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June 29, 2021

Sanjay Coelho  
Ministry of the Environment, Conservation and Parks - Environmental Policy Branch  
40 ST. Clair Avenue West, Floor 10  
Toronto, ON M4V 1M2

Dear Sanjay Coelho:

**RE: EFO 019-2785 - Land Use Compatibility Guideline**

On May 4, 2021 the Province posted its proposed 'Land Use Compatibility Guideline' (LUCG) on the Environmental Registry of Ontario (ERO) website (<https://ero.ontario.ca/notice/019-2785>) for public review. The deadline for comments is July 3.

The intent of this Provincial review is to update and condense the current D-series guidelines for addressing land use compatibility.

This letter responds to the 'Questions for Consideration' posed at the MECP municipal consultation sessions.

**Questions for Consideration**

**Question 1: Is the proposed Land Use Compatibility Guideline clear and easy to understand?**

**Response:** Generally, the guidelines provide greater clarity of how a major facility is to be classified. For example, Table 1 assigns a specific classification, area of influence (AOI) and Minimum Separation Distance (MSD) for select major facilities. This eliminates a lot of the uncertainty when considering select major facilities, such as ready mix concrete plants.

The following matters would benefit from further clarification:

- The 'Demonstration of Need';
- The identification of 'Sensitive Land Uses';
- The identification of 'Transitional Land Use' and how it should be identified in local Plans and policies;
- The implementation of the guidance through Site Plan Control, especially where legacy zoning permissions are in effect.

**Question 2: What do you think of the class-specific and facility-specific approach to AOIs and MSDs?**

**a) Does the facility-specific approach provide greater certainty and clarity for those sectors?**

b) Is having 5 classes of major facilities an improvement over the current 3 classes?

**Response:** As noted in response to Question 1, the new approach is generally clearer and easier to understand. But it has resulted in some major facilities migrating from one class to another with different AOI and MSD. It is unclear whether this is based on an analysis of evidence or whether it is just the result of moving to a different approach. If this is an evidence based assessment of potential impacts, it would be helpful to provide more detail how certain criteria influence the establishment of prescribed AOI and MSD.

**Question 3:** What do you think of the compatibility study requirements?

**Response:** Flexibility to 'right size' the study requirements should be considered. For example, where a major facility, its MSD and AOI have been previously studied and policies and provisions are included in a current Official Plan or Zoning By-Law; or, where mitigation and control measures are already implemented through prior permissions and agreements.

**Question 4:** What do you think of the demonstration of need requirements?

**Response:** Clarification is required of the matters to be included in a Demonstration of Need Study and how these are to be addressed.

**Question 5:** Are there any additional at-source or at-receptor mitigation measures you feel should be mentioned in the proposed Land Use Compatibility Guideline?

**Response:** Not qualified to comment.

**Question 6:** Do you feel that the guidance provided in Part C (Incorporating Land Use Compatibility in Planning Tools) will be effective at avoiding, minimizing, and mitigating compatibility issues?

**Response:** Potentially, yes.

**Question 7:** Will the proposed Land Use Compatibility Guideline result in any increased costs or savings for major facilities or sensitive land uses planning approvals?

**Response:** The magnitude of impact from the guideline on land use planning approval is unknown without further review and detailed study.

Generally, the expanded AOI and MSD will likely increase the instance where compatibility studies will be required as part of a complete application. This would impact development review processes and timelines. This may add to the complexity of pre-application consultation and consultations with the public. The potential for non-determination within statutory timelines and subsequent appeals may also increase. Most municipalities do not have the necessary technical expertise and will require peer reviews of submitted compatibility studies. If in-house expertise is not available, a peer review of studies would be at the expense of the proponent.

**Question 8:** Do you have further suggestions related to how to address land use compatibility in areas undergoing intensification?

**Response:** The notable increase in separation distances compared to the current D-series guidelines, and potential impacts on redevelopment and intensification opportunities (e.g. MTSAs). In this regard, the proposed guidance needs to be aligned with other important planning objectives for mixed use development areas included in A Place to Grow and the Provincial Policy Statement. The Province should carefully consider more flexibility in these

areas and an opportunity to jump straight to mitigation rather than avoidance for the development of sensitive uses.

The Town of Milton Development Services Department appreciates the opportunity to provide the above responses for the Ministry's consideration. Should you have any question, please do not hesitate to contact the undersigned.

Sincerely,

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