



TOWN OF  
**HALTON HILLS**  
*Working Together Working for You!*

## REPORT

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**TO:** Mayor Bonnette and Members of Council

**FROM:** Keith Hamilton, Planner - Policy

**DATE:** May 27, 2021

**REPORT NO.:** PD-2021-0035

**SUBJECT:** Provincial Consultation on the Land Use Compatibility Guideline

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### RECOMMENDATION:

THAT Report NO. PD-2021-0035, dated May 27, 2021, regarding the Provincial Consultation on the Land Use Compatibility Guideline, be received;

AND FURTHER THAT Council endorse comments, attached as Appendix 1 to this report, to be submitted to the Province in advance of the commenting deadline of July 3, 2021;

AND FURTHER THAT a copy of this report be forwarded to the Ministry of the Environment, Conservation and Parks; the Region of Halton; and the Local Municipalities of Burlington, Milton and Oakville.

### KEY POINTS:

- The Province is currently seeking input on a proposed Land Use Compatibility Guideline that would condense and update existing D-series guidelines for land use compatibility between sensitive land uses and Major Industrial Facilities.
- The proposed guideline would provide a new classification system for Major Facilities, as well as create Areas of Influence and Minimum Separation Distances around them.
- The identification of sensitive land uses in local plans and policies will play a critical role in how the proposed guideline is to be implemented.

- The proposed guideline would impact permitted uses under the General Employment Area and Prestige Industrial Area designations in the Town's Official Plan (as outlined in Appendix 2 to the report).
- Town staff have drafted comments to be sent to the Province as part of this consultation (as outlined in Appendix 1 to this report).

## **BACKGROUND AND DISCUSSION:**

### **Provincial Consultation on the Land Use Compatibility Guideline**

On May 4, 2021 the Province posted its proposed 'Land Use Compatibility Guideline' (LUCG) on the Environmental Registry of Ontario (ERO) website (<https://ero.ontario.ca/notice/019-2785>) for public review. The deadline for comments is set for July 3, providing a 60-day window for all those interested. Feedback is being sought by the Province to provide protections for both employment areas and sensitive land uses, with a focus on:

- Protecting employment areas with existing or planned Major Facilities from encroachment by incompatible land uses; and,
- Protecting existing and planned sensitive land uses from encroachment by proposed Major Industrial Facilities, where adverse effects from such facilities would create unavoidable impacts on such uses.

The intent of this Provincial review is to update and condense the current D-series guidelines for addressing land use compatibility. The primary function of the guideline, which is to avoid or mitigate impacts of Major Industrial Facilities will not change. Impacts most commonly referred to are related to noise, odour, and dust resulting from the ongoing operation of such facilities.

The LUCG will continue to be applied to Planning Act applications, including:

- Official Plan and Zoning By-law Amendment applications;
- Site Plan applications;
- Plans of Subdivision and Condominium applications; and,
- Applications for Consents/Severances.

The Draft Land Use Guideline is provided by the Province in its entirety as part of ERO Posting #019-2785, of can be accessed as .pdf document here: [Draft Land Use Compatibility Guideline](#).

### **The LUCG and Separation Distances**

Notable changes have been proposed to the LUCG in both the classification of industrial facilities and the 'Area of Influence (AOI)' and 'Minimum Separation Distance (MSD)' associated with each classification. The current guidelines include three industrial classifications, where the proposed LUCG has five (See Table 1 below for a

full comparison). The AOI refers to the area around the property boundary of an existing or planned major facility where adverse effects on surrounding sensitive land uses have a moderate likelihood of occurring. The MSD is a shorter distance from an existing or planned major facility, within the AOI, where adverse effects are highly likely to occur, and incompatible development should not take place.

Under the current D-series guidelines the industrial classification is defined as:

- Class I: small-scale manufacturing operations with no outdoor storage and a low probability of emitting harmful noise, dust and/or odour.
- Class II: medium-scale manufacturing operations with outdoor storage and some likelihood of emitting harmful noise, dust and/or odour.
- Class III: large-scale manufacturing with outdoor storage and a high probability of emitting harmful noise, dust and/or odour.

The proposed guideline (under Table 1) would no longer specifically define the classes of Major Facilities, but rather has identified 25 types of facility and assigned them both an AOI and MSD. For facilities not listed in Table 1 of the guideline, section 2.3 provides guidance on how a municipality would classify them. The focus for classifying facilities under the proposed guideline is to identify adverse effects that would reasonably be expected, and the extent (distance) to which they would impact surrounding uses.

As shown in Table 1, the proposed guideline will see a shift from set AOI and MSD separation distances, to distance ranges, which are greater than those set out in the current guidelines.

<b>Table 1 - Comparison of Area of Influence and Separation Distances</b>					
Current D6 Guidelines			Proposed Guideline – Table 1		
Class	AOI	MSD	Class	AOI	MSD
I - Industrial	70m	20m	1	200-500m	100-200m
II – Industrial	300m	70m	2	600-750m	200-300m
III - Industrial	1000m	300m	3	900-1000m	200-500m
			4	1250-1500m	300-500m
			5	2000m+	300-500m+

Within the proposed guideline, four tables are provided which are critical to the application of the LUCG in Planning Act applications. These are:

- **Table 1 – Area of influence and minimum separation distance for select major facilities:** This table identifies 25 different types of Major Facility, providing a brief description, which classification it falls under, and the assigned AOI and MSD.
- **Table 2 – Area of influence and minimum separation distance for classes of major facilities:** This table identifies the five classifications for Major Facilities, as well as assigned AOIs and MSDs, with examples for each included.
- **Table 3 – Characteristics for classifying major facilities:** This table identifies impact and scale of operation categories from which Major Facilities are

evaluated, providing the user a greater understanding of how a facility type has received in its classification (in Table 1 of the guideline).

- **Table 4 – Addressing land use compatibility in key planning tools:** This table helps guide municipalities in how to incorporate the proposed guideline into local policies, including the Official Plan, Secondary Plans, Zoning and Site Plan Control By-laws.

## **The LUCG and Sensitive Land Uses**

In identifying what are considered Sensitive Land Uses (SLUs) and Adverse Effects, the proposed guideline uses existing Provincial Policy Statement (PPS) definitions as a basis for both:

**Sensitive Land Uses:** Buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to residences, day care centres, and educational and health facilities.

**Adverse Effects:** means one or more of:

- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property or plant or animal life;
- c) harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business (EPA, ss.1(1))

Note that minor nuisance effects may not meet the definition of adverse effect.

Similar to the PPS, the proposed guideline does not provide a comprehensive list of all types of sensitive land uses. Instead, municipalities are expected to identify this through local policies, based on these definitions. Some additional examples are provided, including hotels, community centres and places of worship.

## **The LUCG and Transitional Land Uses**

Section 4.2.2 of the proposed guideline outlines a need to use 'Transitional Land Uses' as a means to address land use compatibility in employment areas. These uses, while industrial in nature, would be considered compatible with sensitive land uses (not having any of the adverse effects listed above). The proposed guideline advocates for planning within employment areas to have such uses buffer lands set aside for uses needing Major Industrial Facilities.

## **The LUCG and Demonstration of Need**

Section 2.8 of the proposed guideline states that a demonstration of need assessment is required when a new sensitive land use is proposed within a Major Facility's Minimum Separation Distance, or Area of Influence. The intent of this assessment is to establish whether there is a need for the proposed use, and whether alternative locations for the use are available.

This section of the proposed guideline also identifies what should be included in a demonstration of need assessment, to be submitted as part of a complete planning application. It would then be the responsibility of the municipality to determine whether the assessment is satisfactory in establishing a need, so that the application could be supported.

## **Impacts on Local Planning Policies**

Attached as Appendix 2 to this report is a table identifying Halton Hills Official Plan policies that would potentially be impacted by the proposed guideline. As shown in this table, the proposed guideline would impact the General Employment Area (GEA) and Prestige Industrial Area (PIA) designations within the Acton, Georgetown, Mansewood and Premier Gateway employment areas of the Town. The table also outlines permitted uses within each designation that would subject to an expanded Area of Influence and Minimum Separation Distance, as well as a new classification.

Should the Province adopt the proposed guideline, Town staff would need to consider the information provided in Tables 1-4 of the proposed guideline in Official Plan, Secondary Plan, and Zoning By-law policies. This would not require immediate Plan and By-law amendments, but rather would be addressed through Official Plan, Secondary Plan and Zoning By-law reviews.

## **Proposed Comments to the Province**

After reviewing the proposed guideline, Town staff has drafted several comments to send to the Province as part of the consultation. These comments are included in Appendix 1 to this report and focus on:

- The need for a longer consultation period;
- The need for more guidance on identifying sensitive land uses;
- The need for more clarity on what is a 'Transitional Land Use' and how it should be identified in local Plans and policies;
- The complexities of planning for, and implementing separation distances around Major Facilities in existing urban employment areas;
- The need for further guidance on implementing the proposed guideline, specifically as it relates to Site Plan Control;
- Consideration for requiring a demonstration of need assessment where Major Facilities are being proposed near established sensitive land uses;

- Further clarity on the classification of cannabis production faculties, given the production capacities associated with varying types of cannabis cultivation and processing licenses; and,
- 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.

### **STRATEGIC PLAN ALIGNMENT:**

This report aligns to the Town's Strategic plan recognizing the value to provide responsive, effective municipal government and strong leadership in the effective and efficient delivery of municipal services.

This report also identifies local autonomy and advocacy as one of the Town's Strategic priorities.

### **RELATIONSHIP TO CLIMATE CHANGE:**

This report is administrative in nature and does not directly impact or address climate change and the Town's Net Zero target.

### **PUBLIC ENGAGEMENT:**

Public Engagement was not needed as this report is administrative in nature.

### **INTERNAL CONSULTATION:**

In preparing this report and attached comments, Policy Planning staff consulted with staff from Development Review, Development Engineering, and Economic Development.

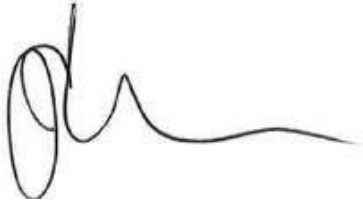
**FINANCIAL IMPLICATIONS:**

This report is administrative in nature and does not have any financial implications.

Reviewed and approved by,

A handwritten signature in cursive script that reads "Bronwyn Parker".

Bronwyn Parker, Director of Planning Policy

A handwritten signature in cursive script, appearing to be "John Linhardt".

John Linhardt, Commissioner of Planning and Development

A handwritten signature in cursive script that reads "W. Andrews".

Bill Andrews, Acting Chief Administrative Officer