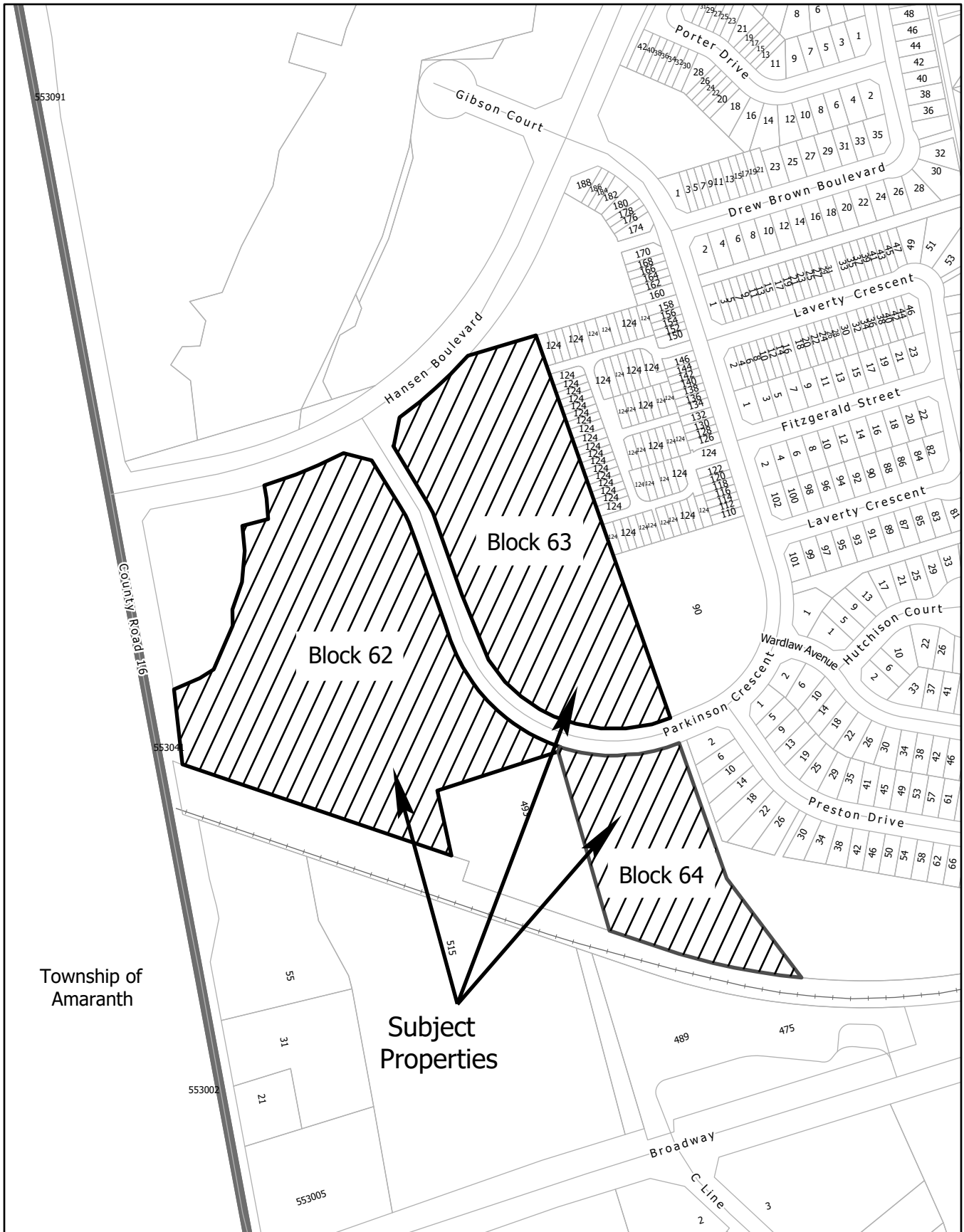


Location Map
File: OPZ 5/19
Applicant: Sarah Properties Ltd. c/o Zelinka Priamo Ltd.





MEMO

TO: Jenny Li, Planning Coordinator, County of Dufferin

FROM: Gregory Bender, WSP
Matt Alexander, WSP

SUBJECT: Employment Land Conversion Requests in advance of, and as part of, the Dufferin County Municipal Comprehensive Review

DATE: September 15, 2020

Background

Dufferin County is the approval authority for amendments to local official plans within its jurisdiction. As the approval authority, the County is required by the *Planning Act* to ensure its decisions are consistent with the Provincial Policy Statement, 2020 (PPS) and conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) and the County Official Plan. Local planning decisions must also be consistent with the PPS and conform to the Growth Plan and County Official Plan.

The County Official Plan came into effect in 2015 and provides direction on land use planning matters throughout the County. It implements the PPS and Growth Plan while reflecting local priorities for growth and development. In accordance with the *Planning Act*, Dufferin County is undertaking a Municipal Comprehensive Review (MCR) to update the Official Plan for consistency and conformity with new Provincial policies that have come into effect since it was first adopted, including the new Growth Plan and PPS. This includes the completion of a Land Needs Assessment (LNA) to determine if there are sufficient lands designated for residential and employment uses.

The County Official Plan is required by Section 2.2.5.6 of the Growth Plan to identify Employment Areas within local municipalities. Currently, the County Official Plan does not identify Employment Areas, as this was not required at the time of its preparation to conform to the 2006 Growth Plan and 2014 PPS, and instead left this to local municipalities. The conversion of Employment Lands to non-employment uses, such as Residential, continues to be subject to the policies of the Provincial Policy Statement, 2020, the Growth Plan, 2019 and the County Official Plan.

Through the MCR process, the County is examining population and employment growth forecasts to determine whether there is a sufficient supply of land available for growth



throughout the County, including Employment Lands. This information may also be used to help determine if any proposed conversions of Employment Lands are justified.

The County is aware of several requests to convert locally-designated Employment Lands to non-Employment designations (residential and commercial for example). These requests are required to demonstrate that the proposal meets the criteria of the PPS, Growth Plan and County Official Plan, including demonstration that the subject lands are not required for employment purposes.

Policy Context

Provincial Policy Statement, 2020

Section 1.3.2.1 of the Provincial Policy Statement, 2020 (PPS, 2020) states, “Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.”

“Employment Area” means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

Section 1.3.24 of the PPS, 2020 allows planning authorities to permit conversion of employment lands to non-employment uses through an MCR, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

The PPS, 2020 also permits Employment Land conversions separate from an MCR. Section 1.3.2.5 states that until the MCR is undertaken and completed, Employment Land conversions may be permitted subject to the following criteria:

- a) there is an identified need for the conversion and the land is not required for employment purposes over the long term;
- b) the proposed uses would not adversely affect the overall viability of the employment area; and
- c) existing or planned infrastructure and public service facilities are available to accommodate the proposed uses.

The PPS, 2020 protects employment uses with policies related to land use compatibility (Section 1.2.6) that are intended to prevent sensitive land uses from being located next to noxious land uses, and vice versa.



A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), as amended

In areas subject to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan, 2019), planning decisions must conform with the Growth Plan. Amendment 1 to the Growth Plan, 2019 came into effect on August 28, 2020. When policies of the Growth Plan are more specific than the PPS, the Growth Plan policies are to be applied. When there is a conflict between policies, the Growth Plan generally applies.

The Growth Plan, 2019 includes policies for the conversion of Employment Lands that are more detailed than the policies of the PPS. Section 2.2.5.6 of the Growth Plan directs that “Upper-and single-tier municipalities, in consultation with lower-tier municipalities, will designate all employment areas in official plans and protect them for appropriate employment uses over the long-term.”

Section 2.2.5.9 of the Growth Plan permits Employment Land conversions only through an MCR where it is demonstrated that:

- a) there is a need for the conversion;
- b) the lands are not required over the horizon of this Plan for the employment purposes for which they are designated;
- c) the municipality will maintain sufficient employment lands to accommodate forecasted employment growth to the horizon of this Plan;
- d) the proposed uses would not adversely affect the overall viability of the employment area or the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan; and
- e) there are existing or planned infrastructure and public service facilities to accommodate the proposed uses.

These criteria are somewhat more detailed than the PPS, 2020 criteria for conversions. Similar to the PPS, 2020, the Growth Plan also includes policy that allows Employment Land conversions separate from an MCR. Section 2.2.5.10 states, “Notwithstanding policy 2.2.5.9, until the next municipal comprehensive review, lands within existing employment areas may be converted to a designation that permits non-employment uses, provided the conversion would:

- a) satisfy the requirements of policy 2.2.5.9 a), d) and e);
- b) maintain a significant number of jobs on those lands through the establishment of development criteria; and
- c) not include any part of an employment area identified as a provincially significant employment zone unless the part of the employment area is located within a major transit station area as delineated in accordance with the policies in subsection 2.2.4.



Any proposal for the conversion of Employment Lands within the Growth Plan Area, separate from an MCR process would therefore be required to demonstrate that it meets the criteria of Section 2.2.5.9 a), d) and e), as well as 2.2.5.10 b) and c).

Commentary and Recommendation

Dufferin County is currently undertaking an MCR which includes collaboration with local municipalities to identify Employment Lands in the County Official Plan. The MCR also includes a Land Needs Assessment to determine the amount of land required for employment purposes over the long term.

The MCR process will result in the designation of Employment Lands within the County Official Plan. The policies related to Employment Land conversions will also be reviewed and updated for conformity with the Growth Plan.

Since we are not in a position to understand how much land is needed in the County to accommodate employment uses, it is recommended that the County not approve any official plan amendment applications for Employment Land conversions while the MCR is underway. Land owners should therefore be encouraged to wait for the completion of the MCR before submitting such applications and local municipal councils should be discouraged from adopting such amendments, or accepting applications, prior to the completion of the County MCR.