

Ministry of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON M7A 2J3

May 10, 2024
File 11348

**Re: Comment Letter – Review of proposed policies for a new provincial planning policy instrument (ERO 019-8462)
141 Chisholm Drive, Milton**

Weston Consulting has been retained to provide planning services for 2059151 Ontario Inc., the owner of the lands at 141 Chisholm Drive in the Town of Milton (herein referred to as the “subject lands” or “lands”). The intent of this letter is to provide a formal submission of comments as it pertains to the newly proposed policy direction for employment areas as outlined in the proposed 2024 Provincial Planning Statement (ERO 019-8462), herein referred to as the “new PPS”.

The subject lands are within a Provincially Significant Employment Zone (PSEZ) and located within a *Future Strategic Employment Area*, as set out by the Halton Region Official Plan (2022 Office Consolidation). The subject lands are currently designated as *Business Commercial Area* and *Natural Heritage System* (NHS) by the Town of Milton Official Plan (2024 Office Consolidation). The lands are further designated as *Business Park* within the Town of Milton’s 401 Corporate Business Park Secondary Plan, an employment area for the Town. Within the Town’s Zoning By-law, the lands are zoned as Auto Commercial (C5) which permits a wide range of employment uses including a hotel and motor vehicle uses. Additionally, we note that the lands are regulated by Conservation Halton as portions of their regulated features traverse the subject lands.

The purpose of this letter is to provide context as to why the new definition of what constitutes an employment area and the restrictive policies within the new PPS will limit the range of uses that can be developed on existing employment lands, such as the subject lands, and have a negative effect on provincial interests.

Proposed Changes and the New PPS

The Ministry of Municipal Affairs and Housing (MMAH) is considering proposed policies for an integrated province-wide land use policy document, the new PPS, which would be issued under the *Planning Act*. As noted, policy changes under the proposed PPS include modifications to the policies regarding employment areas which would have an unintended adverse affect on our clients’ lands. Within the new PPS, the Employment policy 2.8.1.1 indicates that,

“planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;*
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*
- c) identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;*
- d) encouraging intensification of employment uses and compatible, compact, mixed-use development to support the achievement of complete communities; and*

e) addressing land use compatibility adjacent to employment areas by providing an appropriate transition to sensitive land uses.”

The intent of the above noted proposed policy in promoting economic development and competitiveness through measures such as providing for a range of employment uses, a diversified economic base and removing potential barriers to investment, is not consistent with other policies provided in the new PPS. The new PPS proposes new policies which are problematic from our standpoint as they limit the range of uses permissible in an employment area and may adversely impact the development potential of existing employment lands that do not meet these policies. These policies are contrary to the objective of promoting economic development and the objectives outlined in Policy 2.8.1.1 such as providing a diversified economic base supporting a range of economic activities and ancillary uses. The new PPS proposes prohibition policies in Section 2.8.2.3 which we are not in support of. As it relates to Policy 2.8.2.3, sub-section b), the inclusion of commercial uses is especially a concern. Policy 2.8.2.3, in the new PPS that states that:

“Planning authorities shall designate, protect and plan for all employment areas in settlement areas by:

- ... b) prohibiting residential uses, commercial uses, public service facilities and other institutional uses;*
- c) prohibiting retail and office uses that are not associated with the primary employment use; ...”*

Additionally, we cannot support the definition of *Employment Area* which has been proposed to be re-defined as:

*“those areas designated in an official plan for clusters of business and economic activities including manufacturing, research and development in connection with manufacturing, warehousing, goods movement, associated retail and office, and ancillary facilities. An employment area also includes areas of land described by subsection 1(1.1) of the Planning Act. **Uses that are excluded from employment areas are institutional and commercial, including retail and office not associated with the primary employment use listed above.**”*

The new definition and the prohibition of “commercial uses” in employment areas is consistent with definition in the Planning Act, though not yet in force. This definition needs to be modified prior to formal enactment.

Site Specific Constraints and Incompatibility with Proposed Policies

One of the issues with prohibiting commercial uses for employment areas for the subject lands is that it restricts our client’s ability to utilize the lands for uses currently permitted in the Official Plan and Zoning By-law and for a use that the lands are properly suited for. The new PPS policies do not consider the unique characteristics of many sites. Not all sites are suitable for industrial or warehousing uses, which is the policy direction outlined by the new PPS for employment areas. The subject lands have the following constraints that prohibit its ability to be developed for employment uses, such as industrial, and illustrate that the lands are more suitable for commercial uses:

- **Land Use Compatibility and Environmental Constraints**

The subject lands are directly adjacent to an existing hotel to the west, a church/convention centre to the east, and an environmental and hydrogeological feature, as well as the 401 Provincial Highway to the north. The subject lands are heavily constrained environmentally which not only limits the net developable area, but also renders consideration for a compatible land use that recognizes the sensitive nature of the environmental area. Commercial uses would be more appropriate given the unique nature of the property

- **Lot Sizing**

The type of employment uses proposed through the new PPS policy changes would require more land than available by the subject lands to operate on to be operationally feasible. Since the lot is 1.65 hectares in total lot area, with a mere 0.64 hectares of approximate net lot area due to environmental constraints, the subject lands are far too small for the vast majority of industrial type uses the policies are promoting. A commercial use would be more suitable and would be able to sustain a much longer-term business, achieving the goals set out in section 2.8.1.1 of the PPS.

- **Surrounding Context and Environment**

A commercial use would compliment the surrounding context which consists of a broad range of uses including more sensitive uses such as a hotel, convention centre and institutional uses. A commercial use on the site would lend itself well to the existing broad mix of uses within this area meeting the long-term needs of the surrounding community, providing ample opportunity for a diversified economic base.

The proposed employment policy changes lead to a more restrictive view that inhibits appropriate and logical uses to be considered outside of the limited definition of employment areas, failing to adhere to policies laid out in section 2.8.1.1 of the new PPS.

Conclusion

In our opinion, as it pertains to the subject lands, and the overall objective of the proposed employment policy changes under the new PPS, we cannot fully support the new direction the province is heading with these policy changes. We ask that the new definition of employment areas be reconsidered, as well as the prohibition on commercial uses in order to allow for more flexibility and to facilitate a greater mix and range of uses within employment areas, which we believe represent good planning.

We thank you for the opportunity to provide these comments. Should you have any questions, please contact the undersigned.

Yours Truly

Weston Consulting

Per:



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