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Edwardsburgh Cardinal Interim Control By-law No. 2021-33 Planning Study

Prepared for: The Township of Edwardsburgh/Cardinal

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Planning Study

**For Lands Subject to
Interim Control By-law No. 2021-33**

Township of Edwardsburgh Cardinal

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1.0 INTRODUCTION

1.1 Background

Johnstown is a historic, industrial village located in eastern Ontario along the north shore of the St. Lawrence River, directly across from New York state. The village was first incorporated in 1850 as part of Grenville County's Edwardsburgh community, establishing itself over the following years as an industrial and multimodal freight distribution hub along the busy St. Lawrence Seaway and Windsor-Quebec City transportation corridor.

Today, Johnstown, located within the Township of Edwardsburgh Cardinal and the United Counties of Leeds and Grenville, is home to a small rural community, major border crossing, Township-owned deep-water seaport, and large industrial area known as the Johnstown Industrial Park (JIP). The river-side village is one the Township's designated Settlement Areas and serves as an important center of economic activity for the surrounding area. The JIP, which includes the only seaway draft port between Montreal and Toronto, serves as the Township's industrial center and primary employment area, as well as an intermodal port and gateway for domestic and foreign commerce. Situated at a major junction between Highways 401, 416, and the Ogdensburg-Prescott International Bridge, as well as along a major CN rail corridor and the St. Lawrence Seaway, Johnstown finds itself in a convenient and advantageous position to capitalize on the seamless access it has to high-capacity transportation infrastructures and the efficient connections they provide to local, regional, and international markets (Figure 1).



Figure 1: Johnstown's proximity to major transportation infrastructure and regional markets (Source: Invest Ontario).

In an increasingly globalized economy with expansive supply chains that rely on the efficient movement of goods, Township Councils, both past and present, have recognized the opportunity to leverage the JIP's strategic position to attract further industry and economic growth, and regularly

support such development through official Council endorsements. This is reflected in the Township's Official Plan (OP), which, through the flexible land use policies of the *Industrial Park Policy Area*, guides and accommodates a wide range of commercial and industrial development in the JIP. Further attracting and facilitating industry growth in the JIP is the park's status as a Certified Site in the Province's Investment Ready Program, a designation which signals to investors that lands are fully serviced (or readily serviceable), free of constraints, have undergone applicable archeological and environmental site assessments, and which, overall, are qualified and optimal for industrial development and operations.



Figure 2: Aerial image of the subject lands and surrounding area.

With the above factors driving interest and accelerating growth in the JIP over recent years, there is a desire from the Township to identify optimal and compatible uses of adjacent vacant lands, east of the Industrial Park, for the purpose of determining their suitability to accommodate future park expansion, and possibly other residential and non-residential uses as well.

Currently, much of the village's residential area is situated east of Highway 16, Johnstown's central north-south artery, consisting almost entirely of detached single-family homes laid out in a grid pattern. Immediately west of Highway 16 is the Prescott Port-of-Entry border facility for the Ogdensburg-Prescott International Bridge, which serves as one of three major border crossings in eastern Ontario. Further west are largely undeveloped, vacant lands and a handful of rural residential properties, most of which are clustered around the south end of the Johnstown Creek and the shoreline of the St. Lawrence River. It is the largely vacant lands located north of the above-mentioned rural residential cluster that are the subject of this study and herein referred to as the subject lands (Figure 2).

1.2 Purpose of the Study

In recognizing the significant locational attributes of the JIP, the future growth and continued success of the JIP is of paramount importance to the Council for the Township of Edwardsburgh Cardinal. Accordingly, in response to recent private developer interest in acquiring vacant development lands near the JIP, and in the absence of appropriate regulatory control, the Council for the Corporation of the Township of Edwardsburgh Cardinal passed Interim Control By-law No. 2021-33 on June 14th, 2021 (Appendix A).

An interim control by-law, authorized under Section 38 of the *Planning Act*, is a powerful tool that has the effect of ‘freezing’ development for a period of time to allow for a planning study to be undertaken. Section 7.2.4 of the Official Plan permits the use of Interim Control as follows:

- 7.2.4.1 *Interim Control By-laws may be passed by Council in accordance with the provisions of Section 38 of the Planning Act for the purpose of controlling the use of land, buildings and structures within specifically identified areas for a specific period of time (i.e. not exceeding one year in length with provision for extending the time period for a total time period of not more than two years).*
- 7.2.4.2 *Prior to passing an Interim Control By-law, it is first necessary for Council to pass a resolution directing that a review or study be undertaken in respect to land use planning policies in the Township or in any area or areas thereof. It is intended that any Interim Control By-law be passed in order to adequately control development in a designated area while the review or study is being completed. Where an Interim Control By-law ceases to be in effect, Council may not for a period of three years pass a further Interim Control By-law that applies to any lands to which the original Interim Control By-law applied.*

Council's passing of the Interim Control By-law No. 2021-33 is intended to provide time for this planning study to be undertaken. The subject lands of this study correspond to the defined area to which the By-law applies, specifically the area designated as the *Future Industrial Park Expansion Area* in the Township's OP, as well as the lands lying west of Highway 416 that are currently zoned *Rural*, as illustrated in Figure 4 and more particularly identified on Schedule A of ICB No. 2021-33.

During the period for which the ICB is in effect, the development of certain new land uses will be prohibited, except as permitted by Section 1 of ICB No. 2021-33, thereby protecting Council's interests in securing the viability of the future expansion lands. It is intended that the present study will inform the land use plan planning policies that are to be implemented for the lands subject to interim control.

2.0 PLANNING DOCUMENTS CONTEXT

2.1 Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest, including policies which promote building strong and healthy communities, managing resources, and protecting public health and safety. The PPS aims to encourage communities that are based on efficient land use, and which are economically strong, environmentally sound, and which foster social well-being.

Section 1.1 of the PPS sets out policies on directing land use to achieve efficient and resilient development patterns. Development is to be based on densities and a mix of uses which efficiently use land and resources, are appropriate for and efficiently use infrastructure, and are supportive of various modes of transportation. Section 1.2 policies provide direction on coordination between various agencies and levels of government in conducting planning, as well as guidelines in achieving optimal land use compatibility where possible. Upper-tier municipalities, in consultation with lower-tier municipalities, shall identify areas of growth and development where population, housing and employment are to be directed, while all planning authorities shall plan for land use compatibility that avoids and/or minimizes potential adverse effects between major facilities and sensitive land uses. Section 1.3 contains policies regarding the provision of an appropriate range and mix of employment, institutional and broader mixed uses to meet long term needs. The PPS states that planning authorities shall plan for, protect and preserve employment areas for current and future uses, and protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations.

Section 2 policies of the PPS pertain to the wise use and a management of resources for their economic, environmental and social benefits and Section 3 relates to the protection of public health and safety through policies which relate to both natural and human-made hazards.

As a whole, the PPS sets out a myriad of provincial interests that are to be considered at the local and regional planning level. All planning directions taken by municipalities shall be consistent with the policy directions set out in the PPS.

2.2 United Counties Official Plan

The Official Plan (OP) for the United Counties of Leeds and Grenville came into effect in 2015. The subject lands, which are generally located west of Charlotte Street, east of the Johnstown Industrial Park, south of Highway 401 and north of the residential area along County Road 2, encompass an area of approximately 116.6 ha (288 ac) and are designated *Rural Lands* on Schedule A of the OP (Figure 3). The Johnstown Industrial Park, located immediately west of the subject lands, is designated *Regionally Significant Employment Area* on Schedule A, while the lands to the south and east are designated *Rural Settlement Area* (Figure 3).

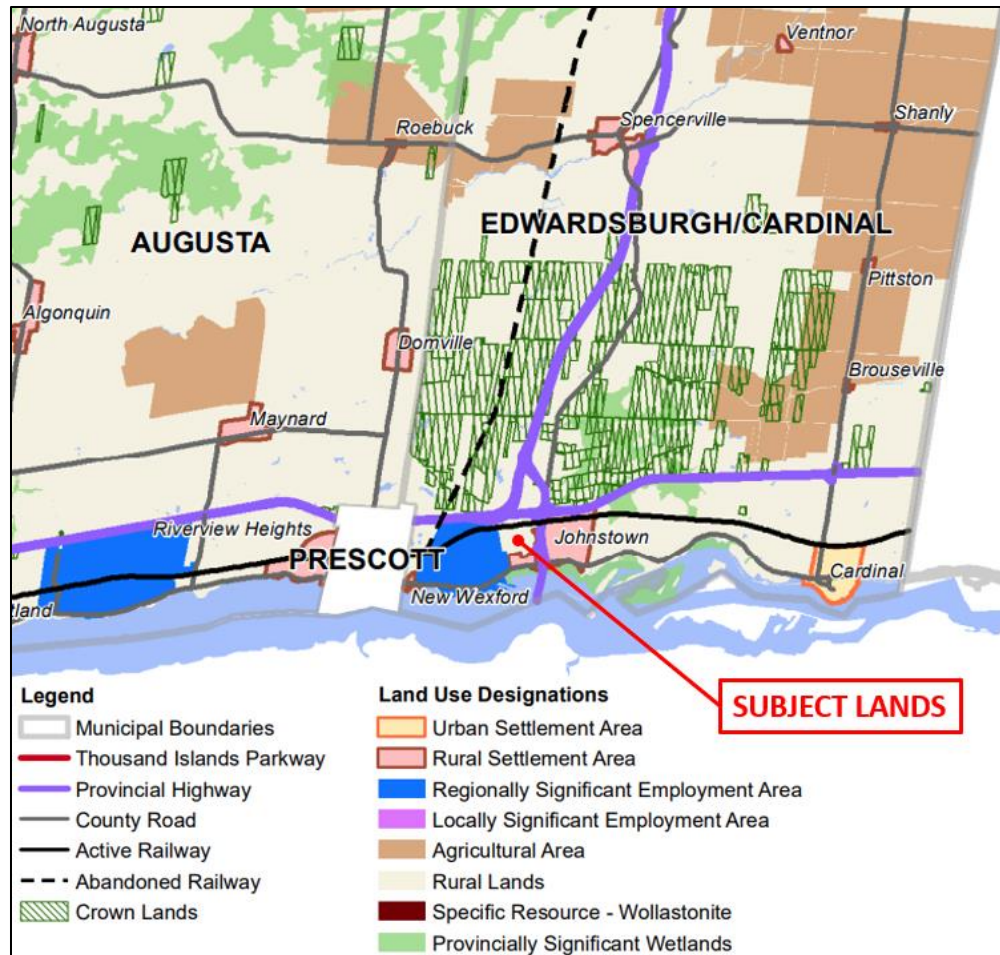


Figure 3: Schedule A extract of the United Counties of Leeds and Grenville Official Plan.

The *Rural Lands* designation generally encompasses non-prime agricultural and rural residential lands in the Counties. The policies of the designation are intended to protect natural amenities and the rural character of the area by constraining the range and scale of permitted uses while also promoting limited development of compatible residential, agricultural, resource-based, and tourist uses. Overall, the core objective of the *Rural Lands* policies is to encourage economic diversification without compromising the existing character of rural communities and long-term viability of agricultural and resource-based activities.

Comparatively, the *Rural Settlement Area* designation generally allows a higher intensity and mix of uses. The designation applies to the Counties' small villages and rural hamlets, including most of Johnstown's residential areas which lie to the south and east of the subject lands. The lands that fall under this designation, as per the policies of the OP, are intended to accommodate residential growth by way of limited intensification and greenfield development. The overarching objectives of the policies are to maintain the rural settlement character of the respective communities, and to enable them to evolve as service and residential centres for the surrounding rural areas, as appropriate. The range of permitted uses vary by area and are subject to the policies of the respective Townships' Official Plans.

The *Regionally Significant Employment Area* designation applies to the entirety of the JIP and other areas of major economic activity in the Counties. This designation is mostly subject to the *Economic Development* policies of the OP, which offer high level guidelines pertaining to the strategic planning, management, and development of employment areas. The policies of the foregoing OP section broadly aim to protect such employment areas for current and future economic activities, and to ensure that they have access to the necessary infrastructure to meet their long-term needs. As it relates more specifically to the JIP and corresponding *Regionally Significant Employment Area*, it is the policy of the OP that areas in proximity to major goods movement facilities and corridors, such as ports and highways, be protected for employment-related uses requiring those amenities. An appropriate mix of employment uses is further encouraged to increase the market competitiveness of those areas and to meet the long-term needs of the Counties. Altogether, the Counties OP recognizes the inherent value and finite nature of the lands contained within this designation given their proximity to major freight transportation facilities and corridors, and the importance of optimizing their use for the long-term benefit of the surrounding communities.

To that end, the Counties promote a proactive approach in managing the supply of land for the above-stated purposes. As stated in section 2.2 of the OP, it is the Counties' responsibility to allocate population and employment growth to the local municipalities based on growth trends, market demand, and their ability to accommodate growth, both from a land availability and servicing capacity standpoint. It is also the Counties' responsibility, along with local municipalities, to monitor growth and ensure that sufficient supply of land is maintained to accommodate it. Given the acceleration in investment, economic activity, and overall employment growth in the JIP over recent years, and the expected population increase that follows such growth, it is in the Counties' best interest to review evolving trends and update development control policies accordingly. Should a need be identified to convert the subject *Rural Lands* to *Rural Settlement Area* and/or *Regionally Significant Employment Area* for the purposes of accommodating employment and population growth, a Counties Comprehensive Review and Official Plan amendment may be triggered under sections 2.5.1 and 2.6.2 of the OP, and carried out in conjunction with a Township Official Plan amendment to implement the necessary changes.

2.3 Township Official Plan

The Township of Edwardsburgh Cardinal Official Plan was approved in 2020. On Schedule A of the OP, the subject lands are designated *Future Industrial Park Expansion Area* and *Rural Policy Area*. The former generally encompasses the northwest area of the subject lands, adjacent to Highway 401 to the north and the JIP to the west, and the latter which covers the central, eastern, and southern portions of the subject lands (Figure 4). Bordering the subject area to the west and south are lands designated *Industrial Park Policy Area* and *Settlement Policy Area*, respectively, while both *Highway Commercial Policy Area* and *Settlement Policy Area* lands are located to the east along Highway 16 (Figure 4). Also bordering the subject lands to the south is the Johnstown Creek, which is designated a *Natural Heritage Resource Policy Area* (Figure 4).

The *Settlement Policy Area* designation applies to all of Edwardsburgh Cardinal's villages and hamlets. These areas, to varying degrees, are residential, employment, commerce, and recreational hubs that are largely characterized by their higher residential density relative to the surrounding rural lands. In Johnstown's case, this designation applies to the entirety of the developed area east of Highway 16, between Highway 401 to the north and the river to the south, and extends a few hundred meters eastward into undeveloped lands (Figure 4). It also includes small clusters of residential development on the west side of Highway 16, directly north of the

Prescott Port-of-Entry border facility, as well as along the banks of the St. Lawrence River and the southern portion of the Johnstown Creek (Figure 4). The OP policies of this designation, as outlined in section 3.0 of the Plan, allow for a range of densities and land uses, including residential, commercial, and industrial uses, subject to compatibility, and designate the lands as dedicated growth areas for the Township. Accordingly, as stated in section 3.1.2 of the OP, the Township aims to have 60% of new development occur in these areas. In promoting diverse uses in the *Settlement Policy Area*, the objectives of the designation's policies are to revitalize the villages and hamlets of the Township and facilitate the creation of sustainable mixed-use communities.

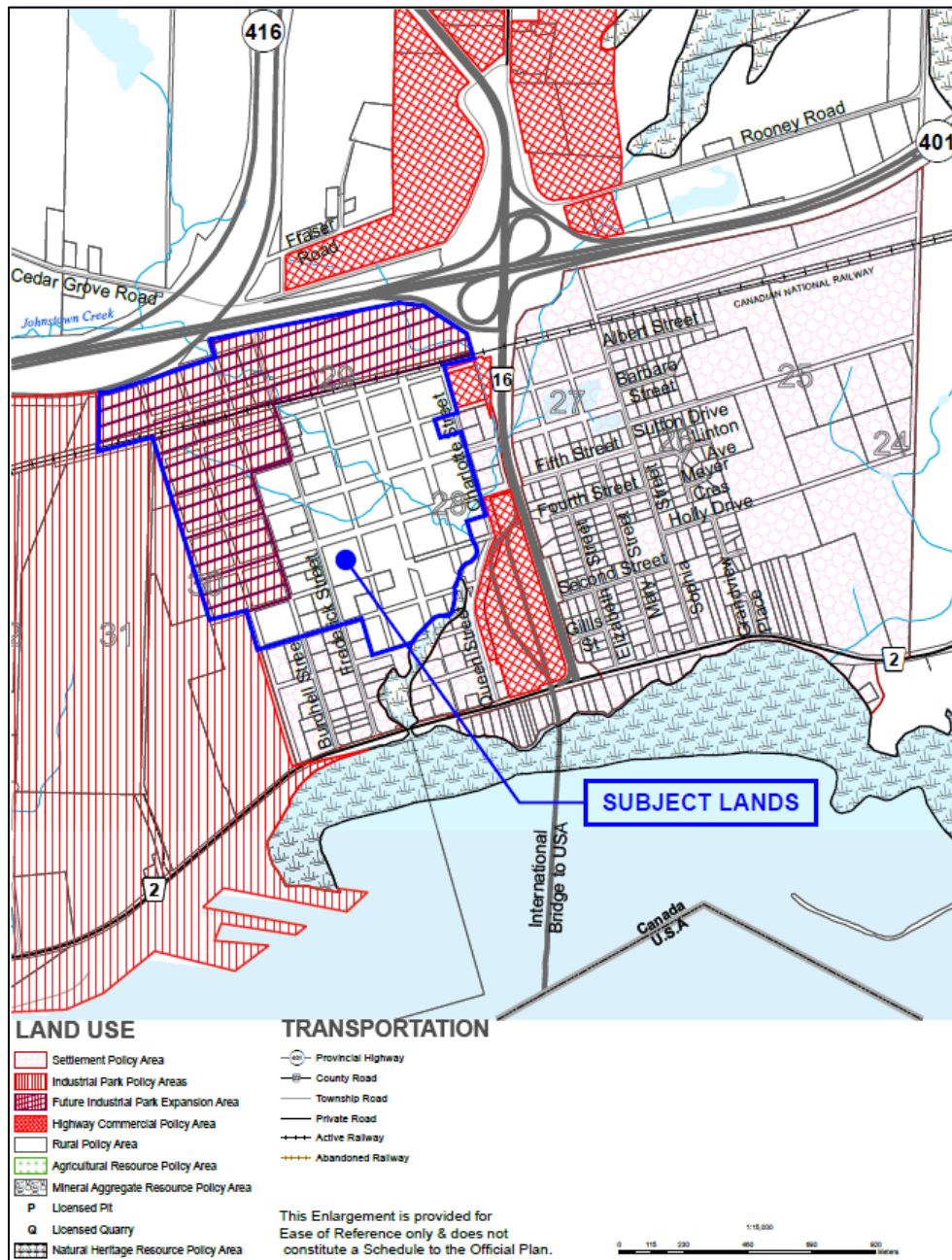


Figure 4: Subject lands within Schedule A of the Township of Edwardsburgh Cardinal Official Plan.

In contrast with other villages and hamlets in the Township, the Johnstown area also contains lands designated as *Highway Commercial Policy Area*, one of the few such areas in the entire municipality. This is mainly due to the village's location at the crossroads of Highways 401, 416, and the international bridge crossing, making it an ideal area for services geared towards local and regional travellers, including truck operators. These designated lands are mostly located immediately north of the Highway 401/16 interchange, with the remainder being a small parcel on the southwest side of the same interchange, as well as the border facility area further south (Figure 4). The policies of this designation, as specified in section 3.3 of the OP, allow for a range of commercial uses, namely uses oriented towards travellers, with the overarching goals of the policies being to optimize use of highway-adjacent lands for transportation-related services, and, by extension, to support local residents and prospective users.

Similarly, due to its unique position at a crossroads of major transportation infrastructure, the Johnstown area contains another distinctive designation: the *Industrial Park Policy Area*. This designation applies solely to the JIP area, located immediately east of subject lands between Highway 401 and the river (Figure 4). As the name of the designation alludes to, the OP generally only permits industrial uses in this area, as well as office and commercial uses that are complementary to, and compatible with, industrial operations. Shaping the policies and planning framework of the area, which can be found in section 3.2 of the OP, are its designation as the municipality's primary employment area, as well as the Township acknowledging that the JIP is in a prime position to attract industry in a growing and dynamic regional economy. As such, the OP's policies and planning framework are designed with flexibility to meet the everchanging needs of the industry and to continue expanding the municipality's employment base.

It is the anticipated growth of industry in the JIP that brought about the new *Future Industrial Park Expansion Area* designation. This designation was added to Schedule A during the 2019 review and update of the OP. The purpose of this new designation is to identify lands being considered for expansion of the *Industrial Park Policy Area* and to serve as an OP reference for the review and implementation of corresponding planning instruments to follow. As per policy 3.2.3.6 of the OP, the Township is to work closely with the Counties to expand the designation area, while uses in the designated lands are restricted to those permitted as of the OP's approval date, February 2020. Pursuant to OP policy 3.2.3.6, a holding zone will be implemented on the designated lands in the new Comprehensive Zoning By-law.

The remainder of the subject lands are designated *Rural Policy Area*, which, in accordance with the *Rural Lands* designation of the Counties' OP, generally only allows limited residential and non-residential development. This designation applies to the majority of lands within the Township and, as specified in section 3.4 of the OP, is intended to both preserve and enhance the rural character of the area through the promotion of complementary and compatible uses. This includes agricultural, conservation and resource-based uses, as well as low-density residential, commercial, and industrial uses. This designation's policies set out to achieve a balance between protection of the environment and its resources, preservation of the rural identity, and diversification of the rural economy. With approximately 55 ha (136 ac) of *Rural Policy Area* within the subject lands, enclosed on all sides by industrial, commercial and settlement areas, as well as by Highway 401 to the north, the consideration moving forward will be whether the *Rural Policy Area* designation remains appropriate and desired for the lands in question.

It is noted that a *Natural Heritage Resource Policy Area* designation lies immediately adjacent to and south of the subject lands. This designation applies to an area of provincially significant wetlands that are found along the St. Lawrence River shoreline, and which extends a short distance from the St. Lawrence River upstream along Johnstown Creek. While the designation does not extend onto the subject lands, it is recognized that the subject lands include localized wetlands areas associated with the Johnstown Creek corridor that bisects the area upstream of the wetland designation.

2.4 Zoning By-law No. 2012-35

The Township's Comprehensive Zoning By-law No. 2012-35 was adopted in 2012 and provides the applicable zoning policies for the subject lands and surrounding area. An extract of Schedule D of the By-law is shown in Figure 5.

The entirety of the subject area is currently zoned *Rural (RU)*, including the lands designated as *Future Industrial Park Expansion Area* in the Township's OP. Under section 10.1 of the By-law, the RU zone permits agricultural and a range of residential uses, including detached dwellings, as well as a select few rural-oriented recreational, service, and commercial uses. The existing land use composition of the subject area is generally consistent with the zoning requirements, comprising mostly of cultivated lands and residential properties. The majority of the few residential properties in the area consist of single-detached dwellings on small rural lots that resemble some of the residential lots found in the Johnstown Settlement Area.

The adjacent lands to the south and east are generally zoned *Residential First Density (R1)* and *Highway Commercial (HC)*, with the exception being the southern portion of the Johnstown Creek, which is zoned *Environmental Protection – Wetland (EP-w)*. As detailed in section 6.1 of the By-law, the R1 zone is almost exclusively dedicated to residential uses, with lot size provisions varying based on the level of servicing (i.e., fully, partially, or privately serviced), while the HC zone, under section 7.3 of the By-law, fully prohibits residential uses and permits a wide range of service, commercial, office, light industrial and recreational uses.

Immediately west of the subject area, the JIP lands are mostly zoned both *Industrial Park (MP)* and *Highway Commercial (HC)*. As previously mentioned above, the HC zone is dedicated to a wide range of non-residential uses, while the MP zone, under section 8.2 of the By-law, permits a large variety of industrial uses, both small and large, as well as other compatible and complimentary service, commercial and office uses.

It is noted that the Comprehensive Zoning By-law No. 2012-35 predates the 2020 Official Plan, and as such, will be repealed when a new Zoning By-law is adopted by Council. The new zoning by-law will reflect the current Official Plan policies, strategies, and objectives.

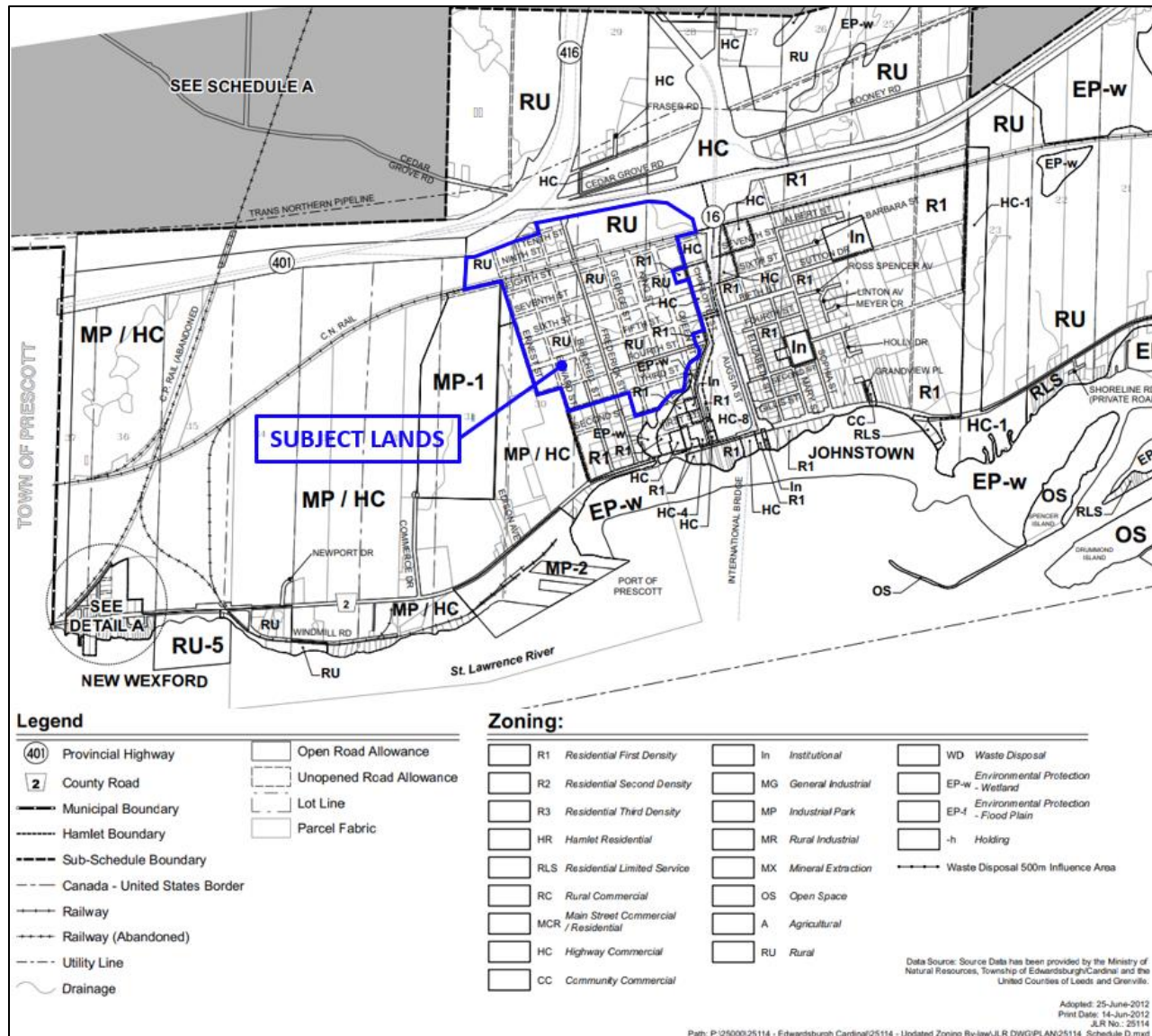


Figure 5: Subject lands within Schedule D of the Township of Edwardsburgh Cardinal's Zoning By-law No. 2012-35.

3.0 EXISTING CONDITIONS

3.1 Land Uses and Lot Characteristics

The study's subject lands, amounting to over 116 hectares of land, is largely made up of undeveloped rural lands, comprising mostly of forested areas, idle rural lands and cultivated fields (Figure 6). The limited amount of developed land in the area is nearly all residential, all of which is situated along Frederick Street, a municipal street that extends northward from County Road 2 to a cul-de-sac near Highway 401 (Figure 6). In total, there are thirteen (13) residential properties fronting the road, each consisting of a single-detached dwelling and some of which also contain large accessory buildings, like detached garages (Figures 7 & 8). The dwelling typology profile along the road comprises of bungalows and two-storey homes that vary considerably in age, ranging from 19th-century farmhouses to post-war homes, similar to what is commonly found

throughout the Johnstown Settlement Area (Figures 7 & 8). An agricultural use property is also located on the subject lands, which, in addition to cultivated fields, contains a single-detached dwelling and accessory buildings, including a large livestock facility, all of which are setback more than 250 metres east of the road.



Figure 6: Existing conditions and use of the subject lands and adjacent areas.

The majority of lots in the subject area, including all the residential properties, are generally small-to-modest in size by rural standards, ranging from 0.15 to 1.70 hectares. The exceptions are the large 14.6-hectare lot located between Highway 401 and the CN Rail corridor, east of Frederick Street, and the irregularly shaped, 8.81-hectare lot known municipally as 35 Frederick Street. The odd shape of the 35 Frederick Street lot and the overall shape and size of most lots in the subject area are attributable to a previous plan of subdivision that established a grid layout over much of Johnstown, as can be seen in Figure 6. The plan, which never fully materialized into development, resulted in large swaths of vacant land being fragmented into a series of square lots, separated by municipally owned right-of-ways (ROW). The ROWs were intended to accommodate future roadways, but Frederick Street remains the only public road within the subject area to this day, while Burchell Street, Charlotte Street and 6th Street abut the subject lands, accounting for the only other roads in the immediate area (Figure 6).



Figure 7: Typical home with detached garage on east side of Frederick Street. Note adjacent field and forested area.



Figure 8: Typical residential dwelling on the west side of Frederick Street with forested area in the background.

The lands designated as *Future Industrial Park Expansion Area* in the Township's OP, which encompass the entirety of the lands north of the CN Rail corridor and the majority of lands west of Frederick Street in the subject area, are nearly all undeveloped, containing only two (2) of the above-mentioned residential properties (Figure 6). The two residences are located north of the CN Rail corridor on the west side of Frederick Street. The remainder of the future industrial lands are generally made up of forested areas, cultivated fields and idle rural lands.

Overall, the land use make up of the subject lands contrasts heavily with its surroundings, namely with regards to density and diversity of uses. The adjacent Settlement Area and Highway Commercial lands to the south and east contain clusters of residential dwellings and a few commercial uses along a handful of streets (Figure 6). Unlike most dwellings in the subject area, where only two (2) residential properties face each other, multiple residences in the adjacent Settlement Area simultaneously front both sides of the street. An even greater density of development can be found in the Settlement Area on the east side Highway 16, where a more expansive and contiguous set of residences permeate a larger network of public roadways, laid out in a similar grid pattern. This area also contains institutional and recreational uses, including a school, park and community centre. The Johnstown Industrial Park to the west of the subject area, on the other hand, differs greatly in terms of land use, as it mostly only contains a range of industrial

uses, including warehouses, a chemical plant, manufacturing plant and wastewater treatment plant on much larger lot sizes. The JIP lands, however, are similar to the subject area in that they contain vast amounts of undeveloped land.

3.2 Roads and Servicing

Due to its sparse development, the subject area contains a very limited amount of municipal infrastructure. Only one public roadway, Frederick Street, bisects the area. It is also the only roadway with a dedicated railway crossing that provides access to the north side of the CN Rail Corridor. The road contains two paved lanes of traffic, one for each direction, and traverses the area in north-south fashion (Figure 6). There are no developed east-west roadways that traverse the subject lands. The eastern extremity of the subject area, however, is bordered by another public roadway, Charlotte Street, but it is currently only accessed by properties outside of the subject area (Figure 6). Similarly, the north end of Burchell Street abuts the subject area at its southwestern extremity, but it does not currently serve any developments within the subject lands. There are opportunities to make use of municipally-owned ROWs to construct new roads or to extend existing ones throughout the area. However, such development would be dependent on a number of factors, including the availability and allocation of capital funds, as well as approval from relevant authorities.

Currently, servicing infrastructure in the subject area is limited to overhead power lines that run along the Frederick Street ROW, which provide power to adjacent properties. There is no water, wastewater or stormwater servicing throughout both the subject lands and the Johnstown Settlement Area. Generally, all properties in the area are privately serviced by individual wells, septic systems and roadside ditches. Only developed lands in the Johnstown Industrial Park are fully serviced, as they are connected to the Town of Prescott's water and wastewater distribution system. There may be opportunities for future developments in and around the JIP area, including within the subject lands, to connect to those services, albeit at a substantial cost.

3.3 Natural Features

The principle natural features in the subject lands are forested areas, localized wetlands and the Johnstown Creek. In fact, much of the dense vegetation and tree canopy are concentrated along the creek's shores and form part of its riparian zone. The creek traverses the lands in meandering fashion from the northwest corner of the area to its southwest corner, where it eventually flows into the St. Lawrence River (Figure 6). Prior to flowing into the River, the southern portion of the creek flows into a protected wetland area which directly borders the southwest extremity of the subject lands (Figure 6). The wetland area is designated as *Natural Heritage Resource Policy Area* in the Township's OP and is zoned *Environmental Protection – Wetland*.

4.0 ANALYSIS AND DISCUSSION

4.1 Development Constraints

Road Network & Site Access

A notable impediment to development in the subject lands is the lack of roadways for site access. Currently, Frederick Street is the only roadway that provides access to lands within the area, while Burchell Street and Charlotte Street provide limited access to lands along the southwestern and eastern peripheries. Large swaths of land within the subject area are located hundreds of metres from the nearest public road, thereby limiting development potential across much of the subject area. It is highly probable that the subject lands, particularly those designated for future industrial use, would require the extension of existing roads into and throughout the subject area and/or the development of new roads. Of important consideration for future development and planned road access is the potential for industrial uses to generate undesirable traffic along residential roadways, such as Frederick Street, Burchell Street and Charlotte Street. A new road dedicated to future industrial uses that bypasses nearby residential areas may be warranted.

CN Rail Corridor & Highway 401

Highway 401 and the rail corridor that traverses the subject area in east-west fashion present major barriers to site access for the lands north of the tracks. The railway, consisting of two tracks, is CN Rail's mainline between Toronto and Montreal, and is used for both freight operations and VIA Rail's passenger services, making it a busy rail corridor that hosts numerous trains per day. Together, Highway 401 and the CN Rail Corridor have the effect of severely limiting access to the lands that lie between them, as well as constraining the size of potential future developments. Currently, the Frederick Street grade-level crossing is the only dedicated rail crossing in the subject lands, with the Highway 16 overpass being the only other crossing in the surrounding area.

Although the Frederick Street crossing presents an opportunity to provide site access to future industrial developments north of the railway, the resulting traffic impacts along the street may conflict with the existing residential uses. As such, alternative access points and/or dedicated railway crossings may need to be considered as part of any future plans to develop the lands north of the railway for industrial purposes. It should also be noted that the implementation of a new railway crossing would require an agreement with CN Rail for construction and maintenance. In addition, Ministry of Transportation interests in protecting the highway corridor and associated permitting requirements with respect to development near Highway 401 corridor and the 401/416 interchange may limit the potential for access to the subject lands and future land use(s).

Fragmented Lots

The lot fabric in the subject area is largely made up of square lots, typically no larger than 1.65 ha, divided by a series of intersecting, municipally-owned ROWs that have the effect of limiting the geometry and size of prospective developments. This can pose considerable limitations for industrial developments that require extensive amounts of land, like those found in the JIP. Land assembly, including municipal ROW closures and the creation of a functional road system, would be necessary to support a practical and efficient use of land.

Land Use Compatibility

Many of the residential properties within and near the subject lands are either within or adjacent to the future industrial lands. This may limit the type and extent of industrial operations possible, as certain facilities and operations may be incompatible with nearby residential uses, as well as other lands containing sensitive components.

Section 6.16.4.2 of the Township OP requires such developments to follow Ontario's Land Use Compatibility Guidelines. The provincial D-Series Guidelines, and specifically the D-6 series relating to industrial facilities, contains industrial categorization criteria that classifies industrial facilities according to their operations and outputs, and provides recommendations for buffers and separation distances between various sensitive and impactful land uses. Under the classification system, Class I facilities are designated as the least impactful and Class III as the most. Depending on the proximity of residences and other sensitive areas, certain segments of the industrial expansion lands in the subject area may be unsuitable for Class II and/or III facilities, or for industrial uses altogether. Further investigation would be required to determine the appropriateness and requirements of industrial development in the area. It should also be noted that additional residential development in the subject area's *Rural Policy Area* could further limit the nature of future industrial uses.

Servicing

As noted in Section 3.2 above, there is no water and wastewater servicing in the subject lands, nor in the Johnstown Settlement Area. Servicing is only available towards the south end of the JIP, specifically around County Road 2 where development is concentrated. Without servicing in the subject area and, more specifically, in the future industrial lands, prospective developers will have to consider private well and septic systems that can meet capacity needs and be appropriately accommodated by hydrogeological conditions on site. However, subsurface conditions may not always be favourable for such systems, and thus have the potential to limit development. Should private servicing be considered, geotechnical and hydrogeological studies will need to determine the suitability of the lands for such solutions.

Natural Features

The presence of watercourses and *Significant Woodlands* in the subject area are noted on Schedule B of the Township OP, particularly in the central, northwest and southwest areas of the lands. As such, development might be constrained in and around these natural features, unless Environmental Impact Studies (EIS) can demonstrate that proposed developments will not negatively impact the natural heritage features or their ecological functions.

Policy Constraints

The type and amount of development currently possible in the subject lands is governed by standard development control policies implemented through Counties, and in large-part, local planning policies. Currently, the RU zone in the Township Zoning By-law that applies to the entirety of the subject lands limits the range of permitted uses. In addition, lot creation by consent is also limited by the Township Official Plan to a maximum of two (2) new lots per original lot, and the creation of three (3) or more lots is only possible through a plan of subdivision. In general, it would appear that future development within the subject lands is significantly constrained by both the

limited range of land uses permitted by the Zoning By-law and the limited opportunity for lot creation, which, given the existing lot and ROW configuration, severely limits any potential for new development.

It is noted that the future industrial expansion lands, however, are slated to be rezoned from *Rural (RU)* to *Business Park Industrial (MBP-h)* and placed in a 'holding zone' in the draft Zoning By-law that is currently underway. The holding zone, as proposed, would prohibit all land uses, except existing uses, and will remain in place until an Official Plan amendment to designate the lands to *Industrial Park Policy Area* is approved. Once the holding provision is removed, the proposed MBP zone will generally allow for industrial, commercial and accessory uses, similar to the MP zone in the current Zoning By-law. The remainder of the subject lands will remain in the RU zone.

Finally, the required redesignation of the future industrial expansion lands in the Township Official Plan from a *Rural Policy Area* to *Industrial Park Policy Area* would also require an amendment to the Counties' Official Plan to redesignate the lands as either *Locally* or *Regionally Significant Employment Area*. Similarly, should the subject lands, excluding the future industrial expansion lands, be considered for conversion to the *Settlement Area* designation, Section 2.5.1 of the Counties' Official Plan requires that a Comprehensive Review be undertaken as part of the designation process, demonstrating a need for expansion of settlement lands to accommodate growth.

4.2 Development Opportunities

Right of Ways & Site Access

Despite the ROWs in the industrial expansion lands being identified as potential development constraints in Section 4.1 above, they also present an opportunity to address the lack of roadways throughout the subject lands and to provide site access for future development. There are around a dozen protected ROWs in the subject area, all owned by the Township, that can be utilized to extend existing roads and/or develop new ones. Additionally, certain ROWs could provide the opportunity for new roads that could be dedicated to industrial development and positioned to avoid residential areas.

Extension of Services

Developed lands in the JIP, which are concentrated towards the south end of the Park, have municipal water and wastewater services through an agreement with the neighbouring Town of Prescott. Although these services are fairly distant from the subject lands at the moment, it is possible that services could be extended closer over the coming years. As development in the JIP gradually extends northward and westward into undeveloped lands, as anticipated, water and wastewater infrastructure will likely follow to provide servicing for new facilities. Presumably, with infrastructure situated closer to the subject area, it will be more feasible to extend services into the future industrial expansion lands from the west, thereby supporting and facilitating new development.

Industrial Buffer Zones

Although the presence of residential dwellings may pose land use compatibility issues for prospective industrial development in some areas, the majority of land parcels in and around the future industrial expansion lands are in fact undeveloped. The expansive swaths of cultivated fields and forested areas bordering the future industrial lands may act as useful buffer zones separating industrial development from nearby residential areas and lessen the potential for conflict between incompatible land uses.

4.3 Discussion

Future Industrial Expansion Lands

The lands designated as *Future Industrial Park Expansion Area* in the Township Official Plan generally appear to be well-suited for the future expansion of the JIP. The lands are directly adjacent to the Industrial Park and are nearly entirely undeveloped, making them ideal candidates to accommodate the JIP's eventual expansion. Supporting the case to redesignate and rezone the rural lands to industrial use is the general lack of competing land uses in the immediate and surrounding area, as well as the various compatible and complementary adjacent uses, such as Highway 416 and the rail corridor. Not only is it ideal logistics-wise and reflective of PPS requirements to situate industrial uses next to major goods movement corridors, but, like many industrial facilities, Highway 416 and the railway are also potential generators of considerable noise and air emissions, making their immediate surroundings ill-suited for sensitive land uses, such as residential uses. Further, the undeveloped rural lands to the south and east of the industrial expansion lands would collectively serve as a useful buffer area for industrial development, providing ample separation from the Settlement Area to the south and enabling a wider range of industrial facilities to be developed under the D-series guidelines.

The biggest limitations to industrial development in the area appear to be the lack of roadways and servicing, as well as the presence of some residences nearby along Frederick Street. Industrial development in the area would require new roads for site access and, depending on both groundwater conditions and the nature of development, possibly the provision of water and wastewater infrastructure as well. The various undeveloped municipal ROWs in the area, as well as existing services in the JIP could potentially support and facilitate the implementation of new roads and servicing. Development would also need to consider nearby residences and make plans to either avoid or mitigate impacts to those sensitive land uses, including mitigation of traffic generation along residential streets. Likewise, the presence of the Johnstown Creek and woodlands in the area would necessitate measures that minimize and/or mitigate negative impacts to natural features and their ecological functions.

Further investigation of the above-mentioned factors is required to understand the full potential, appropriateness and implications of industrial development in the industrial expansion lands. Additionally, an amendment to redesignate the lands from the current *Future Industrial Park* designation to an employment area designation in the Counties Official Plan may require evidence that the expansion lands are needed to accommodate employment growth over the planning horizon despite the amount of vacant land still available in the JIP.

It is worth noting that there appears to be a lack of direction in terms of how the remainder of the JIP will be developed to accommodate future growth, namely in terms of lot fabric and site access, particularly for those lands set further back from County Road 2 and which abut Highway 401 and the railway corridor. It is considered that the balance of the JIP lands, as well as the future industrial expansion lands would benefit from an overall master planning exercise for the area that would guide future development in an orderly fashion to ensure the efficient use of land and infrastructure for the JIP in general.

Rural Lands

The subject lands that fall under the *Rural Policy Area* designation in the Township Official Plan may, in part or in their entirety, be suitable for redesignation to *Settlement Policy Area* at some point in the future. However, there does not appear to be a strong case to do so at the present time. An amendment to the Counties OP to expand the *Settlement Area* would trigger a Comprehensive Review and require evidence that sufficient opportunities to accommodate forecasted growth are not available within the existing settlement areas or identified regional market area. Currently, the Johnstown Rural Settlement Area and the neighbouring Cardinal Urban Settlement Area appear to have ample space in undeveloped greenfields, as well as through intensification and redevelopment opportunities, to accommodate growth. Further opportunities are also available throughout the Counties, including in settlement areas like Spencerville and nearby Kemptville, as well as neighbouring urban municipalities such as Prescott and Brockville, which are not part of the Counties, but which may be considered part of the regional market area.

It is acknowledged that the growth and development landscape in the Counties, as well as across much of Ontario, has undergone an unprecedented shift in recent years, with an acute uptick in housing demand occurring in small towns and communities outside of large metropolitan centres. This may lead to a significant change in the Counties growth forecasts in the coming years and make a stronger case for conversion of the subject rural lands to Settlement Area. However, as of the undertaking of this study, there is no indication that the existing settlement areas are insufficient to accommodate growth in the Counties. As such, given the above circumstances and policy requirements, it does not appear at this time that a Counties Official Plan amendment would be well-supported from a lands needs standpoint. Furthermore, it should also be noted that conversion of the subject rural lands to a settlement area could lead to additional land use compatibility issues for the industrial expansion lands, and potentially limit development options as a result. Thus, conversion of the subject rural lands to settlement area may not be desirable at the Township level, as it may conflict with Council's vision of the JIP's future growth.

5.0 RECOMMENDATIONS

5.1 Official Plan & Zoning By-law

Given the existing conditions of the subject lands, their context within the surrounding community and region, as well as the existing and proposed policy framework, it is the conclusion of this study that no further amendments are required at this time to the Township Official Plan to support the orderly development, long-term growth and vitality of the Johnstown Industrial Park and Settlement Area. The proposed rezoning of the *Future Industrial Park Expansion Area* from *Rural (RU)* to *Business Park Industrial (MBP-h)* with a holding zone, as proposed in the draft Zoning By-law, will effectively prohibit development in the future industrial lands until such time that an Official Plan

amendment is undertaken to redesignate the lands to *Industrial Park Policy Area*, at which point the holding zone could be lifted to enable the orderly growth and development of the JIP.

Additionally, expansion of the Johnstown Settlement Area is not recommended at this time, and therefore, neither is the redesignation of the remaining *Rural Policy Area* in the subject lands to *Settlement Policy Area*. The existing settlement area appears to contain sufficient opportunities to accommodate growth through greenfield development, intensification and redevelopment for the foreseeable future, as do other rural and urban settlement areas in the Counties. Any proposed expansions of the Settlement Area would require an Official Plan amendment and Comprehensive Review at the Counties level, as well as evidence that existing settlement areas in the Counties are insufficient to accommodate growth. It is also noted that conversion of the aforementioned rural lands in the subject area to Settlement Area could lead to land use compatibility issues and constrain development in the future industrial expansion area, which would be counter to Council's desire to protect the JIP's growth and employment prospects.

It is for the above reasons that this study recommends that the Township of Edwardsburgh Cardinal carry forward with no further amendments to the Official Plan as they relate to the subject lands, except as proposed in the draft Zoning By-law

5.2 Conceptual Development Plan

In recognizing the strategic and economic value, as well as the finite nature of the existing JIP lands and the industrial expansion lands that are within the study area, it is further concluded that the remaining undeveloped industrial lands would benefit substantially from a conceptual plan for the development of the subject lands and the balance of the JIP in general. Due to lack of roads and servicing in both the existing and future JIP lands, as well as the variable and fragmented nature of the lot fabric, ad hoc development could potentially lead to the inefficient use of land, and therefore undermine the ultimate growth potential of the JIP.

Conceptual development plans, directed by the strategic direction and policies of Official Plans, seek to achieve the optimal use of land, and bring a more explicit and refined design framework that guide growth in an orderly fashion. They are valuable planning tools that provide tailored growth plans based on the unique context and fabric of a given area, as well as through stakeholder feedback, thereby providing valuable predictability and guidance for all those involved. As such, it is recommended that the Township of Edwardsburgh Cardinal consider undertaking the development of a conceptual development plan for the existing and future lands of the JIP.

NOVATECH

Prepared By:



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Senior Project Manager

Appendix A

Interim Control By-law No. 2021-33

**THE CORPORATION OF THE
TOWNSHIP OF EDWARDSBURGH CARDINAL**

BY-LAW NO. 2021-33

**“BEING AN INTERIM CONTROL BYLAW PROHIBITING THE USE OF LAND,
BUILDINGS AND STRUCTURES WITHIN A DEFINED AREA OF THE TOWNSHIP”**

WHEREAS Section 38 of the *Planning Act* authorizes Council, after having first authorized by by-law or resolution to direct that a review or study be undertaken in respect of land use planning policies in the municipality or any defined area, to pass an interim control by-law prohibiting the use of lands, buildings or structures within the municipality or defined area, except for such purposes as may be set out in the by-law; and

WHEREAS Section 7.2.4 of the Township of Edwardsburgh Cardinal Official Plan permits Council to consider the use of an interim control by-law after establishing a planning justification and demonstrating a need to conduct a review or study of land use planning policies in respect of a defined area; and

WHEREAS the Council of the Corporation of the Township of Edwardsburgh Cardinal passed a resolution on June 14, 2021, directing the municipality to undertake a review of land use planning policies as they relate to all of the lands described on the attached Schedule “A” to this By-law, herein referred to as the “defined area”; and

WHEREAS the purpose of the planning study is to review and assess the land use context and to make recommendations to Council with respect to whether amendments to the Official Plan and/or its implementing Zoning By-law are necessary to reflect a different set of policies and related land uses for the defined area in order to accommodate the orderly development and to support the long-term growth and vitality of the Settlement Area and Johnstown Industrial Park; and

WHEREAS Council has determined that it is in the best interests of the municipality that it pass an interim control by-law to prohibit the use of all land, buildings, and structures within the defined area, except for such purposes as are set out in by-law, until Council has received and considered the results of the planning review and determined whether further amendments to the Official plan and Zoning By-law are necessary;

NOW THEREFORE the Council of the Corporation of the Township of Edwardsburgh Cardinal enacts as follow:

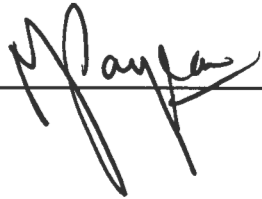
1. Notwithstanding the provision of the Township’s Comprehensive Zoning By-law No. 2012-35, as amended, to the contrary, no person shall use or cause or permit the use of any land, building or structure within the defined area shown on Schedule A for any purpose, except for the following:
 - Existing use, including any construction, alteration or enlargement related to a building or structure accessory to an existing use
 - Agricultural use, excluding buildings
 - Forestry use, excluding buildingsFor the purpose of this By-law, an existing use shall mean a use legally in existence as of the date of the passing of this By-law.
2. That this by-law shall be in effect from the date of its passing for a term of one (1) year unless extended or repealed by Council in accordance with the provisions of Section 38 of the *Planning Act*.
3. The Clerk of the municipality shall give notice of the passing of this by-law in the prescribed manner and to the persons and public bodies containing the prescribed information within thirty (30) days of its passing.

4. This by-law will come into force and take effect on its passing.

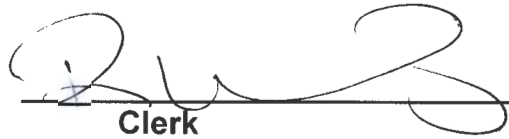
Read a first and second time in open Council this 14 day of June, 2021.

Read a third and final time, passed, signed and sealed in open Council this 14 day of June, 2021.

Mayor



Clerk



Schedule "A" to By-law No. 2021-33

Township of Edwardsburgh Cardinal

