

To:	Development Services Committee	Item:	DS-08-242	Date of Report:	June 10, 2008
From:	Commissioner, Development Services Department	File:	Z-3/08 B-3100-0099	Date of Meeting:	June 16, 2008
Subject:	<i>Applications to Amend the Oshawa Official Plan and Zoning By-law No. 60-94 South of Harbour Road Allowance and East of Farewell Street FarmTech Energy Corporation</i> <i>PLANNING ACT PUBLIC MEETING</i>			Ward:	1

1.0 PURPOSE

The purpose of this report is to provide background information for the public meeting on the subject applications.

Applications have been submitted by FarmTech Energy Corporation (FarmTech) to amend the Oshawa Official Plan and Zoning By-law No. 60-94 to permit an ethanol production facility and related uses on lands south of the Harbour Road allowance and east of Farewell Street. The proposed facility will manufacture ethanol for use as an additive in automobile gasoline. The applicant’s proposal is to use corn as the main ingredient to produce ethanol. However, the applicant has requested that the proposed zoning by-law be flexible to allow other ingredients to be used in the future (e.g. Cellulose).

The purpose of the applications are as follows:

- To amend the Oshawa Official Plan by amending Section 2.15.2.1 to include an ethanol production facility and related uses as an additional permitted use in the Special Waterfront Area designation;
- To amend Zoning By-law No. 60-94 by rezoning the SW (Special Waterfront) portion of the site to SW subject to a special condition to permit an ethanol production facility and related uses as an additional use and to implement the proposed site/building designs.
- To amend Zoning By-law No. 60-94 by rezoning the SPI (Special Industrial) portion of the site to SPI subject to a special condition to permit a conveyor system encroaching into the required yard with a zero setback for the conveyor system.
- To amend Zoning By-law No. 60-94 SPI (Special Industrial) regulations to include a special condition that increases the current height provision from 24 metres to 27 metres in order to permit two proposed grain silos on the east wharf.

Exhibit No. 1 is a map showing the location of the subject site and the existing zoning in the area.

Exhibit No. 2 is a copy of the site plan submitted by the applicant.

Attachment No. 1 is a copy of the policies in Section 2.14 Special Policy Area and Section 2.15 Special Waterfront Area of the Oshawa Official Plan.

Attachment No. 2 is a copy of excerpts from Zoning By-law No. 60-94 which identify the permitted uses and regulations for the SW (Special Waterfront) Zone and the permitted uses in the OSB (Open Space Buffer Zone). These are the two zones where the majority of the proposed buildings, structures and site alteration are proposed to occur.

Attachment No. 3 is a copy of the Gifford Farm Urban Design Concept Plan and Guidelines prepared in accordance with Special Waterfront Policies in the Oshawa Official Plan and which were approved by the Ontario Municipal Board (OMB) in 1997.

Attachment No. 4 is a copy of the proposed Oshawa Official Plan Amendment (excluding location exhibit), submitted by the applicant.

Attachment No. 5 is a copy of special provisions requested (in correspondence dated March 13, 2008 and June 10, 2008) by the applicant in the proposed amendment to Zoning By-law No. 60-94.

A notice advertising the public meeting was mailed to all assessed property owners within 120 metres (400 ft.) of the subject site and to all required public bodies. In addition, a notice was published in the Oshawa This Week newspaper and a sign giving notice of the applications has been posted on the site.

In support of the applications, the applicant has submitted the following documents:

1. Conceptual Layout Plan
2. Planning Report
3. Traffic Impact Study
4. Environmental Impact Study
5. Screening-Level Noise Study
6. Screening-Level Air Quality Study
7. Preliminary Servicing Report
8. Stages 1 and 2 Archaeological Assessment
9. Phase 1 Environmental Site Assessment
10. Limited Phase 2 Environmental Site Assessment
11. Preliminary Geotechnical Investigation

The above noted documents are available for public review at the reference desk of the McLaughlin Branch, Oshawa Public Library, located at 65 Bagot Street, Oshawa and in this Department at City Hall, located on the 7th Floor, Rundle Tower, Attention: Paul Stewart.

The applicant's agent will be making a presentation at the public meeting which will overview the applications and supporting documents.

2.0 RECOMMENDATION

That the applications submitted by FarmTech Energy Corporation to amend the Oshawa Official Plan and Zoning By-law No. 60-94 to permit an ethanol production facility and related uses as additional permitted uses on the south side of the Harbour Road allowance, east of Farewell Street, be referred back to the Development Services Department for further review and the preparation of a subsequent report and recommendation. This referral does not constitute or imply any form or degree of approval.

3.0 EXECUTIVE SUMMARY

Not applicable.

4.0 INPUT FROM OTHER SOURCES

4.1 Other Departments and Agencies

- The subject applications have been circulated for comment and the identification of issues to a number of departments and agencies. These comments and issues will be considered and reported on, as appropriate, in a subsequent staff report which will provide a recommendation on the applications.

4.2 Auditor General

- Not applicable.

5.0 ANALYSIS

5.1 General

- The subject site is owned by the Oshawa Harbour Commission (OHC). The OHC has provided FarmTech with an exclusive option on the subject site for the purpose of obtaining approvals from the City for an ethanol production facility.
- A large portion of the site is currently farmed, with the remaining lands left either in a natural state or used for the storage of fill. The subject site is also known as the Gifford Farm and contains a topographical feature known as the "Gifford Hill". The site has heritage attributes, having been the location of a pioneer cemetery, homestead, and, may have been the location of a former trading post.
- Lands to the west of the subject site are part of the Oshawa Harbour East Wharf and are owned by the Federal Government and administered by the OHC. Two grain silos on the east wharf have been proposed in order to receive corn brought by ship for the ethanol production facility. This corn will then be transferred to the proposed ethanol production facility by a conveyor system. The proposed grain silos exceed the current height regulations on the east wharf. Correspondence dated June 10, 2008 from the applicant's agent (included in Attachment No. 5) has clarified that the proposed silos

are part of the application and that the applicant is requesting relief from the current height provision of 24 metres in order to accommodate the proposed height of 27 metres.

- The proposed ethanol production facility utilizes a dry mill process where the corn kernel is ground into flour. The starch in the flour is converted to ethanol during the fermentation process which also creates as a byproduct carbon dioxide and distillers grain.
- The proposed ethanol production facility is made up of a number of buildings and structures that are required to produce ethanol such as (see Exhibit No. 2):
 - Administrative building
 - Storage tanks
 - Fermenters and beerwell
 - Process building
 - Energy centre and a thermal oxidizer stack
 - Water storage tank, treatment building and cooling tower
 - Distillation/separation equipment
 - Grain storage silos
 - Grain receiving building
 - Maintenance building
 - Conveyor system
 - Grain storage at the Harbour
- FarmTech is also in the process of preparing an Environmental Assessment (EA) for the proposed ethanol production facility, as required under the Canadian Environmental Assessment Act in order to access funding from the Federal government.
- The existing Oshawa Official Plan designations and zoning on the site were approved by the Ontario Municipal Board in 1996. The proposed development is not permitted by the Oshawa Official Plan and Zoning By-law No. 60-94. As a result, applications have been submitted to amend the Oshawa Official Plan and Zoning By-law No. 60-94 to permit the proposed development.
- The following is background information concerning the subject applications:

	Existing	Requested/Proposed
Oshawa Official Plan Designation	The site is subject to the following designations: <ul style="list-style-type: none"> ▪ Special Waterfront Area ▪ Industrial ▪ Open Space and Recreation Lands within the Special	Amend policy 2.15.2.1 within the Special Waterfront Area to permit an ethanol production facility and related uses as additional permitted uses

	Existing	Requested/Proposed
	Waterfront Area and Industrial designations are within the Oshawa Harbour Special Policy Area	
Zoning By-law No. 60-94	<p>The site is subject to the following Zones:</p> <ul style="list-style-type: none"> ▪ SW (Special Waterfront) ▪ OSB (Open Space Buffer) ▪ SW“h-13”(Special Waterfront) subject to a Holding Zone ▪ SPI (Special Industrial) 	<p>Rezone SW lands to include a special condition that:</p> <ul style="list-style-type: none"> ▪ Permits an ethanol production facility and related uses as additional permitted uses; ▪ Provides development standards that implement the proposed building and site designs, including a maximum height of 45m. <p>Rezone SPI lands to include a special condition that permits the encroachment of a conveyor system and increases the maximum permitted height to 27m for two proposed grain silos.</p> <p>No changes requested to the OSB or SW“h-13” Zones</p>
Use	Agricultural, fill storage, vacant	Ethanol production facility and related uses

➤ Adjacent Land Uses:

North	Public trail and land identified for a future Harbour Road extension. Further north are industrial land and buildings
South	Lake Ontario
East	Second Marsh, further east is the GM Business Park
West	Oshawa Harbour Area, and industrial uses

➤ Proposed Development Details:

Frontage	0 m
Total Lot Area	22.3 ha (55 ac.)
Landscaped Area	68%
Gross Floor Area of Buildings on the subject site (excludes two East Wharf silos)	10,128 sq. m. (109,020 sq. ft.)
Parking Spaces Required	54
Parking Spaces Proposed	35
Loading Spaces Required	6 large
Loading Spaces Proposed	3 large
Maximum Height in SW (Special Waterfront) Zone Permitted	12 m (39 ft.) Notwithstanding the maximum height limit a maximum of 25% of the footprint of any building shall be permitted to have a maximum height of 20m (66 ft.)
Maximum Height in SW (Special Waterfront) Zone Proposed	45m (148 ft.)
Maximum Height in SPI (Special Industrial) Zone Permitted	24m (79 ft.)
Maximum Height in SPI (Special Industrial) Zone Proposed	27m (89 ft.)

5.2 Oshawa Official Plan

- The subject site is affected, in part, by the policies in the following designations in the Oshawa Official Plan: Special Waterfront Area, Industrial and Open Space and Recreation. In addition, lands within the Special Waterfront Area and Industrial designations are within the Oshawa Harbour Special Policy Area.
- The majority of the subject site is designated as Special Waterfront Area in the Oshawa Official Plan. Lands adjacent to the Second Marsh are designated as Open Space and Recreation, and lands adjacent to the east wharf of the Oshawa Harbour are designated as Industrial in the Oshawa Official Plan.
- The proposed ethanol plant production facility is located primarily on lands designated as Special Waterfront Area. The intent of the Special Waterfront Area designation in the Official Plan is to ensure the waterfront lands are used in a manner which takes full advantage of their locational characteristics and land use opportunities.
- Attachment No. 1 is a copy of the policies in Section 2.15 Special Waterfront Area of the Oshawa Official Plan.
- Section 2.15 of the Oshawa Official Plan identifies the permitted uses and issues that must be examined when considering development in the Special Waterfront Area designation, including impacts on the Second Marsh, Gifford Hill, and Lake Ontario

Shoreline. In addition, development on the subject site shall have regard to the urban design plan and design guidelines that have been prepared for the site.

- Section 2.15.2.1 of the Official Plan specifies that the Special Waterfront Area lands may be used for certain prestige industrial and office uses; cultural and community uses; and open space and recreation uses. An ethanol production facility is not permitted in the Special Waterfront Area designation. Therefore, the proposed development does not conform to the Oshawa Official Plan and an Official Plan amendment is required.
- The proposed Oshawa Official Plan Amendment submitted by the applicant is contained in Attachment No. 4 to this report.
- A stormwater management pond is proposed on lands designated as Open Space and Recreation. Section 5.4.7 of the Oshawa Official Plan states that stormwater management facilities may be permitted in any land use designation subject to certain provisions such as approval of the City and Central Lake Ontario Conservation Authority.
- A conveyor system and grain storage silos on the east wharf are proposed on land designated as Industrial. The proposed conveyor system and grain storage silos are permitted in the Industrial designation.
- Lands designated as Special Waterfront Area and Industrial are also within the Oshawa Harbour Special Policy Area in the Oshawa Official Plan.
- Attachment No. 1 also includes a copy of the policies of Section 2.14 Special Policy Area of the Oshawa Official Plan.
- The eastern portion of the subject site is designated as Open Space and Recreation and is adjacent to the Second Marsh. Section 2.6.1.8 states that the City shall recognize the Second Marsh as a significant wetland resource and shall co-operate with other levels of government and their respective agencies in the protection and management of the Second Marsh as a conservation, educational and recreational open space area. The Second Marsh is also identified as Hazard Lands and as an Environmentally Sensitive Area in the Oshawa Official Plan and is a Provincially Significant Wetland.
- The unimproved Harbour Road allowance east of Farewell Street is designated as a Collector Road in the Oshawa Official Plan. The Harbour Road allowance is currently used to accommodate a public trail and driveway access to McAsphalt. There is an agreement in place, dated July 15, 1976, between the City and the Oshawa Harbour Commission relating to the construction of the Harbour Road east of Farewell Street and the sharing of costs. Timing of the construction is at the discretion of the City, however, the Harbour Commission can require the City to construct the extension upon six months notice.

- The policies and provisions of the Oshawa Official Plan will be considered during the further processing of the subject applications.

5.3 Zoning By-law No. 60-94

- The subject site contains the following zones: SW (Special Waterfront), OSB (Open Space Buffer), SW“h-13” (Special Waterfront subject to a Holding Zone), and SPI (Special Industrial). The uses permitted in these zones reflect the policy direction contained in the Official Plan designations for the subject site.
- The western boundary of the OSB Zone is interpreted to be 120 metres from the Second Marsh and the northern boundary of the SW “h-13” Zone is 40 metres from the Lake Ontario Shoreline.
- The majority of the proposed ethanol production facility is located in the SW (Special Waterfront) Zone. A stormwater management pond is proposed in the OSB (Open Space Buffer) Zone and part of the conveyor system for the facility is proposed in the SPI (Special Industrial) Zone. No buildings or structures are proposed along the lakeshore in the SW (Special Waterfront) “h-13” Zone, which requires completion of a number of studies pertaining to protection of the Lake Ontario Shoreline prior to development.
- The SW (Special Waterfront) Zone, permits a range of recreational/institutional type uses (e.g. amphitheatre, auditorium, nature interpretive centre, museum), commercial type uses (e.g. hotel, financial institution, restaurant, office), and certain industrial uses (e.g. certain types of warehouses, wholesale distribution centre and light manufacturing). The permitted uses in the SW zone are listed in Attachment No. 2 to this report.
- The OSB (Open Space Buffer Zone) permits flood and erosion control structures, storm drainage control facilities, an earth berm, and educational, scientific or day recreational uses for the enjoyment of a natural area (see Attachment No. 2).
- The SPI (Special Industrial) Zone permits the proposed grain storage silos; however, the zoning regulations restrict the maximum height to 24 metres.
- The proposed development is not permitted by Zoning By-law No. 60-94. The applicant has requested an amendment to Zoning By-law No. 60-94 to permit the proposed ethanol production facility.
- The requested special provisions submitted by the applicant with the application to amend Zoning By-law No. 60-94 form Attachment No. 5 to this report.

5.4 Gifford Farm Urban Design Plan and Design Guidelines

- On May 12, 1997 the OMB approved an Urban Design Plan and Design Guidelines for the Gifford Farm, which includes the land designated as Special Waterfront Area. Attachment No. 3 contains the Gifford Farm Urban Design Concept Plan, and Design Guidelines.
- Section 2.15.2.4 of the Official Plan specifies, in part, that development on lands designated as Special Waterfront Area shall proceed by site plan approval if developed as a single parcel, having regard to the urban design plan and design guidelines that have been prepared for the site.
- The Gifford Farm Urban Design Concept plan and design guidelines provide an urban design concept intended to create a distinctive employment precinct. The guidelines provide for a high quality built form, streets and pedestrian routes (including access to a heritage commemorative site near the crest of Gifford Hill), provision of appropriate views and vistas, and environmental management measures.
- The proposed development will be assessed within the context of the Urban Design Plan and Design Guidelines during the further processing of the applications.

5.5 Oshawa Waterfront Master Plan & David Crombie

- On October 2, 2006, Oshawa City Council approved the outline for undertaking the Oshawa Waterfront Master Plan.
- Certain parts of the work program have been put on hold pending a report, by David Crombie on the future of the Harbour Area and related Federal response.
- David Crombie's report has been submitted to the Federal Government, however, neither the "Crombie" Report or a Federal response have been issued.

5.6 Site Design Considerations

- Detailed design matters will be reviewed during the further processing of the applications to ensure compliance with the City's Landscape Design Policies and other policies. This Department will conclude its position on the site design after it has received and assessed comments from the circulated departments, agencies and the public.
- Some of the specific matters this Department will be reviewing during the further processing of the subject applications include:
 - (a) Appropriateness of the proposed land uses on this site;
 - (b) Air quality impacts (e.g. noise, odour) and vibration and lighting impacts on surrounding land uses;
 - (c) Archaeological and heritage impacts on the Gifford Hill;
 - (d) Environmental impacts;

- (e) Traffic impacts on the local road network and surrounding area;
- (f) Safety in the event of an emergency at the proposed ethanol production facility;
- (g) Stormwater management and servicing matters; and,
- (h) Implications of future changes to the ethanol manufacturing process (e.g. switch from corn to other possible input material).

6.0 FINANCIAL IMPLICATIONS

➤ N/A

7.0 RESPONSE TO THE COMMUNITY STRATEGIC PLAN

➤ N/A

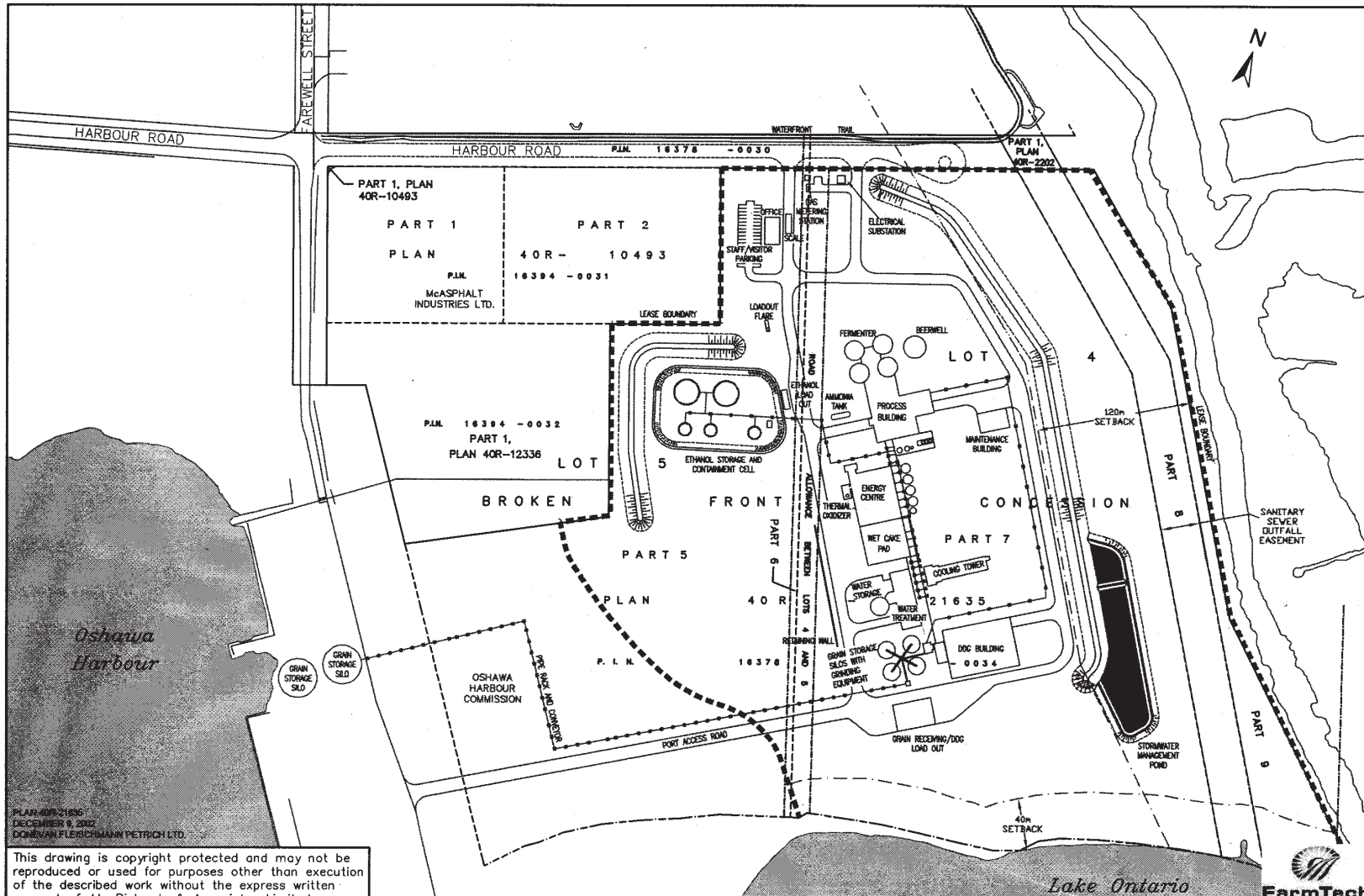
Original Signed By

Paul D. Ralph, Director
Planning Services

Original Signed By

Thomas B. Hodgins, B.E.S., M.A., RPP, Commissioner
Development Services Department

PS/c
Attachments



PLAN 40R-21635
DECEMBER 8, 2002
DOWNEYAN FLEISCHMANN PETRICH LTD.

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 <p>J.L. Richards ENGINEERS · ARCHITECTS · PLANNERS</p>	PROJECT:	DRAWING:	DESIGN:	DRAWING NO.:
	FARMTECH	SITE LAYOUT PLAN	K.T.K.	3.4D
	ETHANOL FACILITY	IN RELATION TO	CHECKED: T.C.	JLR NO.:
	OSHAWA, ONTARIO	PLAN 40R-21635	CAD FILE: 22221_FIGURES_4_D	22221
		PARTS 5, 6, 7, 8 AND 9	PLOTTED: April 2008	

Exhibit No. 2

Item No.: DS-08-242
 Subject: Applications to Amend the Oshawa Official Plan and Zoning By-law No. 60-94
 Address: South of Harbour Road Allowance and East of Farewell Street
 File No.: B3100-0099, Z-3/08

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2.14 SPECIAL POLICY AREA

2.14.1 **General**

2.14.1.1 Special Policy Areas, as delineated on Schedule 'A' Land Use, identify areas with unique character or function. Such areas generally contain more than one land use designation and require additional policies beyond those specified in the land use designations.

2.14.1.2 Lands within Special Policy Areas shall be subject to the specific policies of the land use designations therein as well as the special policies that apply to the respective Special Policy Area.

2.14.2 **Oshawa Harbour Special Policy Area**

2.14.2.1 The City shall continue to encourage the economic development of the Oshawa Harbour area and shall promote industrial, residential, commercial, cultural, tourist, recreational and other uses in accordance with the land uses shown on Schedule 'A' to this Plan.

2.14.2.2 The City shall encourage the relocation over time of existing land uses on the west side of Oshawa Harbour which are incompatible with the land uses shown on Schedule 'A' to this Plan. Notwithstanding the foregoing, port and marine-related transportation, cargo handling and storage services and facilities located on the west wharf may continue on an occasional and overflow basis until such time as suitable replacement facilities have been established on the east side of the Harbour.

2.14.2.3 The City shall encourage the clean-up of environmentally contaminated land and water associated with the Oshawa Harbour in accordance with applicable Federal and Provincial policies.

2.14.2.4 It is the intent of this Plan to recognize the economic and recreational benefits of the Oshawa Harbour to the City and the Region. In this regard, the City shall encourage the modernization and expansion of the Oshawa Harbour and shall co-operate with all levels of government and their appropriate agencies to maximize the economic, industrial and recreational potential of the Oshawa Harbour. The City shall have regard for the continued economic viability of the Oshawa Harbour in the consideration of any development or redevelopment of lands in the vicinity of the harbour.

2.14.2.5 The City shall encourage public access along the west side of Oshawa Harbour where feasible.

2.14.2.6 Development on the following lands within the Oshawa Harbour Special Policy Area, namely:

- (a) The former waste disposal site south of Harbour Road and west of Montgomery Creek;
- (b) The west side of Oshawa Harbour;
- (c) The lands at the southeast corner of Simcoe Street South and Harbour Road;

- (d) The lands south of Harbour Road and immediately east of Montgomery Creek containing fill material from the Harbour and possibly from the former waste disposal site; and
- (e) Those lands on the east side of Oshawa Harbour that have been used for dredgate disposal,

Shall comply with applicable Provincial regulations and guidelines concerning the use of contaminated lands.

2.15 SPECIAL WATERFRONT AREA

2.15.1 **General**

2.15.1.1 It is the intent of this Plan to ensure that waterfront lands with their locational characteristics and natural environmental and historic features be used in a manner which takes full advantage of such features and the associated land use opportunities.

2.15.2 **Site Specific Policies**

2.15.2.1 The lands designated as Special Waterfront Area are generally located between the Industrial area associated with the east side of the Oshawa Harbour and the Oshawa Second Marsh and include a large portion of the former Gifford Farm which in itself contains a significant topographical feature known as the Gifford Hill. These lands may be used for certain prestige industrial and office uses; cultural and community uses; and open space and recreation uses. In considering development for these lands, provision shall be made for:

- (a) Protection of the Second Marsh ecosystem and associated environmental features;
- (b) Uses and site designs which will minimize adverse visual, noise, lighting, air and water quality impacts on the Second Marsh;
- (c) Generally maintaining the existing topography associated with the Gifford Hill, subject to such minimal regrading as is reasonably required for development of the lands;
- (d) Applicable historical and archaeological assessments prior to any development
- (e) Provision of a 120 metre wide open space buffer area along the west side of the Second Marsh;
- (f) Emphasis on land uses that are compatible with the locational, topographical and environmental characteristics of the area and complement each other and adjacent uses; and
- (g) Internal drainage and erosion control measures to the satisfaction of the Ministry of Natural Resources.

2.15.2.2 Prior to permitting development on the lands designated as Special Waterfront Area within 40 metres of the Lake Ontario Shoreline, the owner must satisfy the City that:

- (a) Policy 3.1.3 of the Provincial Policy Statement, 1996, regarding lands subject to erosion hazards, is met;
- (b) Development will not have an adverse impact on the ecological function of the shoreline area; and
- (c) Development will not significantly interfere with the view of Lake Ontario from the crest of Gifford Hill.

2.15.2.3 An urban design plan and related design guidelines have been prepared for the lands designated as Special Waterfront Area. The urban design plan and design guidelines address the matters outlined in Section 2.15.2.1 and the following:

- (a) Topographic preservation and grading
- (b) Lighting
- (c) Noise and dust emission controls
- (d) Stormwater management facilities
- (e) Maintenance of the Second Marsh ecosystem and associated environmental features
- (f) Building height
- (g) Landscape treatment
- (h) Parking lot design
- (i) Quality of building design
- (j) Pedestrian and vehicle access and circulation
- (k) Maintenance of existing trees wherever feasible
- (l) In the event that an agreement has been entered into with the owner of lands designated as Special Waterfront Area for the development of a nature interpretive centre, consideration shall be given to site design and landscaping on adjacent lands to complement the interpretive centre

2.15.2.4 Development on lands designated as Special Waterfront Area shall proceed by plan of subdivision(s) and subsequent site plan approval, or by site plan approval alone if developed as a single parcel, having regard to the urban design plan and design guidelines.

2.15.2.5 In the event that a tribunal under the Canadian Environmental Act approves the construction of a Confined Disposal Facility extending to the cusplate, the City will rezone that portion of the beach and the Confined Disposal Facility extending to the cusplate, from Special Waterfront to Special Industrial. It is intended that all land use planning issues, including public participation and social impact, will be fully canvassed at the environmental hearing.

CURRENT ZONING

SECTION 38(A): SW – SPECIAL WATERFRONT ZONES

(OMB 960129)

38(A).1 PERMITTED USES

38(A).1.1 No person shall within any SW Zone use any land or erect or use any building or structure for any purpose or use other than the following uses:

- (a) Amphitheatre
- (b) Arts or crafts studio
- (c) Auditorium
- (d) Assembly hall
- (e) Banquet hall
- (f) Church
- (g) Club
- (h) Commercial school or training centre
- (i) Cultural centre
- (j) Custom workshop
- (k) Data processing centre
- (l) Day care centre
- (m) Educational centre
- (n) Financial institution
- (o) Hotel
- (p) Institutional use
- (q) Laboratory
- (r) Museum
- (s) Nature interpretive centre
- (t) Office
- (u) Printing establishment
- (v) Recreational use
- (w) Research and development establishment
- (x) Restaurant
- (y) Sales outlet
- (z) Scuba diving centre
- (aa) Television or radio broadcasting station or studio
- (bb) Theatre
- (cc) Warehouse for semi-manufactured or manufactured goods, excluding any self-serve storage building
- (dd) Wholesale distribution centre
- (ee) Light industrial uses, including light manufacturing, processing of semi-manufactured goods, assembly of manufactured goods, within enclosed buildings, provided such uses are not noxious or offensive
- (ff) Publishing or bookbinding establishment

38(A).2 REGULATIONS

38(A).2.1 No person shall within any SW Zone use any land or erect or use any building or structure except in compliance with the regulations as set out in Table 38(A).2 and this Subsection.

**TABLE 38(A).2
REGULATIONS FOR SW ZONES**

ZONES	SW
MINIMUM LOT FRONTAGE (m)	45.0
MINIMUM LOT AREA (sq.m.)	4000
MINIMUM FRONT YARD AND EXTERIOR SIDE YARD DEPTH (m)	9.0
MINIMUM INTERIOR SIDE YARD DEPTH (m)	4.5
MINIMUM REAR YARD DEPTH (m)	7.5
MAXIMUM LOT COVERAGE (%)	50
MAXIMUM HEIGHT (m)	12.0

38(A).2.2 Notwithstanding the maximum height permitted by Table 38(A).2, a maximum of 25 percent (25%) of the footprint of any building shall be permitted to have a maximum height of 20m.

38(A).2.3 Sales outlets are permitted uses only if the sales outlet is located on the same lot as the main use and the sales outlets do not occupy more than twenty-five percent (25%) of the gross floor area located on the site; and provided further that, in the case of multiple tenants in a building, the gross floor area of an individual sales outlet associated with an individual tenant shall not exceed forty-five percent (45%) of the gross floor area of the use to which it is accessory and incidental.

38(A).2.4 In addition to the other provisions of Section 38(A) any use in a SW Zone as shown on Map No. C-1 shall be subject to the general provisions contained in Section 4 of this By-law that are applicable to a Prestige Industrial Zone. In the event of a conflict between the provisions of Section 38(A) and Section 4, Section 38(A) shall prevail.

CURRENT ZONING

Excerpt from Section 26: OS - Open Space Zones from the City of Oshawa Zoning By-law No. 60-94, as amended.

SECTION 26: OS - OPEN SPACE ZONES

- 26.1.9 The following uses are permitted in any OSB – Open Space Buffer Zone:
(OMB 960129)
- (a) Flood and erosion control structures or facilities
 - (b) Storm drainage control facilities
 - (c) An earth berm
 - (d) Educational, scientific or day recreational uses for the enjoyment of a natural area

Exhibit 166

Modified by the OMB Decision and Order

Appendix "A"

Gifford Farm

Urban Design Plan and Design Guidelines

1. Urban Design Concept

- ◆ The Urban Design Concept is intended to provide guidelines for the creation of a distinctive employment precinct on lands commonly referred to as the former Gifford Farm, and which contain a significant topographical feature known as Gifford Hill. The Urban Design Concept consists of a number of elements, as illustrated on the Concept Plan attached hereto and as described below.
- ◆ A 120 metre wide buffer area is to be provided along the easterly limits of the lands, adjacent to the Oshawa Second Marsh. This buffer will accommodate an earth berm along its westerly limit to provide screening for the Second Marsh from noise, light and other potential impacts. The berm and adjoining area to the east is to be allowed to naturally regenerate. Development within the buffer area shall have regard to the applicable provisions of the Provincial Policy Statement.
- ◆ The area west of the open space buffer, adjacent to both the Port Industrial area and the James Dick Construction lands, has been set aside for certain prestige industrial and office uses; cultural and community uses; and open space and recreation uses. It is recommended that the height and siting of buildings be controlled so as to preserve views and vistas to and from the area and that existing trees be retained, where feasible and desirable.
- ◆ It is proposed that a heritage commemorative site, consisting of a cairn or plaque, be developed near the crest of Gifford Hill to acknowledge the history and use of the Harbour Area. This site would be linked to Harbour Road and the Lake Ontario Waterfront Trail by pedestrian routes, as described in Section 3.
- ◆ The water's edge may provide the only feasible location for an access point to a truck ferry terminal but this crossing will not be implemented until applicable federal and provincial environmental assessments have taken place and the City is in position of having detailed site plans. In the interim, the water's edge will be retained in its present natural state.

2. Form of Development

- High quality built-form is one of the most important components that will contribute to the character of this distinctive employment area. Buildings should provide for function, economy, user comfort and safety, have clear contextual relevance, reflect their location and minimize their environmental impact.
- Marking entries or points of transition can be achieved by landmark built-form in combination with landscaping, and gateway treatments at primary streets.
- The building form on the upper portion of the Gifford Hill should be adapted to the general contours of the hill to ensure it blends into the topography.
- Building siting should avoid the placement of loading or parking facilities in locations which would result in undue noise or lighting impacts on the Second Marsh. Where possible, buildings should be sited so as to provide screening of such areas, and evergreen tree and/or shrub planting should be used to provide local screening.
- Street lighting and building lighting will be designed and oriented in order to minimize impacts on the Second Marsh and migratory birds.
- Rooftop mechanical equipment should be located and/or designed or should be screened in order to minimize visual and emissions impacts.
- Building elevations facing the Second Marsh and Lake Ontario should be subject to a high quality of design so as to ensure that attractive views are maintained.
- The height of buildings and structures shall be 12 metres or less. However, tower portions comprising up to 25% of the foot print of the building may have a maximum height of 20 metres.
- Parking areas which may be developed in connection with prestige industrial and office uses should be screened from view from Lake Ontario and the Second Marsh through planting and/or grading.
- The siting and design of buildings should respect the waterfront location, by providing for views and vistas of Lake Ontario from the street and pedestrian system.
- A high quality of landscaping and planting will be required in order to complement the prestigious character of the area.

3. Streets and Pedestrian Routes

Streets

- ◆ It is expected that the street system serving the Gifford Farm will consist of an extension of Harbour Road together with an internal street system which will generally follow the contours of the Gifford Hill in order to minimize regrading. However, the pattern shown on the plan is conceptual only and in no way suggests there will necessarily be a road connection south of the Hill between the crest and Lake Ontario. The actual road system will require more detailed grading, view assessment and other kinds of analysis.
- ◆ The streetscape of the Harbour Road Extension, including street lighting, planting and signage, should be coordinated with the Harbour Road streetscape west of Farewell Street and with the Simcoe Street streetscape as part of the system of public open space in Southeast Oshawa. The Harbour Road Extension should include street tree planting along both sides. The streetscapes should be further supported by signage, lighting, street furniture and paving that reflects design details used throughout the Harbour area.
- ◆ Streets should be oriented to allow views to Lake Ontario and the Oshawa Second Marsh, where appropriate. Views to the Second Marsh will be available from the east end of the Harbour Road Extension.
- ◆ The Harbour Road Extension will provide a special opportunity to create a street and pedestrian system which overlooks the water and which links the public open space areas to the west (Lakeview Park) and the east (Oshawa Second Marsh).

Walkways/Trails

- ◆ The road allowance of the Harbour Road Extension incorporates the Lake Ontario Waterfront Trail, which will link the West Harbour area and Lakeview Park with the Second Marsh. Appropriate signage and landscaping will be provided within the road allowance.

- ◆ The pedestrian and bicycle components of the Lake Ontario Waterfront Trail should be barrier-free and contained within the road allowance of the Harbour Road Extension.
- ◆ A pedestrian system linking with the Lake Ontario Waterfront Trail will provide public access to the heritage commemorative site, as illustrated on the Concept Plan. The pedestrian system will be included within the road rights-of-way, where feasible.

4. Views and Vistas

- ◆ Views and vistas from the heritage commemorative site to Bonnie Brae Point, the Second Marsh and McLaughlin Bay Wildlife Area, Lake Ontario and to the Oshawa Harbour should be preserved and enhanced whenever possible.
- ◆ The siting of buildings should allow for the creation of view corridors to Lake Ontario, or the Second Marsh or Oshawa Harbour or a combination of these as may be the case.
- ◆ In order to enhance views to Lake Ontario, buildings should be situated at least 40m from the water's edge.
- ◆ The above design guidelines are not intended to be an absolute prohibition, but can be used to locate buildings under site plan control.

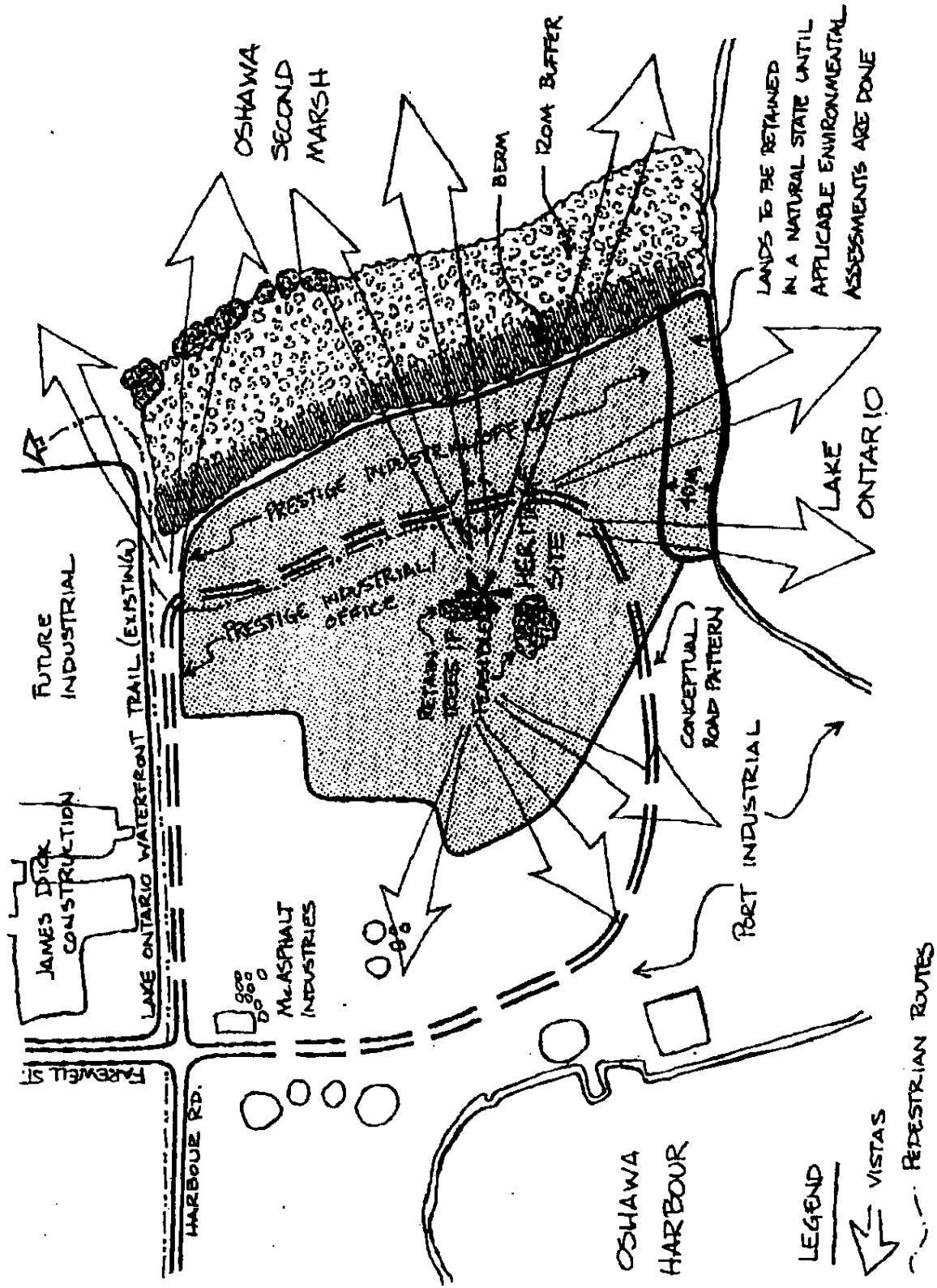
5. Environmental Management

- ◆ Buffers to development on the Gifford Farm should be established through retention of existing trees, where feasible, and through new planting within road allowances and within landscaping areas on development blocks.
- ◆ In addition, an earth berm averaging approximately 5-7 metres in height, appropriately landscaped with indigenous plantings, may be constructed within the 120 metre buffer area adjacent to the Second Marsh, as development proceeds on the Gifford Farm. The berm should be located as far to the west as possible within the buffer area. The berm and associated planting is intended to screen views and night-time lighting of buildings from the Second Marsh, as well as to minimize the impact of other emissions (noise, dust).

- ◆ Stormwater management facilities may be located within the 120 metre buffer area. The design of such facilities will ensure that there are no unacceptable adverse impacts on the quality or quantity of stormwater runoff to the Second Marsh.
- ◆ The buffer area adjacent to Second Marsh should be allowed to naturally regenerate. It is recommended that the public trail system not be extended through this area, in order to preserve some wetland edge where human presence is restricted and to discourage public access to the barrier beach.
- ◆ Appropriate plant material should reflect the waterfront location. Trees, shrubs and ground cover which display hardiness to harsh winter winds and summer drought, and indigenous plant material should be favoured.

6. Application

- ◆ Proposed plans of subdivision and proposed severances should have lot dimensions and orientation appropriate to achieve the intent of these guidelines.
- ◆ Proposals for rezoning or minor variance through the Committee of Adjustment should ensure that sufficient zoning controls exist to achieve the intent of these guidelines.
- ◆ Proposals for site plan approval will comply with these guidelines.
- ◆ These guidelines are to be used in conjunction with City engineering standards are not intended to act as a substitute for City standards.



GIFFORD FARM CONCEPT PLAN

Item No. DS-08-242
Attachment No. 4

SUBMITTED BY THE APPLICANT

**PROPOSED AMENDMENT NO. ____
TO THE
CITY OF OSHAWA OFFICIAL PLAN**

PART I INTRODUCTION

- Purpose*
- Location*
- Basis*

PART II ACTUAL AMENDMENT

PART III IMPLEMENTATION

PART IV INTERPRETATION

Note: Parts I, III and IV do not constitute the legal parts of this Amendment but serve only to provide background information.

PART I: INTRODUCTION

Purpose

The purpose of this Amendment to the Oshawa Official Plan is to permit an ethanol production facility and related uses on lands located south of Harbour Road and east of Farewell Street.

Location

The subject development site is located south of Harbour Road and east of Farewell Street. The lands comprise approximately 22 hectares and are located in part of Part 5 and Part 6, 7, 8, and 9, Plan 40R-21635. The general location of this site is shown on Exhibit "A" attached to this Amendment.

Basis

The Council of the Corporation of the City of Oshawa is satisfied that this Amendment to the Oshawa Official Plan is appropriate.

PART II: ACTUAL AMENDMENT

The Oshawa Official Plan is hereby amended by:

Amending Section 2.15.2.1 by inserting the words "and an ethanol production facility and related uses", after the words "open space and recreational uses".

PART III: IMPLEMENTATION

The provisions set forth in the City of Oshawa Official Plan, as amended, regarding the implementation of the Plan, shall apply in regard to this Amendment.

PART IV: INTERPRETATION

The provisions set forth in the City of Oshawa Official Plan, as amended, regarding the interpretation of the Plan, shall apply in regard to this Amendment.

Item No. DS-08-242
 Attachment No. 5



**J.L. Richards
 & Associates Limited**
 864 Lady Ellen Place
 Ottawa, ON Canada
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 Tel: 613 728 3571
 Fax: 613 728 6012

MEMORANDUM

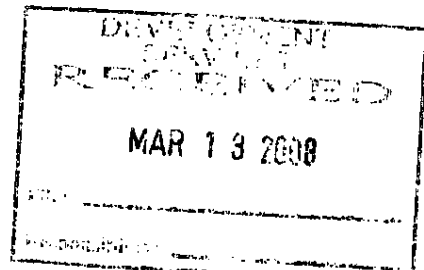
TO: Mr. P. Ralph
 Manager, Development and Urban Design
 Development Services Department
 Corporation of the City of Oshawa
 50 Centre Street South (7th Floor)
 OSHAWA, ON L1H 3Z7

FROM: Wendy Kaufman, Planner

RE: **Additional Information for Zoning By-law
 Amendment**

DATE: March 13, 2008
JOB NO.: 22221.6.1

CC:



The following is intended to form part of our client's Application to Amend Zoning By-law No. 60-94. This information is intended to be included in Section 12(b).

We have identified those areas which we believe require amendment. We would expect that this list may be altered or amended during the processing of the applications to reflect local interpretations, discussions and agreements that are reached during our discussions with the City and the Public.

The application seeks to implement the following:

- (1) Create a Special Condition within the Special Waterfront Zone to permit an Ethanol Production Facility and related uses as an additional use, subject to special conditions related to Section 4.6.1, 38(A).1.1, 38(A).2.1, 38(A).2.2, 39.3.1, 39.6.1 as described in the table below.
- (2) Create an Special Condition in the Special Industrial Zone located on the Oshawa Harbour Commission lands adjacent to the lands in the Special Waterfront Zoned lands, to permit a conveyor belt encroaching into the required yard to permit a zero setback for the conveyor system.

Overall, the intent of the application is to implement the site layout plan submitted with the application, which will be fully implemented through the submission of an Application for Site Plan Approval.

Provision	Intent/Effect
4.6.1 Permitted Yard Encroachments	Permit conveyor system as a yard encroachment in SW Zone and adjacent SPI Zone, to permit this structure within the minimum required yard as shown on the Conceptual Layout.
38(A).1.1 Permitted Uses	Add to the list of uses: Ethanol Production Facility and related uses.
38(A).2.1 Minimum Lot Frontage	Permit minimum lot frontage of 0 metres. This will allow our client to pursue a building permit if the road works on Harbour Road are not complete to an improved standard as per the By-law, or if the decision is made to have Harbour Road not opened and operate as a driveway only.
38(A).2.1 Minimum Interior Side Yard Depth	Permit conveyor system within the minimum side yard SW Zone and adjacent SPI Zone, to permit this structure within the minimum required yard as shown on the Conceptual Layout.
38(A).2.1 and 38(A).2.2 Maximum Height	Permit the heights of buildings as described in the Planning Report Table - 1. The maximum building height would reflect the highest building and recognize that certain uses, such as the thermal oxidizer stack, will also be above the current height limit

<p>39.3.1 Number of Parking Spaces</p>	<p>Permit the calculation of the minimum required number of parking spaces using a revised rate to recognize that it is appropriate to exclude the areas of buildings occupied by process equipment and storage areas to enable the development of the site as shown on the site layout plan which accompanies the application.</p> <p>The gross floor area of office space is 418.06 m² and the total gross floor area of industrial space is 6744.76 m². A total of 48 spaces are required using the calculation rates of 1/28m² of GFA for offices, and the calculation rates of 1/90m² of GFA for industrial uses up to 2,000m² plus 1/450m² over 2000m². We have not included the GFA for process related storage tanks and process tanks</p> <p>A total of 35 parking spaces are shown on the site playout plan. Based on the need to provide 25 spaces for employees and 10 spaces for overflow and visitors this should accommodate the requirements. Using the methodology of spaces by GFA we would seek a rate of 1/42m² of GFA for offices, and 1/270m² of GFA for industrial uses</p>
<p>39.6.1 Number of Loading Spaces</p>	<p>Permit the calculation of the minimum required number of loading spaces to exclude the areas of buildings occupied by process equipment and storage areas.</p> <p>The gross floor area of industrial space is 6744.76 m². On this basis a total of 3 large loading spaces are required.</p> <p>We have not included the GFA for process related storage tanks and process tanks as they are purely for the process of making the product. The GFA of these tanks is approximately 4,400 m². If this area were to be included for loading calculations then an additional 3 large loading bays would be required.</p> <p>A total of 6 loading spaces could be expected to be required. For clarity, we would suggest that the loading calculation exclude areas of buildings occupied by process equipment and storage areas. This would then mirror the calculation of parking spaces.</p>

We understand that we will continue to work with City staff to define the requirements for the amendment based upon ongoing discussions and input received during the process and that our submission of a detailed site plan may cause some minor revisions after discussion related to these details..

Prepared by:

J.L. RICHARDS & ASSOCIATES LIMITED

S. 14(1), Municipal Freedom of Information & Protection of Privacy Act

Wendy Kaufman, M.E.S.
Planner

Wk/tfc



**J.L. Richards
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 Tel: 705 522 8174
 Fax: 705 522 1512

TO: Paul Ralph
 Manager, Development and
 Urban Design, City of Oshawa

DATE: Tuesday, June 10, 2008

JOB NO.: P-22221.01

Donna P. Taylor, Corporate
 Secretary
 Oshawa Harbour Commission

FROM: Wendy Kaufman, M.E.S.
 Planner

CC: Dan O'Connor, President, FarmTech Energy Corporation
 Tim Chadder, M.C.I.P., R.P.P., Senior Planner, Associate,
 J.L. Richards & Associates Limited
 Dave Hunter, P. Eng., Associate, Branch Manager, J.L.
 Richards & Associates Limited
 Paul Stewart, M.C.I.P., R.P.P., Senior Planner, City of
 Oshawa

RE: Zoning By-law Amendment
 Silos on east wharf

As discussed with Paul Stewart on Friday, June 6, 2008, it has been identified that the silos proposed to be constructed on the east wharf exceed the height requirements for the Special Industrial Zone (SPI). Thank you for bringing this to my attention. As noted in the memo which accompanied our Application for Zoning By-law Amendment dated March 13, 2008, though we had identified those areas which we believe required amendments, we expected that this list may be altered or amended during the processing of the applications to reflect local interpretations or agreements that might have been reached through discussions with the City and the Public.

The silos shown on the east wharf are part of the Application to Amend Zoning By-law No. 60-40 and we request relief from the height provision to accommodate their proposed height, as noted in the table below. This is exclusive of the equipment to operate the facility such as handling equipment and appurtenances, and would be consistent with our reading of Section 4.7.1.b of the Zoning By-law.

Provision	Intent/Effect
30.2.1 Maximum Height (24.0 metres)	Permit a maximum height of 27.0 metres to permit the heights of the silos as described in the Planning Report Table – 1.

It is our understanding that the Oshawa Harbour Commission would concur with this, as they concurred with the Application as filed. Donna, we would ask that you provide correspondence to the City concurring with this request.

Since you have raised maximum height as an issue, we would like to take this opportunity to address maximum height for the lands zoned Special Waterfront. As per the memo of March 13, 2008, we had requested an amendment to the maximum height to permit the height of buildings as described in the Planning Report – Table 1, and we had expected that submission of the detailed site plan may cause some minor revisions. To simplify this issue, we would propose a 45 metre maximum height for the entire Special Waterfront Zone for consideration at the public meeting. Alternatively, maximum height can be addressed on a building-by-building basis, and we would expect to work with the City on this prior to finalizing the text of the amendment.

We appreciate the ongoing dialogue regarding this Application and we understand that we will continue to work with City staff to define the requirements for the Application based upon ongoing discussions and input received during the process, and that our submission of a detailed site plan may cause some minor revisions after discussion related to these details.

Prepared by:

J.L. RICHARDS & ASSOCIATES LIMITED

*S. 14(1), Municipal Freedom of
Information & Protection of Privacy Act*

Wendy Kaufman, M.E.S.
Planner

WK:ffc