

August 16, 2023

Hon. Steve Clark, Ministry of Municipal Affairs and Housing

Ministry of Municipal Affairs and Housing

17th Floor – 777 Bay Street

Toronto, Ontario M7A 2J3

**RE: ERO #019-7195
6373 Country Lane, Whitby
Comments on Regional Municipality of Durham Adopted Official Plan
TBG Project No. 22968**

The Biglieri Group Ltd. (“TBG”) represents the owner of lands known municipally as 6373 Country Lane in Whitby, ON (the “Subject Site” or “Site”). This letter has been prepared on behalf of our Client, Casey Todd, to provide commentary on the Regional Municipality of Durham’s Adopted Official Plan, and to request support for the Subject Site to be considered for an Employment Land Conversion (“ELC”).

The Subject Site is located north of Highway 407, east of Country Lane (which currently dead ends at Highway 407), west of Cochrane Street and south of Columbus Road West on lands (**Figure 1**). The Site is approximately 4hectares (10.15 acres) with a frontage of approximately 104.35 metres on Country Lane. The Subject Site is on the northwest side of the Town of Whitby and is in an area poised for future development.

The surrounding land uses include:

North: Single-detached residential dwellings, Spencer Community Centre and farmland.

South: Farmland and the Devil’s Den Golf and Beach Volleyball Centre.

East: Farmland and the community of Brooklin.

West: Farmland

We applaud Regional Staff and their consulting team on the extensive amount of work undertaken as part of the Municipal Comprehensive Review (MCR) process. While we recognize that the overall growth numbers utilized by the Region were provided by the Province to direct growth, these are minimums intended to guide the MCR process. Our Client’s property, 6373 Country Lane, was incorporated into the Urban Boundary of Whitby in 2009 and identified as Employment Area. The Official Plan Amendment that implemented the designation was appealed to the Ontario Municipal Board (now the Ontario Land Tribunal) and implementation continues to be on hold. It is anticipated these appeals will be resolved as part of the Region’s Official Plan update. The Region’s current Adopted Official Plan identifies the lands as Appealed Employment Area (ROP Policy 14.13.7).

Figure 1: Aerial View of Subject Site



Source: Google Maps, 2023

However, it is our position that the proposed Employment Land designation through Durham Region's Adopted Official Plan is not appropriate for the Subject Site, and should instead be identified as Community Areas.

The first objection is regarding limited road connections available to access the proposed Employment Area, specifically the Subject Site. The Town of Whitby's Official Plan indicates there are no long-term plans to extend Country Lane over Highway 407 with an overpass, nor are there plans to create an east-west arterial road that runs along Highway 407. Therefore, the road connections to this Employment Area will be via Collector Roads that traverse the proposed Community Areas lands to the north of the Site, which will primarily be comprised of residential communities. The Whitby Official Plan does identify that an Arterial Road going east-west will be created in the middle of the block that runs between Columbus Road and Highway 407, but this will continue to facilitate the movement of industrial traffic from the Employment Areas through residential areas. It is expected that the industrial traffic will create conflicts in the residential areas, which will be unavoidable if these lands remain as Employment Area. Furthermore, despite the Subject Site's proximity to the Regional Strategic Goods Movement Network, the road connections cannot adequately support the Site nor can they facilitate the Site as a strategic long-term site to accommodate Regional employment growth. Therefore, the Community Areas designation is better suited to the Subject Site as well as the residential developments to the north, and further east of the Subject Site.

Secondly, while we only represent the property owner of 6373 Country Lane, the lands located on the east and west side of Country Lane that are proposed to be designated as Employment Area appear to create land use compatibility conflicts with the residential areas to the north. The proposed Employment Area at the terminus of Country Lane would be isolated from the proposed Employment Areas to the east and west due to natural heritage features that restrict connections, as well as the limited traffic connections as previously outlined. The limited area of this Employment Area (approximately 16 hectares) is immediately adjacent to a proposed Community Area, which will require setbacks to comply with the Ministry of Environment, Conservation and Parks Land Use Compatibility Guidelines (D-Series Guidelines) reducing the total area available for employment development. The lands will be further reduced by the setbacks required by the Ministry of Transportation along the Highway 407 corridor. The identification of the Subject Site as Community Areas would mean that setbacks would still be required, however, conformity to the D Series Guidelines would not be triggered as any land use conflicts would be mitigated, thereby maintaining the total area for development. Furthermore, the re-designation of the Subject Site will allow for a broader range of appropriate and transitory land uses and would support the development of efficient land use patterns. Therefore, there is a net benefit result gained through the proposed conversion.

We recognize that any change in designation would impact the overall supply of employment lands and could potentially result in an oversupply of one land use (Community Areas), and an under supply of another (Employment Area). Per the Durham Region Growth Management Study (G.M.S.) – Phase 2 (Area Municipal Growth Allocations and Land Needs, 2051), the Town of Whitby was forecast to require an additional 192 hectares of Employment Lands. However, the final allocation proposed to the Town was approximately 202 hectares, an over-supply of approximately 10 hectares. Therefore, the proposal to redesignate the Employment Area to Community Area will not impact the ability of the Town of Whitby to achieve their overall employment growth targets as the municipality has an excess of employment lands, which provides some flexibility for the Region to amend the proposed Employment Area designation for the Subject Site, in favour of the Community Area designation.

The Community Areas designation seeks to offer a complete living environment (Policy 5.4). Community Areas are to be developed such that there are opportunities for residents to live, shop, work and access services and amenities within their community (Policy 5.4 i). Per Policy 5.4.6. the proposed ELC will support the implementation of complete communities by encouraging the achievement of more compact and higher density forms of development beyond the minimum designated greenfield areas density target prescribed under the Growth Plan.

Furthermore, the Council-Endorsed Growth Scenario requires that 2,500 developable ha of greenfield land be added to the Region's urban land supply by 2051. Based on the expected population and employment growth across the Region's Designated Greenfield Area (D.G.A.) lands, this results in a Region-wide D.G.A. density of 53 people/jobs per ha by 2051.

The introduction of the Housing Supply Action Plan (3.0), the suite of accompanying legislative changes (Bill 109, Bill 23) and the introduction of new planning tools (e.g., the Community Infrastructure and Housing Accelerator tool) over the last year, demonstrates a noticeable shift in provincial priorities.

As part of its commitment to expand the current housing supply, the Province has established a goal to have 1.5 million new homes built by 2031. A factor in the changes that the Province has made to the Planning Act through Bill 109 and Bill 23 is to provide the municipalities with the tools to meet this target in an efficient and timely manner. Furthermore, the ongoing review of the Growth Plan and the PPS, and the integration of policies could impact density and intensification targets to better align with the caveats of Bill 23 and its focus on expanding the provincial housing supply. The development on the Subject Site strongly aligns with the change in provincial priorities towards the expansion of the housing supply as it provides for a diversification of the area's housing typology and contributes to the increase in available housing options in Durham Region. Considering the increasing challenges faced by Ontarians in the face of the ongoing housing crisis, the ELC facilitates a solution to this issue by supporting the development of much-needed residential communities.

Furthermore, the *Helping Homebuyers, Protecting Tenants Act* (Bill 97), restricts the definition of "area of employment" per the *Planning Act, 1990* such that it excludes institutional, commercial, retail and office uses where they are not associated with or related to manufacturing or warehousing uses. In addition, the Province proposed a new Provincial Planning Statement in April 2023, that includes a similar definition to the revision proposed to the *Planning Act, 1990* which limits the uses permitted within an employment area to manufacturing, warehousing, and certain associated or ancillary uses. While municipalities have the option to grandfather the existing permitted commercial and institutional uses in an employment area (if the uses are established prior to the proposed amendments to the *Planning Act, 1990* coming into effect), it is clear the intention of the changes proposed through Bill 97 is to streamline the definition of employment areas to describe "only those uses that cannot locate in mixed-use areas and require protection against conversion (e.g., heavy industry, manufacturing, large-scale warehousing, etc.)".

The proposed identification of the Subject Site as Community Areas seeks to provide for the efficient development of land by redesignating the Site to support suitable uses and provide a transition between the employment areas and more sensitive uses adjacent to the Site.

It is therefore our position that the proposed Employment Land designation is not appropriate given the location of the lands on a dead-end road; isolation from employment lands to the east and west; compatibility concerns with Community Areas lands to the north; lack of road connections; and the shift in provincial priorities regarding the development of additional housing supply.

The Biglieri Group appreciates the Minister's consideration of this request and looks forward to further discussions and collaborations with respect to the Subject Site.

Respectfully,
THE BIGLIERI GROUP LTD.



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cc. Casey Todd