

November 21, 2022

BY EMAIL ERO (PlanningConsultation@ontario.ca) & BY REGULAR MAIL

Chair and Members of Committee
Standing Committee on Heritage, Infrastructure and Cultural Policy
Queen's Park, Whitney Block, Room 1405
99 Wellesley Street W.
Toronto, Ontario
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Sirs/Mesdames:

**RE: ERO number 019-6163 - Proposed Planning Act and City of Toronto Act Changes
(Schedules 9 and 1 of Bill 23 - the proposed More Homes Built Faster Act, 2022)**

Thank you for the opportunity to provide comments regarding *Bill 23* through the Environmental Registry Office ('ERO'). Municipalities provide a key role in implementing provincial land use policies through official plans, zoning by-laws and other planning instruments inclusive of the *Planning Act*, Provincial Policy Statement, 2020 ('PPS') and the Growth Plan for the Greater Golden Horseshoe (office consolidation 2020) ('Growth Plan'), among others.

Notwithstanding the 'housing' objectives of Bill 23, there is a need to ensure that the established land use compatibility framework continues to protect the long-term viability of existing or planned industrial, manufacturing or other uses, defined as '*Major Facilities*', where vulnerable to encroachment by any new nearby residential uses, defined as '*Sensitive Land Uses*'.

It is significant to note, both the new recently approved Official Plans for the Region of York and Region of Peel include policy modifications per the Ministry of Municipal Affairs and Housing with Decisions, November 4, 2022, to this effect. For example,

- '*...To protect Employment Areas located adjacent to, or in proximity of, goods movement facilities and corridors including existing and future major highways and interchanges, for manufacturing, warehousing, and logistics, and appropriate associated uses*'
- '*...to ensure the long-term operational and economic viability of major facilities in accordance with the applicable provincial guidelines, standards and procedures.*'



- ‘...The interface between major facilities and sensitive land uses to ensure matters of land use compatibility area appropriately addressed in accordance with PPS.’

Provincial Policy Statement, 2020 (‘PPS’)

Section 1.2.6.2 of the PPS clearly establishes the required tests to be completed by proponents of residential, or ‘Sensitive Land Uses’, where proximate to ‘Major Facilities’ where there is a need to demonstrate that the proposal is in accordance with the provincial guidelines, standards and procedures, including policies set out in PPS policy 1.2.6.2., sub sections a) through d).

<i>Provincial Policy Statement, 2020 (‘PPS’)</i>	
<i>Part V: Policies</i>	
<i>1.0</i>	<i>Building Strong Healthy Communities</i>
<i>1.2.6</i>	<i>Land Use Compatibility</i>
<i>1.2.6.1</i>	<i>Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.</i>
<i>1.2.6.2</i>	<p><i>Where avoidance is not possible in accordance with policy 1.2.6.1, <u>planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:</u></i></p> <p><i><u>a) there is an identified need for the proposed use;</u></i></p> <p><i><u>b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;</u></i></p> <p><i><u>c) adverse effects to the proposed sensitive land use are minimized and mitigated; and</u></i></p> <p><i><u>d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.</u></i></p>

Note: Underline added.



The Growth Plan for the Greater Golden Horseshoe (office consolidation 2020)

Similarly, Growth Plan Section 2.2.5 Employment sub sections 7. and 8. establish that proponents of the residential, or ‘Sensitive Land Uses’ need to demonstrate that their proposal in accordance with the provincial guidelines, standards and procedures.

<i>The Growth Plan for the Greater Golden Horseshoe (office consolidation 2020)</i>	
2	<i>Where and How to Grow</i>
2.1	<i>Context</i>
2.2	<i>Policies for Where and How to Grow</i>
2.2.5	<i>Employment</i>
7.	<u><i>Municipalities will plan for all employment areas within settlement areas by:</i></u> <i>a) prohibiting residential uses and prohibiting or limiting other sensitive land uses that are not ancillary to the primary employment use;</i> <i>b) prohibiting major retail uses or establishing a size or scale threshold for any major retail uses that are permitted and prohibiting any major retail uses that would exceed that threshold; and</i> <u><i>c) providing an appropriate interface between employment areas and adjacent non-employment areas to maintain land use compatibility.</i></u>
8.	<u><i>The development of sensitive land uses, major retail uses or major office uses will, in accordance with provincial guidelines, avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment.</i></u>

Note: Underline added.

In conclusion, Bill 23 includes changes to the role of regional government in land use planning processes and decisions. It is important in my professional planning opinion that local municipalities, in the preparation and implementation of their respective local Official Plans, protect vulnerable ‘Employment Areas’ from the encroachment of any new residential or ‘Sensitive Land Uses’, with effective land use planning policies and regulations which are consistent with the PPS and in conformity with the Growth Plan.

Thank-you in advance for your co-operation.

Yours truly,
Pound & Stewart Associates Limited



Philip Stewart MCIP, RPP

/la Itr.Submission.Nov.21.2022

POUND & STEWART ASSOCIATES LIMITED

