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April 22, 2013

Travis Macbeth
300 Dufferin Avenue
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Re: Industrial Lands Development Strategy and Possible Urban Growth Boundary Expansion
City of London

Dear Mr. Macbeth,

Thank you for your circulation regarding the Industrial Lands Development Strategy and Possible Urban Growth Boundary Expansion community information meeting. An Industrial Lands Study: A Background Study for the City of London New Official Plan Program (November 2012) by R.W. Panzer Planning Consultant and a December 4, 2012 City of London staff report and presentation to Council's Strategic Priorities and Policy Committee was included in this circulation.

The purpose of this non-statutory meeting on April 23, 2013 is to gather information to consider whether a future Official Plan Amendment will be sought for the expansion of the Urban Growth Area for the designation of approximately 500 hectares of new Urban Reserve Industrial Growth lands. It is important to note that the location of the lands has not been identified at this time and that the information that was circulated represented justification for additional lands to be designated in the City's Official Plan.

Under the "One Window" provincial planning system, the Ministry of Municipal Affairs and Housing (MAH) staff circulated this application to the Ministry of Agriculture and Food (OMAF), the Ministry of the Environment (MOE), the Ministry of Natural Resources (MNR), and the Ministry of Transportation.

As the specific location of the proposed 500 hectares of industrial land has yet to be identified, we provide the following comments for your consideration, based on the policies of the Provincial Policy Statement (PPS), 2005.

Ministry of Natural Resources

The Industrial Lands Study: A Background Study for the City of London New Official Plan Program (November 2012) document appears to be a high level strategic document. It discusses the need to consider natural heritage features and the natural environment. MNR recommends this work is undertaken early in the process, before lands are designated for industrial expansion. Earlier consideration of natural heritage features will help ensure there are no conflicting land uses when site specific analysis is undertaken. The intent of this early review is to avoid designating lands which may not be suitable for development (e.g. unevaluated wetlands or the removal of entire natural heritage features). The issue of removing industrial land for the industrial land supply due to natural heritage concerns over the years was raised in the report. If the work is done prior to designation, this could potentially alleviate some of those natural heritage concerns.

Further, the document states "The consideration of an Urban Growth Area expansion is to have regard for cost-efficient servicing, compact urban form, integration with the road network, suitability for the extension of transit services, financial implications for the City, potential impacts on existing communities, the impacts on the natural heritage system and the distribution of growth areas to provide choice" (page 7). It is important to note that *Planning Act* decisions have to demonstrate and meet the test of no negative

impact with respect to significant natural heritage features in accordance with the requirements of the PPS.

If there is adequate justification to permit a potential expansion and areas are identified, MNR recommends that the City of London conducts a screening of the Natural Heritage Information Centre, Biodiversity Explore search to gain information on species at risk. The Natural Heritage Information Centre (NHIC) compiles, maintains and distributes information on species at risk, natural species, plant communities and spaces of conservation concern in Ontario. This information is stored in a spatial database used for tracking this information and can be located at http://nhic.mnr.gov.on.ca/nhic_.cfm. This is a web-based GIS map function, that you can use to zoom in on the subject lands and download recorded information. NHIC is not complete, as data always exists outside of databases, but it gives an idea of where to start.

Ministry of Transportation

While the City has not explicitly identified the proposed area(s) of expansion, the Industrial Lands Review prepared for the City Strategic Priorities and Policy Committee (Report O-8014) places significant emphasis on access to transportation corridors, most notably Highway 401 and Highway 402. The following outlines MTO's general comments as it relates to the preliminary recommendations for the Official Plan Amendment.

Any decision regarding the Official Plan Amendment shall be consistent with the PPS in its entirety. Sections 1.6.5 and 1.6.6 of the PPS relate specifically to transportation and infrastructure policies. However, policies included in many other sections of the PPS could influence transportation systems and will be taken into account during MTO's review of the Official Plan Amendment.

Prior to the approval of a major Official Plan amendment, MTO advise that the City transportation master plan (TMP) be updated as a component of their OP Amendment process. It is in the mutual interest of the City and MTO to discuss the implications of any future development plans upon the provincial highway network and develop a mutually acceptable strategy to address them.

The City, in co-operation with MTO, should assess at an early stage whether the existing provincial highways and interchanges/intersections can adequately accommodate any planned anticipated growth. Regardless of where proposed development is located, traffic generated from any development will have an impact on all nearby roads, including provincial highways. The City is encouraged to ensure that good highway access management practices and principles are incorporated into the plans.

For Official Plan Amendments where new growth and development are proposed, MTO will require a general statement be included in the OP Amendment indicating that a traffic study(s) will be conducted to address both the impact of any new development upon the provincial highway system and any associated highway improvements that are required prior to the approval of any secondary plans or subdivisions. A traffic study prepared in accordance with MTO's Guideline for the Preparation of Traffic Impact Studies shall be submitted to MTO for review and approval.

MTO's statutory authority for its permit control system, including highway access control, is set out in Sections 31, 34 (King's Highway) and 38 (controlled-access highway) of the Public Transportation and Highway Improvement Act (PTHIA). Any development located within MTO's permit control area under the PTHIA is subject to MTO review and approval prior to the issuance of entrance, building and land use permits. Note that these permits must be obtained prior to any construction being undertaken within MTO's permit control area.

Any new proposed access connection (e.g. public road, private road, and private access) that is shown or mentioned in the OP Amendment and that is located on a municipal crossroad and within the vicinity of a provincial highway, intersection or interchange ramp terminal must meet MTO's access management practices and principles. The municipality should be aware that such proposed access connections shown in Official Plan Amendments are conceptual only and exact locations of new public roads or signalized intersections shall be approved by MTO.

The Official Plan Amendment should contain a policy indicating that direct access onto a provincial highway will be restricted. Development should be encouraged to utilize local roads and service roads wherever possible. The Official Plan Amendment should adopt the following policy to notify landowners adjacent to a provincial highway of the mandate of MTO:

"In addition to all the applicable municipal requirements, all proposed development located adjacent to and in the vicinity of a provincial highway within MTO's permit control area under the Public Transportation and Highway Improvement Act (PTHIA) will also be subject to MTO approval. Early consultation with the MTO is encouraged to ensure the integration of municipal planning initiatives with provincial transportation planning. Any new areas in the municipality identified for future development that are located adjacent to or in the vicinity of a provincial highway or interchange/intersection within MTO's permit control area will be subject to MTO's policies, standards and requirements. Direct access will be discouraged and often prohibited."

MTO is concerned with post-development flows of drainage as they may impact provincial highways. A policy should be included indicating that a stormwater management master plan / report must be reviewed and approved by MTO for those developments located adjacent to or in the vicinity of a provincial highway, where drainage would impact a highway downstream.

In addition to the PPS 2005, the City should also be made aware of MTO's Guideline for Official Plan Review which may be obtained from MTO's website at the following address:

<http://www.mto.gov.on.ca/english/engineering/management/corridor/municipalguideline/index.shtml>

Ministry of Agriculture and Food

The following comments reflect OMAF's interpretation of provincial policy with regard to agricultural land, and do not reflect an overall provincial position on this matter. There may be planning concerns or interests of other agencies that should be considered, in addition to any municipal planning considerations. For example, the requirement to demonstrate the need for additional land as per section 1.1.3.9 (a) appears to be critical for the proposal under review. Based on the background material provided by the City, it is understood that the City currently has an oversupply of industrial land, despite having removed 452 ha of industrial designated land through the City's last large Official Plan review process. Consequently, OMAF staff respectfully suggest that if the existing industrial designated land is not currently suitable for development due to a number of real or perceived obstacles, that the City either undertake a broader exercise to overcome those obstacles (e.g. acquire land, merge smaller parcels, provide adequate servicing, etc.) or re-evaluate the appropriateness of leaving those lands in an industrial designation over the long-term.

That said, based on the most recent digital Canada Land Inventory soils classification mapping, OMAF notes that prime agricultural lands (Classes 1-3) predominate the entire agricultural area outside of the settlement area boundary of the City of London. Consequently, it is anticipated that any expansion to the settlement area boundary would occur in part on a prime agricultural area. Based on this information, subsections 1.1.3.9 (c) & (d) and section 2.3.3.3 of the PPS (2005) would apply.

First, subsection 1.1.3.9 (c) states that a planning authority may only allow the expansion of a settlement area boundary in a prime agricultural area where it has been demonstrated that:

1. the lands do not comprise specialty crop areas;
2. there are no reasonable alternatives which avoid prime agricultural areas; and
3. there are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas.

While it is understood that no specific lands have been identified as part of this urban boundary expansion, in order for any planning decision to be consistent with the PPS (2005) as required by Section 3 of the Planning Act, the Ministry advises that the above three policies must be adequately addressed.

In addition, subsection 1.1.3.9 (d) requires that "impacts from new or expanding settlement areas on agricultural operations which are adjacent or close to the settlement area are mitigated to the extent feasible." This policy must also be addressed, including but not limited to, impacts related to traffic (moving agriculture equipment), agricultural infrastructure (drainage, fencing, field access, etc.), minimizing farmland consumption (density of development), retaining agricultural character (urban design) and reducing potential conflict (visual buffers, physical setbacks, etc.).

Finally, section 2.3.3.3 of the PPS (2005) states that "new land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formulae." In accordance with Guideline #36, the Ministry notes that a settlement area expansion is considered to be a

Type B land use. As a result, Guideline #6 states that MDS I shall apply to all livestock facilities capable of housing livestock within a 2000 metre radius of the proposed development. However, in accordance with Guideline #33, in the case of a settlement area expansion MDS I setbacks are calculated using a Factor B that is based on the maximum-potential Nutrient Unit housing capacity and not tillable hectares.

Ministry of the Environment

As the location of the potential industrial lands has not been determined, MOE focused its considerations on the process by which suitable industrial lands will be identified and how MOE's environmental protection and management interests will be appropriately considered should there be adequate justification to designate the lands.

The designation process as described appears to be two-staged. An initial identification of lands will be provided to city staff (and Council) through a public consultation process. Those candidate industrial lands will be evaluated by staff and a recommendation put to Council regarding their inclusion (or not) in an expanded Urban Growth Area. If adopted by Council, staff will initiate whatever planning processes are required: presumably an official plan amendment to redefine the Urban Growth Area and possible area/secondary plans such as might reasonably be expected should lands south of the extension of Veteran's Memorial south of the 401 be recommended. Perhaps it is intended to deal with the Urban Growth Area through the current 5 year Official Plan Review process (Rethink London).

It is not entirely clear what criteria will be used by City staff to evaluate "candidate" lands, however, Panzer's report does offer a number of selection criteria on page 34. MOE points out that the suitability/affordability of municipal servicing is high on this list and that ties in MOE's long-standing concern about the absence of planning for services in London (eg. Southwest Area Plan Secondary Plan, Auburn's proposed subdivision in Lambeth). MOE's concern is illustrated in the city staff report which only mentions servicing in the context of a phasing plan which is seemingly to be prepared after the candidate industrial lands are selected.

In MOE's view the evaluation criteria should be determined before the identification and evaluation process begins so that all stakeholders and the public are fully aware and to thus ensure transparency.

MOE presumes that the Panzer selection criteria are consistent with the growth management provisions of the Official Plan. Of particular interest are the Growth Servicing Policies in section 2.6.4. These policies appear to commit the city to planning for services in some sort of comprehensive manner.

MOE finds it interesting that the Panzer report speaks to allowing industrial development to proceed on interim, individual on-site services, most likely sanitary sewage treatment, as a way to facilitate more timely industrial development (pgs 30-32). Ministry staff does not oppose interim servicing where it is evaluated through a master services' planning process. This issue previously arose through a proposed OPA (File 0-7971) in late 2011.

This previously proposed amendment contemplated removing the reference in the official plan to the Southside Pollution Control facility. The Panzer report also recommends removing reference to Southside. As with 0-7971, MOE's position is this should only be considered in the context of a master servicing plan. Otherwise, MOE presumes the city will continue with its piecemeal expansion process for individual facilities - Greenway and Oxford, which will no doubt trigger MOE approvals which could only be granted if the requirements of the Environmental Assessment Act are met.

Further, the Panzer report mentions the proposed eco-industrial park at the city's landfill- Site W12A. It is noteworthy that the ministry supported OPA 477 which establishes the framework for this enterprise.

Ministry of Municipal Affairs and Housing

As it has already been acknowledged by other partner ministries, the information that was circulated by the City of London represents a high-level review to justify the need for an expansion of the Urban Growth Area to accommodate additional industrial lands in the City of London's urban reserve. The general locational preferences have been identified in the Staff and Panzer reports, however, the specifics will be identified once need has been determined.

In addition to the comments already provided, MMAH also raises questions regarding the need to designate an additional 500 hectares of land to the City's industrial land supply. Both the City's staff report and the Industrial Land Study concede that there already remains an over designation of industrial

lands within the City of London. The staff report goes on to further state that even if the projection period is extended to 2041, over 50% of the City's currently designated land supply will still be undeveloped.

The Panzer report stated that, "For a twenty year projection period, which would be consistent with the PPS, the projected demand for industrial land is 348 hectares". The current supply of vacant land within the City of London, which reflects the removal of land that was a part of the Southwest Area Plan, is approximately 823 hectares, which would equate to 1323 hectares of industrial land should the additional 500 hectares be approved. This land supply would represent four times the amount of industrial land than the PPS permits based on a 20 year planning horizon.

Much of the justification focused on the qualitative attributes of the industrial lands that are currently designated by stating that a large percentage of the lands were undersized and/or underserviced to meet market needs, however, there was no discussion about the removal of these lands from the industrial land supply.

Within the calculations for additional lands, a 10% contingency was also included as a means to provide flexibility and a buffer should there be higher than forecast demand and/or the potential lack of landowner interest in development. As the PPS states that there should be an appropriate amount of designated lands to meet the projected needs for a 20 year period, and municipal official plans are to be reviewed every 5 years, it would appear that there should be enough flexibility within land use planning documents to accommodate any potential increase in demand, without the need for a contingency.

Given the amount of land that is currently designated within the City of London for industrial purposes, and the PPS policy stating that sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas, to accommodate an appropriate range and mix of employment opportunities to meet projected needs for a time horizon of up to 20 years, it is unclear how any planning decision to permit an additional 500 hectares of land to the industrial land supply would be consistent with the PPS without adjustments to the existing inventory of designated lands.

As it was brought forward in both reports, if the main issue regarding the current industrial land supply in the City is of a qualitative nature, the removal of those less desirable lands in the City's land budget should be explored prior to any additional lands being added to an already over designated land supply.

MMAH staff appreciates the opportunity to comment on this document. If you have any questions or comments, please do not hesitate to call me at 519-873-4768 or through email at kevin.mcclure@ontario.ca.

Regards,



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cc. Amanda McCloskey, MNR
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