



March 3, 2015

The Regional Municipality of York  
Planning and Economic Development  
Corporate Services Department  
17250 Yonge Street  
Newmarket, Ontario L3Y 6Z1

Attention: Sandra Malcic, Manager Policy and Environment

RE: YORK REGION OFFICIAL PLAN UPDATE

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In light of the upcoming review of the Regional Official Plan I would like to provide my comments on the Region's employment policies in general, and more specifically as they apply to a site specific application we have in Markham.

### **Supply of Employment Land**

I understand the Region's need to prepare a land budget that protects an adequate supply of both residential and employment lands in order to meet future needs. However the reality is that each area municipality has also identified/designated lands for employment needs in order to bring the residential lands on-stream that are needed to satisfy residential growth. As a result we now have, in my opinion, and over supply of employment lands that far outweighs the real demand for that space.

This is particularly problematic for the identified "Regional Growth Centres". The oversupply of employment lands has resulted in an unfair competitive advantage for the Growth Centers. To give an example, a major office use which should be directed to the highest priority growth areas now has a number of choices in the deliberation of its site selection process. It is not necessarily a negative to have a competitive environment when it comes to land choices, however this competitive environment only works if all other factors are equal. Despite all the positives of being located in a highly intensifying area with all the amenities found in mixed use centres, price remains as a main determining factor. In a growth center the costs of providing office space is considerably higher. Given the need for below grade or structured parking as opposed to surface parking it is difficult to maintain a competitive lease structure. Both land costs and cash in-lieu rates are higher in the growth centres. As more employment lands are entering the supply this situation is getting further acerbated. It is clear that the demand for employment lands is not where it was forecasted, this is evidenced by the recent shortfall in the Regional Development Charge revenues that were brought to the attention of the development industry.

In considering the future employment land needs a complete study of the supply of lands available needs to be undertaken. This exercise should, as one of its major component parts, evaluate the relative impacts on the designated Regional Growth Centres.

### **Categories of Employment Land**

In addition to the oversupply of employment lands a second issue has emerged that deals with the categories of employment land and their location relative to the built areas of the area municipalities. These comments have to do more with the location and relative land cost of providing employment uses (other than office) within the built urban areas.

Over the past number of years we have seen a dramatic shift in the type of employment users. It has been our experience that the light and heavy manufacturing uses are not locating within built urban areas due to a number of considerations. These considerations include relative price of land, ease of access for deliveries and potential land use conflicts with sensitive land uses that result from noise, dust, vibration and heavy truck movements.

Lands that are further from urban areas with direct access to the 400 series highways or major rail corridors seem to be much more attractive to these types of uses. Land costs are lower in the ex-urban areas, access for truck traffic is easier and potential conflicts with established residential neighbourhoods is more manageable if not eliminated. In the ex-urban areas, due to the relative low cost of land, greater buffers and setbacks from residential uses can be achieved.

In its deliberations, Regional staff should consider these factors and determine suitable lands for these uses or minimally develop a list of criteria that ensure new manufacturing uses are directed to areas where potential land use conflicts can be eliminated.

### **Site Specific Official Plan Amendment**

As you are aware we have submitted applications to amend the Official Plan for a parcel of land located within the City of Markham (see attached location map). The intent of the application is to re-designate a portion of the site from "General Employment" to residential. The application has been fully vetted at the local level and has undergone an exhaustive community and Council review process. At the conclusion of the process it was determined, by Markham Council, that the change in land use was desirable given the site specific nature of the application (see attached Council Minutes from June 24<sup>th</sup>, 2014).

I am attaching a copy of the reports/submissions in support of the application for your review and consideration. The basic thrust of our request lies in the fact that planning is not a static process and each application requires an evaluation on its own merits. In this case planning by "the numbers" is not appropriate and other planning considerations need to be factored into the equation. One of the main drivers of good community planning is the consideration of land use compatibility. It is imperative that planners recognize potential land use conflict issues and, if the opportunity presents itself, eliminate those potential conflicts.

I have attached a copy of a letter dated April 8<sup>th</sup>, 2014 that provides a detailed planning rationale which supports the appropriateness of the re-designation. To summarize the main points:



a) Compatibility with Adjacent Land use

The subject lands were designated for "General Employment" uses that would permit a wide range of uses including manufacturing, processing & warehousing; which by their nature require truck movements, loading activities and controlled outside storage. Due to the proximity of the existing residential to the south and west of the subject lands and the new community centre/library/neighbourhood (currently under construction) at the southeast corner of Middlefield and 14<sup>th</sup> Avenue, employment activities **would** create land use and public safety conflicts that result from truck traffic, noise, odour, dust and contaminant discharges.

MOE Guidelines

In addition to the information provided in the attached reports/letter I would also point out the Ministry of Environment D-6 Guidelines "Compatibility Between Industrial Facilities and Sensitive Land Uses". Based on this regulation a sensitive land use would be classified as a School, Community Centre or a public park. This guideline is intended to be used as a tool by municipal planners in making land use decisions in order to minimize land use conflicts.

The guideline gives examples of the types of activities that would be classified as Class 1, 2 or 3 Industrial uses. Based on the General Employment designation it would be safe to assume that Class 2 industrial uses could (if the market ever existed) be developed on the site. The guidelines also provide minimum separation distances (70.0 m) and a potential zone of influence (300.0 m) (see attached excerpts from the D-6 Guidelines). The Ministry recommends that the designation of lands within the zone of influence be done so with an aim to eliminate compatibility issues. For reference purposes I have enclosed a map that includes both the minimum 70.0 m and the 300.0 m area of influence superimposed on the subject lands.

Based on the MOE Guidelines and the surrounding land uses the question remains, if an application for a General Employment designation was submitted on the subject lands today, given the surrounding land uses, could it be supported? I will hazard a guess that no the application would never be supported by either planning staff or by the local Council.

b) Employment Forecasts

In the advent that the planning decision is to be based on the generation of jobs, we retained a consultant to evaluate the number of jobs that could be generated on the subject lands under the "General Employment" designation and the number of jobs that would be generated by providing a more intense form of employment uses along the 14<sup>th</sup> Avenue corridor (see attached presentation to Markham Council). Based on this analysis the number of jobs that would likely occur on the subject lands (assuming that there would ever be a market for employment uses on this site with the potential land use conflicts) was between 1,036-1,244. Based on an analysis of the number of jobs that would be created by providing a more intense form of employment along 14<sup>th</sup> Avenue (based on 244,000 sq.ft of higher order office space and using an area of 185 sq.ft. per employee) a total of 1320 jobs would be provided for.

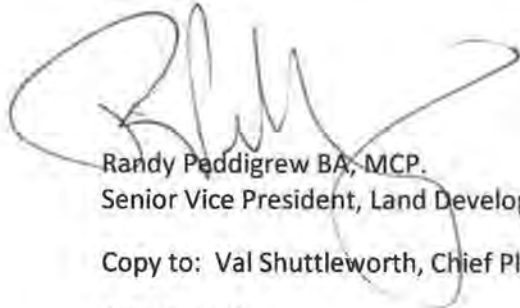
As a result the proposed land use (as approved by Markham Council) does not result in a net loss of employment activity but rather results in a slight increase. It should be noted that given the MOE Guidelines the development of light manufacturing or processing is not likely to occur

but rather warehousing uses might be the most one would expect and would result in significantly lower employment numbers.

In addition to the compatibility issues and the positive job creation numbers other factors should be included in the evaluation of the re-designation request. The housing form contemplated for this site would consist of small lot singles and townhomes. These housing types are by their nature more affordable and contribute to the goal of achieving a wide range of housing choices within a community. The second factor to consider is one of sustainability. We have agreed with Markham that we would develop this site to a LEED standard (a detailed list of the initiatives to be implemented is included in the attached letter). Included within this program would be the design and construction of a "green road" demonstration project. This site offers the municipality the opportunity to test various green building and development techniques that will inform the development of future green field areas.

I would request that this submission be given full consideration and be included in any reports that would be submitted to Regional Council for consideration. I am available to meet to discuss the issues raised in this submission should the need arise.

Sincerely,



Randy Paddigrew BA, MCP.  
Senior Vice President, Land Development

Copy to: Val Shuttleworth, Chief Planner

#### Attachments

1. April 8<sup>th</sup> Letter
2. Markham Council Minutes approving the Official Plan Amendment
3. Letter from Bratty and Partners agreeing to a deferral of a decision until the Spring of 2015
4. MOE D-6 Guidelines
5. Presentation made to Markham Council in support of re-designation request



THE REMINGTON GROUP INC.

April 8, 2014

City of Markham  
Planning and Urban Design Department  
101 Town Centre Boulevard  
Markham, Ontario L3R 9W3

Attention: Ms. Stacia Muradali, Senior Planner

Dear Ms. Muradali:

RE: Official Plan Application OP 13 108448  
Neamsby Investments Inc. – South 14<sup>th</sup> Avenue  
Conformity Criteria Section 9.2.10

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In respect of Section 9.2.10 contained within the City of Markham's New Official plan, which has been approved by Markham Council but not yet adopted by the Region of York. We provide the following information for your consideration.

**1. Compatibility with Adjacent Land Use**

The subject lands are located immediately adjacent to an established residential community (attachment 1) both to the west and to the south. The southern boundary of the lands are shared with an existing residential neighbourhood. The proposed residential land use would be compatible with this community by providing housing types that are similar in nature. The existing employment designation would introduce a building type that would have a high probability of generating noise, dust and odours from truck traffic/movements, potential manufacturing and processing activities and open storage. To have those types of employment uses immediately adjacent to an established residential neighbourhood would not be appropriate and will result in ongoing conflicts with the existing community.

In addition to the proximity of this site to an established residential neighbourhood, a new municipal community centre/library and neighbourhood park (attachment 2) is under

construction at the south east corner of Middlefield Road and 14<sup>th</sup> Avenue. The selection of this site as a community centre/ library and neighbourhood park was done so because of its convenient location for the existing residents in the area. It is anticipated that the community centre/park site will generate significant pedestrian movement as members of the community walk from either their homes or from the elementary school located at Middlefield and Highglen Avenue. The introduction of an industrial subdivision with truck traffic is not compatible with the municipal facility or the new neighbourhood park and would create an unnecessary safety risk for all pedestrians (particularly school age children) who will visit the site.

The proposed land use would allow for the introduction of a residential community that would not only be compatible with the surrounding residential community but with the community centre and neighbourhood park (attachment 3).

In addition the new land use proposal contemplates the retention of the lands along the 14<sup>th</sup> Avenue frontage for a higher order office employment use (attachment 4). The intent is to provide a land use transition from the industrial park located on the north side of 14<sup>th</sup> with uses that are intended to serve the needs of the proposed new residential community and the existing community. The office/service employment uses would not generate a high level of truck traffic and is located in an area that would not result in the same safety and noise concerns to the existing community that the other employment uses will surly generate.

Immediately to the east of the subject lands is a full service commercial retail plaza with shopping and restaurant uses. The proximity of this use to the new proposed residential community will encourage more pedestrian movement in the community. Providing more opportunities for residents to 'leave the car at home' while conducting their daily shopping needs should be encouraged.

It is our submission that if this site was undesignated today and applications were submitted for an industrial development plan it would not be supportable from a planning perspective, given the surrounding land use context.

It must further be noted that given the proximity of the existing established neighbourhoods, industrial users are hesitant to undertake a substantial capital investment in an area where conflicts are sure to arise and interfere with their daily commercial activities. The types of uses that would be established on lands with a similar designation will seek out locations that do not have established residential communities in such close proximity.

## **2. Employment Job Creation**

In support of our official plan application we retained the services of the MMM Group to prepare an economic analysis of the potential employment activity for these lands, based on the current designations and based on the proposed designations.

The analysis determined, based on the employment numbers derived from the Armadale Employment Park located on the north side of 14<sup>th</sup> Avenue, that the average employment density that would be expected from these lands if they were to be developed as an industrial park would be 48.2 jobs per hectare. It should be noted that most employment users would be reluctant to locate on the subject lands due to the land use compatibility issues identified above.

The net developable area of the subject lands is 21.5 ha. Based on an employment generation of 48.2 jobs per hectare the total number of jobs likely to be generated under the current designation would be 1,036. The retention of the lands along the south side of 14<sup>th</sup> for higher order office uses (approximately 244,000 sq.ft. of office space) would generate a total of 1320 jobs, based on a ratio of 185 sq.ft. per employee.

Based on the above it is clear that there would be no net reduction in jobs but an actual increase in employment activity (284 jobs) of a type that would not only be compatible with the existing established neighbourhood's but would be potentially complimentary.

## **3. Proximity to Transit**

The York Region Official Plan designates 14<sup>th</sup> Avenue as a "Regional Transit Priority Network". The York Region Official Plan states the following regarding Regional Transit Priority Network:

24. To provide preferential treatment for transit vehicles on Regional Streets, designated as Regional Transit Priority Network on Map 11, including the construction of high-occupancy vehicle lanes, dedicated transit lanes, transit signal priority and other transit priority measures within the right-of-way.

Currently 14<sup>th</sup> Avenue has York Region Transit during the week (Route 14) that travels past the lands, YRT/ Viva runs a service from Denison, north on Middlefield to Highglen Avenue and York Region Transit and the TTC have a route on Markham Road (Highway 48) that travels to and from the Warden Subway facility .

This site is well serviced by transit and would not result in a need to extend service routes. It will also allow for intensification of residential uses along existing transit routes which will increase the opportunity for ridership and lower operating costs.

#### **4. Provision for a VIVA Terminal**

Although to date no expression of interest has been received regarding the provision of a VIVA terminal on the subject lands, should the interest or need for transit facilities arise we would entertain the opportunity and integrate the facility into our proposed development.

#### **5. Achieving Public Amenities**

We have maintained that the development of the subject lands as a 'green' demonstration site remains applicable. It is intended that the site would become an opportunity for the municipality and the Toronto and Region Conservation Authority to explore with the landowners green building and construction techniques that have yet to be applied to ground related residential communities in Markham. Among the many initiatives that would be explored items such as LID 'green roads' and LEED certified residential homes.

We are of the opinion that the techniques explored on this site would assist the municipality as it grows into green field areas to understand what environmentally friendly measures can be achieved in the public realm (roads, sidewalks et cetera) within new ground related subdivisions.

Some of the items that would be explored within the new homes would be the following:

- increased insulation levels;
- Draft proofing;
- Low e2 dual pane windows with argon gas;
- Integrated HRV and air handler;
- Properly sized and sealed ductwork;
- Radiant heating system roughed in for the basement floor;
- Roof overhangs for solar shading;
- Rough in for gas dryer and range;
- Energy efficient lighting;
- Programmable web-connected thermostat ;
- In home real-time energy monitor;
- Rainwater harvesting cistern to supply toilets and irrigation;
- Dual flush low flow toilets;



- Low flow facets;
- Touchless vanity facets;
- Automated “SMART” irrigation system;
- Locally sourced construction materials;
- Fifty year shingles;
- Built in kitchen recycling centre;
- On-site waste diversion and recycling program;
- Low VOC paints;
- Steam based insulation propellant;
- Hard surface flooring;
- HEPA filtration unit;
- Formaldehyde free plywood cabinets and forest stewardship council (FSC) wood.

In addition to sustainable building techniques we are proposing to introduce pedestrian connections to the new community centre and neighbourhood park, an amenity area on the retained employment block that would serve both the employees and residents in the community (attachment 4).

#### **6. Affordable or Seniors Housing**

By the nature of the homes to be constructed on the site they will provide a range of ground related housing options from traditional single family homes to townhomes. By offering a smaller housing product to the market we will fulfill a market demand for starter homes within the community. This will allow families who have either young adults or seniors who have lower or fixed incomes to purchase their own home and stay within the community.

Based on the above it appears that the subject official plan amendment application does meet the general intent of policy 9.2.10. Specifically:

- Resolves potential land use conflicts by introducing a compatible land use;
- Will provide more jobs than originally anticipated;
- Is located on existing transit routes and adjacent to a “Regional Priority Transit Network”;
- Provision for a VIVA Terminal can be accommodated;
- Substantial public amenities will be achieved by the introduction of LEED or LEED equivalent constructed housing program and green infrastructure;
- Will provide for a variety of ground related housing types, including smaller housing products that will appeal to the first time buyer or seniors looking to downsize but stay within the community.

Trusting that this is of assistance. Should you require any additional information, please do not hesitate to contact me at (905) 761-8200.

Sincerely,



Randy Peddigrew  
Senior Vice President, Land Development

Encl.

# South 14<sup>th</sup> Avenue





# Municipal Community Centre & Library Plan

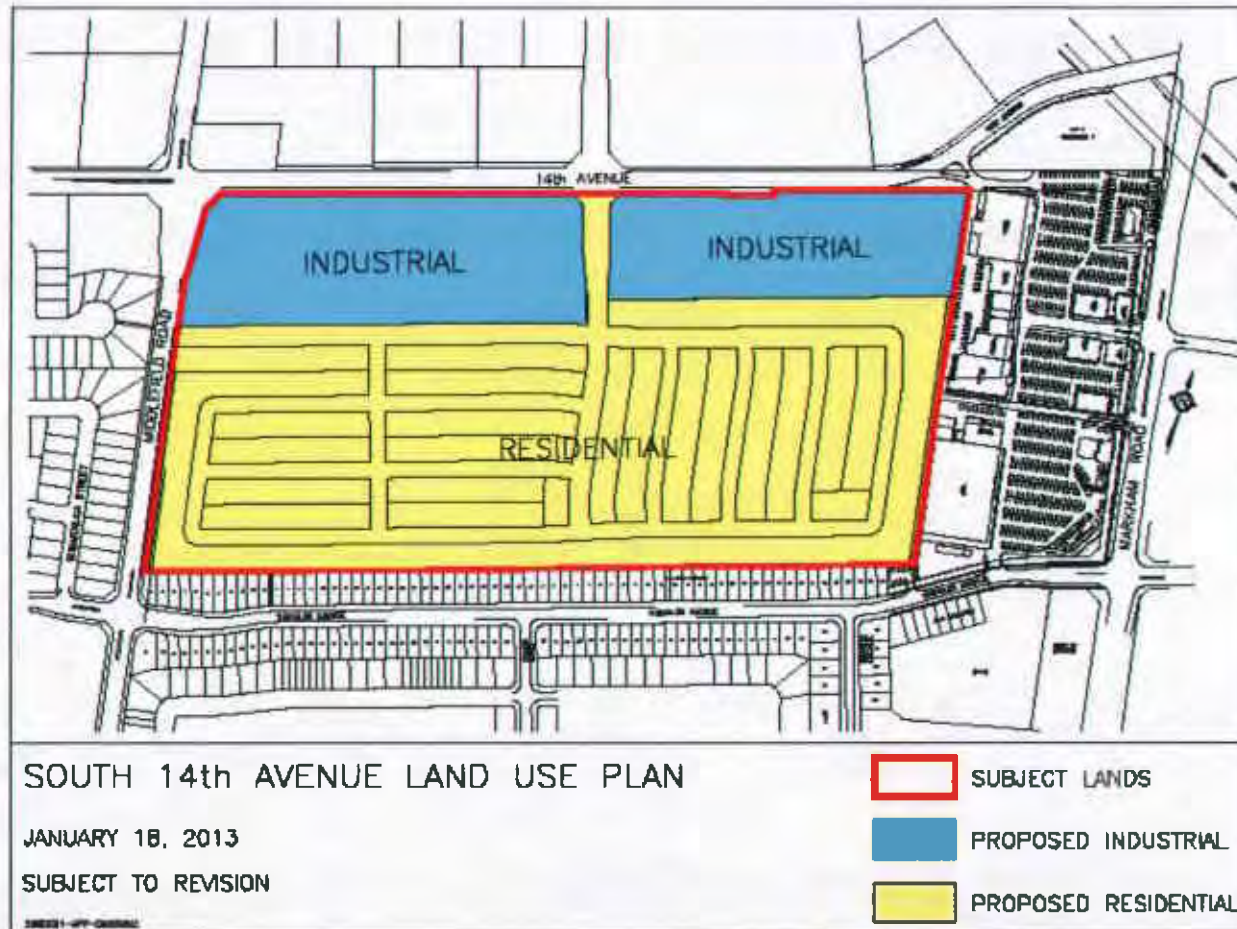
## 02 Landscape Design Update



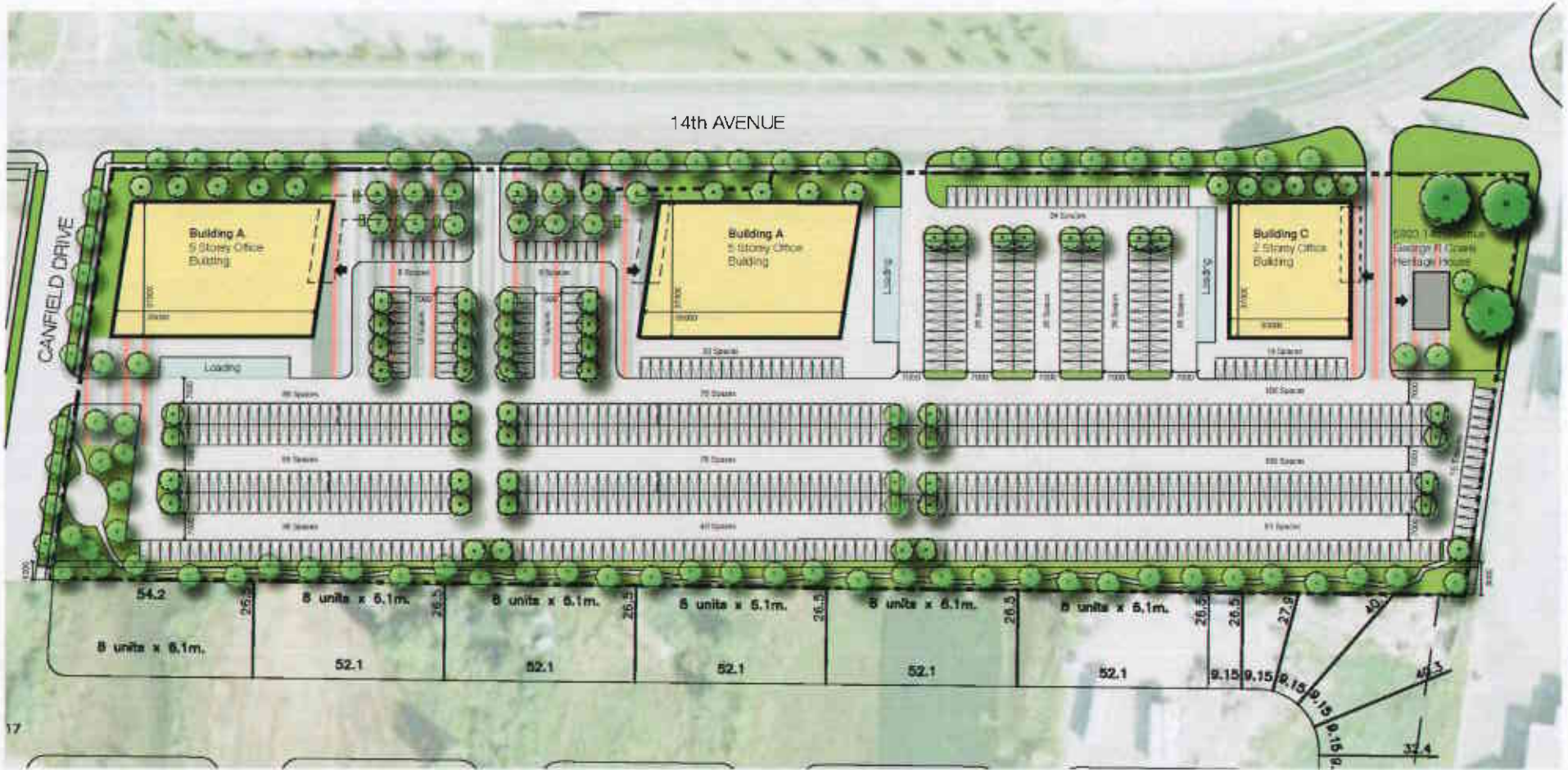
SITE / LANDSCAPE PLAN



# Land Use Plan



# South 14<sup>th</sup> Avenue – Site Plan



**Quadrangle**

Quadrangle Architects Limited  
901 King Street West, Suite 701  
Toronto, ON M5V 3K6

## South 14th Avenue

Mississauga, Ontario  
Project No. 13082  
2013.05-23

Total Site Area +/- 10.74 Ac  
Parcel A +/- 8.08 Ac  
Parcel B +/- 2.67 Ac

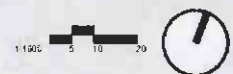
Office Building A 109,000sf  
Office Building B 109,000sf  
Office Building C 28,000sf

Total Office GFA 244,000sf  
Rentable Area 244,000sf x .90 = 219,600sf

Parking +/- 825 spaces  
1 space per +/- 296sf CR +/- 0.38 spaces per 1000sf

LAND OWNERSHIP  
NEAMSBY INVESTMENTS  
ROGNA MAURO  
FULTON HOMES LIMITED  
S1773 / ONTARIO LIMITED  
CEDARLAND PROPERTIES LIMITED  
1113529 CALTARIO LIMITED

## Site Plan







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EXCERPT CONTAINING ITEM #006d OF THE COUNCIL COMMITTEE (June 24, 14)

**(4) PRELIMINARY REPORT NEAMSBY INVESTMENTS INC., ROSINA MAURO AND FULTON HOMES LIMITED OFFICIAL PLAN AMENDMENT APPLICATION TO REDESIGNATE EMPLOYMENT LANDS TO ALLOW RESIDENTIAL USES AT 5659 TO 5933 14TH AVENUE FILE NO: OP 13 108448 (10.3)**

**Report**

**Moved by Regional Councillor Jim Jones**

**Seconded by Councillor Don Hamilton**

**1) That correspondence and deputation by Sam Orrico regarding the application by Neamsby Investments Inc., be received; and,**

**1) That the Development Services Commission report dated May 6<sup>th</sup>, 2014 titled "PRELIMINARY REPORT, Neamsby Investments Inc., Rosina Mauro and Fulton Homes Limited, Official Plan amendment application to redesignate employment lands to allow residential uses at 5659 to 5933 14<sup>th</sup> Avenue, File No: OP 13 108448," be received; and,**

**2) That the record of the Public Meeting held on June 17<sup>th</sup>, 2014, with respect to the Official Plan amendment application**

**submitted by Neamsby Investments Inc., Rosina Mauro and Fulton Homes Limited to redesignate employment lands to allow residential uses at 5659 to 5933 14<sup>th</sup> Avenue (OP 13 108448) be received; and,**

**3) That the Official Plan amendment application (OP 13 108448) submitted by Neamsby Investments Inc., Rosina Mauro and Fulton Homes Limited to amend the in force Official Plan (Revised 1987), as amended, and the new Council adopted Official Plan (2013), to redesignate employment lands to permit residential uses at 5659 to 5933 14<sup>th</sup> Avenue, be approved; and,**

**4) That the proposed amendment to the Official Plan (Revised 1987), as amended, be adopted and forwarded to York Region for approval; and,**

**5) That the proposed amendment to the Council adopted Official Plan (2013), be adopted and forwarded to York Region for approval; and further,**

**6) That Staff be authorized and directed to give effect to this resolution.**

**Carried**





**BRATTYS** <sup>LLP</sup>  
BARRISTERS AND SOLICITORS

PLEASE REFER TO:  
Barry Horosko (Ext: 339)  
Email: bhorosko@bratty.com  
Caterina Facciolo (Ext: 293)  
Email: Cfacciolo@bratty.com  
Telephone: (905)760-2600

June 11, 2014

*Delivered via E-mail*

The Regional Municipality of York  
17250 Yonge Street  
Newmarket, Ontario  
L3Y 6Z1

**Attention: Regional Chair and Members of Regional Council**

Dear Mr. Chair and Members of Regional Council

**Re: 2013 City of Markham Official Plan – Part 1  
Proposed York Region Modifications  
Neamsby Investments Inc. et al**

We are the solicitors acting on behalf of Neamsby Investments Inc., Rosina Mauro and Fulton Homes Limited (collectively referred to as “Neamsby Investments Inc. et al”, the owners of lands located on the south side of 14<sup>th</sup> Avenue and east of Middlefield Road in the City of Markham municipally known as 5659 to 5933 14<sup>th</sup> Avenue (the “Subject Site”).

Our clients have submitted a site specific Official Plan Amendment Application (OP – 13 – 108448) to re-designate a portion of the Subject Site (22.4 ha) from “Industrial – General Industrial Area” to a residential designation to permit the development of ground related housing on the majority of the Subject Site and maintain the “Industrial – Business Corridor” designation along the 14<sup>th</sup> Avenue frontage (the “Application”). The Application was deemed complete on April 3, 2013.

Our clients have participated in the local municipal Official Plan review process, including several special Council Sub-Committee meetings in an effort to advance the Application. The Subject Site is located in an area that has now matured with residential uses, schools and a new community centre and neighbourhood park (under construction). The basis of the Application is to allow the development of the Subject Site in a manner that is compatible with the existing community.

The local Municipal process considered all aspects of our clients' request and Markham Council resolved to defer the current "Industrial" designation and consider the Application on its own merits. This process would allow the municipality to consider the Application and several others based on a full local review of the merits of the respective proposals. Our clients are accepting of the local municipality's process.

We note however that the proposed Regional Modification relating to the site-specific policy within Part 1 of the 2013 City of Markham Official Plan with respect to the Subject Site suggests that a Region-wide review of employment needs would need to occur prior to the consideration of the Application. Specifically, Regional Modification No. 55 being contained in Attachment 1 to the Report No. 1 of the Commissioner of Transportation and Community Planning dated May 15, 2014 regarding the *2013 City of Markham Official Plan, Part 1* provides as follows (Regional addition being underlined):

In response to Regional staff review, modify the last paragraph in Section 9.2.10, on Page 9-17, for the lands on the south of 14<sup>th</sup> Avenue between Middlefield Road and Markham Road, as follows:

Until a decision is made on the application for amendment to this Plan filed before adoption of this Plan, the 'General Employment' designation on the lands shown in hatching as 'Deferral Area' on Map 3 – Land Use is deferred and the provisions of the Official Plan (Revised 1987), as amended, shall apply to the lands.

This deferral cannot be released on its own but must be assessed in conjunction with all employment land use deferrals in this Plan, including Sections 9.4.7c), 9.4.14, 9.5.14, 9.6.5, 9.6.6, 9.7.8.5, 9.7.8.6, 9.7.8.7, 9.16.14 and 9.18.20. The collective consideration of these deferral requests requires further study by the Region. Determination of the removal of the deferral must await the Region's consideration of the potential collective impact of all employment land use deferrals through completion of the next Regional *municipal comprehensive review*.

Where the requested amendment to this Plan does not come into force the 'Deferral Area' hatching shall no longer apply and the 'General Employment' designation shown on Map 3 – Land Use shall come into force without the requirement for further amendment to the Plan.

We note that since issuing the May 15, 2014 Report, there appears to have been some further consideration given to the preconditions to the removal of the respective deferrals by Regional Staff. More specifically, in the June 12, 2014 Memo from Daniel Kostopoulos to Regional Council, Staff provides as follows:

1. Staff recommends the last sentence in proposed modifications #55, #63, #65, #67, #73, #76, #77, #78, #94, and #99 in *Attachment 1* to the Commissioner of Transportation and Community Planning report, dated May 12, 2014, be revised as follows (revised/additional text underlined): "Determination of the removal of the deferral must await the Region's consideration of the potential collective impact of

all employment land use deferrals through substantial completion of the forecasting and land budget component of the next Regional *municipal comprehensive review* by mid-2015.”

While our clients disagree with the necessity for a Region-wide review prior to the consideration of our clients' Application, we note that our clients are prepared to wait for the substantial completion of the forecasting and land budget component of same provided it is completed in a timely manner (spring of 2015) and that the determination of a deferral include the consideration of all aspects of the conversion request, including but not limited to, the appropriateness of maintaining an industrial designation in an area where extensive residential uses already exist and the health and safety of area residents are considered above a pure review of employment targets and numbers. In this respect we note that our clients, through the filing of supporting reports with respect to the Application, have already established that its' employment conversion request meets the six tests set out in the Growth Plan for the Greater Golden Horseshoe.

We would be pleased to provide any clarification that may be required with respect to the foregoing. In the interim, we respectfully request that the Region provide the undersigned with any future notifications regarding the 2013 City of Markham Official Plan.

Yours truly,  
**BRATTYS LLP**



Caterina Fauciolo

cc: Randy Peddigrew  
Frank Mauro

**GUIDELINE D-6**  
**(formerly 07-09)**

**COMPATIBILITY BETWEEN INDUSTRIAL  
FACILITIES AND SENSITIVE LAND USES**

**Legislative Authority:**

5(3)

*Environmental Protection Act, RSO 1990, Section 14*  
*Environmental Assessment Act, RSO 1990, Section*

*Planning Act, RSO 1990, Sections 2 (a) (b) (c) (f)*  
*(g) (h), 17(9), 22(3), 41(4) and 51(3)*

*Condominium Act, RSO 1990, Section 50(3)*

*Niagara Escarpment Planning & Development Act, RSO*  
*1990, Section 9*

**Responsible Director:**

Director, Environmental Planning & Analysis Branch

**Last Revision Date:**

July 1995



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- APPENDIX B:** RELATIONSHIP BETWEEN MINISTRY CERTIFICATE OF APPROVAL PROCESS & THE PLANNING PROCESS
- APPENDIX C:** SEPARATION DISTANCES (SECTION VIEW)  
SEPARATION DISTANCES (PLAN VIEW)
- APPENDIX D:** MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS  
BULLETIN NO. 91003, "ENVIRONMENTAL WARNINGS/  
RESTRICTIONS"

## **SYNOPSIS**

This guideline is intended to be applied in the land use planning process to prevent or minimize future land use problems due to the encroachment of sensitive land uses and industrial land uses on one another. The guideline is a direct application of Ministry Guideline D-1, "Land Use Compatibility" (formerly Policy 07-03).

This guideline encourages informed decision-making for Ministry staff as well as land use approval authorities and consultants, and assists in determining compatible mixed land uses and compatible intensification of land uses. The guideline is intended to apply when a change in land use is proposed, and the range of situations are set out in Section 2.0 "Application" of Guideline D-1. Responsibilities and various implementation techniques are discussed in Procedure D-1-1, "Land Use Compatibility: Implementation".

Adequate buffering of incompatible land uses is intended to supplement, not replace, controls which are required by legislation for both point source and fugitive emissions at the facility source. These emissions, which are difficult to control on-site, under all circumstances, all of the time, are associated with normal operating procedures. Appendix B contains information on the Ministry's legislative requirements (e.g. Certificates of Approval) which may apply to industrial facilities.

The Ministry shall not be held liable for municipal planning decisions that disregard Ministry policies and guidelines. When there is a contravention of Ministry legislation, Ministry staff shall enforce compliance.

Nothing in this guideline is intended to alter or modify the definition of "adverse effect" in the *Environmental Protection Act*.

### **1.0 INTRODUCTION**

#### **1.1 Objective**

The objective of this guideline is to prevent or minimize the encroachment of sensitive land use upon industrial land use and vice versa, as these two types of land uses are normally incompatible, due to possible adverse effects on sensitive land use created by industrial operations.

To assist planning authorities in achieving the objective,

Appendix A of this guideline categorizes industrial facilities into three Classes according to the objectionable nature of their emissions, their physical size/scale, production volumes and/or the intensity and scheduling of operations. One or more of these factors may cause an adverse effect.

## **1.2 Scope**

### **1.2.1 Sensitive Land Uses**

For the purposes of this guideline, (i.e. where industry is concerned) sensitive land use may include:

- ! recreational uses which are deemed by the municipality or provincial agency to be sensitive; and/or
- ! any building or associated amenity area (i.e. may be indoor or outdoor space) which is not directly associated with the industrial use, where humans or the natural environment may be adversely affected by emissions generated by the operation of a nearby industrial facility. For example, the building or amenity area may be associated with residences, senior citizen homes, schools, day care facilities, hospitals, churches and other similar institutional uses, or campgrounds.

See also Section 4.4.4, "Ancillary Land Uses (Sensitive Land Use)" for more information on the types of uses, the land areas and the related activities affected by this guideline.

NOTE: Residential land use shall be considered sensitive 24 hours/day.

### **1.2.2 Industrial Land Uses**

The guideline applies to all types of proposed, committed and/or existing industrial land uses which have the potential to produce point source and/or fugitive air emissions such as noise, vibration, odour, dust and others, either through normal operations, procedures, maintenance or storage activities, and/or from associated traffic/transportation.

This guideline also considers ground borne vibration, but does not deal with other emissions into the soil or ground and surface water. These other matters are addressed through the *Environmental Protection Act (EP Act)*, in particular Regulation 346 and Regulation 347, the *Ontario Water*

Resources Act (OWR Act) in general, and the Municipal Industrial Strategy for Abatement (MISA).

### **1.2.3 Non-Stationary Industrial Facilities**

This guideline is not intended to apply to non-stationary industrial facilities such as a portable asphalt plant.

### **1.2.4 Other Facilities**

This guideline does not apply to the following provincial, municipal or private facilities, land uses or related activities, nor to any on-site industrial-type facilities associated with them, except as noted below:

- ! sewage treatment facilities;
- ! landfills or dumps, transfer stations and other waste management facilities and waste processing facilities that require a Waste Certificate of Approval (e.g. facilities for waste oil refining, waste wood chipping and materials recovery facilities [MRFs]);
- ! agricultural operations;
- ! roadways (except for ancillary transportation facilities and transportation-related activities for an industrial land use including shipping and receiving);
- ! airports;
- ! railways (but it does apply to railway yards and other ancillary rail facilities); and
- ! pits and quarries (However, in the absence of site specific studies, this guideline should be utilized when sensitive land use encroaches on an existing pit and/or quarry. In these situations the appropriate criteria are the potential influence area and recommended minimum separation distance for a Class III industrial facility as set out in Sections 4.1.1 and 4.3 of this guideline.).

A list of publications which deal with land use compatibility for some of these land uses is provided in Procedure D-1-2, "Land Use Compatibility: Specific Applications".

## **1.3 Land Uses Compatible with Industrial Facilities**

The land uses listed in Section 1.2.4 above are normally compatible with industrial facilities.

## **1.4 Approach**

The general approach in Section 3.0 of Guideline D-1: "Land Use



Compatibility" shall be followed to protect incompatible land uses from each other.

## **2.0 DEFINITIONS**

NOTE: Definitions in addition to those below are provided in Procedure D-1-3, "Land Use Compatibility: Definitions".

### **Amenity Area**

An outdoor space or facility that is used for the enjoyment of persons residing in or utilizing any building(s) on the premises.

### **Class I Industrial Facility**

A place of business for a small scale, self contained plant or building which produces/stores a product which is contained in a package and has low probability of fugitive emissions. Outputs are infrequent, and could be point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration. There are daytime operations only, with infrequent movement of products and/or heavy trucks and no outside storage. See Appendix A of this guideline for classification criteria and examples to categorize a specific industry.

### **Class II Industrial Facility**

A place of business for medium scale processing and manufacturing with outdoor storage of wastes or materials (i.e. it has an open process) and/or there are periodic outputs of minor annoyance. There are occasional outputs of either point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration, and low probability of fugitive emissions. Shift operations are permitted and there is frequent movement of products and/or heavy trucks during daytime hours. See Appendix A of this guideline for classification criteria and examples to categorize a specific industry.

### **Class III Industrial Facility**

A place of business for large scale manufacturing or processing, characterized by: large physical size, outside storage of raw and finished products, large production volumes and continuous movement of products and employees during daily shift operations. It has frequent outputs of major annoyance and there is high probability of fugitive emissions. See Appendix A of this guideline for classification criteria and examples to categorize a specific industry.

### **Fugitive Emissions**

Reasonably expected/predictable contaminant occurrences associated with normal operational practices and procedures (e.g. materials handling or outdoor storage) of industrial facilities, which are generally difficult to practically control at the source or on-site. These emissions are not point sources (i.e. not from stacks or vents). Fugitive emissions are from all sources. These emissions may include odour, noise, vibration and particulate such as dust. Emissions from a breakdown are also not considered 'fugitive'. Breakdown emissions would be covered under a Certificate of Approval contingency plan, or are considered to be a 'spill'.

### **Industry, Industrial Land Use or Industrial Facility**

A facility or activity relating to: the assemblage and/or storage of substances/goods/raw materials; their processing and/or manufacturing; and/or the packaging and shipping of finished products. Industrial facilities are further refined through categorization into 3 Classes in this guideline (see Appendix A of this guideline).

### **Infilling**

Development on a vacant lot or an underdeveloped lot within a built-up area; not redevelopment/re-use.

### **Redevelopment**

Where existing land uses are being phased out and replaced by another type of designated land use as part of a land use plan or proposal which has been substantiated by studies and is in accordance with a municipal official plan policy or other formally approved plan.

## **3.0 APPLICATION**

The information set out Section 2.0 of Guideline D-1, "Land Use Compatibility" shall apply for this guideline also.

## **4.0 IMPLEMENTATION**

Areas of Responsibility for Ministry Staff or the Delegated Authority, Municipalities and Other Planning Authorities and Proponents are identified in Procedure D-1-1, Sections 1, 2 and 3 respectively.

See Procedure D-1-1, "Land Use Compatibility: Implementation" also for general information on legislative and administrative tools.

## **4.1 Influence Area Concept**

### **4.1.1 Potential Influence Areas for Industrial Land Uses**

The Ministry has identified, through case studies and past experience, the following potential influence areas (i.e. areas within which adverse effects may be experienced) for industrial land uses (Illustrated in Appendix C):

**Class I - 70 metres\***

**Class II - 300 metres\***

**Class III - 1000 metres\***

**\* See Section 4.4, "Measuring Separation Distance" also.**

### **4.1.2 Actual Influence Areas for Industrial Land Uses**

The actual influence area (overall range within which an adverse effect would be or is experienced) for a particular facility is site-specific, and may be defined within, or in exceptional circumstances (see Section 4.5.2, Separation Distance Greater than the Potential Influence Area"), beyond the potential influence area either before, or where applicable, after buffers have been used to reduce, eliminate or otherwise intercept adverse effects.

In the absence of specific substantiating information (normally obtained through technical studies - see Section 4.6, "Studies") which identifies an actual influence area, the potential influence areas set out in Section 4.1.1 of this guideline shall be used.

### **4.1.3 Influence Area Reduced Through Industrial Controls**

Mitigation at the industrial source, if it affects the criteria considered in Appendix A, may enable an industry to be categorized as a lesser Class (e.g. from a Class II to a Class I), thereby reducing the minimum separation distance requirements set out in Section 4.3, "Recommended Minimum Separation Distances". For example, a rendering plant can be an extremely noxious use, but an enzyme digester can make it "cleaner".

In cases where the separation distance is reduced through other buffering techniques, where feasible the Ministry recommends some site-specific notification (e.g. spot zoning or requirement for re-zoning by the municipality) to deal with future changes in use which would not normally require re-zoning.

## **4.2 Land Use Planning**

### **4.2.1 Purpose of General Land Use Plans**

Impacts from industrial sources relate to operating and maintenance procedures rather than general land use. Land use documents normally do not control the operation of a land use, as the operational details are not normally known when lands are designated for industrial use, and most operational aspects cannot be controlled by municipalities through the land use planning process.

As well, municipal official plans (O.P.s) give general policy direction. Official plans and associated policies have no power of enforcement. There is no allowance for 'performance' zoning. Therefore, it is difficult to calculate actual influence areas at the time the O.P. is contemplated. Uses within a given designation or zoning could have totally different influence areas.

### **4.2.2 Determining Permitted Uses Within Industrial Land Use Designations**

Permitted uses should be based on operational aspects (e.g. plant emissions, hours of operation, traffic movement) and mitigation employed. Zoning by-laws, however, do not normally use such factors in the definition of permitted uses. Therefore, it shall be necessary to consult Appendix A of this guideline, to determine permitted uses within a general land use designation.

### **4.2.3 Existing and Committed Industrial Land Use**

When there are existing and committed industrial uses, the Ministry recommends that the category designation of "Class I", "Class II" or "Class III", according to Appendix A of this policy, be indicated in the land use plans by the approval authority.

Plan approval agencies are encouraged to delineate all potential influence areas or, where known, the actual influence areas, around existing and committed industrial land uses within their jurisdiction, to be used as a 'flag' when a change in land use is proposed within them.

This should be done on a scaled land use plan or map, and included in an easily accessible document, such as an official plan schedule.

NOTE #1: The Canadian Urban Institute is producing a guide

to the creation and use of municipal historical inventories which includes a recommended approach to documenting the types and locations of industries and other potentially polluting activities.

NOTE #2: It would be advisable to include locations of former industrial facilities as well, since decommissioning and soil clean up may be required for site re-use. See Section 4.10.8, "Site Clean Up and Decommissioning" also.

#### **4.2.4 On-Site Separation Distance**

There is merit in providing a required separation distance on the facility site. However, there may be a change in industrial land use that does not require a change in zoning, but which nevertheless produces a different influence area not covered off by the existing on-site buffer area.

Therefore, when separation distance is provided partially or entirely on-site, the Ministry recommends that where feasible, some site-specific notification (e.g. spot zoning or requirement for re-zoning by the municipality) is put in place to ensure future changes in use which would not normally require re-zoning will comply with this guideline. The same problem could occur when a buffer area is provided on the sensitive site.

#### **4.2.5 Off-Site Separation Distance**

When the separation distance extends beyond the facility/sensitive site boundary or the industrial/sensitive zoned or designated lands, the intervening lands may be of a use or activity compatible with both the facility and the sensitive land use.

For example, depending upon the amount of intervening space, uses could include: warehousing, various commercial uses that relate to types of industries or the neighbouring lands, open/green space, road allowance or, for Class III and Class II industrial uses, Class I industrial uses. If a lower Class of industrial use is used, there must still be adequate separation and/or buffering as established in this guideline to avoid or eliminate adverse effects on any sensitive land uses in the vicinity.

### **4.3 Recommended Minimum Separation Distances**

No incompatible development other than that identified in Section 4.10, "Redevelopment, Infilling and Mixed Use Areas" should occur



in the areas identified below and illustrated in Appendix C, even if additional mitigation for adverse effects, as discussed in Section 4.2 of Procedure D-1-1, "Types of Buffers", is provided:

**Class I - 20 metres minimum separation distance\***

**Class II - 70 metres minimum separation distance\***

**Class III - 300 metres minimum separation distance\***

**\* See Section 4.4, "Measuring Separation Distance" also.**

These minimums are based on Ministry studies and historical complaint data. They also make allowance for the fact that conventional zoning classifications usually permit a broad range of uses with varying potential to create land use conflicts.

#### **4.4 Measuring Separation Distance**

Depending upon the situation, separation distances may be measured from different points:

##### **4.4.1. General Land Use Plans**

Measurement shall be from the area(s) designated for industrial use to the area(s) designated for sensitive land use. This would apply for such matters as municipal official plans and Ministry of Natural Resources District Land Guidelines.

##### **4.4.2 Site Specific Plans**

Measurement shall normally be from the closest existing, committed or proposed property/lot line of the industrial land use to the property/lot line of the closest existing, committed or proposed sensitive land use. This approach provides for the full use and enjoyment of both the sensitive land use and the industrial properties. See Sections 4.4.3 and 4.4.4 for exceptional situations.

##### **4.4.3 Zoning/Site Plan Control (Industrial Lands)**

Where site-specific zoning or site plan control precludes the use of the setback for any activity associated with the industrial use that could create an adverse effect such as shipping and receiving or outside storage/stockpiling of materials (e.g. front yard must be landscaped, and functions as a buffer), then the setback can be included as part of the measurement, rather than measuring from the industrial property line.

NOTE: This approach could restrict future expansion of existing land uses.

On-site buffers could be required by a municipality through zoning by-law setback requirements in industrial subdivisions, but this may not be practical, as the provision of very deep lots would be necessary. See Section 4.2.4, "On-Site Separation Distance" also. The use of other forms of mitigation may have to wait until a specific industry and/or sensitive land use has been identified/established.

#### **4.4.4 Ancillary Land Uses (Sensitive Land Use)**

For sensitive land uses, where the established use of on-site lands are not of a sensitive nature, such as a parking lot servicing a hospital, the land area comprising the parking lot may be included within the separation distance (i.e. measure from where the actual sensitive activities occur).

NOTE: This approach could restrict future expansion of existing land uses. See Section 4.2.4, "On-Site Separation Distance" also.

#### **4.4.5 Vacant Industrial Land**

Where there is no existing industrial facility within the area designated/zoned for industrial land use, determination of the potential influence area shall be based upon a hypothetical "worst case scenario" for which the zoned area is committed. Therefore, Ministry staff or the delegated authority shall use the outside range of the potential influence area to determine an appropriate separation distance. See Section 4.2.2, "Determining Permitted Uses Within Industrial Land Use Designations" also.

#### **4.4.6 Changing Industrial Uses**

Where an influence area has been established based upon existing industrial land uses, it will be the responsibility of the local municipality to restrict, through zoning or any other available means, the types of future industrial uses that can occur, so that they are compatible with the influence area used.

NOTE: Zoning by-laws cannot control the level of emissions produced (related to specific products) or technology used,

hours of operation or traffic movements. It is difficult to correlate zoning by-laws with the industrial classifications set out in Appendix A, and therefore site-specific/spot zoning or a requirement for re-zoning by the municipality may be necessary to ensure that the establishment of new industrial uses comply with this guideline. See Section 4.2.2, "Determining Permitted Uses Within Industrial Land Use Designations" also.

#### **4.5 Commenting on Land Use Proposals**

##### **4.5.1 Considerations When a Change in Land Use is Proposed Within an Influence Area or Potential Influence Area**

The potential influence areas, or where known, the actual influence areas (see Section 4.1 of this guideline) should act as a 'flag', and no sensitive land uses shall be permitted within the actual or potential influence areas of Class I, II or III industrial land uses, without evidence to substantiate the absence of a problem. When studies are needed to identify problems and mitigative measures, see Section 4.6, "Studies".

When a land use proposal places sensitive land use beyond a facility's potential influence area, or where known, actual influence area, the Ministry shall not normally object to the change in land use on the basis of land use compatibility. For exceptional situations, see Section 4.5.2 "Separation Distance Greater than the Potential Influence Area".

##### **4.5.2 Separation Distance Greater than the Potential Influence Area**

In exceptional circumstances the Ministry shall recommend separation distances greater than the outer limit of the potential influence areas identified in Section 4.1.1 of this guideline. In such cases, the Ministry shall demonstrate the need for greater distance, such as historical data for similar facilities. Studies (see Section 4.6) may be required even if a separation distance beyond the potential influence area is proposed.

##### **4.5.3 Irreconcilable Incompatibilities**

When impacts from industrial activities cannot be mitigated or prevented to the level of a trivial impact (i.e. no adverse effects), new development, whether it be an

industrial facility or a sensitive land use, shall not be permitted.

There may be situations where development or redevelopment can be phased until such time that an adverse effect would no longer exist (e.g. the facility ceases to operate or the problem is rectified by new technology).

#### **4.6 Studies**

Air quality studies for noise, dust and odour should be provided by the proponent to the approving authority.

NOTE: Studies shall be provided prior to Ministry staff commenting on draft approval, to see if draft approval can be supported (in principle).

##### **4.6.1 Noise**

Noise shall be addressed through Ministry Publication LU-131 for all situations applicable to this guideline.

##### **4.6.2 Dust**

Contaminant emission sources can be classified as point sources or fugitive sources. Most facilities will produce both point source and fugitive emissions, and it is difficult to allocate emissions to one or the other source.

Regulation 346 sets out standards for contaminants, including suspended particulate matter and dust fall. The document entitled "General Information: Certificates of Approval (Air)" that is referenced in Appendix B provides information on the approval requirements and procedures. Details for assessing emissions from point sources such as stacks and vents, and standards and interim standards are also provided.

Even if Regulation 346 standards are met at the property line of the industrial site, there may still be complaints from neighbouring land uses because: (a) dispersion modelling is not 100% accurate and it cannot be guaranteed that point source emissions will be controlled 100% of the time; and (b) the standards, which are based upon acceptable risk with regard to health, odour and vegetation, are based on 1/2 hour averages, and at some point within a 1/2 hour there may be a high level of emissions.

Emissions from fugitive sources such as dust from traffic



and storage piles are more difficult to quantify, and a plan in itself to minimize fugitive emissions also may not be 100% effective. The Ministry is preparing an interim guideline that addresses areas such as measuring and minimizing fugitive emissions. Therefore, separation of incompatible land uses will help to minimize potential adverse effects from fugitive emissions.

#### **4.6.3 Odour**

Odorous contaminants are particularly difficult to control on-site. Although the contaminants emitted may meet the Ministry's standards and interim standards, experience indicates that complaints may still be received from residents living in proximity to the industry, for the reasons set out in Section 4.6.2. Emissions of odorous contaminants may result in off-site odour problems which could constitute an 'adverse effect'. An 'adverse effect' is a violation of Section 14 of the *Environmental Protection Act*. Stack testing under a worst case scenario, odour panel tests and odour control equipment may be required to minimize odour concerns.

#### **4.7 Mitigation**

Additional mitigation measures (see Procedure D-1-1, "Land Use Compatibility: Implementation", Section 4.2, "Types of Buffers") may need to be incorporated on either the development lands or the surrounding properties, at the expense of the developer, where the industrial facility is operating in compliance with legislated Ministry requirements.

#### **4.8 Legal Agreements**

When mitigative controls are to be installed on surrounding properties, the local municipality or other approving authority should require an agreement between the developer and the affected property owners, to ensure mitigation of adverse effects to the greatest degree possible.

The legal agreement between the developer and other affected parties to ensure adequate mitigation should be reviewed and endorsed by Ministry staff and/or the delegated authority prior to development approval.

#### **4.9 Financial Assurance**

The Ministry recommends that bonds be required by the approving authority to ensure that mitigation will be carried out.

#### **4.10 Redevelopment, Infilling & Mixed Use Areas**

It may not be possible to achieve the recommended minimum separation distances set out in Section 4.3 of this guideline in areas where infilling, urban redevelopment and/or a transition to mixed use is taking place.

The following requirements shall apply if this Ministry or a delegated authority is to consider proposals for urban redevelopment, infilling and/or a transition to mixed use within less than the Ministry's recommended separation distances set out in Section 4.3 of this guideline:

##### **4.10.1 Official Status**

Such proposals must be in accordance with official plan policy or a formal planning approval process, with the boundaries of the redevelopment, infilling or mixed use area clearly defined by the planning authority.

##### **4.10.2 Zoning**

The Ministry or delegated authority shall only consider redevelopment, infill and mixed use proposals which put industrial and sensitive land uses together within less than the recommended minimum separation distances (see Section 4.3), if the zoning is use specific (i.e. only the existing or proposed industrial or sensitive use is permitted by the municipality or other approving authority), or if planning considerations are based on the "worst case scenario" based on permitted uses in the industrial zoning by-law.

##### **4.10.3 Feasibility Analysis**

When a change in land use is proposed for either industrial or sensitive land use, less than the minimum separation distance set out in Section 4.3 may be acceptable subject to either the municipality or the proponent providing a justifying impact assessment (i.e. a use specific evaluation of the industrial processes and the potential for off-site impacts on existing and proposed sensitive land uses). Mitigation is the key to dealing with less than the minimum to the greatest extent possible.

The overall feasibility of the proposal, from a land use compatibility perspective, should be based on the anticipated adverse effects from each specific industry, and the effectiveness of proposed mitigative measures to lessen impacts on sensitive land uses within the context of planning for the area.

The Ministry or delegated authority shall require the following in order to make an assessment for allowing less than the recommended minimum separation distance:

- ! Detailed mapping showing the area subject to the proposed development and all industrial facilities and any other sources of adverse effects (e.g. rail lines);
- ! Mapping shall also indicate all vacant properties currently zoned and/or designated for industrial use along with relevant excerpts from the official plan and/or zoning by-law to indicate the full range of permitted uses. Attempts shall also be made to predict the types and levels of adverse impact that would result in a "worst case scenario" should an industrial use be developed upon any of the vacant parcels.
- ! Assessment of the types and levels of contaminant discharges being generated by current industrial facilities, including those associated with transportation facilities which serve the industries.
- ! Based upon actual and anticipated impacts, necessary mitigative measures should be identified based upon technical assessments. Noise and other technical studies shall be submitted to appropriate Ministry staff for review. See Sections 4.6 "Studies" and 4.7, "Mitigation" for more details.
- ! An indication shall be given as to the methods by which the mitigative measures (approved by the land use authority) will be implemented, i.e. the types of agreements that must be entered into. See Section 4.8, "Legal Agreements" also.
- ! Where mitigative measures are to be applied off-site to an existing industrial facility, the proponent shall demonstrate that the industrial facility has no objection to the proposed use or to the addition of the necessary mitigative measures. Implementation of approved mitigation measures shall be required as a condition of draft approval.
- ! Proponents should demonstrate to the approving authority that no objections to the proposed use have been raised by area residents, industries, etc. See Section 4.10.5, "Public Consultation".

#### **4.10.4 New Use of Existing Buildings**

The requirement for a feasibility analysis identified in Section 4.10.3 above shall apply as well where a new use is proposed for an existing building.

#### **4.10.5 Public Consultation**

When development is proposed at less than the recommended minimum distances identified in Section 4.3, the approving authority is encouraged to require public consultation with all land owners within the influence area or potential influence area of the industrial facility/facilities.

#### **4.10.6 Environmental Warnings for Sensitive Land Uses**

When the new development is sensitive, the Ministry recommends that a warning of anticipated nuisance effects be included in any offers of purchase and sale. A means of notifying ensuing purchasers should be determined by the local municipality. A warning may be included in a document which can be registered on title according to the Ministry of Consumer and Commercial Relations Bulletin No. 91003, "Environmental Warnings/Restrictions" (Appendix D).

#### **4.10.7 Phased/Sequential Development**

When industry is being phased out as part of a large-scale plan, consideration may be given to staging redevelopment and/or infilling to coincide with the closure of those industries which create a significant impact on the proposed sensitive land use(s).

#### **4.10.8 Site Clean Up & Decommissioning**

Guideline C-15 (former Ministry Policy 14-17), "Guidelines for the Clean Up of Contaminated Sites in Ontario" may apply in conjunction with re-use of industrial properties. In such instances, the approving authority should ensure that the level of clean up is appropriate for both the re-use of the site and the protection of sensitive land use receptors.

NOTE: Municipal O.P.s should establish a policy to indicate when site rehabilitation (especially for mixed use, redevelopment and infilling) is required. A policy should also require that there be a qualified individual on-site to oversee the rehabilitation. It is recommended that this requirement be incorporated in a development agreement between the developer and the municipality.

### **4.11 Accessory Residential Uses**

Some municipalities may permit "accessory residential uses" in industrial official plan designations or zoning by-laws (i.e. the owner's residence is on the same property as the business/industry). When the residence will no longer be occupied by the on-site business/industry owner, any re-use of the residence shall be subject to the requirements set out in Section 4.10, "Redevelopment, Infilling & Mixed Use", particularly Section 4.10.4, "New Use of Existing Buildings" and Section 4.10.8, "Site Clean Up & Decommissioning".

Where there are provisions for "accessory residential uses", it may be appropriate for municipalities to prohibit such residential uses where none exist, through an official plan amendment or a site-specific zoning-by-law (see Section 4.10.2, "Zoning").

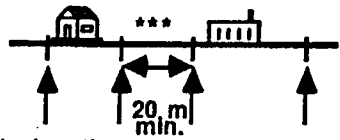
#### **5.0 REFERENCE DOCUMENTS**

- (a) Guideline C-15, "Guidelines for the Clean Up of Contaminated Sites in Ontario"
- (b) Guideline D-1, "Land Use Compatibility"
- (c) Procedure D-1-1, "Land Use Compatibility: Implementation"
- (d) Procedure D-1-2, "Land Use Compatibility: Specific Applications"
- (e) Procedure D-1-3, "Land Use Compatibility: Definitions"
- (f) Publication LU-131, "Noise Assessment Criteria in Land Use Planning"

# SEPARATION DISTANCES

(Section View)

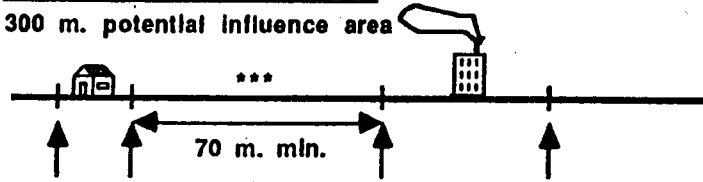
**CLASS I INDUSTRIAL:**  
70 m. potential influence area



designation, zoning or property lines\*\* of closest existing, committed or proposed Sensitive Land Use

designation, zoning or property lines\* of closest existing, committed or proposed Class I Industrial Use

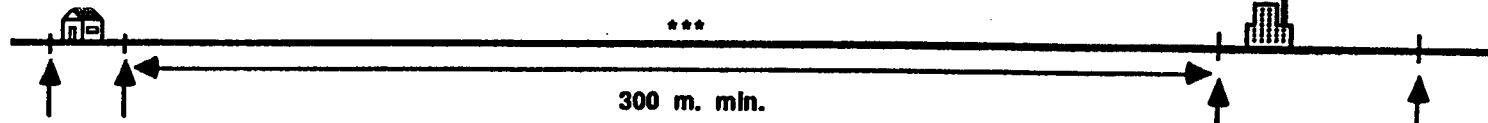
**CLASS II INDUSTRIAL:**  
300 m. potential influence area



designation, zoning or property lines\*\* of closest existing, committed or proposed Sensitive Land Use

designation, zoning or property lines\* of closest existing, committed or proposed Class II Industrial Use

**CLASS III INDUSTRIAL:**  
1000 m. potential influence area



designation, zoning or property lines\*\* of closest existing, committed or proposed Sensitive Land Use

designation, zoning or property lines\* of closest existing, committed or proposed Class III Industrial Use

\* The set backs established in a zoning by-law can be included in the separation distance measurement if the by-law or site plan control precludes the use of the set back for activities that could create an adverse effect. [See Section 4.4.3, "Zoning/Site Plan Control (Industrial Land Uses)".]

\*\* Where the established use of on-site & ancillary lands associated with a sensitive land use are not of a sensitive nature (e.g. a parking lot or roadway), measurement may be taken to where the sensitive activities actually begin. [See Section 4.4.2, "Site Specific Plans & Section 4.4.4, "Ancillary Uses (Sensitive Land Use)".] This approach may be particularly appropriate for redevelopment/infill proposals. [See Section 4.10, "Redevelopment, Infilling ...."]

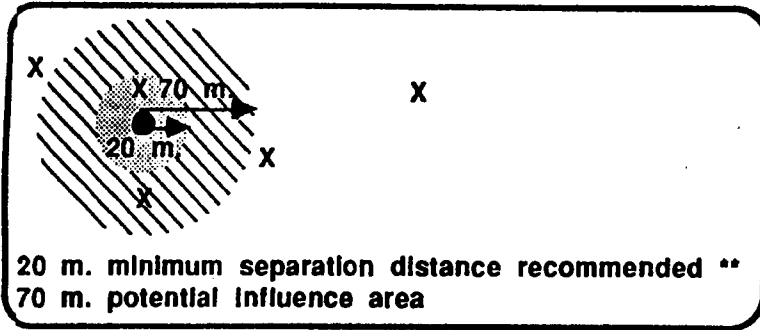
\*\*\* No incompatible development should normally take place within the Recommended Minimum. [See Section 4.3, "Recommended Minimum", Section 4.10, "Redevelopment, Infilling & Mixed Use Areas" and Section 4.2.5, "Off-Site Separation Distances".]



# SEPARATION DISTANCES

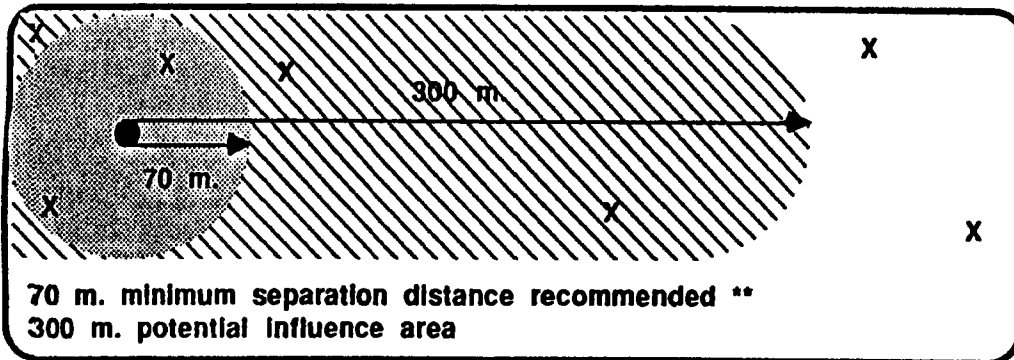
(PLAN VIEW)

## CLASS I INDUSTRIAL:



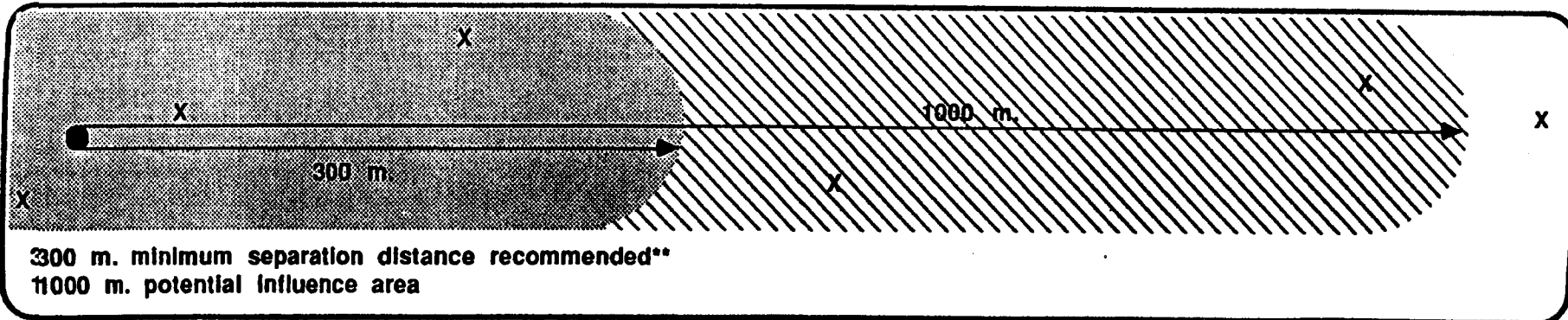
20 m. minimum separation distance recommended \*\*  
70 m. potential influence area

## CLASS II INDUSTRIAL:






70 m. minimum separation distance recommended \*\*  
300 m. potential influence area

## CLASS III INDUSTRIAL:



300 m. minimum separation distance recommended\*\*  
1000 m. potential influence area

### Legend:

- Existing\* Land Use
  - X Proposed\* Land Uses
  -  Recommended Minimum - Incompatible Development should not normally be permitted. [See Section 4.3, "Recommended Minimums" and Section 4.10, "Redevelopment, Infilling ...", for exceptions.]
  -  Potential Influence Area or Actual Influence Area - "Adverse Effects" need to be identified, mitigation proposed, & an assessment made on the acceptability of the proposal. (See Section 4.1, "Influence Area Concept".)
  -  Acceptable Range - Beyond the Potential Influence Area or Actual Influence Area, therefore normally development in this range should not pose a compatibility problem. (See also Section 4.5.2, "Separation Distance Greater than the Potential Influence Area" for exceptions.)
- \* Note: If the existing use is Industrial, then the proposed use is sensitive, and vice versa.
- \*\* See Section 4.10, "Redevelopment, Infilling & Mixed Use Areas" for exceptions.

See also Section 4.4, "Measuring Separation Distance".

Note: Drawing not to scale.



# MOE D6 Separation Guidelines



REGISTERED

CONCESSION PLAN

65M -2757

CANFIELD DRIVE

14TH AVENUE

Under Construction  
Community Centre / Park

CONCESSION  
OFFICE  
BLOCK 292

SCHOOL

PARK

REGISTERED PLAN 65M-3514

REGISTERED PLAN 65M-3513

REGISTERED PLAN 65M-3084





# Draft Official Plan 2012

Request for Re-Designation at  
14<sup>th</sup> Avenue and Middlefield Road

# South 14<sup>th</sup> Avenue

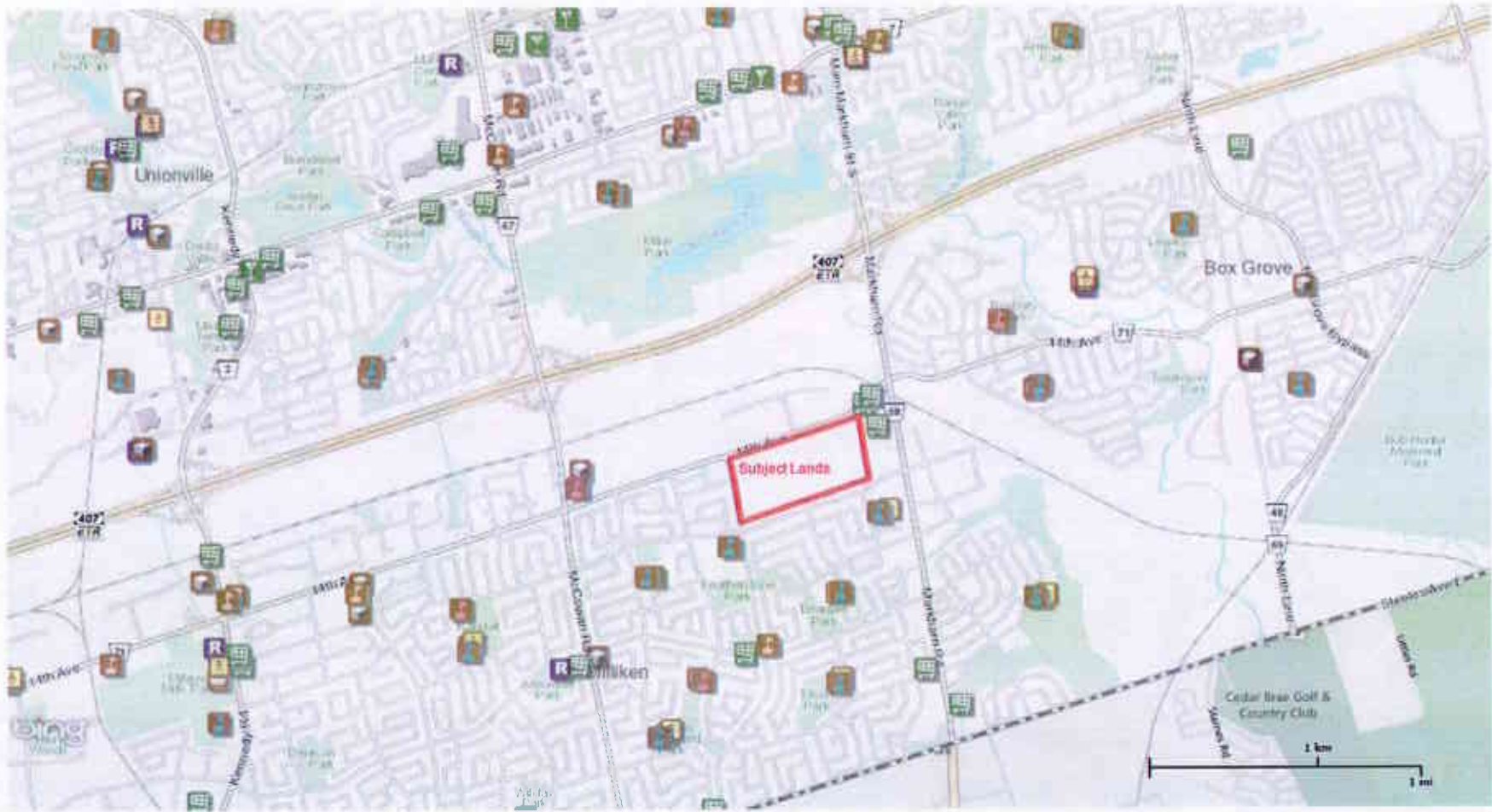


July 23, 2013

South 14th Avenue - Request for Re-  
Designation



# South 14<sup>th</sup> Avenue



# South 14<sup>th</sup> Avenue

- Subject Lands are located at the southeast corner of 14<sup>th</sup> Avenue and Middlefield Road
- Subject lands are approximately 32ha in size
- Request for Re-Designation is approximately 22ha in size



# Official Plan Designation

- Designation of the lands in the Current Official Plan is General Industrial
- Designation of the lands in the 2012 Draft Official Plan is General Employment
- Uses and activities of General Employment are manufacturing, processing & warehousing which accommodates truck movements, loading and controlled outdoor storage. Due to the proximity of the existing residential south of the subject lands, the truck traffic, noise, odour, dust and contaminant discharges from these uses would negatively impact these residents and also create concern for public safety
- Request is to Re-Designate the southerly portion of the lands from General Employment to Urban Residential



# Development Proposal

- **RETAIN:** North-west quadrant ( $\pm 5.4$  ha) as non-residential - for a Municipal Community Centre, Library, Park complex
- **RETAIN:** North-east quadrant ( $\pm 4.4$  ha) as employment - to accommodate up to 10-storeys of office uses
- **RE-DESIGNATE:** southerly portion ( $\pm 22.2$  ha) for residential

# Municipal Community Centre & Library Plan

## 02 Landscape Design Update



- 1 Streetscape
- 2 Urban Square
- 3 Entry
- 4 Drop off + Parking
- 5 Piazza
- 6 Water Feature
- 7 Gathering Space
- 8 Pedestrian Walkway
- 9 Shade Structure
- 10 Outdoor Play
- 11 Seating Walls

SITE / LANDSCAPE PLAN

12 |

# Re-Designation Justification

- Municipalities may consider Re-Designations at the time of a municipal comprehensive review
- Municipalities may consider Re-Designations only where it is demonstrated that there is a need for the Re-Designation based on the following 6 criteria

# Re-Designation Criteria #1

- There is a need for the Re-Designation
  - Designation is inappropriately placed to achieve the intended industrial planned function
  - The surrounding compatibility has changed considerably over the last 35 years (see map-next slide)
  - Difficulty in competing with 400 corridor employment opportunities
  - Directly backing onto over 800m of low rise residential
  - Disconnect between the existing residential access to the new Community Centre
  - Avoid the incompatibility issues as currently realized at the Canac site in the Thornhill Revitalization Area



# Re-Designation Criteria #2

- Municipality will meet the employment forecasts allocated from the Growth Plan
  - Current land use designation anticipates a range of 1,036-1,244 jobs for the 32ha site
  - The estimated jobs following the Re-Designation are estimated to be 1,206 jobs
  - Additional jobs will be created from the Municipal Community Centre & Library

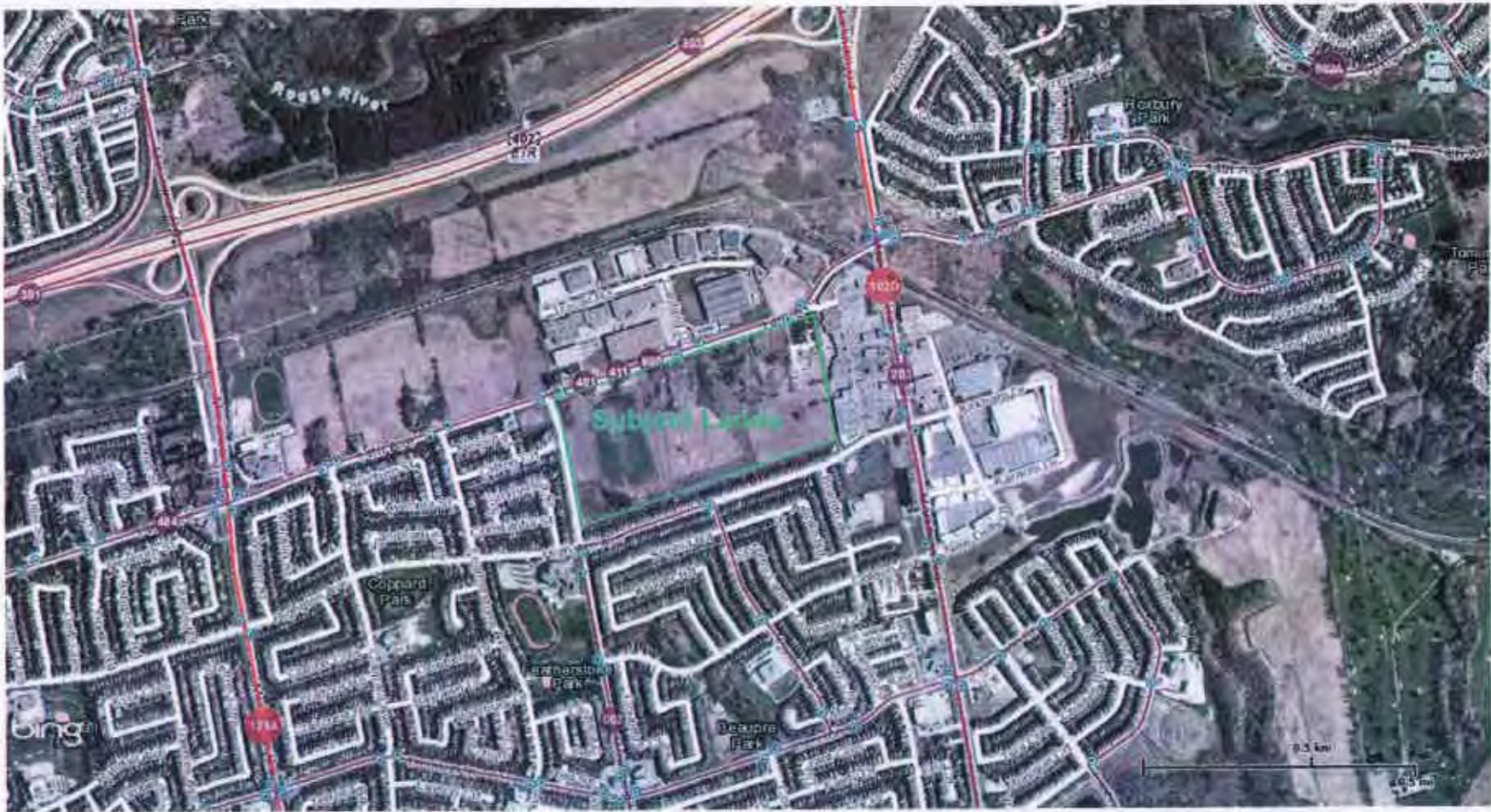
# Re-Designation Criteria #3

- Re-Designations will not adversely affect the overall viability of the employment areas, achievement of the intensification target and density targets
  - Proximity of sensitive residential and institutional uses within the immediate area support the Re-Designation
  - Residents per jobs ratio following the Re-Designation is largely the same as the citywide average
  - Re-Designation would provide a range of low density product to aide in the current shortage of ground related units available in Markham
  - Positive fiscal impact for the City assuming build out within 3 years (DC's, taxes et cetera)
  - Office tower and light industrial would be more appropriate and desirable for existing and future area residents

# Re-Designation Criteria #4

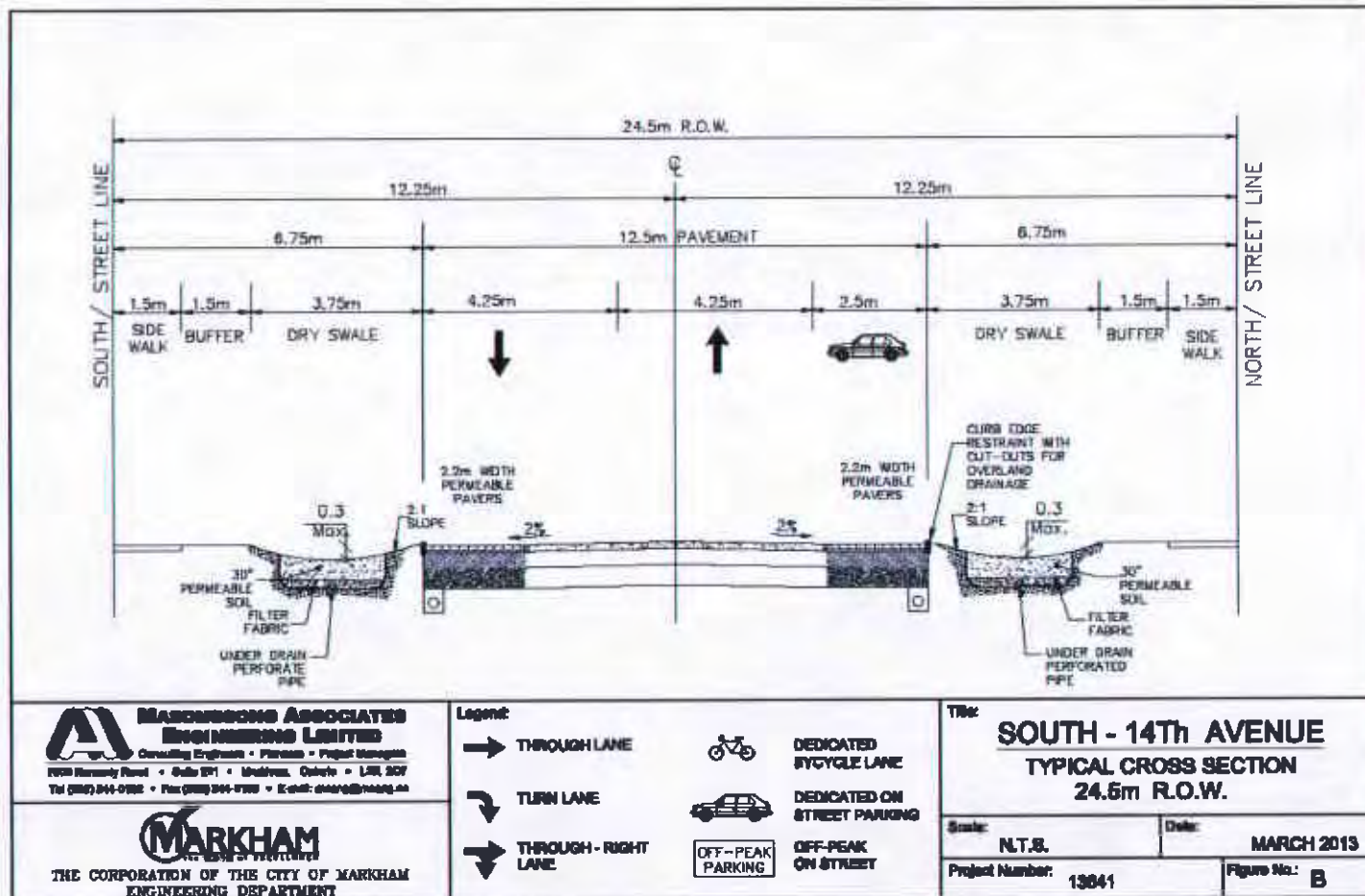
- Existing and planned infrastructure to accommodate the Re-Designation
  - Alternative transportation modes anticipated due to proximity to existing high-frequency transit service
  - Community Services in the area include retail, shopping, recreation, parks, schools and churches as well as the proposed Community Centre and Library
  - Proposed development can be accommodated by the existing local infrastructure (water, sanitary and storm)
  - Low Impact Development (LID) practices such as rainwater harvesting systems, bioretention facilities, dry swales, permeable pavers and green roads have been investigated for the development. Final LID measures to be determined at detailed design.

# Transit





# LID - Green Roads



# Green Homes

- In addition to Low Impact Development (LID) practices, investigation is underway for LEED equivalent opportunities as well
- Building LEED Equivalent Homes is not just a matter of making a few small changes, but a holistic re-thinking of resources, waste and energy use to ensure that the homes have a lower impact on the environment, improve indoor air quality and realize significant savings on utility costs

# Green Homes

- Examples of LEED Equivalent opportunities to be explored include increased insulation levels, draft proofing, low e<sup>2</sup> dual pane windows with argon gas filling, integrated HRV and air handler, properly sized and sealed air handling ductwork, radiant heating system rough-in in the basement floor, roof overhangs for solar shading, rough-in for gas dryer and stove, energy efficient lighting, programmable web-connected peaksaver thermostats, in home real-time energy monitor, rain water harvesting cistern to supply toilets and irrigation, dual flush low flow toilets, low flow faucets, touchless vanity faucets, automated “SMART” irrigation system, locally sourced materials from local companies, fifty year singles, built in kitchen recycling centre, on-site waste diversion and recycling program, low VOC paints, steam-based insulation propellant, hard surface flooring, HEPA filtration unit, formaldehyde free plywood cabinets and forest stewardship council (FSC) certified wood



# Re-Designation Criteria #5

- The Lands are not required over the long term for employment purposes
  - The current locational and the surrounding compatibility context of the subject lands do not satisfy the current, contemporary, long term locational criteria and requirements for industrial lands, including those of the Draft 2012 Official Plan and as such a reassessment of the employment role, function, compatibility and size of the current, and proposed 22ha employment lands designation is timely and appropriate
  - Given the proximity of residential uses and activities within the immediate area, the proposed designation of Urban Residential is preferred and recommended as being more compatible than employment or retail activities

# Re-Designation Criteria #6

- Cross-Jurisdictional Issues
  - The subject lands are well removed from any municipal boundary or jurisdictional consideration
  - There are no cross-boundary land use compatibility, infrastructure, access, transportation, retail or development coordination matters that are involved with either the employment or the non-employment development of these lands

# Objectives of the PPS (2005) and the Growth Plan (2006)

- Provide for an appropriate mix and range of employment
- Maintain a range and choice of suitable sites for employment uses which support a wide range of economic activities
- Major office should be located in areas with existing frequent transit service, or existing or planned higher order transit service

# South 14<sup>th</sup> Avenue Land Use Plan

- Supports objectives of the PPS and the Growth Plan
  - Provides for a more appropriate mix and range of employment uses
  - 14<sup>th</sup> Avenue is designated as a Regional Transit Priority
- Positive Fiscal Impact to City of Markham
- Ratio of Residents / Jobs is Consistent with the Citywide Average
- Marginal Impact to Land Budget and/or Urban Boundary
- More Appropriate and Desirable from a Community Standpoint
  - Mix of office, residential and light industrial uses more appropriate and desirable compared to only industrial uses
  - Higher level of compatibility with the proposed community centre as well as surrounding neighbourhoods



# South 14<sup>th</sup> Avenue Plan

Employment Analysis | July 23, 2013



# Current Employment Land Conditions

## Armdale Employment Park

### York Region Employment Land Analysis (2008)

- Dominated by Manufacturing businesses (71%)
- Employment density of 48.2 jobs/hectare

# Employment Land Development as per the Official Plan

On this basis, subject site generates employment development as follows:

- Up to 21.5 hectares net developable\*
- Total of 1,036 jobs

\* 20% to 40% gross-up factor for roads, storm and other infrastructure



# Types of Expected Employment Uses

## Draft Official Plan (2012) – General Employment Area

- Primarily industrial uses (manufacturing, processing and warehousing)
- Accommodates truck movements, loading and controlled outdoor storage or processing



# Employment Uses and Residential Neighbourhoods

## Land Use Conflicts

- Neighbouring residents complain of noise, odours and dust
- Public safety concerns and/or incidents related to truck traffic

*Industrial Noise  
Unbearable, Condo  
Owners Say (CBC,  
10/20/09)*

*Residents Fight  
Factory Noise, Trucks  
(Windsor Star, 07/09/07)*

*Residents Hope to Rid  
Thornlea of Industry  
(Post City Magazine, Oct. 2012)*

*Mimico Residents  
Fight Cement Plant  
(Toronto Sun, 02/08/13)*

*Meat Plant Generates  
Noise Complaints (Orillia  
Today, 09/14/12)*

# Employment Land Development as per the South 14<sup>th</sup> Avenue Land Use Plan

- Transition to employment, appropriate with community centre
- A mix of residential/employment land uses:
  - Higher density employment (office); and
  - Industrial multiples.
- **Office**
  - GFA 200,000 ft<sup>2</sup>
  - Total of 1,081 jobs
- **Industrial**
  - General employment and light industrial
  - Total of 125 jobs



## Projected Person Years Employment to 2031

- Additional 200 jobs (approx.) proposed and a faster build-out
- Additional 8,000 (approx.) person years of employment to 2031

Employment Land Development	Total Jobs	Projected Person Years Employed to 2031
Official Plan	1,036	8,288
South 14 <sup>th</sup> Avenue Land Use Plan	1,206	16,302



# Objectives of the PPS (2005) and the Growth Plan (2006)

Required to support objectives of the PPS and Growth Plan:

- Provide for an appropriate **mix and range** of employment
- Maintain a range and choice of **suitable sites** for a wide range of economic activities
- Major office (i.e. 100,000 ft<sup>2</sup> or greater, or with 500 jobs or more) should be located in areas with **frequent transit service**



## South 14<sup>th</sup> Avenue Land Use Plan Supports...

### Supports objectives of the PPS and the Growth Plan

- Provides for a more appropriate mix and range of employment uses
- 14th Avenue is designated as a Regional Transit Priority

### Positive Fiscal Impact to City of Markham

- Development of the site as per the Official Plan could be a challenge
- Development of proposed office uses would be advanced
  - Additional revenues in the form of development charges and taxes
  - Additional 8,000 (approx.) person years of employment to 2031

### Ratio of Residents/Jobs is Consistent with the Citywide Average

- 654 residential units x 3.3 people per household = 2,158 residents
- 2,158 residents/1,206 jobs = 1.8 residents/job
  - Roughly the same as the citywide average (Statistics Canada, 2006)



## South 14<sup>th</sup> Avenue Land Use Plan Supports...

### Marginal Impact to Land Budget and/or Urban Boundary

- 1,206 jobs – approx. 1.2% of citywide future employment
- 2,158 residents – approx. 1.4% of citywide future population
- 654 residential units – approx. 1.1% of citywide future residential units

### More Appropriate and Desirable from a Community Standpoint

- Mix of office, residential and industrial uses more appropriate and desirable compared to only industrial uses
- Higher level of compatibility with the proposed community centre as well as surrounding neighbourhoods

# Employment Land Development as per the Official Plan

On this basis, subject site generates employment development as follows:

- 32.3 hectares gross (20%\* for roads and infrastructure) = 25.8 hectares net developable
- Total of 1,244 jobs

Gross Employment Land Area (ha.)	Net Employment Land Area (ha.)	Employment Density (Jobs/ha.)	Total Jobs
32.3	25.8	48.2	1,244

\* Could be as high as 40% if considering stormwater infrastructure

# Employment Land Development as per the Official Plan with Community Services

The City of Markham plans to use a 5.4 hectare parcel of land in the NW corner of the subject site for a community centre and/or parkland

- 26.9 hectares left available for employment uses
- 26.9 hectares less 20% for roads results in a net total of 21.5 hectares available for development
- Total of 1,036 jobs

Gross Employment Land Area (ha.)	Net Employment Land Area (ha.)	Employment Density (Jobs/ha.)	Total Jobs
26.9	25.8	48.2	1,036



# Employment Land Development as per the South 14<sup>th</sup> Avenue Land Use Plan

A mix of residential/employment land uses on a 4.4 hectare parcel of land, including:

- Higher density employment (10 storeys of office); and
- Industrial multiples.

## Office

- 20,000 ft<sup>2</sup> per floor = GFA 200,000 ft<sup>2</sup>
- Footprint of 0.2 hectares plus an additional hectare for parking = 1.2 hectares
- New offices housing City of Markham employees allocate 185 ft<sup>2</sup> per employee
- Total of 1,081 jobs

# Employment Comparison

	Total GFA (ft <sup>2</sup> )	Space Per Employee (ft <sup>2</sup> )	Total Jobs
Office	200,000	185	1,081
	Net Employment Land Area (ha.)	Employment Density (Jobs/ha.)	Total Jobs
Industrial	2.6	48.2	125
<i>Total Jobs</i>			<b>1,206</b>

***Thank You!***