

Armstrong Harrison Associates

PLANNING & LAND DEVELOPMENT SERVICES
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Re: Municipality of Clarington
Report PSD 09-12 - OPA 77

February 13 2012

Outline of my presentation to Council at 7:00 pm February 13 2012:

Introduction: Ronald St. C. Armstrong, of the firm Armstrong Harrison Associates, representing ABES AUTO RE-CYCLING on development matters relating to relocation of the business now operating at 2532 Concession Road 3, Bowmanville. This relocation is now frustrated due to certain provisions of OPA 77, which I will discuss with you now.

By way of background, ABES Auto Recycling deals with end-of-life, insurance write-off, scrapped, disabled or abandoned vehicles through disassembly and sale of parts, proper disposal of hazardous materials and fluids, and dispatch of the remaining bodies for recycling into new steel products. These endeavours are probably of significantly more benefit to the environment than the recycling of a few hundred thousand Tim Horton's coffee cups, and the business deserves to be treated with some respect.

The business is legal non-conforming in a Residential Official Plan designation. It is not appropriate to continue carrying on this intensive use within a developing residential area. Responding to the inappropriate situation, the owner acquired a property in an employment area on Baseline Road in Courtice. A major factor in the purchase was the availability of rail service to the site to enable a major expansion of the business. Following consultation with Staff, applications were submitted for OPA, zoning and site plan approval.

On Monday March 05 2007, Council approved Report PSD 028-07, referring those applications back to staff for further processing.

Almost immediately MTO advised the owner and the municipality that it would require the Baseline Road property for the interchange at the East Link between Highways 401 and 407.

An intensive search for a replacement property was then carried out. We had first been advised to seek a property in the General Industrial area on Trulls Road, however after extensive investigations, it has more recently been determined that the proposed use does not serve the municipality's "Vision" for that area. **The search continues, and this brings us to the topic of OPA 77.**

Today's report contains a number of Sections that will if approved prevent ABES from moving to any location in the Municipality of Clarington. REPEAT. A move within Clarington cannot take place if OPA 77 is not revised. There are unintended consequences for developers in Northglen, because of the freeze imposed on lands surrounding ABES Auto Recycling pending abandonment of the legal non-conforming industrial use of the site. Neighbouring residents are probably unaware that relocation of the business is frustrated due to the provisions of OPA 77.

Seeking to resolve these issues, we have met with Staff to discuss suggested clauses for OPA 77 that would address these matters. We wanted Staff to meet with our planners and solicitors to draft suitable clauses, intended to (1) relate only to this specific situation (2) would not apply to any other similar business seeking to locate in Clarington; (3) would not be

transferrable, and (4) would officially end the industrial use in the residential area and (5) would require approval of the complete circulation of planning documents – all of Clarington's requirements would have to be satisfied.

Our request for the working meeting was not granted. Staff appears to believe that OPA 77 is not the venue to deal with this situation. Our experts are of a vastly different opinion. We believe that an Official Plan Review is the appropriate time to deal with matters that are essential to a properly functioning Official Plan.

I remind you also that the planned increase in employment is between 100 and 125 persons. The owner has thus far shown great loyalty to the Municipality of Clarington throughout this process. There is a risk to Clarington of loss of the existing employment base to another municipality if this matter is not satisfactorily dealt with now.

You have report PSD-09-12 before you today for a vote. You have the usual 4 options:
Approve Deny Table Refer back to Staff.

I advise you that a referral back to staff for an addendum to this Report can be concluded within 4 – 6 weeks. In the interest of avoiding long and costly OMB proceedings or to significantly shorten the length of a hearing resulting from any appeal, I make the following request: that Council today refer OPA 77 back to staff so that Staff and our consultants can draft suitable clauses to be included in OPA 77.

My request is now before you.

Available for questions:

Yours truly

A handwritten signature in black ink, appearing to read 'Ron Armstrong', with a stylized flourish at the end.

Ron Armstrong
Armstrong Harrison Associates