

MEMORANDUM

DATE: JUNE 11, 2021
TO: COUNCIL FOR THE TOWNSHIP OF EDWARDSBURGH CARDINAL
FROM: NOVATECH
RE: INTERIM CONTROL BY-LAW – INDUSTRIAL PARK EXPANSION LANDS

Background and Planning Context

The Johnstown Industrial Park represents approximately 1,185 ac of land designated for employment use. The lands are designated *Regionally Significant Employment Area* in the United Counties Official Plan which are intended to accommodate employment growth for the regional economy. On a basis consistent with the Counties Plan, the lands are designated *Industrial Park Policy Area* in the Township's Official Plan.

The existing Industrial Park designation was identified in the 2010 Township Official Plan. During the 2018 review and update to the Township Official Plan, a *Future Industrial Park Expansion Area* representing approximately 55 ha (136 ac) was identified on Schedule A of the Official Plan in order to signal the Township's intention for future expansion of the existing Industrial Park designation. These expansion lands are located east of the Industrial Park Policy Area designation, but mostly located west of Frederick Street and north of the CN Railway adjacent to Highway 401. The Official Plan includes policy direction regarding the future expansion of the Industrial Park by indicating that only uses existing as of the date of approval of the Plan shall be permitted within the expansion lands area and that the lands shall be placed in a holding zone in the implementing Comprehensive Zoning By-law. A future expansion to the Industrial Park would also require an amendment to the Counties Official Plan to expand the *Regionally Significant Employment Area*.

The Industrial Park Expansion Area lands are zoned as Rural (RU) in Comprehensive Zoning By-law No. 2012-35. As the Township is currently working on preparing a new Zoning By-law, the draft Zoning By-law has been drafted to include an appropriate zone category with a holding provision. Until such time that the Zoning By-law has been approved by Council, the existing zoning allows for land uses that do not implement the direction set out in the Official Plan.

Discussion

The success of the Industrial Park is in large part due to its strategic location and proximity/access to a vitally important transportation network, including the Highway 401/416 interchange, convenient access to the USA via the international bridge, the CN railway, and the Township-owned Johnstown Port. These attributes support local, regional and international market opportunities.

In recognizing the importance of the Johnstown Industrial Park to the local and regional economy, the Township continues to promote the Industrial Park's strategic location, both in terms of opportunities within its existing land base, as well as for future expansion opportunities.

The village of Johnstown is situated at the foot of the international bridge and is one of the Settlement Area designations in the Township that serve as a focal point for residential and economic activity. The Plan directs that while the Settlement Areas are intended to play a vital role in serving as residential, social, cultural, and business hubs for the Township, the majority of non-residential growth will be directed to the Township's employment area, in accordance with the policies of the Industrial Park Policy Area designation.

The Johnstown settlement area is centred on Highway 16 and was historically laid out in a grid pattern of streets and blocks on both the east and west side of Highway 16. On lands west of Highway 16, development has been limited primarily to areas along County Road 2 and immediately adjacent to the Highway 16, which includes the border crossing Customs offices. A considerable land area of approximately 61 ha (152 ac) west of Highway 16 lies outside of the Settlement Area and remains largely vacant and zoned Rural. While access to these lands is limited, these lands could be developed with access provided via the few open public streets present in the area.

Development within the Johnstown settlement area has occurred primarily in areas east of Highway 16. In recognizing that historic growth in Johnstown is concentrated east of Highway 16, the east limits of the current Johnstown Settlement Area designation provides considerable vacant land to accommodate settlement area growth eastward.

In light of the importance of the Industrial Park and potential for the new development to occur on vacant lands west of Highway 16, land use efficiency and compatibility considerations are paramount in protecting the future industrial park expansion while managing impacts to sensitive land uses in Johnstown. Accordingly, the strategic direction and related land use compatibility considerations should be further studied so as to establish the principle of development and to avoid precluding the orderly development of the area.

The Council of the Corporation of the Township of Edwardsburgh Cardinal intends to continue to promote the Johnstown Industrial Park on the strengths of its locational attributes, in association with protecting future expansion opportunities that also benefit from this location. In doing so, it is understood that Council is considering the use of an interim control by-law.

An interim control by-law, authorized under Section 38 of the *Planning Act*, is a powerful tool that has the effect of 'freezing' development for a period of time to allow for a planning study to be undertaken. Section 7.2.4 of the Official Plan permits the use of Interim Control as follows:

7.2.4.1 *Interim Control By-laws may be passed by Council in accordance with the provisions of Section 38 of the Planning Act for the purpose of controlling the use of land, buildings and structures within specifically identified areas for a specific period of time (i.e. not exceeding one year in length with provision for extending the time period for a total time period of not more than two years).*

7.2.4.2 *Prior to passing an Interim Control By-law, it is first necessary for Council to pass a resolution directing that a review or study be undertaken in respect to land use planning policies in the Township or in any area or areas thereof. It is intended that any Interim Control By-law be passed in order to adequately control development in a designated area while the review or study is being completed. Where an Interim Control By-law ceases to be in effect, Council may not for a period of three years pass a further Interim*

Control By-law that applies to any lands to which the original Interim Control By-law applied.

It is considered that an interim control by-law is an approach that Council could utilize in order to allow for sufficient time to undertake planning study. During this period, the development of certain new land uses would be prohibited, thereby protecting Council's interests in securing the viability of the future expansion lands. An interim control by-law should not freeze all development, and therefore certain land uses would continue to be permitted, as set out in the by-law. In addition, the By-law would set out a defined area to which the interim control would apply. In this context, it is recommended that the defined area include the Future Industrial Park Expansion Area lands as well as those lands lying west of Highway 416 that are currently zoned Rural.

Recommendation

Should Council wish to implement an interim control by-law, draft by-law has been prepared for Council's consideration. As drafted, the by-law would apply to the area shown in Schedule "A", which includes all of the Future Industrial Park Expansion Area lands as well as those lands currently zoned Rural lying west of Highway 416.

The by-law would apply for 1 year and would be automatically repealed if it is not extended by a new by-law, but not to exceed an additional 12 months. During the period under which the by-law is in effect, a planning study would be undertaken to assess the land use context. The land use study would make recommendations to Council with respect to whether amendments to the Official Plan and/or its implementing Zoning By-law are necessary to reflect a different set of policies and related land uses for the defined area in order to support the long-term growth and vitality of the Johnstown Industrial Park and Johnstown Settlement Area.

It is noted that prior to passing an interim control by-law, Council must first, by resolution, direct that a review or study be undertaken in respect of land use planning policies for the defined area.

Sincerely,

NOVATECH



Steve Pentz, RPP, MCIP
Senior Project Manager