

**Attachment #7**  
**Agency and Stakeholder Detailed Comments**  
**DEV-24-23 (Z-08-23)**

## **Internal Departments**

### **Whitby Engineering Services**

The subject land is a 12.5-hectare site that is located in the Town's West Whitby Secondary Plan and is designated as 'Prestige Industrial'. The Zoning By-law Amendment is intended to rezone the subject site from Agricultural Zone (A) and Residential Type 3 Zone (R3) in By-law 1784, to Prestige Employment (PE) and be zoned to protect the Environmental Protection Area designation at the southern limit of the site. The use of a 'warehouse distribution centre' will also be added to the PE zone category.

Whitby Engineering Services does not object to the proposed Zoning By-Law Amendment Application, detailed comments will be provided at the Site Plan Approval Application stage.

### **Whitby Fire and Emergency Services**

No comments or objections on the Zoning By-law Amendment Application. The following comments will be addressed at the Site Plan Approval Application stage:

1. Identify principal entrance on site plan.
2. Indicate location of fire hydrants on the site plan.
3. Indicate location of fire department connection on site plan.
4. A Water supply shall be provided as per OBC 3.2.5.7.
5. Standpipe System to be provided if building height is more than 14 m high measured between grade and the ceiling of the top storey as per OBC 3.2.9.1.
6. A fire access route shall be provided in accordance with OBC 3.2.5.6.
7. Provide fire access route sign locations as per Town of Whitby Bylaw 4084-97.

### **Whitby Financial Services – Tax**

No comments or objections on the Zoning By-law Amendment Application.

### **Whitby Financial Services – Development Charges**

No objections on the Zoning By-law Amendment Application. Development Charges will be owing for the non-residential development. Parkland Dedication / Cash-in-Lieu shall be applicable as per the Planning Act and Town of Whitby By-Law for the non-residential development. The Parkland Dedication / Cash-in-Lieu will be determined at the Site Plan Approval Application stage.

## External Agencies

### Central Lake Ontario Conservation Authority

Thank you for circulating Central Lake Ontario Conservation Authority (CLOCA) as part of the first formal submission for a zoning by-law amendment for the development of a multi-unit industrial building on the above noted lands. CLOCA staff have reviewed this application for consistency with the natural hazard policies within the Provincial Policy Statement and conformity with Ontario Regulation 42/06 of the Conservation Authorities Act. We have also reviewed this application in the context of applicable watershed guidelines, such as the Lynde Creek Master Drainage Plan.

The subject lands are entirely within the Lynde Creek Watershed. A tributary of Lynde Creek crosses this property along the southern property boundary following the frontage of Dundas Street West. Floodplain and erosion hazards are associated with this tributary and exist within the boundaries of the subject lands. A riparian wetland community also exists along this corridor. All of these features are considered hazard lands and are regulated through Ontario Regulation 42/06 of the Conservation Authorities Act.

Policy 3.1 of the Provincial Policy Statement (PPS) directs all development to areas outside of hazardous lands adjacent to rivers and streams which are impacted by flooding hazards and/or erosion hazards. As such, to demonstrate consistency with the PPS, development should be directed outside of hazardous lands and should be zoned appropriately to limit development as part of this application.

Based on our review of the submitted materials for this development application, CLOCA staff offer the following comments to be addressed as part of this application for zoning by-law amendment.

#### Zoning By-law Amendment

1. CLOCA staff are satisfied that the documentation provided is adequate to support the proposed zoning by-law amendment to rezone the lands from A and R3 to Prestige Industrial and Greenbelt.
2. CLOCA staff recommend that all hazard lands and their associated access allowances as identified within the submitted site-specific materials reviewed as part of this application be zoned such that no buildings and/or development be permitted within these lands without permission from the Conservation Authority.

#### Ontario Regulation 42/06 of the Conservation Authorities Act

Part of these lands are regulated through Ontario Regulation 42/06 of the Conservation Authorities Act due to the presence of flooding and erosion hazards as well as associated wetlands. A permit from CLOCA will be required prior to any site alteration and/or development within the regulated lands. Please apply to CLOCA directly for this permit once all Planning Act applications have been obtained for development.

## **Town of Ajax**

The Town of Ajax Planning and Development Services has reviewed the materials provided, and have concerns with the proposal.

## **Region of Durham Planning and Economic Development Department & Works Department**

We have completed our review of the above-noted application and offer the following comments with regards to conformity with the Regional Official Plan (ROP) and the new adopted ROP, Provincial Plans and Policies, the Region's delated Provincial Plan Review responsibilities, Regional servicing, transportation, transit, and Regional Health.

The subject lands are located on the west side of Halls Road North, north of Dundas Street West. The site is approximately 12.41 hectares and is currently agricultural lands.

The purpose of this application is to rezone the subject lands from Agricultural Zone (A) and Residential Type 3 Zone (R3) to Prestige Employment (PE) and be zoned to protect the Environmental Protection Area designation at the southern limit of the site. The use of a 'warehouse distribution centre' will also be added to the PE zone category.

### **Conformity with the Regional Official Plan**

The subject lands are designated as Employment Areas with a Regional Corridor overlay in the ROP. The permitted uses within Employment Areas 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.

Regional Corridors are intended to be developed as a high-density mixed-use area supporting higher order transit services and pedestrian oriented urban environment. Prestige employment uses with high-employment generating capacity are encouraged to locate along Regional Corridors.

### **Region of Durham Adopted Official Plan**

On May 17, 2023, Regional Council adopted the new Regional Official Plan. The new ROP is currently with the Ministry of Municipal Affairs and Housing for approval.

We have reviewed the proposed development for conformity with the new ROP.

The subject lands are designated as Employment Areas on Map 1 – Regional Structure in the new ROP. Plan Employment Areas as locations for primary employment generating uses such as manufacturing, assembly, processing, generation, freight and transportation, warehousing, and storage.

Dundas Street West is designated as a Rapid Transit Corridor on Map 1 – Regional Structure in the new ROP. Rapid Transit Corridors are identified as Strategic Growth Areas where emphasis is on accommodating intensification and mixed uses in a compact urban-built form.

Dundas Street West is recognized as a Rapid Transit Spine on Map 3a – Transit Priority Network in the new ROP. Dedicated Rapid Transit Spines should accommodate a minimum density target of 160 people and jobs per hectare (72 uph).

#### Conclusion

The proposed warehouse facility supports mixed-use developments and compact built form along the Dundas Street West Regional Corridor. The development proposal also contributes to the diversification of the Region's economic base and increases employment opportunities for the residents of the community. The proposed application conforms with the ROP and the new ROP.

#### Provincial Plans and Policies

##### Provincial Policy Statement

The Provincial Policy Statement (PPS) encourages urban areas consist of an appropriate mix of employment uses that offer a wide range of employment opportunities. The proposed application will facilitate a warehouse facility and contribute to the growth of the economy in Durham Region. The proposed application is consistent with the PPS.

##### Growth Plan

The Growth Plan promotes economic development and competitiveness by efficiently using employment areas and vacant and underutilized employment lands. The proposed application makes efficient use of a vacant and underutilised employment site, supports employment opportunities, and promotes compact built form. The proposed application conforms with the Growth Plan.

#### Delegated Provincial Plan Review Responsibilities

We have reviewed the application for delegated Provincial Plan Review responsibilities.

#### Soil and Groundwater Assessment

GHD Ltd. has conducted a Phase One Environmental Site Assessment, (ESA) dated July 10, 2023, and a Phase Two ESA, dated August 3, 2023, for the subject lands.

The Phase One ESA was conducted to identify any potential site contamination at the property. The southern portion of the site was identified as an Area of Potential Environmental Concern (APEC) associated with gasoline and the storage of products in fixed tanks. GHD Ltd. recommended that a Phase Two ESA be completed to assess the potential impacts associated with the APEC.

The Phase Two ESA reported that soil samples at the subject lands met the Ministry of the Environment, Conservation and Parks' (MECP) Table 2 Site Condition Standard (SCS). However, for groundwater chemical testing, the MECP's Table 3 SCS was used to compare the groundwater samples which were found to be below Table 3 SCS.

GHD Ltd. has completed a Reliance Letter dated August 22, 2023, and the Certificate of Insurance dated March 1, 2023, for the ESA Reports.

The Phase Two ESA indicated that the MECP Table 3 SCS had been used to assess groundwater conditions at the property. The Region will require GHD Ltd. to apply for a Non-potable Request with the Region to utilize Table 3 SCS.

#### Noise Impact Study

The Region has reviewed the Noise Impact Study prepared by GHD Ltd., dated October 21, 2022, submitted to support the proposed development. The noise control recommendations of the study comply with the MECP's noise guidelines. We will require the noise recommendations of the Noise Impact Study to be included in the related Town of Whitby's Site Plan Agreement with the applicant to the satisfaction of the Region.

#### Environmental Impact Study

Our mapping data shows a watercourse associated with a tributary of Lynde Creek located at the site's southerly property lot line. Beacon Environmental Ltd. has conducted an Environmental Impact Study, (EIS) dated December 2022, to support the proposed development.

The site is located within a regulated area of the Central Lake Ontario Conservation Authority (CLOCA). CLOCA has provided supporting comments for the proposed application dated January 3, 2024. The applicant will be required to satisfy CLOCA's conditions including to rezone all hazard lands and associated access allowances to prohibit any future development. CLOCA also requires a permit to be obtained for any development on the subject lands.

#### Archaeology Assessment

The subject lands are located in an area with archaeological potential. Lincoln Environmental Consulting Corp. has conducted a Stage 1-2 Archaeological Assessment (AA) of the property, dated July 2022. No archaeological resources were found during the Stage 2 AA.

The Ministry of Citizenship and Multiculturalism's letter dated November 8, 2022, has advised that the Stage 1-2 AA satisfies the Ministry's requirements and that any archaeological concern has been addressed at the site.

#### Regional Servicing

##### Municipal Water Supply

The applicant will need to extend a 400 mm diameter watermain from its current terminus on Dundas Street, northerly on Halls Road and across the north limit of the property to Lake Ridge Road and northerly on Lake Ridge Road and connect to the existing 400mm watermain stub at Rossland Rd. Given the scale of the development, looping of the water distribution system is required for security and supply of water. The Region will require an easement running parallel to the north property line for the proposed watermain.

### Sanitary Sewer Services

The design work for the extension of a 450mm diameter sanitary sewer on Dundas Street from the existing 900 mm trunk sanitary sewer at Des Newman Drive extending westerly and crossing under Hwy 412 to Halls Road is currently included with the design assignment for the Bus Rapid Transit project in this area.

It will be the responsibility of the applicant to extend a 450mm sanitary sewer from the intersection of Dundas Street and Halls Road northerly on Halls Road and along the north property line on easement to the west limit of the property.

The applicant is proposing to install a private sewage disposal system as an interim solution to allow the development to proceed in advance of the availability of a municipal sanitary sewer to service the property. The applicant will be required to execute a Regional Agreement for the extension of the sanitary sewer as mentioned above, prior to issuance of a building permit, assuring the development will be connected to the regional sanitary sewer as soon as that service is available.

### Transportation & SWM Report

Construction for the Bus Rapid Transit (BRT) project on Dundas Street is tentatively scheduled to commence in 2025. Construction is expected to span over two seasons until Fall 2026. The Region will complete a detailed review and comments on the Stormwater Management Report on submission of a site plan application.

We have no objection to the proposed zoning amendment application Z-08-23. As a condition of approval, the Region recommends a holding provision be implemented. Prior to lifting the holding symbol, the applicant shall enter into a financially secured agreement with the Region of Durham for the extension of the sanitary sewer and any other Regional municipal infrastructure required for the development of these lands.

Alternatively, we would support the Town imposing a condition of site plan approval requiring the applicant to enter into a financially secured agreement with the Region of Durham for the extension of the sanitary sewer and any other regional municipal infrastructure required for the development of these lands prior to the Town issuing a full permit for occupancy for the proposed warehouse building/ distribution centre.

### Durham Region Transit

Durham Region Transit has requested that the applicant install sidewalks along Halls Road, from the subject site to Dundas Street.

### Regional Health Department

Regional Health Department indicated that this property would not fall under its jurisdiction for the private sewage system. The Total Daily Sewage Flow would be greater than 10 000 litres/day, therefore approval from the Ministry of the Environment, Conservation and Parks will be required for the proposed development.

## Conclusion

The proposed warehouse facility supports employment opportunities and diversifies the Region's economic base. The development proposal also supports mixed use developments and compact built form along the Dundas Street West Regional Corridor.

The applicant will be required to satisfy the Region's comments concerning site contamination, noise, and transit requirements. The Region will also require the applicant to enter into a financially secured agreement with the Region for the extension of the sanitary sewer and any other Regional municipal infrastructure.

Subject to the applicant satisfying the Region's comments, we have no objection to the proposed application.

## **Region of Durham Health Department**

The private sewage system would not fall under the jurisdiction of the Region of Durham's Health Department. The Total Daily Sewage Flow would be greater than 10 000 litres/day and approval would be required from the Ministry of the Environment, Conservation and Parks.