was able to be test pitted and the remainder of the woodland was low lying and wet.

- One (1) Euro-Canadian Site – 283 Euro-Canadian artifacts - Gibb 1 – (AiHg-3)
- One (1) pre-contact Aboriginal Findspot (Findspot 1)

The Annexation Lands are located within the Norfolk Sand Plain and the sands and silts of this region were deposited as a delta in glacial lakes.

At the time of the writing of this Report, the Stage 3 fieldwork for Parcel D, has not yet been completed but shall be required prior to any development activities on the property.

## **9.11 Natural Hazards**

Policy 3.1.1 of the PPS states that development shall be directed to areas outside of hazardous lands which are impacted by flooding and erosion hazards. The Hislop Municipal Drain is classified as a watercourse and is regulated by the UTRCA. There are no other natural hazards present on the Annexation Lands. UTRCA has been engaged in this process and an Application for Development, Interference with Wetlands and Alterations to Shorelines and Watercourses will be required before any construction can commence.

## **9.12 Summary of PPS Analysis**

All development proposals must consider the applicable PPS policies with an understanding of the policies' interrelationship. The phrase "shall not" sets limitations referred to as restrictive policies.

The phrase “shall be” provides a positive directive. Supportive language includes “should”, “promote” and “encourage”. The PPS states that there is some discretion when applying a policy which is positive and enabling, in contrast to a policy that limits or prohibits. The goal is to uphold the provincial policies which are described as outcome oriented.

### **9.12.1 ‘Shall Not’ Policies**

Within Section 1.0, Building Strong Healthy Communities, there are two (2) “shall not”. New town sites shall not be permitted in territory without municipal organization and development shall not be permitted in planned corridors that could preclude or negatively affect the use of the corridor. Neither policy is applicable to the Annexation Lands.

Within Section 2.0, Wise Use and Management of Resources there are more “shall not” policies. The applicable policies include:

- Development and site alteration shall not be permitted in significant wetlands, significant woodlands, significant wildlife habitat, significant areas of natural and scientific interest (ANSI), fish habitat, habitat of endangered species and threatened species or adjacent lands to natural heritage features and areas.
  
- Development and site alteration shall not be permitted on lands containing archaeological resources, unless the resources have been conserved.

An EIS was prepared to review the natural heritage features on the Annexation Lands. There are no significant wetlands, valleylands, fish habitat, ANSIs or habitat of endangered or threatened species on the Annexation Lands. There are significant woodlands on the Annexation Lands south of Perth Line 29, on Parcel D.

Parcel A contain a small woodland (Woodland B) which is proposed to be removed. The EIS has established that the most important function of Woodland B is for foraging habitat for bats. Big Brown Bats and Silver-haired Bats, observed in the area, could potentially be using cavity trees for maternal roosting, although Big Brown Bats predominantly roost in buildings such as barns and attics.

Habitat for maternity colonies are considered SWH, regardless of the species of bat or its status. In Ontario endangered bats include the Eastern Small-footed Myotis, Little Brown Myotis, Northern Myotis and Tri-coloured Bat. Big Brown Bats and Silver-haired Bats are not endangered or threatened. While a Species of Conservation concern was observed on the subject Lands (Eastern Wood-Pewee), Woodland B is too small to be considered SWH for this species. However, the larger woodlands, (Woodlands A and D) likely contain SWH for the Eastern Wood-Pewee.

Archaeological Assessments have been prepared for all land proposed to be annexed and artifacts found were collected and documented.

Within Section 3.0 Protecting Public Health and Safety, there are “shall not” policies related to development and site alteration within hazardous lands, including flooding and erosion hazards. Certain uses are restricted from hazardous lands and hazardous site, including institutional uses, essential emergency services and uses associated with hazardous substances. The proposed large manufacturing use will be located on lands regulated by the UTRCA which are associated with the Municipal Hislop Drain. Site alteration, in the form of a stormwater management pond is proposed adjacent to the Hislop Drain, and an UTRCA Application For Development, Interference with Wetlands and Alterations to Shorelines and Watercourses will be required prior to any construction.

### **9.12.2 ‘Shall Be’ Policies**

Within Section 1.0, Building Strong Healthy Communities, the applicable ‘shall be” policies pertain to:

- Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs up to 20 years
- Sufficient land shall be made available through intensification, redevelopment and designated growth areas (if necessary)
- Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted
- Land use patterns with settlement areas shall be based on a mix of land uses
- Planning for infrastructure shall be coordinated and integrated with land use planning to be financially viable and available to meet current and projected needs
- Planning for land uses in the vicinity of airports and rail facilities shall be undertaken so that their long-term operation and economic role is protected

The Annexation Lands are providing sufficient land for future employment uses, including a large industrial use. These new growth areas are necessary to accommodate all types of employment uses, including employment uses that require large parcels of land. The annexation of lands for future employment uses is based on a projected need, given past absorption rates. Additional employment uses will in turn promote the vitality and regeneration of the City. The large development proposal provides for a greater mix of employment uses and the City has confirmed that municipal infrastructure, including municipal services and transportation routes are sufficient to support those uses. The CN railway is adjacent to Parcel A and will be utilized for the transportation of raw materials for the operation.

Within Section 2.0 and 3.0, the applicable 'shall be' policies pertain to:

- Natural features and areas shall be protected for the long term
- Prime agricultural areas shall be protected for long-term use for agriculture
- Development shall be directed away from areas of natural or human-made hazards

A small woodland is proposed to be removed from the Subject Lands with a tree compensation plan and artificial bat habitat provided, as per Ministry of Natural Resources and Forestry policies.

There is a need for additional employment lands in the City of Stratford and the City is surrounded by prime agricultural areas in Perth County. The additional employment lands are adjacent to an existing employment area in the City of Stratford, which is a reasonable and appropriate area for employment growth.

The proposal to annex additional lands into the City of Stratford and the proposal for a new manufacturing use on a portion of the Annexation Lands, is consistent with the 'shall not', 'shall be' and all other policies in the PPS.

## 10.0 Perth County, Township of Perth South and City of Stratford Planning Analysis

The Planning Justification Report submitted reviewed the applicable policies and regulations of Perth County, the Township of Perth South and the City of Stratford to the Annexation Lands.

### 10.1 County of Perth Official Plan

Based on a review of the maps associated with the County of Perth Official Plan and Perth Natural Heritage System Study, the Annexation Lands are not located in a Significant Groundwater Recharge Area and there are no Significant Valleylands or Areas of Scientific and Natural Interest within the Annexation Lands (see **Figures 20 and 21**).

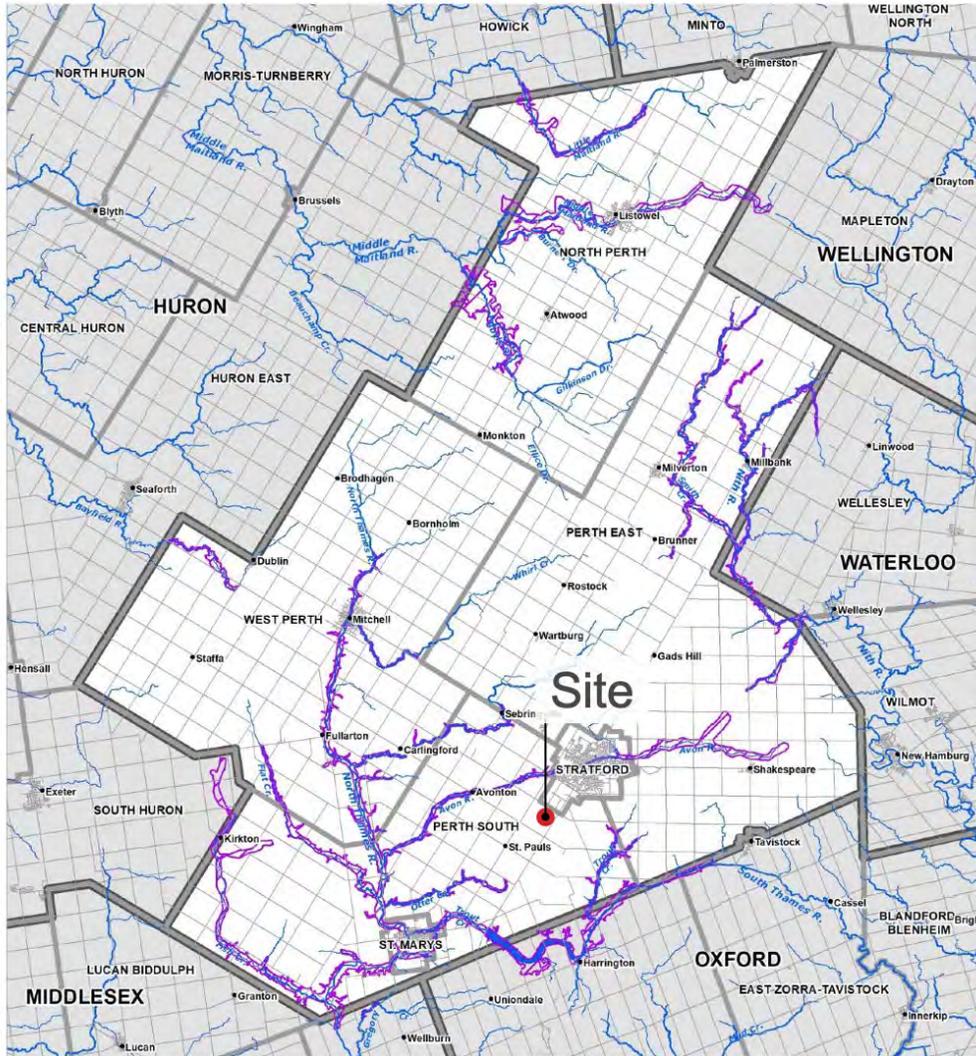
The CPOP policies regarding agriculture and natural resources have been reviewed and discussed in the context of the proposed annexation of agricultural lands and one (1) woodland into the City of Stratford in detail in the Planning Justification Report submitted to the Ministry of Municipal Affairs and Housing in support of the annexation. The agricultural land will, in due time, be designated “Industrial Area” and the natural resources required to be reviewed and assessed as each individual employment land proposal on the Annexation Lands.

### 10.2 Township of Perth South

The Township of Perth South does not have an Official Plan and the land use planning policies applicable to the Township of Perth South are found within the Perth County Official Plan (“PCOP”). The Township of Perth South does however have a Zoning By-law and the Subject Lands are zoned Agricultural Zone (A) and Natural Resources Environment Zone Two (NRE2) in Zoning By-law No. 4-1999.

A detailed review of the zoning by-law provisions are set out in the Planning Justification Report submitted in support of the annexation of the lands to the City.

Figure 20: Significant Valleylands – Perth Natural Heritage System Study



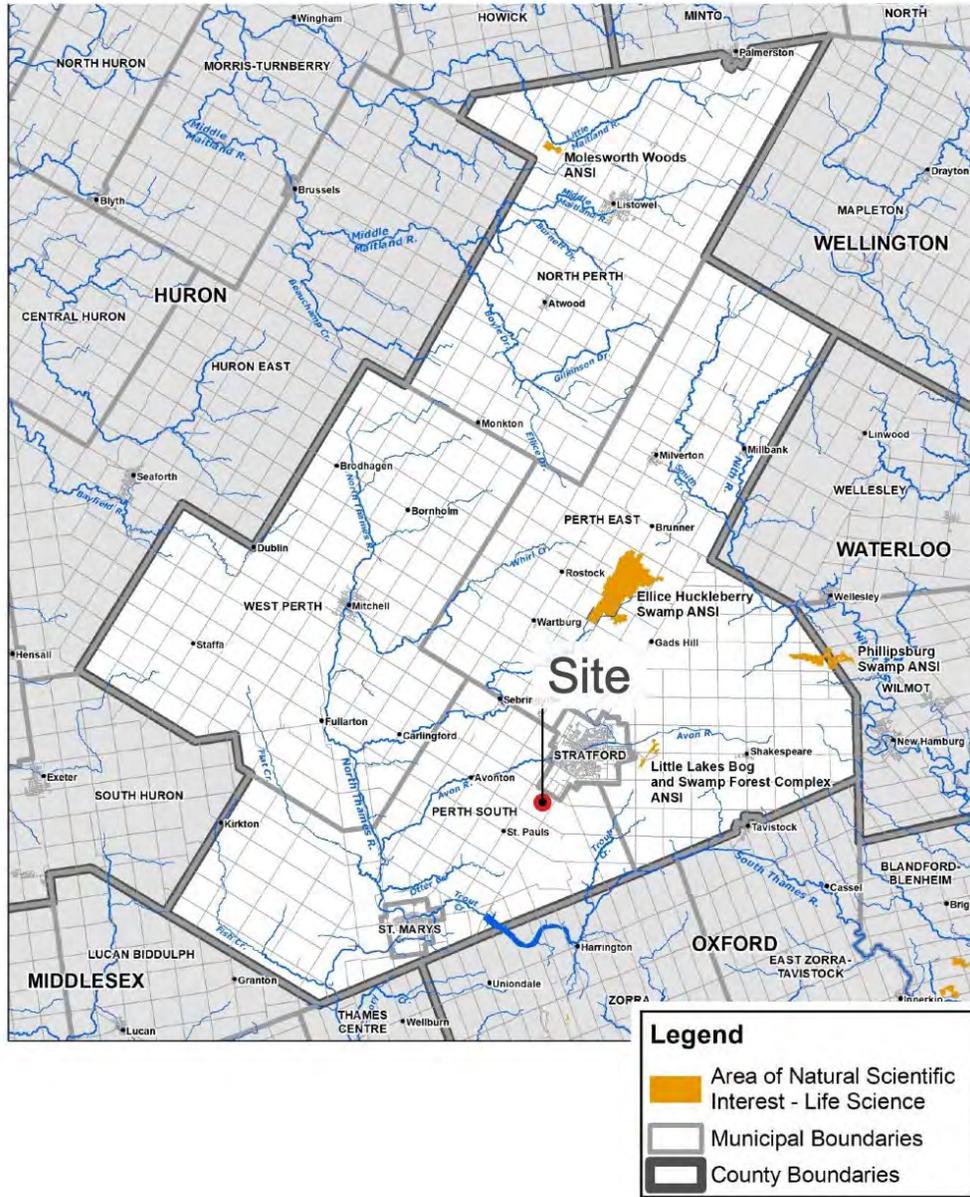
**Legend**

-  Significant Valley
-  Municipal Boundaries
-  County Boundaries

**Significant Valleylands**

Source: Perth Natural Heritage System Study Appendix H-1  
(November 2017)

Figure 21: Areas of Natural and Scientific Interest - Perth Natural Heritage System Study



Areas of Natural Scientific Interest

Source: Perth Natural Heritage System Study Appendix H-2  
(November 2017)

### **10.3 City of Stratford Official Plan (CSOP)**

The CSOP was adopted by City Council on January 25, 1993 and approved by the Province on November 28, 1994. The CSOP includes comprehensive Official Plan Amendment No. 21 (OPA No. 21) which was approved by the Province in July 2016.

OPA No. 21 contained updated mapping from the UTRCA, agricultural policies and lands annexed into the City of Stratford on January 1, 2015.

The City of Stratford commenced a comprehensive review of the City's Zoning By-law in 2015. Major changes to the Zoning By-law included revised parking regulations, new source protection regulations (Wellhead Protection Areas) and a new overlay of UTRCA regulated areas. New zones were added, including but not limited to: Theatre Zone, Grand Trunk Anchor District Zone, Open Space Zones, revisions to the Industrial Zone structure, new Urban Reserve Zone and a new Agricultural Zone.

Regarding employment lands, the City prepared and adopted Official Plan Amendment No. 15 (OPA No. 15) and Zoning By-law No. 197-200 in December 2007 to re-designate and rezone lands annexed into the City in 2003, 2005 and 2006 for industrial uses. OPA No. 15 re-designated lands from "Agriculture" and "Special Policy Area" in the County of Perth Official Plan to "Industrial Area" and "Industrial Special Policy Area" in the City of Stratford Official Plan. These industrial lands were adjacent to existing industrial lands in the south part of the City and represented a logical extension of the City's municipal boundary to accommodate employment growth..

It has been twelve (12) years since the City annexed lands for employment opportunities. Through the proposed annexation, the City is implementing several CSOP policies which encourage the continued development of the City as a significant manufacturing and regional industrial service centre, as well as a major centre for a diversified range of other employment uses. The Official Plan also states that the City will ensure an adequate inventory of designated, zoned and serviced land is available for the expansion of existing industries and the accommodation of new industry.

The location of the proposed Annexation Lands is adjacent to existing industrial lands, being the Wright Business Park, and therefore eliminates the potential for conflicts with neighbouring non-industrial uses.

The CSOP also states that employment areas in proximity to major goods movement facilities and corridors will be protected for employment uses which require such locations. The Annexation Lands are adjacent to Highway 7 and Perth Line 29, both major goods movement facilities. The large industrial user lands are also located adjacent to the railway which it requires for the transport of raw materials. The CSOP encourages railways to continue to provide a safe and efficient service to both residents and employment uses in the community and surrounding areas.

As stated in the City of Stratford Official Plan, the City will work to maintain and improve its 2011 employment activity rate of 65% to 2033. The employment activity rate is the ratio of the total labour force to the working age population. The employment rate is the ratio between the labour force in work and the population of working age. The employment is forecast to increase from 19,900 in 2006 to 22,600 in 2033. The large industrial user manufacturing use will contribute approximately 400 jobs to help achieve the City's employment targets.

OPA No. 21 was the result of the last comprehensive review of the CSOP and the revised plan came into effect on July 21, 2016 and is intended to guide development in the City to the year 2033. Section 1.4 of the CSOP, states that the CSOP is consistent with the PPS which came into effect on March 1, 2005. An update is currently underway such that the CSOP is consistent with the 2014 PPS.

While the City of Stratford is not currently undertaking a comprehensive review of their Official Plan, investStratford, technical consultants and the City have reviewed the available employment lands to determine what, if any shortfalls exist to accommodate future employment opportunities. In the review of the proposed annexation the City took into consideration: directions for future growth; protecting provincial interests; physical constraints to accommodating employment lands and the proposed large manufacturing use; planning for infrastructure, including the assimilative capacity of receiving water and servicing capacity and cross-jurisdictional matters. Based on its review the City concluded that the annexation of the lands are appropriate in the circumstances.

## 11.0 Draft Minister's Zoning Order

The City of Stratford is requesting the Minister of Municipal Affairs and Housing for a Ministerial Zoning Order ("MZO") to apply to all of the Annexation Lands being: Parcels A (large development lands), D and C. Parcel A is proposed to be developed into a large manufacturing facility, associated warehousing, administrative offices and other ancillary uses.. Parcel A is "L-shaped" and creates an orphaned parcel that is included in the Annexation Lands into the City and rezoned by the MZO. Parcel C is the second half of one large single-owner parcel – 50 acres of which is currently in the City and zoned industrial. There is a real expectation that the large development will have a phase 2 manufacturing line to follow in the nearer term. The neighbouring lands being zoned industrial is important to ensure that any supply chain demands are met and provide for the expansion of the large industrial manufacturing facility. Therefore, it is deemed necessary to incorporate all of the Annexation Lands into the MZO request.

The following request for Ministerial Zoning Order will be provided by the City working in consultation with the large industrial manufacturing operation.

## 12.0 Summary

The City of Stratford, the County of Perth and the Township of Perth South unanimously support the municipal restructuring proposal to add approximately 131.4 hectares (324.7 acres) of land to the City of Stratford, from the adjacent Township of Perth South.

The Annexation Lands include a parcel of land, approximately 71.0 hectares (175.5 acres) in size, planned to accommodate a large manufacturing use.

The ideal location for the large manufacturing use would be adjacent to an existing industrial area with access to municipal services. The anticipated building size and parcel size for the large manufacturing use is akin to other large manufacturing uses that have located in Ontario's communities that represent long-term investment and job opportunities for the surrounding communities.

A request for a Minister's Zoning Order is an option to streamline the land use planning process to allow a large industry and the associated supply chain uses to be situated on the Annexation Lands, all subject to Site Plan approval. The MZO will ensure that commitments to the Province of Ontario are fulfilled in terms of commencement of manufacturing.

Based on its need for additional employment lands, the City of Stratford, with the cooperation of the County of Perth and the Township of Perth South prepared a restructuring proposal for the Annexed Lands. The timing for the re-designation and rezoning of the Annexed Lands, and the

orderly progression of development is based on current and projected needs, as per the PPS, being within the current twenty (20) year time frame and proposed twenty-five (25) year planning horizon..

Similar to the City's previous annexations, the proposed Annexation Lands will remain designated and zoned in the County of Perth Official Plan and Township of Perth South Zoning By-law until the ultimate land use and zoning is established through a City of Stratford land use planning process. The Minister's Zoning Order will supersede the Township of Perth South Zoning By-law for the Annexation Lands until the Zoning Order is revoked and replaced by City of Stratford zoning.

The PPS states that a planning authority may allow the expansion of a settlement area boundary only at the time of a comprehensive review provided it has been demonstrated that there is a need for the expansion, services are planned or available, there are no alternatives that avoid prime agricultural areas, the settlement area boundary is in compliance with the MDS formulae and impacts on agricultural operations adjacent to the settlement area are mitigated.

This report and accompanying technical reports have addressed all the required criteria for the growth of an urban settlement area, including need, servicing, alternative locations and the MDS formula. While lands are being brought into the City of Stratford's municipal boundary, they are not immediately designated for future growth. When designated and zoned for development by the City of Stratford in the future, the entire Annexation Lands will be a designated growth area as defined in the PPS. In order to expedite the use of the Annexation Lands for a large manufacturing use, and subsequent expansion and supply chain development, a Minister's Zoning Order is requested.

Section 5 of this report itemizes the PPS policies and the policies are analyzed in Section 9. The conclusion is that the development are consistent with the PPS, balancing the requirement to provide for sufficient employment land and long-term economic prosperity with the requirement to protect prime agricultural areas. The PPS states that there is some discretion when applying a policy with enabling or supportive language and that the policies are outcome-oriented, with some policies providing flexibility in their implementation provided that provincial interests are upheld.

The annexed parcels, that are in Perth County's prime agricultural area will not be protected for long-term agricultural use as they are required for the growth of employment lands in the City of Stratford. The criteria for permitting non-agricultural uses in the prime agricultural areas have been met. The proposed annexation and development of the large industrial manufacturing facility are consistent with all other policies as summarized below.

1. The criteria established in Policy 1.1.3.8 of the PPS for including prime agricultural areas in settlement area expansions have all been addressed. The Annexation Lands are not within a specialty crop area; the MDS 1 formula has been met; there is a demonstrated need for additional employment lands; and there are no reasonable alternative locations for expanding the Stratford settlement area for employment uses given that the entire City of Stratford borders prime agricultural areas in Perth County. The annexation proposal and the proposed large industrial user development are consistent with the settlement area policies in the PPS.
2. The PPS states that long-term economic prosperity should be supported by, among other matters, protecting agricultural resources. The annexation proposal represents the loss of approximately 130 hectares (320 acres) of agricultural land in Perth County. The total farmland in Perth County is approximately 204,888 hectares (506,291 acres) with an average farm size of 91 hectares (225 acres). The Annexation Lands represent approximately 0.06% of the farmland in Perth County. While overall the loss of prime agricultural land is not supported, the loss must be balanced with the areas' needs for employment growth, leading to additional jobs and potential spin-off industries. Employment uses minimize conflicts with surrounding agricultural uses to a greater extent than residential uses.
3. The proposed annexation is required to accommodate a range and mix of employment uses to meet projected needs for the next twenty (20) years. The current amount of vacant industrial land in the City is approximately 98 hectares (242 acres) which is not sufficient at the current rate of absorption of 6.5 hectares (16 acres) per year. The City's Official Plan states that an adequate inventory of designated, zoned and serviced land will be available for the expansion of existing industries and the accommodation of new industry.
4. The PPS states that municipalities shall implement policies to ensure that targets for intensification and redevelopment are achieved prior to development within designated growth areas. New development must also proceed in an orderly fashion, with the provision of infrastructure and public services. Based on local conditions, very few parcels of land are available within the City of Stratford for employment intensification and redevelopment. Providing for a full range of employment uses necessitates annexing lands for a new

designated growth area to provide for a full range of parcel sizes, including parcels greater than twenty (20) hectares (50 acres).

5. The PPS states that new development should occur adjacent to the existing built-up area to allow for the efficient use of land, infrastructure and public service facilities. The large industrial use will be located directly south of Stratford's built-up area and it represents an orderly progression of development. Infrastructure and public services are either currently available or upgrades are being planned for.
6. Perth County is one of the top livestock producing counties in the province. There are six (6) livestock facilities surrounding the Annexation Lands. The MDS 1 formula was applied to these livestock facilities and the separation distances comply with the MDS 1 formula for all the surrounding livestock facilities. A small portion of the Annexation Lands is included in the MDS 1 arc associated with the vacant livestock facility on the east side of Highway 7.
7. Air Quality and Stationary Noise Land Use Compatibility Reports will be required prior to allowing for any development on the Annexation Lands.
8. The large manufacturing facility is defined as a a major facility in the PPS. Air Quality and Stationary Noise Reports are required to ensure that the facility as proposed can meet or exceed Provincial standards.
9. Stormwater management is proposed on-site for the large industrial facility, including a new stormwater management pond that will minimize changes in water balance and erosion and will not increase contaminant loads.
10. The PPS states that new development adjacent to existing transportation facilities, such as roads and railways should be compatible with, and supportive of, the long-term purposes of the corridors. The large manufacturing use is supportive of the long-term operation and economic role of the goods-carrying CN Railway. A Transportation Impact Study has been prepared to ensure no negative impacts on adjacent Highway 7 or the surrounding road system. Road improvements will be required to accommodate the use of the Annexation Lands for industrial purposes, including some site specific requirements for the proposed use.
11. The parcel proposed for the large manufacturing facility was subject to an Environmental Impact Study. The environmental features on the lands include a small woodland/wetland and a municipal drain. The small woodland will be removed but will be compensated for at

a ratio of 3:1 on the Subject Lands and off-site. The Compensation Plan has been approved by the Council of the Township of Perth in County of Perth.

12. Regarding Significant Wildlife Habitat (SWH) the potential for maternal roosting habitat for bats was identified for the small 1-hectare woodland to be removed from the Subject Lands. In order to comply with the PPS, MNRF has advised that removal of the woodland should be timed to avoid direct impacts to roosting bats, artificial roosts as compensation for loss of habitat shall also be required.
13. In accordance with the Thames-Sydenham Region Source Protection Plan, the Annexation Lands are not located within a Wellhead Protection Area (WHPA) Significant Threat Policy Applicability Area; an Intake Protection Zone (IPZ) Significant Threat Policy Applicability Area or a Low and Moderate Threat Policy Applicability Area. The proposed manufacturing use is not listed as a use or activity that is or would be a significant drinking water threat. The PPS policies regarding protecting municipal drinking water supplies and designated vulnerable areas are met.
14. The Upper Thames River Conservation Authority prepared the Perth Natural Heritage System Study (PNHSS) dated October 4, 2018. Based on a review of the maps associated with the PNHSS, the Annexation Lands, are not located in a Significant Groundwater Recharge Area, Significant Valleylands or Areas of Scientific and Natural Interest.
15. Based on the provincial report titled *Aggregate Resources Inventory of the County of Perth*, the Annexation Lands, do not contain sand and gravel deposits of primary, secondary or tertiary significance and are not within a Bedrock Resource Area. There are no known mineral or aggregate resources to protect for future extraction.

Based on this report and the supporting technical reports, the annexation and application of the MZO to all of the Annexation Lands is appropriate and desirable.

# Appendix a

investStratford Letter, Employment Land Supply Analysis, August 19, 2019

## 6.0 County of Perth Official Plan

Section 6.0 sets out the County Land Use Policy framework relating to the annexation and the requested Ministerial Zoning Order. The County of Perth Official Plan (“CPOP”) guides land use planning throughout the County, excluding the separated City of Stratford and the separated Town of St. Marys.

The Subject Lands are designated “Agriculture” and “Natural Resources / Environment” on Schedule ‘A’ Land Use Plan to the CPOP (see **Figure 22**). The “Natural Resources / Environment” designation reflects the woodlands on the Annexation Lands located south of Perth Line 29. Section 5 of the CPOP contains Agriculture policies and Section 11 contains Natural Resources / Environment policies.

The CPOP states:

*“According to the Canada Land Inventory, approximately 90 per cent of the total land area in the County has either a Class 1, 2 or 3 soil capability for agriculture. New, non-agricultural growth has been focused in settlement areas with full municipal services, such as Listowel, Milverton and Mitchell.”*

One of the specific purposes of the CPOP is:

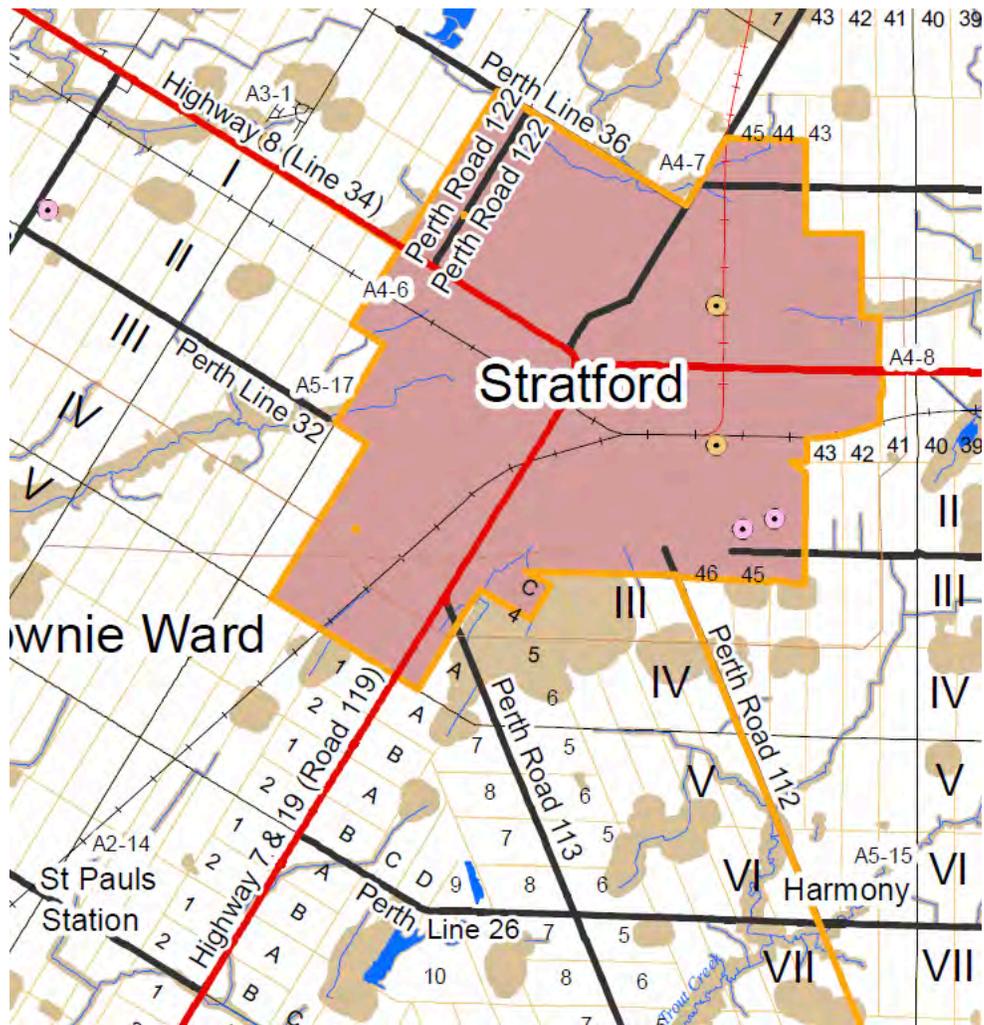
*“to emphasize the importance of agriculture in the County and to establish a policy framework aimed at protecting and preserving Perth County’s excellent agricultural land resource base for the use by present and future generations of farmer for food production”.*

One of the goals of the “Agriculture” designation is to provide agriculture with an area free from conflicting and/or incompatible land use activities, particularly non-farm related development.

The CPOP states:

“The “Agriculture” designation shall mean that areas so designated will be used and developed for farming uses of all types. Farming uses shall include, but are not necessarily limited to, general farming, animal or poultry operations including intensive livestock farms, animal breeding, cash crop farming, specialty cropping, woodlots/forestry, market gardening, aquaculture, orchards, apiaries, greenhouses, horticulture, nurseries, and agricultural research uses.

**Figure 22: County of Perth Official Plan, Schedule A**



*Other uses permitted include secondary farm occupations, home occupations, and bed and breakfast/farm vacation operations that are complementary to and conducted on farm properties; small scale commercial and industrial activities that are primarily and directly related to agriculture and necessary in proximity to farming operations; wayside permit aggregate operations; portable asphalt plants; and limited institutional uses as permitted by specific policies of this Plan". [Section 5.4 – Definition/Permitted Uses]*

*In order to minimize land use incompatibilities in the "Agriculture" designation, the minimum distance separation provisions of MDS I and MDS II shall apply in respect to all new development in the "Agriculture" designation. The minimum distance separation provisions of MDS II shall also apply to the expansion or enlargement of existing livestock and poultry operations. Specific provisions/requirements for MDS I and MDS II will be set forth in the implementing Zoning By-laws for each of the Townships in the County." [Section 5.5.3 – Minimum Distance Separations]*

Section 5.5.5 of the CPOP, titled Woodlots, states:

*"It is a policy of this Plan that all woodlots be retained and that the clearing of woodlots will not be permitted with the exception of any clearing permitted in accordance with the provisions of the County of Perth's Tree Cutting By-law. Where clearing of a woodlot or part of a woodlot area is permitted under the Tree Cutting By-law, it is a policy of this Plan that, at a minimum, an area equivalent in size to that cleared be planted and maintained as woodlot."*

Section 5.5.13 of the CPOP, regarding natural features states:

*"It is a policy of this Plan that agricultural and farming activities be conducted in a manner which preserves, protects, and enhances the remaining natural environment features in the "Agriculture" designation."*

The "Natural Resources/Environment" designation includes:

- (a) Provincially significant wetland areas and adjacent lands;*
- (b) Locally significant wetland areas;*
- (c) Significant habitat of threatened and endangered species;*
- (d) Significant wildlife habitats; (e) Significant areas of natural and scientific interest (Life Science ANSI's);*
- (f) Significant woodlands;*

- (g) *Significant valley lands;*
- (h) *Fish habitat;*
- (i) *Environmentally sensitive areas; groundwater recharge areas; and other natural resource areas; and*
- (j) *Natural watercourses.”*

The lands adjacent to the “Natural Resources/Environment” designation have been shown as an overlay rather than a designation in the CPOP.

There are nine (9) goals associated with the “Natural Resources/Environment” designation.

- “(a) *To identify natural resources/environment features in the County which are of provincial and local significance;*
- (b) *To ensure the long-term protection, conservation, and enhancement of the identified "Natural Resources/Environment" areas;*
- (c) *To protect, preserve, and enhance the various features comprising the "Natural Resources/Environment" designation by prohibiting incompatible development and by controlling and regulating compatible development;*
- (d) *To provide a process whereby development proposals can be reviewed and assessed with respect to their potential impact on "Natural Resources/Environment" areas;*
- (e) *To encourage the re-establishment or naturalization of "Natural Resources/Environment" areas;*
- (f) *To promote the wise stewardship and management of "Natural Resources/Environment" areas;*
- (g) *To encourage co-operation among the County, local municipalities, government agencies, landowners and others involved with natural resources/environment matters;*
- (h) *To protect the remaining forest cover of the County and encourage rehabilitation through management and stewardship initiatives; and*
- (i) *To protect water resources, the County will encourage rehabilitation through storm water management and stewardship initiatives.”*

In the fall of 2018, the County of Perth initiated a comprehensive review of its Official Plan. In July 2019 a Policy Directions Report was prepared as well as a report titled *Official Plan Update – Comprehensive Review prepared by Watson & Associates Economists Ltd.* (“Watson Report”). In August 2019, background studies were received to support the development of a new Official Plan.

The Watson Report states that collectively, *“the County’s supply of designated employment land within its urban serviced area and urban fringe area is sufficient to accommodate employment demand over the 20-year planning horizon at a County-wide level. However, it should be noted that while the County-wide employment land surplus of 44 net hectares (109 net acres) has been identified, an employment area expansion of approximately 25 ha (62 acres) has been identified for the Township of Perth East in the Milverton Urban Serviced Area.”*

## **6.1 Perth County Agriculture and Food Business Retention and Expansion (BR+E): 2012 Survey Findings and Action Plan**

In 2011, the Perth County Economic Development office identified a need to incorporate the Business Retention and Expansion (BR+E) approach to the agriculture and food sector. The goals established were to:

- i. Understand the specific needs, issues, concerns, and challenges of the agriculture and food sector in order to retain existing farm operations and agri-food jobs*
- ii. Identify priorities for supporting the creation and expansion of value-added agriculture opportunities by assisting agriculture businesses access resources needed to help develop new products and reach new markets*
- iii. Develop strategies to support Perth County to achieve job creation goals by identifying labour market issues in the agriculture and food sectors*
- iv. Identify the key barriers to improving the supply and distribution of local food and agriculture products and strategic initiatives to support local food producers”*

From March to July 2012, ninety-seven (97) businesses completed the BR + E survey.

The major farm commodities in Perth County are cattle, dairy, grains, hogs and poultry. Agribusiness companies include grain elevators, farm supply, feed and fertilizer manufacturing and distribution, animal breeding and genetics, post-harvest activities and the distribution and sale of local food. Post 2012, it was noted that the majority of survey respondents wanted to see further

business development and growth, specifically in the areas of local food processing, culinary tourism and value-added agriculture.

The barriers faced by farms interested in adding post-harvest processing or other value-added activities faced similar barriers to those seeking to expand, i.e. the regulatory and approval process and access to capital.

Over 50% of livestock operators surveyed believed that access to a local abattoir would enhance the market potential of their products. In Perth County, there are no abattoirs providing provincially licensed meat processing services. There are however 17 provincially licensed meat plants within 50 kilometres of parts of Perth County. The Action Plan report that resulted from the survey noted that ensuring access to abattoirs will be a key factor in retaining farm and crop diversity.

The Action Plan also states: *“An aging population and relatively slow population growth in Perth County, coupled with the expected future increase in demand for agriculture and food workers means that the County will need to develop strategies for retaining and attracting young workers...”* The Action Plan concluded that the most critical factors related to retaining and expanding agri-food businesses and farm operations will be to: manage rising operating costs (including the rapidly increasing cost of farmland); ensure skilled labour is available for expanding operations; and to gain knowledge and familiarity with navigating the regulatory and approval processes.

The Action Plan report stated that for farm operations, approximately 48% of the operators are planning to expand (2012-2015) and 25% are planning to diversify their operations, either on existing farm parcels or through acquisition of additional lands.

Six (6) goals resulted from the compilation and analysis of the survey data.

1. Lessen the regulatory burdens related to agri-food business development
2. Improve access to local processing services and retain existing processors
3. Agri-Food businesses can source, employ, and train the employees they need
4. Perth County Economic Development office is aware of current trends impacting the competitiveness of local farm operations
5. Increase the capacity for local food supply and distribution
6. An innovative and diverse value-added agriculture industry through Perth County

For each goal, there are several specific actions ranked by level of priority.

## 7.0 City of Stratford Official Plan (“CSOP”)

Section 7.0 sets out the Stratford Land Use Policy framework relating to the annexation and the requested Ministerial Zoning Order. The Subject Lands are located immediately south of Perth Line 29 (formerly known as Gibb Road) which is the current boundary between the City of Stratford and the Township of Perth South.

The lands immediately to the north and west of the Annexation Lands are designated “Industrial Area” in the CSOP (see **Figure No. 23**). The City’s southern Built Boundary is also located directly north of the Subject Lands.

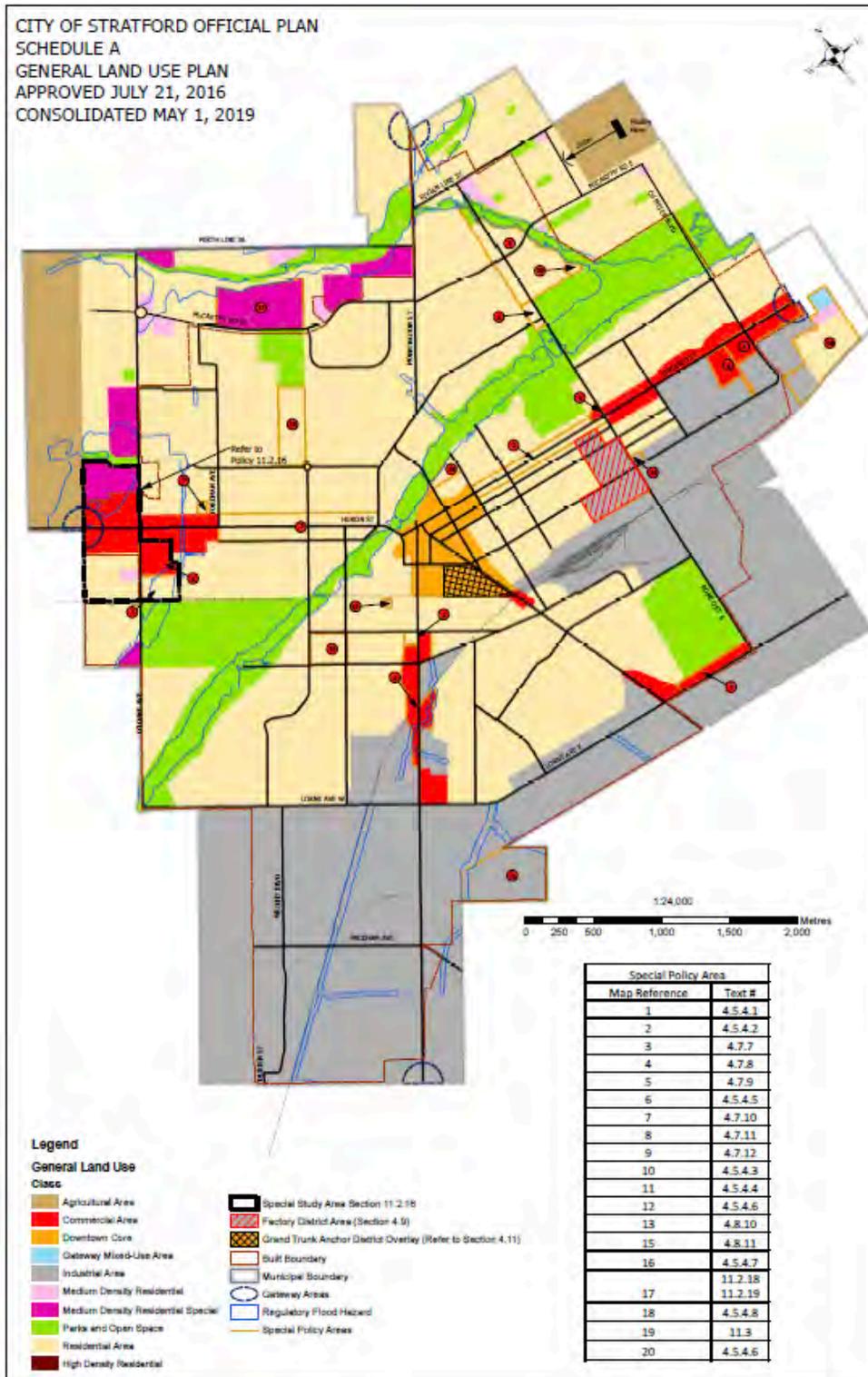
The City’s Community Structure is outlined in Section 4 of the CSOP and it is stated that industrial development is focused in industrial districts in the south end of the City.

Section 3.3 of the CSOP is titled Economic Development and states:

*“The City will continue to maintain and enhance its economic strength and diversity building on its strengths as a light manufacturing and regional industrial service centre; arts, tourism, culture and education centre; and digital media cluster and agricultural centre. In particular, the City will:*

- i) ensure an adequate inventory of designated, zoned and serviced land is available suitable for accommodating the expansion of existing industry and the accommodation of new industry as well as other employment uses;*
- ii) attract industry and other employment uses by having land available at competitive prices, the City may acquire, service and resell land for industrial and other employment purposes;*
- iii) promote the Downtown Core as an important employment area for retail, service, office and entertainment uses;*
- iv) continue to actively promote Stratford as a cultural tourism destination with the Stratford Festival as its central focus and will endeavour to attract new tourism related activities and facilities which complement or do not conflict with its central tourism focus;*

**Figure 2: City of Stratford Official Plan Schedule A**



- v) *protect and enhance the river park system, the Downtown and other elements in view of the importance these elements have on the City's tourism image and their special interest to visitors, as well as in attracting new residents and businesses to the community;*
- vi) *encourage the upgrading of existing accommodation establishments (e.g. hotels, bed and breakfast operations) and promote the establishment of new accommodation establishments and facilities in order to provide the widest variety possible to meet the needs of all visitors to the City; and,*
- vii) *discourage any proposed change in use which results in the encroachment of a sensitive land use towards an existing industry or an industrial area in accordance with the guidelines of the Ministry of Environment."*

Section 4.8 of the CSOP is titled Industrial Areas. This section of the CSOP states that there are two major industrial areas in the City; namely, the 'Erie Industrial Park' located generally south of Lorne Avenue in the south end of the City and the 'Romeo Industrial Park' located south of Ontario Street and east of Romeo Street in the east end of the City.

#### ***"4.8.1 Goals and Objectives for Industrial Areas***

- i) *To encourage the continued development of Stratford as a significant manufacturing and regional industrial service centre, as well as a major centre for a diversified range of other employment uses.*
- ii) *To ensure that areas are available within the City which are highly suited to meeting the requirements of industry and which do not lead to conflicts with neighbouring non-industrial uses. In particular, the City will protect employment areas in proximity to major goods movement facilities and corridors for employment uses which require such locations.*
- iii) *To encourage industrial development which will not make excessive demands on the City's water supply system or generate high volumes of waste water which would discharge into the City's sanitary sewage system.*

- iv) *To maintain the integrity of industrial areas for industrial purposes and to discourage those uses which will be detrimental to industry or which reduce the potential attraction of these areas for future industrial development.*
- v) *To encourage industries to adopt Best Management Practices and in particular to pursue Environmental Management Systems (EMS – ISO 14000). These are voluntary standards designed to assist in achieving environmental and economic gains through effective environmental management systems.”*

#### **4.8.2 Primary Uses**

*In designated ‘Industrial Areas’ on Schedule “A”, the primary permitted uses will be for the manufacturing, assembling, repairing, wholesaling or storage of any goods, substance, article or thing. Warehousing, truck terminals, data processing and building trades are also permitted.*

#### **4.8.3 Secondary Uses**

*Secondary uses may also be permitted in an ‘Industrial Area’ which do not detract from the area for industrial purposes nor which would conflict with existing or potential future industrial uses. These uses include:*

- i) *uses which have characteristics or functional requirements similar to industry including the City’s Landfill Site;*
- ii) *uses (such as outdoor recreation uses) which would potentially conflict with neighbouring uses in other areas of the City;*
- iii) *uses which do not pre-empt the ultimate development of lands for industrial purposes;*
- iv) *motor vehicle sales and service establishments;*
- v) *institutional uses.;*
- vi) *office uses not considered by the City to be appropriate for location in the Downtown Core;*
- vii) *research and development uses; and,*
- viii) *education and training other than elementary schools. Non-essential commercial uses as well as commercial uses which attract a large number of patrons will not be permitted in ‘Industrial Areas’. Such uses will be*

*encouraged to locate in designated 'Commercial Areas' or in the 'Downtown Core'.*

#### **4.8.4 Accessory Uses**

*The following accessory uses may also be permitted in an 'Industrial Area':*

- i) factory retail and wholesale outlets provided they are clearly incidental in terms of space occupied to the industrial use they are related to with such uses generally not exceeding 25% of the total floor area of the industrial use to a maximum size established in the Zoning By-law;*
- ii) uses which provide services for employees and 'Industrial Areas' or which increase the attractiveness of 'Industrial Areas' to industry provided that neighbouring areas designated for commercial purposes are not capable of providing the desired level of service to the 'Industrial Area'. Such uses will be encouraged to develop in groups to form small commercial centres which would serve as a focus for this type of activity within an 'Industrial Area'. All such uses shall be zoned in a separate category in the Zoning By-law which will identify the range of commercial uses permitted and the appropriate development standards and regulations;*
- iii) accommodation or accessory living quarters for persons such as caretakers and security personnel;*
- iv) open storage provided that open storage shall be prohibited in the front yard and yards abutting or across a street from existing or planned residential development, exterior side yards along arterial roads and shall be discouraged in the side yards in industrial areas; and,*
- v) outside display provided that such displays shall be regulated in the zoning by-law based on factors such as the nature of the materials/objects being displayed and the related landscaping.*

#### **4.8.6 Buffering Measures**

*The City will ensure that adequate distance separation and buffering measures will be provided between industry and adjacent non-industrial, sensitive land uses. Required*

*separation distances will be established having regard for the Ministry of Environment guidelines. In addition to minimum separation distances, such measures as fencing and landscaping may also be required. The obligation to provide adequate buffering or similar measures will be on the encroaching land use. Consideration should be given to the effectiveness of separation distances, buffering and other measures against the ability of industry to maintain compliance with air or other emissions approvals issued by the Province. Consideration shall also be given to future industrial processes and abatement equipment that may be contemplated by the affected industry.”*

On April 29, 2019, Stratford City Council adopted *Strategic Priorities 2018-2022*. One section of the document is titled “*Widening Our Economic Opportunities*”. The priority statement is: “*Strengthening Stratford’s economy by developing, attracting and retaining a diversity of businesses and talent*”. Regarding industrial land, the document states that success by the end of this term can look like:

***“Bringing new industrial land to market***

- *Purchasing land*
- *Partnership with developers*
- *A servicing strategy*
- *Infrastructure installation*
- *A marketing plan*
- *Starting new developments”*

Section 5 of the CSOP is titled Environment and Sustainability Strategy. For the purposes of the CSOP, “*environment refers to the natural, built and cultural environments, which include air, soil, water, plant and animal life, social and cultural conditions, buildings or structures or any combination thereof, and the direct or indirect impacts of human activities.*”

The policies within Section 5 of the CSOP establish the basis for the protection of the environment and a framework for sustainable and resilient development. Section 5 of the CSOP contains specific policies regarding natural heritage features, natural hazards, water resources, land adjacent to railways, landfill sites and sewage treatment plants, contaminated sites and petroleum resources.

While the Subject Lands are not currently in the City of Stratford, they are proposed to be annexed thereto and ultimately the City’s OP policies will apply to the Subject Lands. In terms of Natural Heritage Features, Subsection 5.2.2, Natural Heritage Feature Boundaries clause iii) states:

*“iii) Notwithstanding that no significant natural heritage features have been identified in the City, if through further study a significant wetland, significant woodland, significant valleyland, significant wildlife habitat, significant area of natural and scientific interest, fish habitat or the habitat of endangered and threatened species is identified, the policies under 5.2.2 shall apply. The City may request that studies be completed to identify potential presence of natural heritage features in support of an application.*

*When a natural heritage feature is identified, it shall be designated on Schedule B. An Official Plan amendment shall be required for any significant change to the boundary or the deletion or a feature.*

*No development and site alteration shall be permitted within a significant wetland. Development or site alteration shall not be permitted on the adjacent lands to a significant wetland, 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 feature or its ecological functions.*

*Development and site alteration shall not be permitted within or adjacent to a significant woodland, significant valleyland, significant wildlife habitat, or a significant area of natural and scientific interest unless it has been demonstrated that there will be no negative impacts on the features or their ecological functions. Significant woodlands shall be identified using criteria established by the Ministry of Natural Resources and Forestry.*

*Development and site alteration shall not be permitted within fish habitat or the habitat of endangered species or threatened species, except in accordance with provincial and federal requirements.”*

Subsection 5.3.2 of the CSOP addresses the location and limits of Natural Hazards. Subsection 5.3.2 states:

*“Flooding Hazards and erosion hazards within the UTRCA Regulatory Limit shown on Schedule “A” and Schedule “B” comprise those lands primarily associated with the Avon River and its tributaries. These lands are hazardous or potentially hazardous to development and a risk to life and property as a result of their susceptibility to flooding, erosion, subsidence, slumping or inundation. The areas within the UTRCA Regulation Limit are subject to flooding; erosion; wetlands and the area of interference surrounding wetlands are shown on Schedule “A” and Schedule “B” are representative of the hazard mapping of*

*the Upper Thames River Conservation Authority. Their limits will be more precisely determined, in consultation with the Upper Thames River Conservation Authority.*

*An Official Plan Amendment will not be required for minor revisions to the boundaries of Natural Hazards, where such revisions are supported through appropriate technical studies and/or assessments, site plans and/or other plans as required and approved by the Upper Thames River Conservation Authority.”*

Subsection 5.4 is titled Water Resources and it is the intent of the CSOP to protect existing and future sources of drinking water in conformity with the Clean Water Act, 2006 and the Thames-Sydenham Source Protection Plan.

Subsection 5.4.2, titled Thames-Sydenham Source Protection Plan (SPP) Legal Effect states:

*“All planning decisions shall be in conformity with the policies of the SPP, as may be amended from time to time, that address significant drinking water threats in accordance with Section 39 (1)(a) of the Clean Water Act. All planning decisions shall have regard for the policies of the SPP, as may be amended from time to time, that address low and moderate municipal drinking water threats in accordance with Section 39(1) (b) of the Clean Water Act.”*

The policies related to lands adjacent to railways (mitigate noise and vibration on nearby residents), landfill sites and sewage treatment plants are not applicable to the Subject Lands. Further the Subject Lands are not contaminated and are removed from the City’s active petroleum well.