

APPENDIX 1 - Halton Hills Planning Staff Comments to the Province on the Review of the Land Use Compatibility Guideline (ERO Posting #019-2785)

- The 60-day window provided for this review was far too short given the complexities of the proposed Guideline. Given the number of materials to review, and potential impacts on planning locally for Major Facilities and sensitive uses, a larger time frame in which to comment is necessary. Additionally, where municipalities often coordinate comments across multiple departments (and in some cases external agencies), the 60-day period is far too short for such a review.
- Section 1.4 of the proposed Guideline uses the Provincial Policy Statement (PPS) definitions of Sensitive Land Use and Adverse Effects, to help guide the user on how to identify them. Instead of providing a more defined list of uses that would be considered sensitive, the Guideline states that “planning authorities are expected to identify other similar uses under the PPS and this Guideline”. How a planning authority (or municipality) identifies what a sensitive land use is in local policies has the potential to impact future land use disputes and litigation where the ‘sensitive’ classification can be contested by an applicant. More descriptive guidance on identifying sensitive land uses, whether through this Guideline, or a separate one, would assist municipalities in the development of policies that are clear and defensible.
- Section 4.2.2 outlines a need (based on PPS Section 1.3.2.3) for municipalities to plan for transitional land uses as separation between Major Facilities and sensitive land uses. Greater guidance from the Province is required to assist municipalities in achieving this moving forward. First, a clear and concise definition of a Transitional Land Use is required with a clear list of acceptable uses as examples. In Section 4.2.2 for instance, commercial uses are identified but not expanded upon. Commercial uses can easily be considered sensitive depending on the nature of the operation, therefore greater clarity is needed. Secondly, more guidance is needed on how to implement transitional uses into existing planning frameworks. Many existing Official Plans and Secondary Plans would have transitional uses fall under the same designation as those permitting uses requiring separation. If the intent for transitional uses to have their own designation, this should be clarified.
- In general, the ability for some commercial, office and institutional uses that could be considered sensitive uses to be permitted under the same zones and designations as many of the Major Industrial Facility uses is concerning. How municipalities manage and keep track of all of this will be very difficult, especially where sensitive non-residential uses move into existing buildings and would not be subject to Planning Act applications (e.g. Site Plan). The implications for important manufacturing uses being able to then locate, operate, and expand

within our employment areas could be problematic. The Guideline should allow for greater flexibility in established employment areas where mitigation measures may be more difficult to achieve.

- In 'Table 4 – addressing land use compatibility in key planning tools' of the Guideline, Site Plan Control is referenced as a mechanism through which compatibility can be addressed. While it is stated the Guideline applies to this Planning Act application, it is not explicitly stated that Compatibility Studies should be included as part of a complete application. In many cases, within urban employment areas, a re-zoning application is not required, as long as the intended use of a proposed facility is permitted, leaving Site Plan Control as the only Planning Act application the developer is subject to. Where such cases exist, it would be useful for the Guideline to explicitly state that Site Plan applications must include compatibility studies where applicable.
- The demonstration of need requirement, outlined in Section 2.8 of the Guideline, stipulates that such an assessment would only be required for proponents of sensitive land use developments proposed near Major Facilities. It is unclear why such assessments would not be required in cases where a Major Facility is proposed near a sensitive land use. Town staff has commented in the past to the Province, regarding mineral aggregate resources (ERO Posting No. 019-0279), that a demonstration of need should be a requirement. Where Major Facilities are being proposed near existing sensitive uses, a demonstration of need should be completed prior to initiating any mitigation measures.
- In Appendix D, it is stated the Guideline applies to all indoor cannabis production, with the exception of cultivation for personal use. The proposed Guideline does not distinguish between standard and micro operations which, based on Health Canada licensing requirements, would be much different in size and scale of production. The Guideline should provide rationale for assigning the same Major Facility class for all indoor cannabis production operations, given the extent to which micro operations would impact the surrounding area would be smaller, based on production limits associated with a micro class license.
- In general the Areas of Influence and Minimum Separation Distances appear to have increased in comparison to the existing D-series guidelines. This could be particularly problematic in established urban employment areas where site redevelopment and intensification is more likely to occur in close proximity to established community areas where sensitive uses are present. Greater acknowledgement of this issue should be present in the proposed guideline, with separate consideration for mitigation measures.
- The notable increase in separation distances compared to the current D-series guidelines, and potential impacts on redevelopment and intensification opportunities along key corridors (e.g. Guelph Street Corridor). In this regard, the

proposed significant increase in separation distances may adversely impact other important planning objectives included in the Growth Plan and the Provincial Policy Statement. The Province should carefully consider this before finalizing the revised Guidelines and ensure that appropriate flexibility is incorporated to address the foregoing.