


TO: GENERAL COMMITTEE

SUBJECT: EMPLOYMENT LANDS CONVERSION POLICY

PREPARED BY AND KEY CONTACT: M. KALYANIWALLA, MANAGER OF POLICY PLANNING
EXT. 4314

SUBMITTED BY: S. NAYLOR, MES, M.C.I.P., R.P.P., DIRECTOR OF PLANNING 

GENERAL MANAGER APPROVAL: R. FORWARD, MBA, M.Sc., P. ENG. 
GENERAL MANAGER OF INFRASTRUCTURE & GROWTH
MANAGEMENT

CHIEF ADMINISTRATIVE OFFICER APPROVAL: C. LADD, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That a public meeting be scheduled to consider an Official Plan Amendment to amend policies on the use, protection and/or conversion of employment lands within the City of Barrie as follows:

That a new section 3.1.2.1 (d) be added and that the remainder of the section be renumbered accordingly. The new 3.1.2.1 (d) reads as follows:

"3.1.2.1.(d) Applications to convert existing employment lands to a non-employment land use are generally discouraged with the exception of those properties identified through the municipal comprehensive review. When such applications are received by the City they shall be evaluated based on the following criteria:

- The site is located outside or on the fringe of a designated Employment Area;
- The site is isolated from surrounding designated employment lands;
- The site is surrounded by non-employment uses on at least three sides;
- The conversion will not create incompatible land uses;
- The conversion will not negatively affect employment lands in the area;
- The conversion will be consistent/supportive of City policy planning objectives;
- The conversion doesn't contravene any City policy planning objectives;
- The site offers limited market choice for employment lands development due to its size, configuration, physical conditions or other reasons; and
- The site does not offer potential for future expansion on existing neighbouring employment lands."

That Section 4.4 Industrial be amended as follows:

Section 4.4.1 Goals is proposed to be amended by the addition of a new Goal which states:

- "(c) To ensure the primacy of industrial uses as the principal driver of economic prosperity in the City of Barrie."

Section 4.4.2.1 (a) is proposed to be amended by the inclusion of a new sentence at the end of the subsection which will state:

"Conversion of lands within these employment areas from industrial to any other land use including, commercial, institutional and residential shall be discouraged. Where applications for

conversion are received they will be evaluated based on the criteria established in Section 3.1.2.1(b), (c), and (d)."

Section 4.4.2.1(e) of the Official Plan is proposed to be amended deleting the word "or" and replacing it with the word "and" such that the policy would read:

"Commercial uses such as retail stores which are not directly related to the function of industrial areas, and which are more appropriate in commercial zones, are discouraged."

Section 4.4.2.1(e) is proposed to be further amended by adding a new sentence at the end of the policy such that the policy would read:

"Institutional uses which are not directly related to the function of industrial areas and which are more appropriate on Institutionally zoned lands are discouraged."

2. That in accordance with Council Resolution 09-G-398 (as amended) should the above recommendation be approved, and no appeals are received to the Official Plan Amendment, that the moratorium on the processing of applications for the conversion of employment lands be lifted following the last day of the appeal period.

PURPOSE & BACKGROUND

Report Overview

3. The purpose of this staff report is to recommend amendments to the City's Official Plan to address the ongoing issue of the use, protection and conversion of employment lands which are intended to be principally the industrial land use categories.
4. On September 28th, 2009, City Council adopted motion 09-G-398 regarding "Employment Lands Conversion Policy" (see Appendix "B").
5. The effect of this motion was to instruct staff not to process any applications to redesignate and rezone any industrial lands to non-employment categories (i.e. Commercial, Residential and Institutional) until the completion of a Municipal Comprehensive Review regarding employment land conversions and any amendments to the Official Plan, if required, were approved.

Mapleview Veteran's Drive Investments & Veteran's Drive Holdings Inc. OMB Hearing

6. On August 12, 2010 an application for an Official Plan Amendment and Rezoning to convert lands located at the intersection of Mapleview and Veteran's Drive from Industrial to Commercial was received by the City. On September 10, 2010, a letter was sent to the applicant's agent indicating the City would not be processing the application in light of the Council resolution directing that all applications for the conversion of industrial lands be considered premature and held in abeyance until the completion of the Municipal Comprehensive Review (MCR), which was currently underway.
7. The applicant appealed the proposal to the Ontario Municipal Board on the basis of non-decision by the approval authority and a lengthy and costly OMB hearing ensued in 2011/12.
8. The appellant took issue with the fact that Official Plan policy 3.1.2.1 (b) states that retail uses are considered a non-employment use, so that conversions to retail in employment areas will be discouraged. The appellants also appealed policies 4.4.2.1 (e) and (f) of the Barrie Official Plan 2009 which direct commercial uses and specifically retail stores (not directly related to industrial uses) to commercially designated and zoned lands.

2009 which direct commercial uses and specifically retail stores (not directly related to industrial uses) to commercially designated and zoned lands.

9. These policies articulate the ongoing concern in the City of Barrie with regard to the encroachment of commercial uses in industrial areas.
10. The Board issued an order regarding this hearing on December 19, 2012. There was some uncertainty on the part of the appellant and the City with regard to the final implications of the order and both parties have been working with the Board to seek clarification. A final order was issued on January 8th, 2014. The Board dismissed the appeals to the policies quoted above and did not allow the redesignation or rezoning of the subject lands to commercial, however did order that the site specific zoning on the subject lands be expanded to include all uses currently permitted in the General Commercial C4 zone with the exception of Shopping Centres and Residential uses.

Municipal Comprehensive Review (MCR)

11. The Municipal Comprehensive review required by PTG and Motion 09-G-398 (as amended) has now been completed and makes specific recommendations regarding lands which may be suitable for conversion as well as some general policy recommendations to address the ongoing issue of conversion.
12. As a result of the completion of the MCR as well as the final issuance of the Board order on the outstanding appeal for the Mapleview Drive Veteran's Drive lands, staff are recommending that Council consider amending the Official Plan to address Motion 09-G-398.

ANALYSIS

13. The OMB dismissed the appeals against the Official Plan policies referenced above. This means that the policies which identify all retail uses as non-employment uses as well as the policies which establish the primacy of industrial uses on industrial lands continue to apply to all applications for development within the City's employment areas.
14. One of the issues arising out of the hearing was the ongoing encroachment of non-industrial uses in the City's industrial areas, particularly in the 400 West Industrial Planning Area. The issue of commercial vs. industrial developments is one which has been of some concern across many municipalities in the GGH and specifically in Barrie dating back to the late 1990's. It was the central issue for a previous OMB hearing (City of Barrie vs. Martro Holding) in 2001. It was this issue which resulted in the update to the Industrial Section of the zoning by-law known as By-law 2005-275.
15. Increasing encroachment of non-industrial uses in areas planned for traditional industrial uses that generate heavy industrial traffic are being developed for uses which generate significant amounts of non-industrial traffic and associated impacts for bona fide industrial uses.
16. The changes which have occurred, particularly in the 400 West Planning Area, have resulted in that area developing increasingly more for commercial uses. Lands which were originally anticipated to develop as industrial lots generating a minimal amount of industrial traffic have developed for commercial uses generating much higher volumes of traffic during longer periods of the day. The nature of the traffic has been affected as well since commercial areas are used far more regularly by the general public than industrial areas. Such increased traffic volumes and congestion were identified by the City's manufacturers as a concern to their cost of business and potential for expansion.

17. The location of commercial, institutional or residential development can compromise the desirability of industrial lands for existing and future industrial users because of the real or perceived impacts of commercial development on industrial type uses. For example, residential and some institutional are considered "sensitive land uses" and can impact adjacent industrial lands through the imposition of minimum separation distances.
18. Land required for these types of uses is also generally easier to designate and locate within a built environment than new industrial lands, especially for large scale manufacturing uses. It is therefore important for the long term needs of the City to retain a sufficient amount of existing designated industrial land.
19. In the past, the City's employment lands have been the target for redesignation to non-employment, and/or potentially more economically viable, land uses such as residential.
20. This situation is not unique to Barrie but is occurring all over the province where prime industrial lands are being lost to non traditional industrial uses which was the basis for the establishment of the Employment Lands Conversion policies in both the Provincial Policy Statement and the Growth Plan.
21. In recognizing the ongoing pressure to convert employment lands the province also amended the Planning Act to remove the right to appeal a decision on conversion of employment lands once a municipality has implemented conversion policies in its Official Plan. As stated above, the City of Barrie Official Plan contains conversion policies under Section 3.1.2.1 (b) and (c).

Employment Lands Municipal Comprehensive Review

22. As part of the Growth Management Study for the recently annexed lands, the City retained Watson and Associates in association with Macaulay Shiomi Howson Ltd. and W. Scott Morgan & Associates Ltd. to complete a Municipal Comprehensive Review (MCR) in accordance with Provincial Growth Plan policies.
23. This Study reviewed the City's employment land supply and made recommendations on conversion of designated employment lands based on evaluation criteria outlined in the Study and on employment land need between 2010 and 2031. Eleven sites were reviewed by the study and four sites were recommended as having the potential for conversion based on meeting a minimum of six of the nine Evaluation Criteria.
24. Chapter 11 of the MCR provides Official Plan policy recommendations to assist in implementing and monitoring the MCR including recommendations related to the conversion of employment lands. The study recommends that the City "*should adopt and apply a standard framework for reviewing future Employment land conversion applications (both occupied and vacant sites) based on the evaluation criteria set out in Chapter 7*" of the study.
25. The purpose of this report is to recommend amendments to Section 3.1.2.1 of the Official Plan which would incorporate the evaluation criteria set out in Chapter 7 of the Employment Lands Conversion Study by Watson and Associates into the City's Official Plan.
26. Staff have reviewed the policy recommendations of Chapter 11 and recommend that the Official Plan be amended to incorporate the intent of these recommendations. Many of the recommendations correspond with existing policies in the Plan but can be strengthened and enhanced based on these recommendations.
27. Appendix "A" to this report outlines the table that is found in Chapter 11 of the MCR with staff comments along the right hand side regarding the recommended policy approach. As a result of

this review staff are recommending the changes to the Official Plan as reflected in Section 1 of this report.

Summary

28. Staff are recommending a proposed amendment to the City of Barrie Official Plan to implement the recommendations of the Growth Management Strategy Employment Lands Municipal Comprehensive Review.
29. Staff are also recommending that the moratorium on applications for the conversion of employment lands as directed by Council Motion 09-G-398 be lifted following the adoption of the proposed Official Plan Amendment.

ENVIRONMENTAL MATTERS

30. There are no environmental matters specifically related to the recommendation.

ALTERNATIVES

31. There are two alternatives available for consideration by General Committee:

Alternative #1

General Committee could maintain the existing policy with respect to Employment lands (i.e. Status Quo).

This alternative is not recommended although this is certainly a reasonable option in this case.

The OP as currently written does contain policies which address employment lands conversions as well as the primacy of industrial uses within industrial areas. The current policies are sufficient to establish the ground rules for development applications in employment areas, however could be enhanced as is being recommended in this report.

Alternative #2

General Committee could maintain the existing policy with respect to Employment lands (i.e. Status Quo) but alter the proposed recommendation by directing staff to consider the proposed policy approach of the MCR as part of the upcoming five year review of the Official Plan.

This alternative is also an equally viable alternative and may in fact be an appropriate alternative to allow staff to address these policies in a more in-depth manner. Staff would still recommend that, notwithstanding that the OP would not be amended yet, the moratorium on processing applications for employment lands conversion be lifted and the OP be used in conjunction with the MCR to review these applications.

FINANCIAL

32. There are no direct financial implications for the Corporation resulting from the proposed recommendation to amend the City's Official Plan to update the Employment lands policies.
33. These policies will enhance Council's existing authority to protect employment lands under the provisions of the Planning Act, and will serve to ensure that new development in the employment areas does not compromise the viability of the area.

LINKAGE TO 2014-2018 STRATEGIC PLAN

34. The recommendations included in this Staff Report support the following goals identified in the 2014-2018 Strategic Plan:
 - Vibrant Business Environment
35. The proposed recommendation will establish policies intended to preserve employment land for employment purposes and allow conversions where appropriate.

Attachment: Appendix "A" – Table 11-1 of the Employment Lands Municipal Comprehensive Review

Appendix "B" – Motion 09-G-398

APPENDIX "A"

Table 11-1
City of Barrie
Employment Lands Municipal Comprehensive Review

No.	Issue	Policy Approach	Staff Comments
Economic Development and Growth			
1	Maintain Long-Term Sustainable and Diverse Economic Growth on Employment Lands	<ul style="list-style-type: none"> • Recognize the importance of employment lands to the economic potential of the City. • Continue to permit an appropriate mix of employment uses to meet the City's long term needs. • Focus employment lands development in the City's target employment sectors. • Promote synergies between the private sector and academic institutions (i.e. Georgian College) to further develop Barrie's economic clusters. • Support opportunities for a diversified local economy based on the following recommendations: <ul style="list-style-type: none"> ○ Encourage employment development which is well suited to the unique characteristics of the City's established and emerging Employment Areas; ○ Ensure the City's Employment Areas adequately cater to the needs of identified existing and emerging industry clusters (e.g. location, access, parcel size, market character, infrastructure, green space, surrounding land uses, market character, amenities, etc.); ○ Capitalize on the Simcoe Area's established automotive assembly/parts cluster. 	<p><i>Staff are of the opinion that the majority of the recommended policies in this section represent a template for the City's Economic Development Strategy and will be used by the Economic Development Department in developing this strategy.</i></p>

2	Attract and Stimulate Development in Employment Areas	<ul style="list-style-type: none"> • Ensure that the City remains competitive in attracting and retaining business through fiscal measures (e.g. competitive industrial tax rates, development charges) and offering a wide range of market choice in employment lands. • Explore the use of municipal incentives and tools to promote and foster employment uses in vacant industrial building sites within the City's more mature employment areas. • Promote the City's competitive position on employment lands by preparing a market profile (in both hard copy and web-based format). 	<p><i>Staff are of the opinion that the majority of the recommended policies in this section represent a template for the City's Economic Development Strategy and will be used by the Economic Development Department in developing this strategy.</i></p>
Long-Term Employment Land Supply			
3	Long-term Employment Land Supply	<ul style="list-style-type: none"> • Barrie should protect all of its employment lands supply within established Employment Areas. • Encourage intensification of developed and vacant Employment Areas including the redevelopment of brownfield, greyfield and underutilized sites and up-take of vacant buildings. • Future designated employment lands should be planned and phased in accordance with the recommendations provided herein under Chapter 10. 	<p><i>Staff are of the opinion that the recommended policy approach is already well established in the City's land use documents</i></p>
4	Increased Need for Broader Market Choice on Employment Lands	<ul style="list-style-type: none"> • To ensure that the City's employment lands supply levels are not constrained, it is recommended that the City provide a minimum designated and serviced employment land supply of at least five years at all times. • This employment supply inventory should offer a range of site selection choices by parcel size, configuration, designation, zoning and location. 	<p><i>Staff have reviewed the policies of the OP and concur that additional language may be necessary to strengthen the goal protecting and maintaining employment lands.</i></p> <p><i>Staff are recommending additional policies to supplement Section 3.1.2.1(b) of the OP to identify the evaluation criteria set out in Chapter 7.</i></p>

Conversion of Employment Lands			
5	Conversion of Employment Lands to Non-Employment Uses	<ul style="list-style-type: none"> As required by the PPS, the City should clearly establish in its OP why maintaining and protecting a sufficient variety of employment lands to 2036 is essential to its economic competitiveness. City should adopt and apply a standard framework for reviewing future employment land conversion applications (both occupied and vacant sites) based on the evaluation criteria set out in Chapter 7. 	<p><i>Staff have reviewed the policies of the OP and concur that additional language may be necessary to strengthen the goal protecting and maintaining employment lands.</i></p> <p><i>Staff are recommending additional policies to supplement Section 3.1.2.1(b) of the OP to identify the evaluation criteria set out in Chapter 7.</i></p>
Permitted and Restricted Uses on Employment Lands			
6	Commercial/ Institutional Services in Employment Areas	<ul style="list-style-type: none"> Restrict commercial and institutional uses on employment lands. Limit further special zoning provisions on employment lands allowing commercial and institutional uses. 	<p><i>The City undertook a 7 year comprehensive and detailed review of uses in the industrial zones culminating in By-law 2005-275. Furthermore, the City has revisited this issue recently with the report on the industrial lands rationalization study. Based on Council direction, staff have re-introduced places of worship as an as-of-right use in Industrial zones. Staff are not recommending revisiting this issue at this time though we are recommending strengthening policies in the OP to clearly state that future commercial and institutional uses are discouraged in the Industrial areas.</i></p>
Employment Density/Utilization of Employment Lands			
7	In accordance with Section 2.2.7.2 of the Provincial Growth Plan (P2G), the City must achieve an average density of 50 people and jobs per ha on all greenfield lands within the City of Barrie.	<ul style="list-style-type: none"> Land use designations need to ensure that development opportunities between land extensive and employment intensive uses are well balanced and complementary. Employment density should not be considered a means to an end. Rather, the City should continue to promote and market itself as a manufacturing, knowledge-based 	<p><i>Staff are of the opinion that the OP already addresses most of this recommendation, however staff are recommending a new policy encouraging higher density employment uses along major corridors in support of transit-oriented development.</i></p>

		<p>and "creative-economy" cluster.</p> <ul style="list-style-type: none"> • Encourage higher density employment uses along regional arterials and major corridors in support of transit-oriented development. 	
8	<p>Opportunities for Intensification of Employment Lands Within the Built Boundary</p>	<ul style="list-style-type: none"> • Promote and facilitate intensification and infill in existing employment areas. • Explore opportunities for infill and redevelopment in mature industrial areas. • The City should consider conducting a comprehensive employment lands intensification strategy. 	<p><i>The city is promoting mixed use development within its intensification areas which will include opportunities for infill and redevelopment.</i></p>
Site Design and Development Standards and Employment Character			
9	<p>What is the Appropriate Level of Site Plan Control and Design Guidelines?</p>	<ul style="list-style-type: none"> • It is recommended that a high development standard is imposed on all future prestige employment areas (Business Park and 400 Corridor designated lands) developed within the City of Barrie and feature roadways built to urban design standards, underground utilities, landscape buffers and open space areas where feasible and cost effective. • Buildings at "gateway" and other highly visible locations be subject to higher design guidelines to enhance the park's prestige image. • Lands designated General Industrial be subject to lower design standards and aesthetics than prestige employment lands. 	<p><i>The City's Official Plan already requires a higher degree of standards for the Business Park and Highway 400 zones and these lands as well as any industrial lands adjacent to an arterial road are already subject to site plan control.</i></p>
Sustainability Development			
10	<p>What are the Key Elements of a Fiscally Sustainable Community?</p>	<ul style="list-style-type: none"> • City should encourage a balanced ratio between residential and non-residential tax assessment. • Foster and encourage the development and growth of small businesses (i.e. less than 10 employees) and "incubator" industries. 	<p><i>The OP used to contain a policy recommending that a 60:40 ratio be maintained between residential and ICI tax assessment which was removed during the last OP update as it established standards which were not met every year and were easily challengeable. The Plan has</i></p>

			<i>been amended to remove that policy and to include a policy which states that the City will attempt to achieve and maintain a ratio of 1 job for every 2 residents of the City.</i>
11	Live/Work Balance	<ul style="list-style-type: none"> • Support live-work opportunities in Barrie which reduce the need for auto-oriented travel. • It is recommended that the City should strive to maintain a strong balance of local jobs per population, which are well-suited to the skills, education and income potential of local residents. • Promote and market the City's competitive position related to advanced manufacturing, utilities/communications, business service and health clusters. 	<i>Staff are of the opinion that the majority of the recommended policies in this section represent a template for the City's Economic Development Strategy and will be used by the Economic Development Department in developing this strategy.</i>
Implementation and Monitoring			
12	How will the Employment Lands Municipal Comprehensive Review be implemented and Monitored?	<ul style="list-style-type: none"> • It is recommended that the findings herein be considered in the Secondary Plan exercise for the Annexed Area. • It is critical that future growth trends are monitored by economic development and planning staff on a five-year basis to allow the City the ability to evaluate its performance (related to employment growth) against the objectives of the MCR. • Furthermore, it is recommended that future non-residential land needs are regularly monitored and updated in conjunction with the City's five-year OP review. 	<p><i>Policies have been included in the Secondary Plan that are consistent with the recommendation of the ELCR.</i></p> <p><i>Staff will be developing monitoring tools.</i></p>

APPENDIX "B"

Motion 09-G-398

**09-G-398 EMPLOYMENT LANDS CONVERSION POLICY – SITE SPECIFIC APPLICATIONS
ESSA RESIDENCES INC. (300 ESSA ROAD) AND BARRIE-VIEW FARMS LIMITED
(315 AND 356 BRYNE DRIVE)**

That any applications for the conversion (redesignation) of Industrially designated lands to non-employment uses (including a Commercial, Residential or Institutional designation) be considered premature and held in abeyance until such time as the results of the municipal comprehensive review have been considered by Council and any amendments to the City's Official Plan, if required, have been adopted by Council, with the exception of:

- a) *The application by Essa Residences Inc. for a redesignation of approximately 8.7 hectares (21.5 acres) of land known municipally as 300 Essa Road from General Industrial to Residential (approximately 10.5 acres of which is proposed as being developable);*

but including, the application from Barrie-View Farms Limited for a redesignation of approximately 3 hectares (7.3 acres) of lands known municipally as 315 and 356 Bryne Drive from General Industrial to General Commercial. (PLN040-09) (File: D14-1473, D14-1475, D01-EMP) (09-G-379) (09-DSC-016).

AMENDED BY RESOLUTIONS 09-A-445 AND 09-A-452:

AMENDMENT #1

That motion 09-G-398 of General Committee Report No. 38, Section "D" concerning Employment Lands Conversion Policy – Site Specific Applications be amended by separating the paragraph that begins with the words "but including" and reintroducing this paragraph as Section "H".

That General Committee Report No. 38, Section "H", (APPENDIX "A") concerning the Employment Lands Conversion Policy Site Specific Applications – Barrie View Farms Ltd. (315 and 356 Bryne Drive) be adopted.

AMENDMENT #2

That motion 09-G-398 of General Committee Report No. 38, Section "H" concerning Employment Lands Conversion Policy – Site Specific Barrie-View Farms Limited (315 and 356 Bryne Drive) be amended by deleting the following words:

"but including the application from Barrie-View Farms Limited for a re-designation of approximately 3 hectares (7.3 acres) of land known municipally as 315 and 356 Bryne Drive from General Industrial to General Commercial."

And adding the following paragraphs:

- "b) *The western portion of the applications by Barrie-View Farms Limited for a re-designation and rezoning of approximately 1.3 hectares (3.3 acres) of land known municipally as part of 315 and 356 Bryne Drive, from General Industrial to General Commercial and rezoning to the General Commercial (C4) zone, which is to be directed to staff for a report on the planning merits and requirements to General Committee in three weeks."*

- "2. *That the conversion (re-designation) of the remaining Industrially designated and zoned lands to non-employment uses, being approximately 4 acres in size, be considered premature and held in abeyance until such time as the results of the municipal comprehensive review have been considered by Council and any amendments to the City's Official Plan, if required, have been adopted by Council.*"