



planning for industrial uses

draft
policy discussion paper

November 2011

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note:

This draft policy discussion paper has been prepared to provide context, stimulate discussion and allow for comment by council, agencies and the public.

A draft direction in a policy discussion paper is a proposal to modify or enhance existing official plan content or propose new official plan content. The draft directions do not necessarily represent the position of the Town of Whitby or changes that may be considered to the official plan.

author:

This policy discussion paper has been prepared for the Town of Whitby by Meridian Planning Consultants with the assistance of GLPi, Metropolitan Knowledge International and C4SE.



GLPi



1.0 INTRODUCTION

An Official Plan is a general land use guide which is intended to provide Council with the basis for making decisions on development applications, changes in land use and community improvements. As set out in the Overview Paper, the Whitby Official Plan Review was initiated in 2007 and in addition to considering changes to Provincial and Regional policy as is required by the *Planning Act*, the Official Plan Review process provides the Town of Whitby with an opportunity to:

1. Re-inforce a number of key policies in the current Official Plan that have worked well and supported desirable development in the right places;
2. Incorporate new policies in the Official Plan that reflect society's desire to foster and encourage the establishment of both a healthy and complete community in Whitby; and,
3. Incorporate new policies on sustainable development that strike a balance between competing environmental, social and economic interests in order to ensure a high quality of life for future generations in Whitby.

The overall intent of the above has at its core the desire to enhance the quality of life for Whitby residents and establishing a very desirable community where residents can live, work and play. It is on this basis that the 'opportunities' identified above are the principal goals of the current Whitby Official Plan Review.

This Policy Paper is about planning for industrial uses, which for the purposes of this Policy Paper includes the employment provided by land uses in the Town's industrial land use designations.

Ensuring that the Town of Whitby has jobs to employ Whitby residents is a key component of both a healthy and complete community. It is on this basis that this Policy Paper reviews the Provincial and Regional policies that have an impact on industrial development in Whitby to determine how Whitby's existing policy framework may need to be enhanced as a consequence. In addition, this Policy Paper reviews the industrial land use designation framework in the Town and other issues, such as the preferred locations for offices and the nature of the uses that should be permitted within each designation. The overall intent of the Policy Paper is to determine whether the Town's industrial policies are consistent with and conform to Provincial and Regional policies while ensuring that there is an adequate amount of industrial land in the right locations and to ensure that the industrial policies themselves support the type of development that is needed in Whitby.

At the conclusion of the discussion on industrial uses, a series of Official Plan directions are recommended. These directions are intended to provide the basis for the modifying of existing Official Plan policy and preparing new Official Plan policy in future phases of the Work Program. The actual wording of any proposed policy enhancements are not

being recommended in this Policy Paper. Instead, the intent is to establish the Direction for discussion purposes first, in the context of this Policy Paper, that would be relied upon in later phases of the Work Program that involve the development of policy.

The above review of the industrial policy framework in the Town of Whitby Official Plan will take Section 1.1.1 of the Provincial Policy Statement into account. This section indicates, *“healthy, liveable and safe communities are sustained by accommodating an appropriate mix of employment (including industrial, commercial and institutional uses) to meet long term needs”*.

2.0 FACTORS THAT HAVE AN IMPACT ON INDUSTRIAL POLICY IN WHITBY

2.1 PROVINCIAL POLICY FRAMEWORK

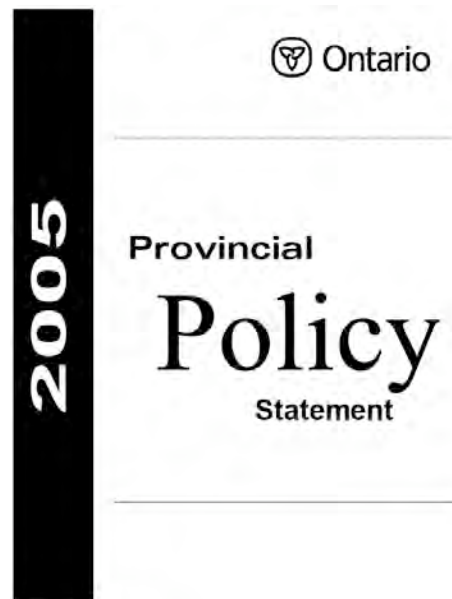
Over the past several years, there have been a number of Provincial policy changes that have had a direct impact on the way municipalities plan for and manage growth. These changes are intended to provide greater control to the upper and lower tier municipalities in terms of achieving balanced growth; and by determining where, when and how certain forms of growth should be implemented.

This section summarizes the overall policy context related to long-range planning for employment (industrial) lands in the Greater Golden Horseshoe, Durham Region and Town of Whitby. Under the *Ontario Planning Act*, the Official Plan policies for lower tier municipalities must conform to both Provincial and Regional plans, and must be based on population and employment forecasts/allocations developed by both.

2.1.1 Provincial Policy Statement

The Provincial Policy Statement, 2005 (PPS) issued under the authority of Section 3 of the Planning Act, provides policy direction on matters of provincial interest related to land use planning and development.

There are a number of policies in the 2005 PPS that have a bearing on the preparation of employment policies. The majority of these policies are contained within Section 1.0 of the PPS (Building Strong Communities) and the following introductory paragraph establishes the basis and context for the policies that follow:



"Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth.

Accordingly:"

The key objectives of the Province of Ontario in the above paragraph are '*long term prosperity*', '*environmental health*' and '*social well-being*'. These objectives are to be met by wisely managing change and promoting efficient land use and development patterns. While there are a number of policies in the PPS that have a bearing on the planning for employment/industrial uses in the Town of Whitby, there are two policies in particular that are very relevant to the current Official Plan Review. The other policies that have an impact on the planning for industrial development are contained within **Appendix 'A'** to this Policy Paper.

The first of the two particularly relevant policies is Section 1.3.1 of the PPS, which was added to the PPS as a new policy in 2005 (such a policy was not contained in the 1997 PPS). Section 1.3.1 is below:

"Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment (including industrial, commercial 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) planning for, protecting and preserving employment areas for current and future uses; and*
- d) ensuring the necessary infrastructure is provided to support current and projected needs."*

Section 1.3.1 indicates that planning authorities 'shall' promote economic development and competitiveness by doing certain things, which are set out in sub-sections a) to d). The use of the word 'shall' means that the policy is mandatory and is required to be met to the greatest extent possible by every planning authority.

Section 1.3.1 a) of the PPS indicates that the Town shall promote economic development and competitiveness by providing for a mix and range of employment uses to meet long term needs. Employment uses come in many forms and include both 'heavy' and 'light' industrial uses.

Section 1.3.1 b) of the PPS indicates that the Town shall promote economic development and competitiveness by providing for a range of suitable sites which support a wide range of economic activities that support a diversified economic base. In addition, Section 1.3.1 b) of the PPS clearly indicates that one of the ways to promote economic development and competitiveness in Ontario is to take the needs of existing and future businesses into account. Section 1.3.1.c) of the PPS also indicates that the Town shall promote economic development and competitiveness by planning for, protecting and preserving employment areas for current and future uses. Section 1.3.1 d) indicates that in addition to making land available for industrial uses, these areas should also be serviced by infrastructure now and in the future to meet expected needs.

The second section in the PPS that is of particular relevance to the Town of Whitby is Section 1.3.2, which was also new to the 2005 PPS. Section 1.3.2 indicates that:

“Planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

Comprehensive review: means

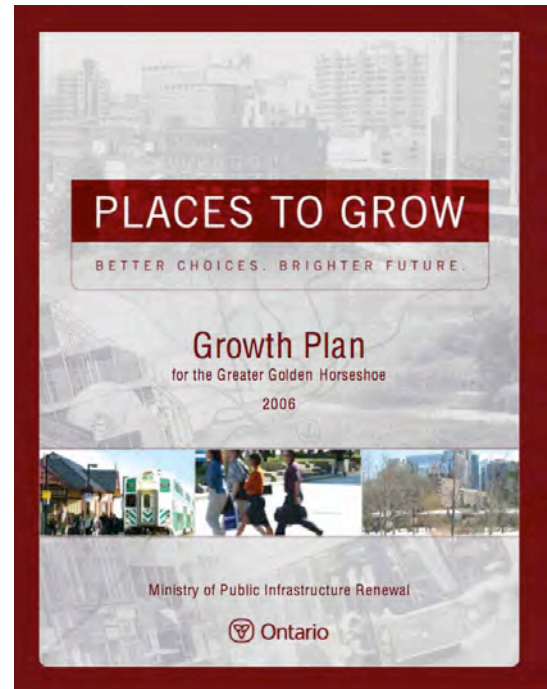
- a) *for the purposes of policies 1.1.3.9 and 1.3.2, an official plan review which is initiated by a planning authority, or an official plan amendment which is initiated or adopted by a planning authority, which:*
1. *is based on a review of population and growth projections and which reflect projections and allocations by upper-tier municipalities and provincial plans, where applicable; considers alternative directions for growth; and determines how best to accommodate this growth while protecting provincial interests;*
 2. *utilizes opportunities to accommodate projected growth through intensification and redevelopment;*
 3. *confirms that the lands to be developed do not comprise specialty crop areas in accordance with policy 2.3.2;*
 4. *is integrated with planning for infrastructure and public service facilities; and*
 5. *considers cross-jurisdictional issues.”*

The above section indicates that it is only at the time of a Comprehensive Review that a conversion may be considered. This new policy is intended to provide the basis for protecting employment lands over the long-term.

2.1.2 Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe has allocated population and employment forecasts to each upper-tier municipality for the planning horizon to 2031. In this regard, the Region of Durham's population is forecast to increase to 960,000 by 2031 while employment is expected to increase to 350,000 over the same horizon, e.g. an annual increase of 2.5% and 2.8% respectively.

The Growth Plan provides policy direction to *“direct growth to built-up areas where the capacity exists to best accommodate the expected population and employment growth, while providing strict criteria for settlement area boundary expansions.”* Policy 2.2.2h) of the Growth Plan requires that population and employment growth be accommodated by *“encouraging cities and towns to develop as complete communities with a diverse mix of land uses, a range and mix of employment and housing types, high quality public open space and easy access to stores and services.”*



Section 2.2.6 of the Growth Plan contains several policies that apply to employment lands. Policy 2.2.6.2 which deals with the promotion of economic development and competitiveness is exactly the same as Section 1.3.2 of the PPS. Section 2.2.6 of the Growth Plan also includes very specific policies on the conversion of lands within employment areas to non-employment uses. This section, as does the PPS, indicates that such a conversion can only occur through a Municipal Comprehensive Review. However, the Growth Plan goes beyond the PPS in that it provides very specific criteria to be considered. Specifically, it has to be demonstrated that:

- a) *there is a need for the conversion;*
- b) *the municipality will meet the employment forecasts allocated to the municipality pursuant to this Plan;*
- c) *the conversion will not adversely affect the overall viability of the employment area, and achievement of the intensification target, density targets, and other policies of this Plan;*
- d) *there is existing or planned infrastructure to accommodate the proposed conversion ;*

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- e) *the lands are not required over the long term for the employment purposes for which they are designated; and,*
- f) *cross-jurisdictional issues have been considered.*

For the purposes of the above policy, major retail uses are considered to be non-employment uses.

Section 2.2.6.9 of the Growth Plan is also of interest to the Town of Whitby given the number of existing and planned 400 series highways in the Town. This section indicates that *“Municipalities are encouraged to designate and preserve lands within settlement areas in the vicinity of existing major highway interchanges, ports, rail yards and airports as areas for manufacturing, warehousing, and associated retail, office and ancillary facilities, where appropriate.”*

Lastly, Section 2.2.6 also directs major office and appropriate major institutional development to urban growth centres, major transit station areas, or areas with frequent transit service or existing or planned higher order transit service. There are no Urban Growth Centres in Whitby, however there is a major transit station area located in Port Whitby, in the vicinity of the GO Station. Another such major transit station area would be the proposed GO Station at the northwest corner of Thornton Road and the extension of Consumers Drive from Thickson Road, with the station being located in the City of Oshawa about 500 metres to the east of the Town of Whitby municipal boundary.

2.2 PLANNING ACT REFORM (BILL 51)

The need for a Municipal Comprehensive Review when an application to convert employment lands to a non-employment land use is clear, according to the Growth Plan. However, changes to the *Planning Act* (Bill 51) that resulted in the inclusion of an “Area of Employment” definition within the Act also have to be taken into account. Section 1(1) of the *Planning Act* now indicates that an Area of Employment is:

“an area of land designated in an Official Plan for clusters of business and economic uses including, without limitation, the uses listed in Sub-Section (5), whereas otherwise prescribed by regulation.” Sub-Section (5) indicates “the uses referred to in the definition of area employment in Sub-Section (1) are:

- a) *manufacturing uses;*
- b) *warehousing uses;*
- c) *office uses;*
- d) *retail uses that are associated with uses mentioned in clauses a-c;*
and
- e) *facilities that are ancillary to uses mentioned in clauses a-d.”*

The inclusion of the term “Area of Employment” in the *Planning Act* has a number of implications on planning policy in the Town of Whitby. The most significant of these is

that an application to remove lands from an area of employment cannot be appealed to the Ontario Municipal Board, if the application is refused, according to Section 22 (7.3) of the *Planning Act*.

2.3 THE PLANNING FOR EMPLOYMENT IN THE GGH (GREATER GOLDEN HORSESHOE) BACKGROUND PAPER (2008)

The purpose of the study was intended to stimulate discussion and to clarify the Province's policy intentions with respect to protecting employment in the GGH. The paper includes a number of important "strategic proposals" related to the ways and means that the Province and municipalities may work together to establish more robust policies and guidelines to plan for, and protect employment lands for future generations.

It is noted in this paper that the document to be relied upon in projecting land needs is the 1995 document produced by the Province entitled Projection Methodology Guideline: A Guide To Projecting Population, Housing Need, Employment and Related Land Requirements. This paper divides employment uses into three categories - Major Office, Employment Land Employment and Population Related Employment.

The Growth Plan defines **Major Office Employment** as freestanding buildings that have in excess of 10,000 square metres of floor space, or where 500 jobs are located. The Growth Plan directs Major Office uses to Urban Growth Centres and major transit corridors. In the context of the Town of Whitby, the prospect of any major office structures being built that is larger than 10,000 square metres (or employing 500 or more employees) is relatively unlikely. However, the potential does exist for such development to be attracted to Major Transit Station Areas – such as the GO Station in Port Whitby.

In the Town of Whitby, as in the rest of the Region of Durham, the development of "office" employment is likely to be realized through the construction of smaller, ground-oriented business centres and/or low-rise professional buildings. While some of this development could occur within the downtown areas of Whitby and Brooklin (or adjacent to key medical and post - secondary facilities), there continues to be a strong market orientation across the Greater Toronto Area to develop smaller office building/professional centres along major arterial roads either within or adjacent to key employment/industrial areas.

The **Employment Land Employment (ELE)** category, as identified by the Province, is intended to apply to manufacturing, processing, warehousing and distribution related uses that typically occur within traditional industrial areas, and are usually sited away from major roads and other high profile locations. Service employment uses also fit into this category with these uses supporting Employment Land Employment Uses including copy shops, restaurants, banquet halls, hotels, convention centres, and other like supporting uses. Much of the employment on industrial lands in Whitby would be considered ELE.

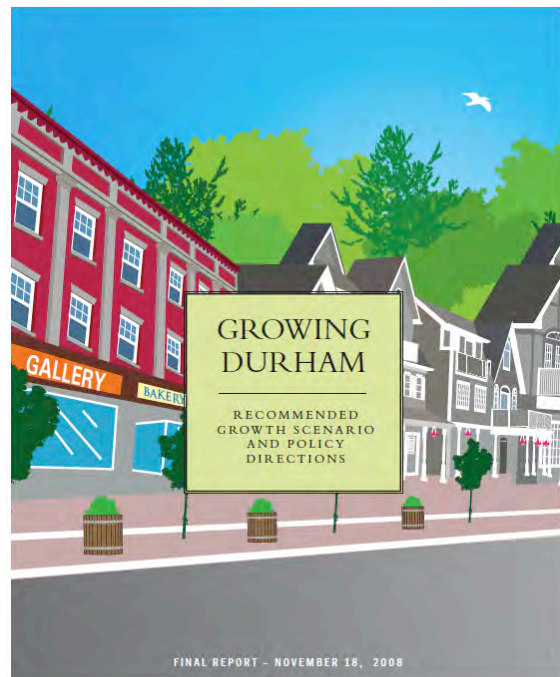
The **Population Related Employment (PRE)** category includes uses that clearly serve the population along with the needs of the travelling public. Examples of these uses include supermarkets, grocery stores, banks, automotive sales and service, real estate offices, insurance brokers, pharmacies, medical clinics, restaurants, dry cleaners, daycares, convenience stores, appliance stores, large retail warehouses as well as large regional shopping centres. In PRE classified areas, the principle use is retail and other commercial uses that are oriented toward personal services, although there may be residential permissions.

It is recognized that Population Related Employment uses are also located in Employment Areas as well, but to a lesser degree. Broadly speaking, these are uses that the population relies upon for their daily or not so daily needs. These are not uses that are typically relied upon by Employment Land Employment uses (i.e. local area businesses or their employees) to support their daily operation or function. It is recognized however, that employees within Major Office and Employment Land Employment Areas will visit or rely upon these population related uses if it is convenient to do so. As a result, there is some blurring between the functions, since Population Related Employment uses do not solely serve the existing population. Similarly, service uses in Employment Areas do not always serve solely the Employment Land uses around it.

2.4 REGIONAL GROWTH ALLOCATION

Based on an assessment of the Provincial allocations as well as a local area analysis, the Recommended Growth Scenario in *Growing Durham* estimated initially that Regional employment will increase to 375,000 by 2031 (instead of the 350,000 allocated by the Province). On the basis of this projection, the Region allocated this employment to the various area municipalities.

As per the regional allocation, Whitby's employment is forecast to grow to over double the 2006 figure of 36,604, with the addition of 39,505 jobs between 2006 and 2031. Whitby employment land needs are estimated at 505 net hectares, based on an existing employment lands supply of 498 net hectares, the assumption that approximately half of the projected employment growth will occur on employment lands, and an average employment density of 40 employees per net hectare (it is noted that the Ministry of Municipal Affairs in their staff report on ROPA 128 supported a gross density of 27 jobs per gross hectare (37 jobs per net hectare).



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According to the projection, of the 39,505 new jobs forecast for Whitby over the next 25 years, the majority are attributed to industrial sectors (53%), followed by commercial/retail employment (28%), institutional employment (11%), work at home jobs (6.3%), no fixed place of work jobs (0.9%), and primary jobs (0.1%).

Growing Durham also provides guidelines for the development of Employment Areas, employment corridors, and major office uses and proposed a Regional urban structure for area municipalities to accommodate the allocated population and employment growth.

The employment forecasts prepared by the Region, were altered just prior to the Region's adoption of ROPA 128. Instead of projecting 375,000 jobs in Durham Region by 2031, the Region modified its projections, at the request of the Province, to 350,000 jobs by 2031. To account for the 25,000 job disparity between the Region's original projections and those of the Province, a new Section (Section 7.3.4) was inserted by the Region into their Official Plan at the time of the adoption of ROPA 128. This section recognized the potential for the Region to accommodate an additional 25,000 jobs by 2031. This Section allowed for an additional 5,700 jobs to be forecast for the Town of Whitby by 2031.

The revisions made to the employment forecasts by the Region and the Ministry of Municipal Affairs and Housing (MMAH) have had an impact on the employment projections for the Town of Whitby. Instead of the initially projecting 39,505 new jobs for Whitby between 2006 and 2031, the Region now expects the Town to receive an additional 34,706 jobs by 2031. The actual employment allocation to the Town of Whitby was also the subject of a Non-Decision by MMAH and the Province has also refused to approve Section 7.3.4. It is noted that the MMAH has also not made a decision on the residential allocation as well (as of October 2011).

In terms of providing direction on how urban areas should be planned in the Region of Durham, Section 7.3.9 of the Region's Official Plan indicates that urban areas shall be planned to accommodate a minimum of 50% of all forecast employment in designated employment areas. This implies that the 50% of the jobs would appear to be in the industrial category, since 80,000 of the 168,000 forecasted jobs are in that category. This also means that the new commercial and retail jobs and new institutional jobs are not intended to be located in "*industrial areas*".

2.5 CENTRES AND CORRIDORS IN THE REGIONAL OFFICIAL PLAN

The Region of Durham Official Plan, as amended by ROPA 128 designates 3 Regional Centres in Whitby. These centres are located in the general area of Brock Street/Dundas Street, Brock Street/Taunton Road and Baldwin Street and Winchester Road. According to the Regional Official Plan, Regional Centres are to develop "*as the main concentration of commercial, residential, cultural and government functions in a well designed and intensive land use form, within Urban Areas.*"

The Regional Official Plan (modified by ROPA 128) contains specific policies regarding Regional Centres. According to Section 8A.2.2, Regional Centres:

- i) *shall be planned and developed in accordance with Policy 8A.1.2 as the main concentrations of urban activities, but generally at a smaller scale than Urban Growth Centres, providing a fully integrated array of institutional, commercial, major retail, residential, recreational, cultural, entertainment and major office uses. Generally, Regional Centres shall function as places of symbolic and physical interest for the residents, and shall provide identity to the area municipalities within which they are located;*
- ii) *shall support an overall, long-term density target of at least 75 residential units per gross hectare and a floor space index of 2.5, within the Lake Ontario Shoreline Urban Areas. The built form should be an appropriate mix of high-rise and mid-rise development, as determined by area municipalities.*

On the basis of the above, it is noted that the Region expects 'Major Offices' to be located in Regional Centres, which means that they are not encouraged to locate in other areas, except Urban Growth Centres. This is supported by Section 8C.2.12 of the Region's Official Plan.

A future freeway (Highway 407 extension) and freeway connection between Highway 401 and the Highway 407 are identified on Schedule C – Map 2 of the Region's Official Plan. A series of future highway interchanges are also identified on this map. In addition to Provincial Highways, Taunton Road, Thickson Road, Lakeridge Road and Brawley Road have been identified as Type A Arterial Roads. A series of Type B Arterial Roads are also identified within Whitby. A commuter station and a series of transit spines have also been identified in the Region's Official Plan.

Corridors form the key connections between Centres and are considered the main arteries of the Region's urban structure. They provide for the movement of people and goods between the Centres to support their vitality. According to Section 8A.1.5

“Corridors shall be developed in accordance with the principles contained in Policy 8.2.1 and the following:

- a) *promoting public transit ridership through well designed development, having a mix of uses at higher densities;*
- b) *sensitive urban design that orients development to the corridor, complemented by the consolidation of access points;*
- c) *maintaining and enhancing historical main streets by integrating new forms of development with existing development; and*

- d) *preserving and enhancing cultural heritage resources.*”

According to Section 8A.2.9

“Regional Corridors shall be planned and developed in accordance with Policy 8A.1.5 and the relevant Policies of the underlying land-use designation, as higher density mixed-use areas, supporting higher order transit services and pedestrian oriented development. The Regional Corridors shall provide efficient transportation links to the Urban Growth Centres and Regional Centres as well as other centres in adjacent municipalities. Portions of Regional Corridors with an underlying Living Area designation, which are identified as appropriate for higher density mixed-use development in area municipal official plans, shall support an overall, long term density target of at least 60 residential units per gross hectare and a floor space index of 2.5. The built form should be a wide variety of building forms, generally mid-rise in height, with some higher buildings, as detailed in area municipal official plans”.

Brock Street and Portions of Dundas Street and Taunton Road are designated as Regional Corridors. In addition, Victoria Street, Baldwin Street, Portions of Winchester Road, Dundas Street, Taunton Road and Columbus Road are also identified as Regional Corridors. For those portions of the Regional Corridors that are located in employment areas, the Region’s policies would support higher density employment uses in a manner that complements other development along the corridor.

2.6 MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING (MMAH) COMMENTS ON ROPA 128

As noted previously, the MMAH has been a very active participant in the Growing Durham process. Regional Official Plan Amendment 128 (ROPA 128) was intended to bring the Region’s Official Plan into conformity with the Growth Plan for the Greater Golden Horseshoe. As part of their approval, the Ministry of Municipal Affairs and Housing (MMAH) issued a report outlining reasons for their decision. This section reviews the MMAH’s decision with respect to Employment Areas.

As part of their approval, the Province approved the West Whitby Secondary Plan based on the following justification:

- a) The major natural heritage and water resource systems have already been identified and are protected by the Greenbelt Plan, these lands are considered “whitebelt” and have been contemplated by the Province for future urbanization;
- b) These lands are contiguous to the existing urban area and are accessible for servicing with marginal extension of services;
- c) Through the completion of the 407 East EA and associated highway north-south connections, it has been determined that this area will be in close proximity to the

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- future highway and north-south link, which is a key factor for locating new employment lands; and,
- d) There is room for marginal growth within the Region; this growth is compatible with the surrounding area.

The approval by the Province of the West Whitby lands for urban development is significant for the Town of Whitby, as a significant amount of new employment land will be established as a consequence.

With respect to Durham's Employment Lands needs analysis, the Province found that the Region had overestimated its need for future employment lands. A variety of factors were raised by the Province as contributing to the Region's overestimations e.g. use of a vacancy factor for employment lands.

As part of ROPA 128, approximately 61 hectares of land was to be redesignated from "Employment Areas" to "Living Areas" in the vicinity of Conlin Road and Anderson Street in Whitby. The lands subject to this redesignation are located adjacent to an area on the northwest corner of Anderson Street and Conlin Road comprising 25 hectares, which were to be converted through Regional Council's adoption of ROPA 114 (currently the subject of an appeal to the OMB by the Province). The Province believes these lands form part of a significant Employment Area; are strategically located adjacent to the future Highway 407 East Link; and benefit from surrounding employment lands and natural buffers. Pending the upcoming OMB hearings, the Province has issued a non-decision with respect to the conversion of these lands.

With respect to including additional employment forecasts that would provide for more employment than allocated to the Region by the Growth Plan (Section 7.3.4), the Province has refused to allow such an inclusion as they feel that the Region should follow the population and employment forecasts contained in Schedule 3 of the Growth Plan e.g. 350,000 jobs for Durham Region. A non-decision for the Population, Employment and Household Forecasts for Lakeshore Municipalities derived from the Growing Durham Study was also issued by the Province. The MMAH has identified a number of concerns with this study and consequently is not in a position approve these numbers until their concerns are addressed by the Region.

While the Region was not proposing to permit residential uses within their Employment Areas, the MMAH determined as part of their review that other sensitive uses have been permitted as an exception (Policy 8C.2.2). Sensitive uses are defined in ROPA 128 as, "*uses such as residences, senior citizen homes, elementary & secondary schools, day care facilities, provincial hospitals, places of worship and other similar institutional uses, and recreational uses that are deemed by an area municipality to be sensitive.*" The MMAH believes that sensitive uses, such as those defined by the Region, should not be located within Employment Areas; rather, such uses should be directed to the Living Areas. Through further discussions with Regional staff, the MMAH has agreed that whereas certain sensitive uses, such as residential, senior citizen

homes, elementary and secondary schools, and places of worship shall not be permitted in Employment Areas, some flexibility could be made to permit uses as provincial hospitals and recreational uses. This resolution was reflected in Modification #52.

The MMAH also noted that the list of permitted uses in Employment Areas focused on uses that require separation from sensitive uses and access to high order transportation facilities. The list of permitted uses also included 'offices' and 'business parks'. Modification #51 qualifies that offices and business parks be encouraged to locate along Regional Corridors (as discussed previously).

Modification #57 was made to ROPA 128 by the MMAH to re-instate policies relating to Business Parks that were initially proposed to be deleted. These policies indicated primarily that the overall amount of office development allowed in Business Parks shall be such that it does not adversely affect centres (Section 8C.2.12). The Province believes that these policies provide greater direction regarding Business Parks and help to ensure that Employment Areas do not detract from the 'major office' share of employment growth intended for the downtown Oshawa and downtown Pickering Urban Growth Centres and the Region's hierarchy of centres and corridors.

Recognizing the importance of identifying certain strategic lands for employment uses, once they become part of the urban area, a new policy has been inserted into the Region's Official Plan by the Province. This new policy reads, "*The Region recognizes the long-term economic importance of designated Employment Areas and associated highway infrastructure for employment uses. Subject to Policy 7.3.11 and a comprehensive review of this Plan, lands in the vicinity of associated highway infrastructure should be designated for employment purposes that rely on this infrastructure once they are deemed to be within the Urban Area.*" The Province believes this policy is consistent with the Growth Plan Policy 2.2.6 while ensuring that lands are not designated beyond the 20 year planning horizon in accordance with both the PPS and Growth Plan. This means that any 'new' urban lands in Whitby that abut the 407 'should' be designated for employment purposes as per Section 2.2.6.9 of the Growth Plan.

ROPA 128 has been appealed to the OMB, meaning that the modifications made to ROPA 128 by the Province remain subject to the outcome of any OMB hearing.

2.7 TOWN OF WHITBY ECONOMIC DEVELOPMENT STRATEGY

The Whitby Economic Development Strategy was completed in 2010 and was prepared to provide the basis for increasing the economic competitiveness of the Town. The strategy provides an overview of the Town's current economic situation and focuses on 8 key strategies aimed at growing, diversifying, and sustaining Whitby's overall economy. If implemented, recommendations within this document have the potential to influence the growth and future outlook of the municipality. The implementation plan

prepared as part of the strategy lists a series of goals (short, medium, long-term and ongoing) and responsibilities for the strategy's realization.

Key areas of focus in the Economic Development Strategy include the development of increased office space along major transportation routes, the expansion and preservation of industrial lands from incompatible (retail) uses, accommodating multi-tenant industrial buildings and downtown redevelopment including intensification, mixed-use and heritage preservation. The strategy also encourages post-secondary and cultural facilities to locate within the downtown. Creating a competitive and more attractive business environment and capturing emerging green industries are also key elements of the Whitby Economic Development Strategy.

There are a number of specific recommendations in the strategy that will need to be considered in the Official Plan Review as set out below:

Item #	Recommendation	Response
1	Maintain an adequate supply of available serviced land.	The Region of Durham through ROPA 128 has gone through an exercise of determining how much land is required for employment purposes in the Region. No new employment land was recommended for the Town of Whitby as part of this process. However, new employment lands were added to the Town's land supply in West Whitby, with the support of the Ministry of Municipal Affairs and Housing as discussed in Section 2.5 of this Policy Paper.
2	Investigate incentives to encourage development of major central areas and revitalization of the downtowns.	Incentives have been identified as a potential means by which development could be encouraged in certain parts of the Town. It is noted that OPA 90 included a new section in the Official Plan which provided the basis for the consideration of incentives to encourage development in the Town's intensification areas, which include the major central areas and the downtowns identified in the Economic Development Strategy.
3	Encourage high density office development (potentially head office type development) in the Highway 401 corridor and in the vicinity of Highway 407/Lakeridge link.	The policies of the West Whitby Secondary Plan (as discussed in Section 3.2.4 of this Policy Paper) do permit high density office development in the vicinity of the Highway 407/Lakeridge link. However, while the Official Plan does contain these

Item #	Recommendation	Response
		<p>permissions, the potential for high density office development along this corridor is limited, given that the Region of Durham is not a location for this type of development generally within the Greater Toronto Area. This issue is discussed further in Section 3.2.4 of this Policy Paper, which deals with office priority areas. It is also noted that the Region's Official Plan as modified by the Province directs high density office development to Urban Growth Centres, Regional Centres and Regional Corridors.</p>
4	<p>Ensure that Official Plan and zoning provisions plan for, and protect the "West Whitby" lands in proximity to the extension of Highway 407, and the Lakeridge link to Highway 401 for:</p> <ul style="list-style-type: none"> a. Prestige industrial/office type uses b. Meeting future demand for larger lot industrial land development c. Additional opportunities for multi-tenant industrial spaces d. Eliminating the possibility of these lands being used for retail type uses e. And ensuring high quality developments and facades (especially facing the link) through the use of landscape and building design guidelines. 	<p>These recommendations are similar to the one made in Item 3 above. The issue of providing for and protecting for office development is discussed in Section 3.2.4 of this Policy Paper. With respect to multi-tenant industrial spaces, the policies of the Official Plan currently do not prohibit this kind of development and it is anticipated that this kind of development would continue to be permitted in the Town. With respect to retail uses, the Region of Durham Official Plan (as amended by ROPA 128) now includes caps on how much retail can be developed in employment areas. This issue is discussed in Section 3.3 of this Policy Paper. Lastly, the recommendation that there be a higher standard of landscaping along 400 series highways is dealt with already in the Official Plan through the Business Park designation, which is only applied through the Secondary Plan process. Section 3.5 of this Policy Paper discusses this issue and recommends that the Business Park policy framework be applied to all lands that abut a 400 series highway, irrespective of the land use designation.</p>
5	<p>Protect "West Whitby" lands (along high visibility Highway 407 and Lakeridge link) that are preserved for prestige</p>	<p>See comments above in Item 4.</p>

Item #	Recommendation	Response
	industrial/office type uses, and provide a sufficient longer term supply of larger lots for light industrial land development.	
6	That an Official Plan objective be established to support the development of Downtown Whitby as the arts and cultural centre of Whitby and area.	The current Official Plan already permits a wide range of uses in Downtown Whitby. However, as is discussed in the Planning for Commercial Uses Policy Paper, there is merit in highlighting the desire of the Town to establish Downtown Whitby as the arts and cultural centre of Whitby and potentially the surrounding area.
7	That the Town initiate a major downtown mixed use redevelopment project to serve as an anchor and major stimulus to signal confidence and to create an investment momentum. It could involve both the public and private sectors in its development, and should establish a leading architectural example of the density and quality of development expected in the Downtown, yet respects the heritage and history of Downtown. Uses could include private offices, arts/culture and performing arts centre, at grade retail, Whitby Town Hall administrative offices, and a faculty or department from both Durham College and UOIT.	Such a development could only occur on lands owned by the Town or in partnership with a private landowner. The Town's Official Plan already permits all of the uses identified in this recommendation. Moving the Town Hall and establishing uses that are associated with Durham College and UOIT are decisions that have to be made outside of the Official Plan context.
8	Examine the establishment of a heritage conservation district designation for Downtown Whitby.	The Town has already initiated the discussion on this item as set out in the Policy Paper.
9	Through the current Official Plan Review, eliminate the potential for retail uses from occurring on currently undeveloped industrial lands.	As discussed above, the permissions for retail uses will need to be reviewed as part of the Official Plan Review to ensure conformity with the Region of Durham Official Plan as amended by ROPA 128. This issue is discussed in Section 3.3 of this Policy Paper.

Item #	Recommendation	Response
10	<p>The Official Plan and zoning provisions of some industrial areas have permitted the infiltration and use of industrial lands for retail uses, seriously eroding the capacity of Whitby to accommodate land extensive employment uses originally intended for industrial areas. This is despite Official Plan policy to maintain a five year supply of serviced industrial land and also to create the potential to attract larger floor plate class “A” office uses to high visibility high traffic volume areas. More specifically, the current situation with respect to serviced and available employment lands is characterized by:</p> <ul style="list-style-type: none"> a. Unmet current demand for multi-tenant type small industrial spaces (lease or condo); b. Limited availability of (large and small) lots for development of prestige industrial and/or business uses; c. Some of the older industrial properties with vacant buildings may require redevelopment, as not all the buildings are suitable or meet the current needs of industries and businesses; d. Unmet current demand for small offices; 	<p>Some of the issues raised in this recommendation have already been discussed. However, to a very large extent many of these issues cannot be solved by the Town alone. However, there is a need to ensure that the use permissions within the Town’s industrial designations are as expansive as possible, while being appropriate and that the implementing Zoning By-law also works in concert with Official Plan policy to ensure that there are no impediments in the Zoning By-laws that apply in the Town of Whitby that have an impact on the establishment and/or expansion of existing businesses.</p>

11	That for certain type of development (office, industrial) and/or geographic areas (such as downtown), Council consider relief from development charges and certain other charges (cash in lieu of parkland dedication, cash in lieu of parking). This could be on a permanent or temporary basis (to spur development over a two year period for example).	As is noted above, OPA 90 included new policies in the Official Plan dealing with incentives within intensification areas.
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3.0 ANALYSIS

The intent of this section is to discuss how the factors identified in Section 2.0 of this Policy Paper have an impact on Official Plan policy from a number of perspectives.

3.1 OFFICIAL PLAN OBJECTIVES FOR INDUSTRIAL AREAS

One of the goals of the Industrial designation is to *“provide opportunities to meet the employment and economic needs of the Municipality and the Region by sustaining and broadening Whitby’s economic base through the maintenance and encouragement of new industrial and business development.”* Ensuring a variety of available serviceable industrial land and high quality design in these areas are other goals as set out in the Official Plan. The above goal is appropriate and does conform to Provincial and Regional policy.

There are five specific objectives for the industrial areas in Whitby. These objectives are set out below:

- 4.6.2.1 *To provide a choice of areas for industrial uses at all times within the Municipality by ensuring that a minimum 5 year supply of serviced industrial land is available within the designated industrial areas of the Official Plan.*
- 4.6.2.2 *To maintain and enhance the presence of all existing industrial uses in designated areas.*
- 4.6.2.3 *To encourage and permit the development of a variety of industrial uses by designating lands through this Plan and Secondary Plans which allow business parks, prestige industrial areas, and general industrial areas.*
- 4.6.2.4 *To work closely at all times with all Regional, Provincial and Federal agencies and authorities to maintain stability and expansion for existing industry and to maximize opportunities for*

attracting new undertakings in the Municipality.

4.6.2.5 To encourage intensification in existing industrial areas.

While the above objectives are satisfactory, they could be significantly expanded to recognize new Provincial and Regional policy e.g. protecting industrial lands from consumption by personal service and retail uses, and ensuring that an adequate supply of vacant land is available to meet the employment forecasts prepared by the Region.

On the basis of the above, it is suggested that the following Direction be considered for discussion purposes:

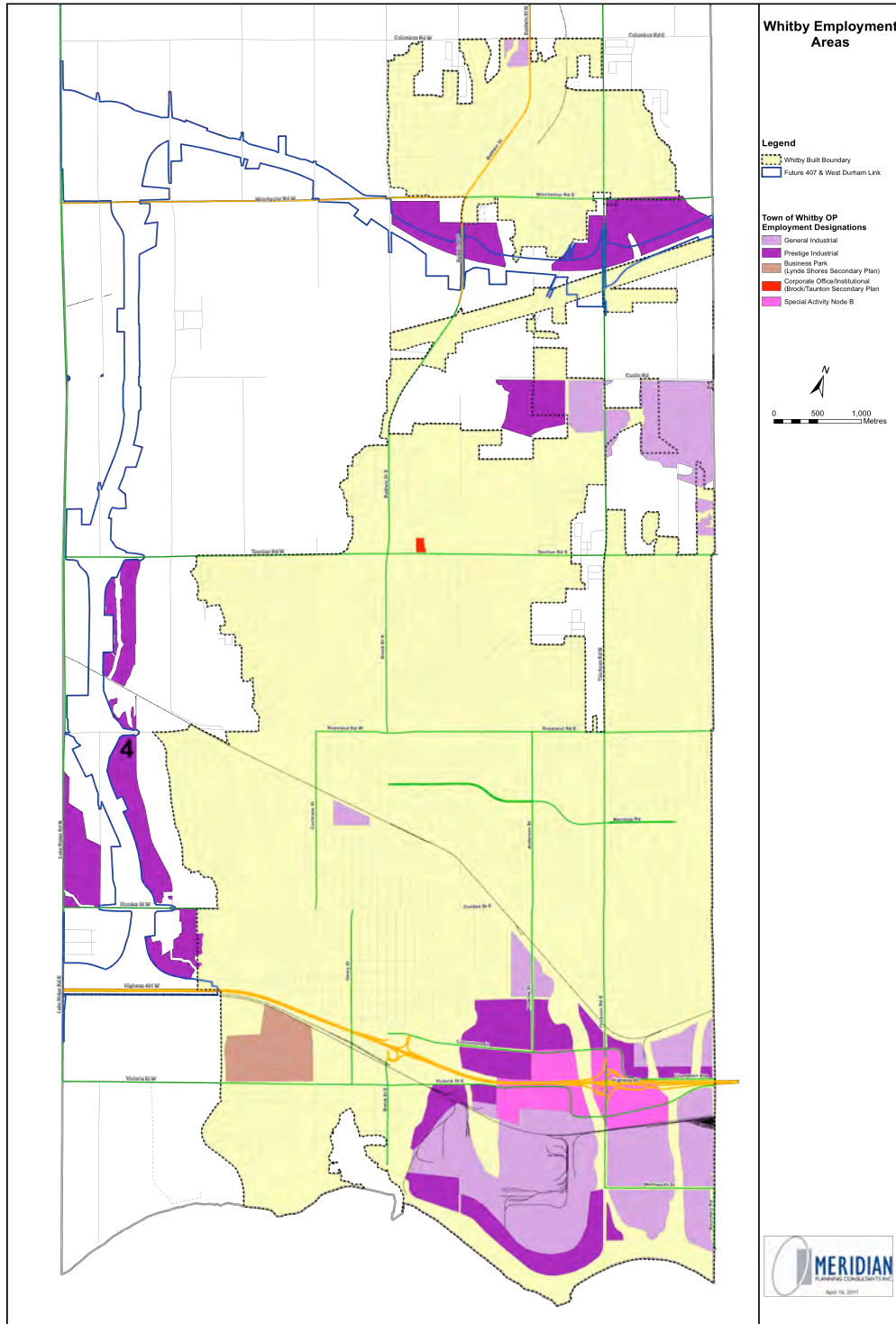
INDUSTRIAL DIRECTION 1 - That the Official Plan include objectives that:

- a) **require that sufficient lands are available for the creation of diverse employment opportunities at strategic locations;**
- b) **direct major office development to locations where higher order public transit exists or is planned and/or adjacent to 400 series highways;**
- c) **recognize that there are many types of industrial employment in the Town and that each has different locational requirements that are necessary to support their continued viability;**
- d) **protect industrial areas from land uses that may affect the continued viability of existing industrial uses and their expansion in the future;**
- e) **encourages and promotes development in appropriate locations that combines a mix of industrial uses and supporting uses to facilitate the more efficient use of urban land and the establishment of a human-scale pedestrian environment; and,**
- f) **requires enhanced landscaping and signage controls for development particularly along Highways 401 and 407 and Regional Corridors.**

3.2 INDUSTRIAL LAND USE DESIGNATION FRAMEWORK

The Town of Whitby Official Plan contains three Industrial land use designations: General Industrial, Prestige Industrial and Business Park. **Map 1** below shows the location of these designations.

Map 1 – Whitby Industrial Areas



3.2.1 General Industrial

The General Industrial designation applies in a number of the older industrial areas in the Town, both to the north and south of Highway 401 as shown on Map 1. Another General Industrial area is located to the southwest of Conlin Road and Garrard Road. The policies for the General Industrial designation state that *“the predominant use of land in General Industrial areas shall be for the manufacturing, processing, assembly, servicing, storing of goods and raw materials, warehousing and uses for similar and related purposes such as utility yards and functions, and transportation terminals. Recycling of non-toxic materials such as paper, glass, metal, construction waste and plastics may be permitted provided the operation is wholly enclosed and is in accordance with any required Provincial certificate of approval”*.

3.2.2 Prestige Industrial

The Prestige Industrial designation includes areas that *“comprise lands having prime exposure to the major freeways such as Highways 407 and 401”*. The Prestige Industrial designation has been applied to lands adjacent to the Lake Ontario shoreline and along the Highway 401, West Durham Link and 407 East Extension. An additional Prestige Industrial area is located at the southwest corner of Conlin Road and Anderson.

Permitted uses in the Prestige Industrial designation -

“shall generally include light industrial uses within enclosed buildings, professional, corporate and industrial oriented office buildings, data processing centres, commercial or technical schools, research and development facilities, and incidental sales outlets within industrial buildings, provided such floor space is detailed in the Zoning By-law and is compatible with adjacent land uses. In addition, certain limited commercial uses serving the industrial areas and community and recreational uses, such as banks, restaurants, fraternal organizations and athletic clubs, may be permitted in accordance with Section 11 of the Durham Regional Official Plan”.

The Prestige Industrial designation has also been applied to lands south of Winchester Road by the Brooklin Secondary Plan, which indicates in Section 11.5.8.3 that *“Council shall encourage the location of prestige industrial and office-campus uses in the industrial area south of Winchester Road which shall have high exposure and convenient access to the proposed Highway 407/transitway”*. In this case, there is a focus on developing office type uses in a campus setting.

3.2.3 Business Park Designation

The current parent Official Plan contains few policies on Business Parks. Most of the policies for Business Parks are contained within Secondary Plans. The only mention of

Business Parks outside of the Secondary Plans is in Section 4.6.3.3.3 and Section 4.6.3.3.4. Section 4.6.3.3.3 defines business parks as *“an employment area which provides for light industrial uses and service/office uses in combination with limited retail and service commercial uses in a campus setting”*.

Section 4.6.3.3.4 states

“Business Parks shall be permitted in Prestige Industrial designations within Secondary Plans. These employment areas are to be distinctive, large, highly visible and accessible, comprehensively planned and developed in a campus-like setting with more intensive employment opportunities. The highest design and development standards shall be utilized”.

The Business Park designation has been applied through a Secondary Plan process to lands located at the north west corner of Victoria and Gordon Streets in the Lynde Shores Secondary Plan. This Secondary Plan provides for a variety of uses including low, medium and high density residential uses, institutional, major open space, low hazard, community commercial and business park uses. One of the goals for this area is to *“provide for the development of a Business Park area adjacent to Highway No. 401 that capitalizes on the advantages of the surrounding transportation facilities.”* It is also an objective of the Lynde Shores Secondary Plan to *“to develop a strategically located Business Park taking advantage of the Highway No. 401 exposure and the surrounding transportation network”*.

Section 11.2.6.2 of the Lynde Shores Secondary Plan permits a range of high profile uses in addition to a regional warehouse and distribution centre (now currently the site of the Sobeys warehouse) in the Business Park designation. Section 11.2.6.7 of the Lynde Shores Secondary Plan also permits a range of retail and personal service uses within the Community Central area fronting on Victoria Street West and Gordon Street. The Community Central Area is an overlay designation - meaning that the underlying designation is Business Park.

3.2.4 Analysis

Based on the analysis above, it appears as if the Prestige Industrial and Business Park designations are very similar. The apparent difference is that within Business Parks a higher design and landscaping standard may be required. However, in the Lynde Shores, West Whitby and Brooklin Secondary Plans, there has been a clear desire to consider the Prestige Industrial areas in those Secondary Plans as primarily Business Park areas, even though the lands were not designated as such.

It is noted that the Region of Durham Official Plan uses both the terms Prestige Employment and Business Park in its policy framework. In this regard, Section 8C.2.5 of the Region’s Official Plan states as it relates to Prestige Industrial areas:

“it is the intent of this Plan to encourage prestige employment uses with high employment-generating capacity and greater architectural, landscaping and sign controls along Highways 401 and 407, and Regional Corridors. Area municipal official plans shall designate areas for prestige development and specify design and landscaping controls for such areas”.

From a locational perspective, the above policy supports the current approach in the Town of Whitby with respect to the location of the Prestige Industrial designation and the application of Business Park policies in the Lynde Shores Secondary Plan and the West Whitby Secondary Plan. The one variance is along the Lake Ontario shoreline, where the Town of Whitby has determined in its current Official Plan that it would be appropriate to provide for only Prestige Industrial uses in that area to protect the character of the shoreline area and ensure that there is an appropriate interface between industrial uses and potential public uses along the shoreline.

The Regional Official Plan also contains a number of policies with respect to Business Parks including Sections 8C.2.1, 8C.2.12 and 8C.2.13. The policies of the Regional Official Plan encourage business parks to locate along Regional Corridors; however, the Plan states that

“Business Parks shall be restricted to those locations with close proximity and good access to Type A arterial roads, freeways, GO stations or other transit services within Employment Areas. Such areas shall be compatible with surrounding uses and shall not exceed the capacity of the Transportation System, including the provision of transit.

The West Whitby Secondary Plan indicated that Business Park uses are permitted in all areas where the Prestige Industrial Designation exists. Specifically, the Secondary Plan states that *“in addition to the permitted uses within the Prestige Industrial designation [of the Town’s Official Plan], the following Business Park uses are also permitted: Research, development and information processing establishments, corporate head offices or major regional branch offices, training facilities, communication production uses, pharmaceutical, light assembly and manufacturing operations for the production and/or distribution of high value and high technology products”.*

The West Whitby Secondary Plan also established three Gateways that correspond with the areas adjacent to the Taunton Road, Rossland Road and Dundas Street connections with the West Durham Link. The objective of the Secondary Plan in these areas is to:

- a) establish visually attractive points of entry into the Town;
- b) draw the traveling public off of Highway 401/407 allowing an introduction to the Town of Whitby and its attractions and amenities beyond the prestige industrial area; and,

- c) provide a location for services that are important to support of the primary employment function of the Prestige Industrial Area.

In addition to the above, the West Whitby Secondary Plan indicates that office buildings that have a gross leasable floor area of 10,000 sq. m. or greater are not permitted. However, if the office development is associated with another permitted use it would be permitted. This section was included within the West Whitby Secondary Plan to reflect the policies of the Region's Plan in Section 8C.2.12 which indicate that major office development should be controlled in Business Parks to ensure that such development does not have adverse impacts on the Urban Growth Centres and Regional Centres in the Region of Durham.

Given that there is a clear desire to permit business park uses and require higher business park standards in West Whitby and Brooklin, it is our opinion that the Business Park designation be applied on the Schedules to the Official Plan is certain key locations that are now designated Prestige Industrial in Brooklin and West Whitby.

In Brooklin, the Prestige Industrial designation applies in two areas, the first of which is focused on the Highway 407/Baldwin interchange and the second which is focused on the Highway 407/Thickson Road interchange. Given the identification of the Baldwin Street/Winchester Road area as a Regional Centre and the location of downtown Brooklin, it is recommended that all of the lands designated Prestige Industrial in this area be classified as Business Park. While the lands in the vicinity of Highway 407 and Thickson Road are also in a high profile location, they are not within or adjacent to a Regional Centre and on this basis, it is recommended that these lands remain designated Prestige Industrial.

Within West Whitby, it is recommended that the Gateway areas at a minimum as identified in the West Whitby Secondary Plan be considered for designation as Business Park. Other lands may be identified for Business Park purposes on Champlain Avenue east of Thickson Road (as discussed in the Planning for Community Infrastructure and Phasing Policy Paper) and along the south side of Highway 407, subject to further study.

A number of municipalities, including the Town of Whitby, are actively pursuing office development within their industrial areas. While such office development on a larger scale is not common in the Town, a key component of the Town's economic development strategy is the desire to provide for this type of development in key locations in the Town. However, the Region of Durham Official Plan requires that the overall amount of office development allowed in Business Park areas be such that it does not adversely impact or have an impact on the potential for such office development to be located within the Urban Growth Centres and the Regional Centres. It is not certain how this Regional policy framework would be implemented within the Town's Official Plan, since office development wherever it is to be located is generally

considered to be appropriate and supportive of the Town's and Region's economic development objectives.

Given the Regional policy framework, and the need to provide for employment land for all types of uses, the application of the Business Park designation would provide the basis for encouraging primarily office development and other higher order uses in key high traffic areas and may also provide the basis for incentives to develop higher density uses in these locations in the future. It is noted that major offices, which are defined as buildings that have more than 10,000 sq. m. of floor area would not be permitted, unless such an amount of floor area was associated with a manufacturing or other permitted use in the new Business Park designation.

The planned built form characteristics in Business Park areas in Brooklin and West Whitby would encourage the development of a wide variety of building forms, generally mid-rise in height, but with higher buildings depending on location. All buildings would be intended to have a strong street presence.

On the basis of the above, it is suggested that the following Direction be considered for discussion purposes:

INDUSTRIAL DIRECTION 2 - that the Official Plan apply the Business Park designation to lands on both sides of Baldwin Street north of Highway 407 in Brooklin and to the Gateway areas identified in the West Whitby Secondary Plan area.

3.3 RETAIL AND PERSONAL SERVICE USES

As discussed in the review of Provincial Policy in Section 2 of this Policy Paper, the Province is requiring municipalities to ensure that industrial areas (employment areas) only permit employment uses and that other uses be limited in scale. This is in response to a number of circumstances across the Greater Toronto Area where quasi employment or non-employment uses were permitted either through the policy framework that existed at the time or by an exception, which provided for the development of a significant amount of non-employment uses. Once these uses are established, the use of the land for industrial or warehousing purposes will likely never occur. It is on this basis that Section 8C.2.1 of the Region's Official Plan as modified by MMAH indicates the following:

“Employment areas, as designated on Schedule ‘A’, are set aside for uses that by their nature may require access to highway, rail, and/or shipping facilities, separation from sensitive uses, or benefit from locating close to similar uses. Permitted uses may include manufacturing, assembly and processing of goods, service industries, research and development facilities, warehousing, offices and business parks, hotels, storage of goods and materials, freight transfer and transportation facilities. Such

uses shall be directed to appropriate locations by designation in the respective area municipal official plan. Office buildings and business parks are encouraged to locate along Regional Corridors. Rural Employment Areas, as designated on Schedule 'A', shall be developed in accordance with the provisions of Sub-Section 9B”.

With respect to personal service and retail uses, Section 8C.2.14 of ROPA 128, as modified by MMAH then indicates that:

“limited personal service and retail uses, serving the immediate designated Employment Area may be permitted as a minor component (i.e. 10%) of the aggregate gross floor area of the uses in the designated Employment Area, subject to the inclusion of appropriate provisions in the area municipal official plan and/or zoning by-law. In any case, a single use shall not exceed 500 m²”.

In order to determine whether the above policies have an impact on the current policies in the Town’s Official Plan, the sections in Whitby’s Official Plan that provide for personal service and retail uses are reviewed, as set out below. In this regard, Section 4.6.3.1.1(c) of the Town of Whitby Official Plan currently provides the basis for the types retail and service uses that can be permitted in the Town's industrial areas:

“For the purposes of this policy [conversion of industrial areas], retail and commercial uses other than those outlined in Section 4.6.3.2.3, Section 4.6.3.3.2, Section 11.2.6.7, and residential uses are considered non-employment uses”.

Section 4.6.3.2.3 of the Town’s Official Plan states:

The following uses may also be included in General Industrial areas subject to the relevant policies of this Plan and the inclusion of appropriate provisions in the Zoning By-law:

- a) *accessory sales, service and office components of industrial operations such as truck, equipment, machinery, service shops and contracting yards; and*
- b) *such accessory uses are only permitted provided that they are smaller in scale and subordinate to the primary use, are located on the same lot of the primary use, have no detrimental impact on adjacent uses, and the floor space and any of the specific requirements are indicated in the Zoning By-law.*

The uses set out in 4.6.3.2.3 are generally consistent with Sections 8C.2.1 and 8C.2.14 of the Regional Official Plan.

According to Section 4.6.3.3.2 of the Whitby Official Plan:

The use of land in Prestige Industrial areas shall generally include light industrial uses within enclosed buildings, professional, corporate and industrial oriented office buildings, data processing centres, commercial or technical schools, research and development facilities, and incidental sales outlets within industrial buildings, provided such floor space is detailed in the Zoning By-law and is compatible with adjacent land uses. In addition, certain limited commercial uses serving the industrial areas and community and recreational uses, such as banks, restaurants, fraternal organizations and athletic clubs, may be permitted in accordance with Section 11 of the Durham Regional Official Plan. (Underlining added)

The uses that are underlined above in Section 4.6.3.3.2 of the Town of Whitby Official Plan would be considered limited personal service and retail uses by the Region's Official Plan as modified by ROPA 128. On the basis of the addition of Section 8C.2.14 to the Region of Durham Official Plan, the policies of the new Business Park designation will have to reflect the policies in the Region's Official Plan. The policies included within the West Whitby Secondary Plan (OPA 91) are a starting point in this regard, as is discussed below.

Lastly, Section 11.2.6.7 of the Whitby Official Plan states:

"In addition to the permitted uses in Section 11.2.6.2 of this Plan, the lands within the Community Central Area may be developed to include limited business, medical and professional offices, financial institutions, restaurants, fraternal organizations as well as limited service commercial uses serving the Business Park".

The above section applies to a small portion of land in the Prestige Industrial/Business Park designation that falls within the Community Central Areas boundary (Lynde Shores Secondary Plan). The policies of the Lynde Shores Secondary Plan, while permitting one office building in this area, does not contain any restrictions on the location and/or sizes of permitted service commercial uses. On this basis, this policy will need to be modified to reflect Section 8C.2.14 of the Regional Official Plan, as discussed above.

The West Whitby Secondary Plan (OPA 91) also has policies that deal with secondary uses. Secondary uses are also permitted in this area and they include: "*Limited ancillary, commercial and personal services, uses such as take-out or full-service restaurants, financial institutions and commercial fitness centres; commercial or trade school facilities; and, hotels and associated convention/banquet facilities.*" The Secondary Plan states that the "*maximum gross floor area permitted for limited or ancillary commercial and personal service uses is 500 square metres. The number of such uses on a lot is to be restricted in the Zoning By-law to ensure that these uses are*

ancillary to prestige industrial uses and do not detract from the planned function of the Prestige Industrial designation”.

On the basis of the above, it is suggested that the following Direction be considered for discussion purposes:

INDUSTRIAL DIRECTION 3 - that the Official Plan incorporate restrictions that have the effect of limiting the amount of floor area permitted for retail and personal service uses in all of the Town’s Industrial designations (with the exception of automobile dealerships) as per the policy framework established in the West Whitby Secondary Plan.

3.4 AUTOMOBILE COMPLEXES IN INDUSTRIAL AREAS

The Town’s 1974 Official Plan did not permit automobile sales establishments in the Prestige Industrial designation. However, a number of requests were made through 1970’s and 1980’s to establish these types of uses in the Prestige Industrial designation. It was on this basis that, as part of the Official Plan Review carried out by the Town in 1995, it was recommended that policies be included within the Town’s Official Plan to permit an automobile complex within the Prestige Industrial designation. The intent at the time was to respond to the requests made, but to also provide for the basis for the development of a complex or group of automobile dealerships in one location, which was thought at the time to be much more desirable than permitting single automobile dealerships in multiple locations throughout the Prestige Industrial designation. As a consequence of these discussions, Section 4.6.3.4 was added to the Official Plan at the time and its states the following:

As an exception, an automobile complex may be permitted in the Prestige Industrial and General Industrial designations by amendment to the Zoning By-law on lands abutting Highway 401 east of Pringle Creek, or abutting a service road adjacent to Highway 401, provided such uses are compatible with the surrounding area and where at least two dealerships are to be constructed in the first phase of development. An automobile complex is defined as a cluster of three or more new automotive sales dealerships with associated storage of vehicles located within a campus setting, and integrated by common access and internal vehicular and pedestrian circulation. Generally, the gross floor area of an individual dealership will exceed 1,000 square metres.

An automobile complex will be distinguished by common elements of high urban and landscape design standards, including building form, massing, signage and lighting. These elements will be co-ordinated within an overall development scheme through the site plan approval process to ensure cohesive design, with strong visual and physical relationships between individual dealerships.

One of the reasons attributed to why this policy was included in the Official Plan was that the Town felt the establishment of automobile clusters was more favourable to having a scattering of single automobile dealerships throughout the Industrial Areas. The Town thought that the approval of one automobile complex would reduce the need for the development of multiple industrial sites for motor vehicle dealerships which would then maintain the integrity of the Prestige Industrial designation.

Since 1995, the Town approved five applications to establish dealerships including:

- Chrysler – Champlain Avenue (east of Thickson Road);
- Whitby Oshawa Honda (northwest corner of Thickson Road and Consumers Drive);
- Whitby Mazda (northeast corner of Sunray and Consumers Drive);
- Whitby Honda (609 Victoria Street East); and,
- GP Bikes (1100 Champlain Court).

In October 2009, Council directed staff to review Section 4.6.3.4 of the Official Plan as part of the Official Plan Review process and advise Council on whether that particular policy should be maintained.

The Region of Durham Official Plan, as amended, does not prohibit the consideration of automobile dealerships or complexes within employment/industrial areas. This means it is up to the Town to decide on what is appropriate.

The challenge for the Town of Whitby and many other municipalities in the Greater Toronto Area is determining where these types of uses are to be accommodated. Most if not all automobile dealerships were initially developed in the highway commercial strips of any community, such as Dundas East in the Town of Whitby. These uses were established in automobile oriented environments where every other use in the area was of the same type.

However, two things have happened in the recent past that have had an impact on how and where automobile dealerships are located. Firstly, as with virtually any type of use, automobile dealerships are now getting larger as dealerships are consolidated and the product lines are expanded. Related to this is a desire of many dealers to cluster together to provide for one stop shopping and comparison shopping in one location. Given that the purchase of an automobile is a significant purchase, the dealerships have realized that they need to be located in an area that is convenient and accessible and that has meant that many of these clusters of car dealerships have located near major highways and highway interchanges.

The second change has more to do with how the older highway commercial strips are now being planned. Many of these are now identified as intensification corridors and are planned to be the site of higher order transit as is the case in the Town of Whitby.

This means that over time, land values will increase and the hope is that many of the highway commercial uses will redevelop into higher density residential and mixed use developments. While this is a very appropriate policy thrust, the uses that are displaced do have to go somewhere and the Town of Whitby's historic response to this issue was an effort to ensure that there was indeed a location in the Town of Whitby for these types of uses.

On the basis of the above, it is clear that the only logical remaining location for automobile dealerships is within industrial areas and certain commercial areas. Having said that, the next consideration is whether these types of uses should be permitted as single uses or only as a complex. The Town's current Official Plan only permits them in a complex setting and has permitted individual dealerships one at a time in areas that could eventually be the site of a number dealerships in a 'complex' setting.

While these decisions are generally consistent with the Town's Official Plan, these decisions are made on a property-by-property basis in response to individual applications. In other municipalities, applications have been made at one time for a larger piece of property for the purposes of developing an auto mall. This type of application and land assembly has not occurred historically in the Town and it cannot be determined at this time if an application to develop a pre-planned auto mall that would also be an automobile complex as defined by the Official Plan will be submitted in the future. On this basis, continuing to permit auto dealerships only in the context of an automobile complex is not recommended, since the only way one can be certain that an automobile complex will be developed is if lands were designated at one time for three or more dealerships. On the basis of the above, it is recommended that the Official Plan continue to permit automobile dealerships in the Prestige Industrial designation, subject to the locational criteria already established in the Official Plan, but that the requirement for these dealerships to be in a complex be deleted.

It is also recommended that the permission for automobile complexes and single automobile dealerships not be provided for in the General Industrial designation that satisfy the criteria that were established in 1995 in Section 4.6.3.4 of the Official Plan. While there is little if any remaining vacant land in the General Industrial designation that would potentially satisfy the above criteria, the potential does exist for existing uses to be redeveloped and given the policies of the PPS and the Region of Durham Official Plan, it is recommended that these areas be preserved for industrial uses. Automobile dealerships and complexes are also recommended to not be permitted within the Business Park designation (as discussed in Section 3.2 of this Policy Paper) even though certain lands within this new Business Park designation would conform to the locational criteria established in the Official Plan.

On the basis of the above, it is suggested that the following Directions be considered for discussion purposes:

INDUSTRIAL DIRECTION 4 - that the Official Plan permit single automobile dealerships in the Prestige Industrial designation by amendment to the Zoning By-law on lands abutting Highway 401 east of Pringle Creek, or abutting a service road adjacent to Highway 401 and along West Durham Link and adjacent to Highway 407 provided such uses are compatible with the surrounding area.

INDUSTRIAL DIRECTION 5 – that the Official Plan prohibit automobile complexes and single automobile dealerships in the General Industrial designation and the Business Park designation.

3.5 DESIGN IN INDUSTRIAL AREAS

In addition to the policies mentioned earlier in this report, the Region's Official Plan contains a series of policies that will ultimately impact the design of new industrial uses within the Town of Whitby.

In particular, the Regional Plan supports the development of Greenfield areas with an overall *gross density* of 50 residents and jobs combined per hectare. The Plan specifically notes that the Region will work with its area municipalities through their area municipal official plan conformity exercises to develop area specific targets for Living Areas and Employment Areas that together and Region-wide achieve the minimum overall *gross density* of 50 residents and jobs combined per hectare. This minimum target will have an impact on the employment density expected within the Town's industrial area, which then has an impact on the design and location of buildings to ensure that they are compatible with adjacent land uses.

In addition to the above, the Regional Plan promotes Urban Growth Centres, Regional Centres and Corridors as the attractive locations for major offices. The Plan also supports the rejuvenation, redevelopment and renewal of Urban Growth Centres, Regional Centres and Corridors, regeneration areas and Brownfield sites. These policies require that new development in these areas be designed to support public transit, be more pedestrian oriented and generally be at higher densities.

The Region also encourages the beautification of development along major transportation corridors, in particular, the redevelopment and intensification of existing Employment Areas abutting Highway 401. In this regard, Section 8C.1.2 indicates that, "*sites having a high degree of exposure and good access shall be reserved for employment-intensive uses*". Section 8C.2.9 also states "*in the development of Employment Areas, provisions shall be made for transit and active transportation, and the development of transit supportive compact built form*". Section 8C.2.10 of the Regional Official Plan further notes that "*the Region and area municipalities and the owners of land affected shall cooperate in the beautification of new and existing industrial parks*". These policies also speak to the need to establish design standards for new employment uses, as appropriate.

At the present time, Section 4.6.3.3.4 indicates that “the highest design and development standards shall be utilized” in Business Park areas. However, no specific standards are identified and it is an opinion that it would be appropriate to include specific design policies for Business Park areas that are designated as such in the Official Plan.

On the basis of the above, it is suggested that the following Direction be considered for discussion purposes:

INDUSTRIAL DIRECTION 6 - That the Official Plan contain specific design policies that provide for higher standards of design in Business Park areas in accordance with the Region of Durham Official Plan.

3.6 LAND USE COMPATIBILITY

In order to protect the function of industrial areas that are the site of primarily industrial and warehouse uses, there is a need for the Town to consider how existing and future sensitive land uses could have an impact on the continued viability of these uses.

At the present time, there are a number of manufacturing uses in Whitby that operate 24 hours a day and on weekends. Other uses require the outdoor storage of goods; materials or equipment and others may emit noise, dust and/or odour that may have adverse effects on other uses. Many of these uses are required to be sited near other like uses to ensure that there are no land use conflicts. However, land use conflicts do occur if uses that are considered to be sensitive are located nearby. Examples of sensitive uses potentially include:

1. Daycare centres;
2. Private schools and places of worship;
3. Offices that are not associated with a manufacturing or warehousing use;
4. Restaurants (particularly those with outdoor patios);
5. Banks and other financial institutions; and,
6. Medical clinics.

Some of the above uses are currently permitted in the Town’s industrial areas. It is noted that some of the above uses are typically found in Employment Areas throughout the Greater Toronto Area. However, the determination of whether a land use is sensitive is very much dependant on the nature of the other uses which exist in the area now, and in the future, in accordance with current zoning. The definition of sensitive land uses from the 2005 Provincial Policy Statement makes it clear that virtually any land use could be considered sensitive depending on the surrounding land use context.

“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.”

Section 8C.2.2 of the Region of Durham Official Plan, as modified by ROPA 128 and the MMAH indicates that “*residential uses, senior citizen homes, elementary and secondary schools and places of worship shall not be permitted in employment areas. Other sensitive uses may be permitted as an exception, by an amendment to the Area Municipal Official Plan or Zoning By-law subject to compatibility.*”

At the present time, Section 10.1.4.5 of the Official Plan indicates that land use compatibility is an issue that needs to be considered when a request to amend the Official Plan is made. Section 10.1.15.3 of the Whitby Official Plan which deals with pre-consultation and complete applications does also indicate that land use compatibility may be an issue that needs to be considered in support of an application. However, there are no specific policies that provide the basis for making decisions on whether a use is firstly a sensitive use as defined and secondly, whether such a sensitive use should be permitted within an industrial area, keeping in mind that a use may only be considered sensitive, depending on the nature of the uses surrounding it.

On the basis of the above, it is suggested that the following Direction be considered for discussion purposes:

INDUSTRIAL DIRECTION 7 - that the Official Plan contain policies that prohibit the siting of sensitive land uses within industrial areas, as per the policies of the Region of Durham Official Plan. In addition, policies should be added to the Official Plan which indicate what needs to be considered when an application for a sensitive land use is submitted, through an Official Plan Amendment, a Zoning By-law Amendment or application for Minor Variance.

3.7 CONSISTENCY BETWEEN LOCATION OF REGIONAL EMPLOYMENT DESIGNATION AND TOWN OF WHITBY INDUSTRIAL DESIGNATIONS

There are three areas in Whitby that are designated Living Area in the Region's Official Plan, but which are designated General Industrial or Prestige Industrial in the Whitby Official Plan. The first is on the north side of Beech Street West, between approximately Hillcrest Drive and Centre Street North as shown on **Figure 1**. These lands are the site of ASCS Signal, Croven Crystals, a large vacant parcel of land, a ServiceMaster warehouse and some outdoor storage uses and a landscaping contractor along Centre Street North.

Figure1: Local General Industrial Area on Beech Street West



Source: Google Earth Imagery

The second such area is located at the southwest corner of Baldwin and Columbus, which is currently the site of the 9+/- hectare Brooklin Concrete facility as shown on **Figure 2**. As both Baldwin Street and Columbus Road are identified as Future Regional Corridors, and since the Baldwin/Columbus intersection has the potential to function as a local centre as the population of Brooklin continues to grow, the intensification potential on these lands is significant. According to Section 11.5.8.8, of the Brooklin Secondary Plan

“Special Purpose Commercial uses may be allowed in the designated industrial area located at the southwest corner of Columbus Road and Baldwin Street (Highways 7 and 12)”.

According to Section 4.4.3.1(e), the Special Purpose Commercial designation comprises of

“a commercial area serving those specialized needs of the community on an occasional basis with services and facilities which consume larger parcels of land and require exposure to traffic, such as, and similar in kind, to automotive and recreational vehicle sales and service, garden centres, restaurants, motels, building supply centres, furniture and major appliance sales, financial establishments, home supply and improvement centres”.

Figure 2: Southwest Corner of Baldwin and Columbus (Brooklin)



Source: Google Earth Imagery

Both of the areas identified above contain viable employment uses, and while the long term vision for these lands in the Region's Official Plan is for them to be used for residential purposes, the re-designation of these lands for residential purposes in the Town's Official Plan is not recommended since it would be premature. It is further recommended that the consideration of alternative uses in both of these areas should be supported by a comprehensive development plan for the area to establish the basis for the long-term planning of the area. It is noted that Section 8B.2.2 of the Region's Official Plan does permit employment area uses which are not obnoxious in nature in Living Areas in any event.

The third such area is in south Whitby in an area located on the south side of Consumers Drive, east of Brock Street and north of Highway 401 as shown on **Figure 3**. This area is designated Prestige Industrial in the Town's Official Plan, but Living Area in the Region's Official Plan. Given that there is a highway on/off ramp and a Swiss Chalet presently located on site and that the surrounding lands contain similar land uses, and are separated from the industrial lands to the east by a large environmental area, it would be appropriate to implement the Regional designation in the area and include the lands within a commercial land use category instead.

Figure 3: South Side of Consumers Drive



Source: Google Earth Imagery

On the basis of the above, it is suggested that the following Directions be considered for discussion purposes:

INDUSTRIAL DIRECTION 8 - That the Official Plan continue to include the local employment area on the north side of Beech Street West in an Industrial designation in the Official Plan, and that consideration be given to determining whether the lands should be designated Prestige Industrial instead, in recognition of the nature of the adjacent land uses, notwithstanding the designation of these lands in the Region of Durham Official Plan as Living Area.

INDUSTRIAL DIRECTION 9 - that the Official Plan continue to designate the lands at the southwest corner of Baldwin and Columbus as General Industrial for the time being and that the long-term planning of this area and the other quadrants of the Baldwin/Columbus intersection be reviewed as part of the Brooklin Secondary Plan.

INDUSTRIAL DIRECTION 10 – that the Official Plan re-designate the lands on the south side of Consumers Drive east of Brock Street and north of Highway 401 near the off-ramp from the Prestige Industrial designation to a Commercial designation to recognize the commercial uses that exist on the property (Swiss Chalet/Harvey’s).

3.8 HOME OCCUPATIONS

While this Policy Discussion Paper has so far focused on Employment Lands, another form of employment is found in the home in the form of home occupations. While home occupation regulations are typically contained within the zoning by-law, direction with respect to home occupations is usually found in a municipal Official Plan. In this case, home occupation policies for the Town of Whitby are found in Section 4.2 of the Official Plan.

Section 4.2.3.1(d)(i) states, *“home occupations are only activities which are conducted within a residential dwelling unit or an accessory garage solely by the residential occupants of the unit”*. In accordance with these provisions, no outside employees would be permitted as part of a home occupation. In our experience, many municipalities permit at least one additional employee as part of a home occupation and consideration should be given to permitting at least one (1) external employee as part of a home occupation.

Section 4.2.3.1(d)(ii) states *“home occupations are intended to permit people to conduct small-scale, or part-time or occasional business or office uses from their homes, and shall not include the servicing and/or repair of motorized vehicles.”* The restriction on the servicing and/or repair of motorized vehicles is appropriate.

According to Section 4.2.3.1(d)(iii), *“limited, inert business materials and products may be stored within the dwelling unit or accessory garage”*. The term “limited” is quite vague and open to multiple interpretations. This term could be further defined within the Official Plan, or the actual number could be left to the zoning by-law. The same recommendation can be given to the use of the term “minor percentage” in 4.2.3.1(d)(v)(a).

Section 4.2.3.1 (d)(iv) indicates that *“home occupations are not intended to permit economic activities that are more appropriately located in industrial or commercial zones where full-scale parking, traffic, signage, storage, shipping, customer service, and employee complements can be accommodated.”* Some additional direction on what economic activities *“are more appropriately located in industrial or commercial zones”* may be required.

Section 4.2.3.1(d)(v)(b) does not permit any signage to be posted for home occupations. This provision is significantly different from many municipalities in the GTA that permit limited signage for home occupations. In our opinion, the Town should consider permitting signage in conjunction with home occupations. It is noted that By-law 2895 does permit signage in apparent contravention of this policy.

Additional provisions for home occupations are found in Sections 11.3.6.1, 11.5.4.1, 11.7.3.1, 11.10.8.1 and 11.10.8.9.2 of the Town’s Official Plan. Section 11.5 contains home occupation provisions for the Brooklin Community. While home occupations are

mentioned in Section 11.5.4.1, the provisions of this section are quite vague. According to 11.5.4.1 *“In addition, certain home occupations and certain public and recreational uses and community uses such as day care centres, nursing homes, homes for the aged, schools and parks, may also be permitted subject to the inclusion of appropriate requirements in an implementing Zoning By-law”*. It is unclear what home occupations are actually permitted within Brooklin as the term “certain” is vague. Reference to the Town’s parent Official Plan should also be included.

Section 11.7.3.1 contains provisions with respect to residential uses within the hamlet of Ashburn. This provision allows for home occupations within the hamlet provided such occupations do not create a nuisance through noise, smell, unsightly storage or traffic. No reference to the parent provisions of the Town’s Official Plan regarding home occupations is included.

The Downtown Whitby Secondary Plan (Section 11.3) also makes reference to home occupations but provides no separate provisions in this regard. It is assumed that the Town’s intends the parent provisions to apply in this circumstance. The Taunton North Community Secondary Plan (11.10) permits home occupations in residential areas provided such occupations adhere to the parent Official Plan policies.

On the basis of the above, there is a need for consistent provisions across the Town in both the parent Official Plan and the Secondary Plans.

On the basis of the above, it is suggested that the following Direction be considered for discussion purposes:

INDUSTRIAL DIRECTION 11 – that the Official Plan contain policies that provide the basis for permitting home occupations across the Town, with these policies being consistent across the Town.

4.0 SUMMARY OF DIRECTIONS

Below are the individual Directions that are suggested for consideration and discussion purposes as part of the Official Plan Review.

INDUSTRIAL DIRECTION 1 - That the Official Plan include objectives that:

- g) require that sufficient lands are available for the creation of diverse employment opportunities at strategic locations;**
- h) direct major office development to locations where higher order public transit exists or is planned and/or adjacent to 400 series highways;**
- i) recognize that there are many types of industrial employment in the Town and that each has different locational requirements that are necessary to support their continued viability;**

- j) protect industrial areas from land uses that may affect the continued viability of existing industrial uses and their expansion in the future;
- k) encourages and promotes development in appropriate locations that combines a mix of industrial uses and supporting uses to facilitate the more efficient use of urban land and the establishment of a human-scale pedestrian environment; and,
- l) requires enhanced landscaping and signage controls for development particularly along Highways 401 and 407 and Regional Corridors.

INDUSTRIAL DIRECTION 2 - that the Official Plan apply the Business Park designation to lands on both sides of Baldwin Street north of Highway 407 in Brooklin and to the Gateway areas identified in the West Whitby Secondary Plan area.

INDUSTRIAL DIRECTION 3 - that the Official Plan incorporate restrictions that have the effect of limiting the amount of floor area permitted for retail and personal service uses in all of the Town's Industrial designations (with the exception of automobile dealerships) as per the policy framework established in the West Whitby Secondary Plan.

INDUSTRIAL DIRECTION 4 - that the Official Plan permit single automobile dealerships in the Prestige Industrial designation by amendment to the Zoning By-law on lands abutting Highway 401 east of Pringle Creek, or abutting a service road adjacent to Highway 401 and along West Durham Link and adjacent to Highway 407 provided such uses are compatible with the surrounding area.

INDUSTRIAL DIRECTION 5 – that the Official Plan prohibit automobile complexes and single automobile dealerships in the General Industrial designation and the Business Park designation.

INDUSTRIAL DIRECTION 6 - That the Official Plan contain specific design policies that provide for higher standards of design in Business Park areas in accordance with the Region of Durham Official Plan.

INDUSTRIAL DIRECTION 7 - that the Official Plan contain policies that prohibit the siting of sensitive land uses within industrial areas, as per the policies of the Region of Durham Official Plan. In addition, policies should be added to the Official Plan which indicate what needs to be considered when an application for a sensitive land use is submitted, through an Official Plan Amendment, a Zoning By-law Amendment or application for Minor Variance.

INDUSTRIAL DIRECTION 8 - That the Official Plan continue to include the local employment area on the north side of Beech Street West in an Industrial designation in the Official Plan, and that consideration be given to determining whether the lands should be designated Prestige Industrial instead, in

recognition of the nature of the adjacent land uses, notwithstanding the designation of these lands in the Region of Durham Official Plan as Living Area.

INDUSTRIAL DIRECTION 9 - that the Official Plan continue to designate the lands at the southwest corner of Baldwin and Columbus as General Industrial for the time being and that the long-term planning of this area and the other quadrants of the Baldwin/Columbus intersection be reviewed as part of the Brooklin Secondary Plan.

INDUSTRIAL DIRECTION 10 – that the Official Plan re-designate the lands on the south side of Consumers Drive east of Brock Street and north of Highway 401 near the off-ramp from the Prestige Industrial designation to a Commercial designation to recognize the commercial uses that exist on the property (Swiss Chalet/Harvey's).

INDUSTRIAL DIRECTION 11 – that the Official Plan contain policies that provide the basis for permitting home occupations across the Town, with these policies being consistent across the Town.

appendix 'A'

APPLICABLE PROVINCIAL POLICY (PPS)	COMMENTS
<p>Section 1.0 – Building Strong Communities</p> <p><i>"Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth.</i></p> <p><i>Accordingly:"</i></p>	<p>See comments above and throughout this section</p>
<p>Section 1.1.1 –</p> <p><i>"healthy liveable and safe communities are sustained by:</i></p> <ul style="list-style-type: none"> a) <i>promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</i> b) <i>accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs;</i> c) <i>avoiding development and land use patterns which may cause environmental or public health and safety concerns;</i> d) <i>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;</i> e) <i>promoting cost-effective development standards to minimize land consumption and servicing costs;</i> 	<p>This section summarizes the intent of the Province with respect to the maintenance of healthy, liveable and safe communities. This section is premised on the view that additional growth and development is beneficial to the Province, provided it is appropriately planned.</p> <p>This section also indicates that healthy, liveable and safe communities are sustained by accommodating an appropriate mix of employment (including industrial, commercial and institutional uses) to meet long-term needs. This means that a variety of employment opportunities and employment types should be provided for, much like a range of housing and housing types is also required.</p> <p>Sub-section c) indicates that development and land use patterns which may cause environmental or public health and safety concerns should be avoided and this policy test</p>

APPLICABLE PROVINCIAL POLICY (PPS)	COMMENTS
<p>f) <i>ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.</i></p>	<p>must be considered in determining where new land uses are located in relation to existing land uses.</p>
<p>Section 1.1.2</p> <p><i>Sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas, to accommodate an appropriate range and mix of employment opportunities, housing and other 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.</i></p>	<p>This section indicates that sufficient land shall be made available to accommodate an appropriate range and mix of employment opportunities, housing and other land uses to meet projected needs for a time horizon of up to 20 years. This section clearly indicates that land for an appropriate range and mix of employment opportunities shall be made available. The use of the word “shall” in the context of this policy means that this policy is mandatory.</p>
<p>Section 1.1.3.2 a)</p> <p>a) <i>densities and a mix of land uses which:</i></p> <ol style="list-style-type: none"> 1. <i>efficiently use land and resources;</i> 2. <i>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; and</i> 3. <i>minimize negative impacts to air quality and climate change, and promote energy efficiency in accordance with policy 1.8;</i> 	<p>This section deals with the expected land use pattern within settlement areas and it indicates that such a land use pattern shall be based on densities and a mix of land uses that efficiently use land and resources and are appropriate for and efficiently use the infrastructure and public service facilities that are planned or available. The land use pattern shall also be based on densities and a mix of land uses that minimize negative impacts to air quality and climate change and promote energy efficiency.</p>
<p>Section 1.1.3.4</p> <p><i>Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety.</i></p>	<p>This section indicates that appropriate development standards should be promoted which facilitate intensification while maintaining appropriate levels of public health and safety. However, this section</p>

APPLICABLE PROVINCIAL POLICY (PPS)	COMMENTS
	<p>does recognize that while intensification should be facilitated, appropriate levels of public health and safety should be maintained. This means that new land uses should be sited in a manner that maintains appropriate levels of public health and safety.</p>
<p>Section 1.3.1</p> <p><i>Planning authorities shall promote economic development and competitiveness by:</i></p> <p>a) <i>providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs;</i></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>c) <i>planning for, protecting and preserving employment areas for current and future uses; and</i></p> <p>d) <i>ensuring the necessary infrastructure is provided to support current and projected needs.</i></p>	<p>Section 1.3.1 indicates that planning authorities '<u>shall</u>' promote economic development and competitiveness by doing certain things, which are set out in sub-sections a) to d). The use of the word 'shall' means that the policy is mandatory and is <u>required</u> to be met to the greatest extent possible by every planning authority.</p> <p>Section 1.3.1 a) of the PPS indicates that the Town shall promote economic development and competitiveness by providing for a mix and range of employment uses to meet long term needs. Employment uses come in many forms and include both 'heavy' and 'light' industrial uses.</p> <p>Section 1.3.1 b) of the PPS indicates that the Town shall promote economic development and competitiveness by providing for a range of suitable sites which support a wide range of economic activities that support a diversified economic base. In addition, Section 1.3.1 b) of the PPS clearly indicates that one of the ways to promote economic development and competitiveness in Ontario is to take the needs of existing and future businesses into account.</p> <p>Section 1.3.1.c) of the PPS also</p>

APPLICABLE PROVINCIAL POLICY (PPS)	COMMENTS
	indicates that the Town shall promote economic development and competitiveness by planning for, protecting and preserving employment areas for current and future uses.
<p>Section 1.3.2</p> <p><i>Planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.</i></p> <p>Comprehensive review: means</p> <p>a) <i>for the purposes of policies 1.1.3.9 and 1.3.2, an official plan review which is initiated by a planning authority, or an official plan amendment which is initiated or adopted by a planning authority, which:</i></p> <ol style="list-style-type: none"> 1. <i>is based on a review of population and growth projections and which reflect projections and allocations by upper-tier municipalities and provincial plans, where applicable; considers alternative directions for growth; and determines how best to accommodate this growth while protecting provincial interests;</i> 2. <i>utilizes opportunities to accommodate projected growth through intensification and redevelopment;</i> 3. <i>confirms that the lands to be developed do not comprise specialty crop areas in accordance with policy 2.3.2;</i> 4. <i>is integrated with planning for infrastructure and public service facilities; and</i> 5. <i>considers cross-jurisdictional issues.</i> 	<p>The PPS contains the following definition of employment areas:</p> <p>"Employment area: <i>means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities."</i></p> <p>The above definition of employment area is expansive, since it includes the words 'but not limited to', which has been interpreted to mean that 'major retail' uses could be permitted in employment areas, provided the Official Plan contains that express permission. However, the Growth Plan does clearly indicate that Major Retail uses are considered to be 'non employment uses' for the purposes of the Growth Plan policy dealing with the conversion of employment lands.</p>
<p>Section 1.7.1</p> <p><i>Long-term economic prosperity should be</i></p>	<p>Subsection (a) makes it clear that the</p>

APPLICABLE PROVINCIAL POLICY (PPS)	COMMENTS
<p><i>supported by:</i></p> <p>a) <i>optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;</i></p> <p>e) <i>planning so that major facilities (such as airports, transportation /transit/rail infrastructure and corridors, intermodal facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries and resource extraction activities) and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety.</i></p> <p>h) <i>providing opportunities for increased energy generation, supply and conservation, including alternate energy systems and renewable energy systems.</i></p>	<p>long-term availability of resources should be optimized to support long-term economic prosperity. Sub-section (e) clearly indicates that waste management systems and industries are 'major facilities' and that they should be 'designed, buffered and/or separated' from sensitive land uses to <u>prevent</u> adverse effects. Adverse effects are defined as set out below:</p> <p><i>"as defined in the Environmental Protection Act, means one or more of:</i></p> <p>a) <i>impairment of the quality of the natural environment for any use that can be made of it;</i></p> <p>b) <i>injury or damage to property or plant or animal life;</i></p> <p>c) <i>harm or material discomfort to any person;</i></p> <p>d) <i>an adverse effect on the health of any person;</i></p> <p>e) <i>impairment of the safety of any person;</i></p> <p>f) <i>rendering any property or plant or animal life unfit for human use;</i></p> <p>g) <i>loss of enjoyment of normal use of property; and</i></p> <p>h) <i>interference with normal conduct of business."</i></p> <p>Sensitive land uses are defined as <i>"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</i></p>

APPLICABLE PROVINCIAL POLICY (PPS)	COMMENTS
	<p><i>limited to: residences, day care centres and educational and health facilities."</i></p> <p>The range of uses that would be considered sensitive as per this definition is extensive since <u>any</u> building, amenity area or outdoor space is sensitive if <u>routine</u> or <u>normal</u> activities occurring at reasonably expected times would experience adverse effects.</p>
<p>Section 4.3</p> <p><i>This Provincial Policy Statement shall be read in its entirety and all relevant policies are to be applied to each situation.</i></p>	<p>This policy makes it clear that <u>all</u> policies have to be balanced in making a land use decision.</p>
<p>Section 4.5</p> <p><i>The official plan is the most important vehicle for implementation of this Provincial Policy Statement.</i></p> <p><i>Comprehensive, integrated and long-term planning is best achieved through municipal official plans. Municipal official plans shall identify provincial interests and set out appropriate land use designations and policies. Municipal official plans should also coordinate cross-boundary matters to complement the actions of other planning authorities and promote mutually beneficial solutions.</i></p> <p><i>Municipal official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.</i></p> <p><i>In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement. The policies of this Provincial Policy Statement continue to apply after adoption and approval of a municipal official</i></p>	<p>This policy is self-explanatory.</p>

APPLICABLE PROVINCIAL POLICY (PPS)	COMMENTS
<i>plan.</i>	
<p>Section 4.6</p> <p><i>The policies of this Provincial Policy Statement represent minimum standards. This Provincial Policy Statement does not prevent planning authorities and decision-makers from going beyond the minimum standards established in specific policies, unless doing so would conflict with any policy of this Provincial Policy Statement.</i></p>	<p>This policy makes it clear that the PPS represent 'minimum standards'. In my opinion, this permits planning authorities to go beyond these minimum standards if there is a clear public interest to do so. The determination of what is in the public interest in this regard is very much related to the policies contained within Section 1.3.1 and 1.7.1 of the PPS.</p>