



where history and innovation thrive

City of Kingston

216 Ontario St.
Kingston, ON K7L 2Z3
613-546-4291

Date: June 29, 2021

To: The Ministry of the Environment, Conservation and Parks
mecp.landpolicy@ontario.ca

Subject: The City of Kingston's comments on the proposed Land Use Compatibility Guideline (ERO Number 019-2785)

Thank you for the opportunity to provide comments on the proposed Land Use Compatibility Guideline. Staff comments are provided below.

Proposal

The Ministry of the Environment, Conservation and Parks (MECP) is proposing a new Land Use Compatibility Guideline as an update to a number of existing D-series guidelines for municipalities to use when making land use planning decisions. The proposed guideline is intended to help ensure certain land uses can co-exist and thrive for the long-term within a community, including major industrial facilities and more sensitive residential land uses. The Land Use Compatibility Guideline implements the Provincial Policy Statement, which focuses on ensuring that major facilities and sensitive land uses are planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects.

City's response

The City seeks further clarification and/or guidance on the following items:

- Section 1.5.2: The Guideline indicates that, it does not apply to locating federally-regulated facilities, such as airports, rail facilities, marine facilities, and oil and gas pipelines. However, planning authorities are required to apply this Guideline in relation to sensitive land uses proposed near these facilities that are subject to the Planning Act. The City

requests guidance on the recommended Areas of Influence and Minimum Separation Distances as it relates to sensitive land uses proposed near oil and gas pipelines.

- Section 4.2.2 – The City requests further guidance from the Province on what constitutes a transitional land use.
- The proposed Areas of Influence and Minimum Separation Distances are significantly greater as compared to those in the existing D-series guidelines. Further guidance on these distances as well as mitigation measures is requested for already established employment areas as this may have an impact on intensification and redevelopment opportunities. Several areas within the City are already designated and zoned for employment uses and residential uses, where these distances will not be able to be met.
- The requirements for the Demonstration of Needs study appear to be onerous, specifically as they relate to the identification of other locations that have been designated and zoned for the proposed use, and also the requirement for listing two alternative locations. Based on the proposed Areas of Influence, these locations may be more than a kilometre away.
- The appropriateness of a particular land use gets established at the Official Plan and Zoning By-Law stage. Further clarification is requested where studies are required at the Site Plan Control stage, where permitted uses have already been established in the Zoning By-Law.
- The City requests the Province to provide Terms of References for the required studies mentioned in the proposed Guideline, as well as who is qualified to prepare such studies.

The City of Kingston looks forward to further updates from the Province and continued municipal engagement on the proposed Land Use Compatibility Guideline.

Respectfully submitted,

Sukriti Agarwal, Acting Manager, Policy Planning, Planning Services
613-546-4291 ext. 3217
sagarwal@cityofkingston.ca