

December 8, 2022

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

Ministry of Municipal Affairs and Housing
Ms. Hannah Evans, Assistant Deputy Minister
College Park 16th Floor, 777 Bay Street
Toronto, ON
M7A 2J3

Dear Ms. Evans:

RE: ERO number 019-6177 - Review of 'A Place to Grow' and 'Provincial Policy Statement'

We are planning consultants writing on behalf of Westlake Canada Inc., dba Westlake Pipe & Fittings, ('Westlake'), a well-established manufacturing company located in the City of Vaughan, Region of York. Over the past thirty years 'Westlake' has manufactured and distributed a wide variety of pipes, fittings and building products serving our regional market from convenient locations in Vaughan employing approximately 170 workers and staff, amongst their various buildings.

At the outset we thank you for the opportunity to provide comments regarding this aspect of *Bill 23* through the Environmental Registry Office ('ERO') as it specifically relates to a housing-focused policy review of 'A Place to Grow' and the 'Provincial Policy Statement'. MMAH is seeking input on how to create a streamlined province-wide land use planning policy framework that enables municipalities to approve housing faster and increase housing supply through *Bill 23*.

While the 'housing' objectives of *Bill 23* are substantial, there is a need to also ensure that the established provincial land use compatibility framework continues to protect the long-term viability of existing or planned industrial and manufacturing and related uses within Employment Areas.

By definition industrial and manufacturing uses are defined as '*Major Facilities*' and further, '*Major goods movement facilities and corridors*', potentially vulnerable to encroachment of future land use conversions that support of new residential uses to be located nearby. Residential uses are defined as '*Sensitive Land Uses*' by 'A Place to Grow' and the 'Provincial Policy Statement'.

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Bill 23 reiterates that 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 'A Place to Grow' (Growth Plan for the Greater Golden Horseshoe - office consolidation 2020), among others.

In this regard, please refer to the following excerpts from the 'A Place to Grow' and the PPS.

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

'A Place to Grow' Section 2.2.5 Employment sub sections 7. and 8. establishes 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.	<p><u><i>Municipalities will plan for all employment areas within settlement areas by:</i></u></p> <p><u><i>a) prohibiting residential uses and prohibiting or limiting other sensitive land uses that are not ancillary to the primary employment use;</i></u></p> <p><u><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></p> <p><u><i>c) providing an appropriate interface between employment areas and adjacent non-employment areas to maintain land use compatibility.</i></u></p>
8.	<p><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></p>

Note: Underline added.



Provincial Policy Statement, 2020 ('PPS')

Similarly, 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'.

It is required that where new residential, or 'Sensitive Land Uses', are proposed there is a need to demonstrate that this 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:</i>	<i>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.



It is significant to note that the MMAH recently approved new Official Plans for both the Region of York and Region of Peel, with Decisions dated November 4, 2022, including policy modifications such as the following:

- *'...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 are appropriately addressed in accordance with PPS.'*

In summary, over the years various GTHA Employment Areas experienced pressures of encroachment by defined *'Sensitive Land Uses'*, especially where located in proximity to viable and active industrial businesses. Today, established policies and regulations protect the integrity of Employment Areas from the encroachment of *'Sensitive Land Uses'* and this is based on the current policies of *'A Place to Grow'* and the *'PPS'* as further implemented via municipal Official Plans and zoning.

Westlake's manufacturing business operations are strong and robust, and with its modern facilities, and it anticipates continuing its operations for several more decades at its current property locations. There have been no complaints with respect to Westlake's operations in all of the time that it has been operation.

Further, Westlake's 131 and 155 Regalcrest Court is approved as Site Specific Policy 13.58 of the Vaughan Official Plan, 2010 ("VOP 2010"). Those policies include a statement that manufacturing and warehousing is expected to continue until at least 2040. Policy 13.58.1.4 further explicitly permits expansion of the existing buildings on those lands by fifteen percent (15%) in recognition of the vibrancy of the business and its need to accommodate additional demand in the future.

Another characteristic of Westlake's business operations, is the outside staging and storing of its pipes on interrelated properties pending distribution, given their need for significant stock availability at all times to quickly satisfy private and public sector demand for specific product types, sizes and lengths.



In conclusion, it is important in my professional planning opinion that a housing-focused policy review of 'A Place to Grow' and the 'Provincial Policy Statement' continue to protect vulnerable 'Employment Areas' from the potential encroachment of any new residential or 'Sensitive Land Uses', with effective land use planning policies and regulations guiding municipal official plans and zoning.

Thank-you in advance for your consideration.

Yours truly,
Pound & Stewart Associates Limited



Philip Stewart MCIP, RPP

/la ltr.Submission.Dec.08.2022

cc. Ms. M. Harris, Manager, Community Planning & Development (Central) Unit, MMAH
cc. Ms. H. Watt, Manager, Community Planning & Development (West) Unit, MMAH
cc. Mr. R. Gray, Miller Thomson LLP
cc. client

