

May 02, 2023

Commissioner of Planning and Economic Development,  
c/o Envision Durham,  
605 Rossland Road East,  
PO Box 623,  
Whitby, Ontario,  
L1N 6A3

Submitted via email to: [EnvisionDurham@durham.ca](mailto:EnvisionDurham@durham.ca)

**RE: COMMENTS ON THE DRAFT NEW REGIONAL OFFICIAL PLAN  
CRH CANADA GROUP INC.  
OUR FILE: 9061DS**

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This comment submission is being made on behalf of CRH Canada Group Inc. who own a number of operational sites within the Region of Durham, which will be subject to the provisions set out in the new Draft Durham Region Official Plan (OP).

MHBC has been retained by CRH to review and comment on the proposed Draft Plan. We appreciate the opportunity to provide comments and we look forward to working with Planning Staff to have the concerns set out in this submission addressed. Our comments pertaining to the Draft Durham Region OP are outlined below.

## **COMMENTS**

### **1. Policy Comments**

It is acknowledged that the Region have incorporated a number of policies regarding land use compatibility for the protection of both employment and sensitive land uses. This is welcomed by CRH, as the long term protection of employment areas is vital in facilitating growth and meeting provincial growth targets. Notwithstanding this, we wish to make the following additional comments on specific policy contained with the draft Official Plan:

#### **Section: Development within Urban Areas**

**Policy 5.1.15:** Support the planning and development of Urban Areas as complete communities with consideration for long-term sustainability and adaptability. Development within Urban Areas will be supported on the basis of the following principles:

k) the achievement of land use compatibility considerations by avoiding, or where avoidance is not possible, minimizing and mitigating any adverse effects between sensitive land uses and major facilities, Employment Area uses and other uses that may emit odour, dust, vibration, noise and/or other contaminants or emissions, in accordance with Policies 5.5.21 to 5.5.35;

**Response:** In order to be more consistent with the PPS (both current and proposed), it is requested that policy 5.1.15 is amended as follows:

Support the planning and development of Urban Areas as complete communities with consideration for long-term sustainability and adaptability. Development within Urban Areas will be supported on the basis of the following principles:

k) the achievement of land use compatibility considerations by avoiding, or where avoidance is not possible, minimizing and mitigating any **potential** adverse effects between sensitive land uses and major facilities, ~~Employment Area uses and other uses that may emit~~ **from** odour, dust, vibration, noise and/or other contaminants ~~or emissions~~, in accordance with Policies 5.5.21 to 5.5.35;

### **Section: Employment Areas**

**Policy 5.5.9:** Prohibit uses declared to be obnoxious under the provisions of any applicable statutes, regulations or guidelines from locating within Employment Areas.

**Response:** The term 'obnoxious' is subjective. In order to provide objectivity to this term, the policy should be tied to measurable emission standards set by the province. If it is demonstrated through appropriate studies that a use with emissions can and is meeting provincial standards, then this policy should be clear that the use is not prohibited. As such, it is requested that this policy be reworded as follows:

Prohibit uses declared to be obnoxious, **beyond which provincial standards allow, by the completion of relevant studies in accordance with the** ~~under the~~ provisions of any applicable statutes, regulations or guidelines from locating within Employment Areas.

**Policy 5.5.15:** 5.5.15 Require development taking place within Employment Areas to address the policies of this Plan and the following:

e) protect the long-term stability of Employment Areas by limiting non-employment uses and instituting land use compatibility measures. The use of landscaping and natural buffers between Employment Area uses and adjacent uses is encouraged;

**Response:** In order to ensure that land use compatibility issues do not arise from the introduction of non-employment land uses into employment areas, it is vital that no non-employment use be permitted until appropriate assessments are undertaken. Therefore, it is requested that policy 5.5.15 is modified as shown below:

5.5.15 Require development taking place within Employment Areas to address the policies of this Plan and the following:

e) protect the long-term stability of Employment Areas by **limiting prohibiting sensitive land uses non-employment uses, unless it is demonstrated that the location of such uses in Employment Areas will be compatible with other employment uses that require separation from sensitive land uses, through a land use compatibility study in accordance with provincial standards and guidelines**, and instituting land use compatibility measures. The use of landscaping and natural buffers between Employment Area uses and adjacent uses is encouraged;

### **Section: Land Use Compatibility & Sensitive Land Uses within Employment Areas**

**Policy 5.5.23:** 5.5.23 Direct major facilities and other uses that generate emissions such as odour, vibration and/or noise to locations that are well removed and buffered from sensitive receptors such as residential areas and other sensitive land uses.

**Response:** In order to be consistent with provincial standards and guidelines, it is requested that this policy be revised to protect employment uses from the encroachment of sensitive land uses as follows:

5.5.23 Direct ~~major facilities and other uses that generate emissions such as odour, vibration and/or noise~~ **residential areas and other sensitive land uses** to locations that are well removed and buffered from major facilities and other employment uses that require separation from ~~sensitive receptors such as residential areas and other~~ sensitive land uses,

**Policy 5.5.26:** Encourage all other sensitive lands uses to locate outside of Employment Areas. A sensitive land use, other than those described in Policy 5.5.25, may be permitted within an Employment Area by an amendment to an area municipal official plan or zoning by-law, where it has been demonstrated that land use compatibility can be achieved and any detrimental impact to the broader area and nearby employment uses and/or major facilities will be avoided, or where avoidance is not possible, minimized and mitigated. Area municipalities, when applying this policy, are encouraged to:

**Response:** It is requested that policy 5.5.26 be revised as shown below in order to ensure that the demonstration of land use compatibility falls to the proponent of sensitive land uses in proximity to employment areas and not on existing operators within employment areas:

5.5.26 Encourage all other sensitive lands uses to locate outside of Employment Areas. A sensitive land use, other than those described in Policy 5.5.25, may be permitted within an Employment Area by an amendment to an area municipal official plan or zoning by-law, where it has been demonstrated **by the proponent** that land use compatibility can be achieved and any detrimental impact to the broader area and nearby employment uses and/or major facilities will be avoided, or where avoidance is not possible, minimized and mitigated. Area municipalities, when applying this policy, are encouraged to:

**Policy 5.5.29:** Encourage the protection of the lands in proximity of current and/or future planned major facilities by ensuring the compatibility of adjacent land uses, including the requirements of Policies 5.5.30 to 5.5.35. Should such lands no longer be required for major facilities, additional uses may be permitted as a result of a planning study that considers the site context and condition, surrounding area, and land use compatibility.

**Response:** It is requested that policy 5.5.29 be revised as shown below to further ensure the protection of employment areas and uses:

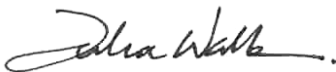
5.5.29 ~~Encourage the~~ **Provide for** protection of the lands in proximity of current and/or future planned major facilities by ensuring the compatibility of adjacent land uses, including the requirements of Policies 5.5.30 to 5.5.35. Should such lands no longer be required for major facilities, additional uses may be permitted as a result of a planning study that considers the site context and condition, surrounding area, and land use compatibility.

We welcome this opportunity to work with Region staff and their consultants to clarify and further discuss the comments included in our submission. We appreciate the opportunity to provide comments on the Region's proposed draft Official Plan policy. As always, we would be pleased to meet to review and further discuss our comments.

Thank you.

Yours truly,

**MHBC**



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Partner



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