

# Land Use Compatibility Study Terms of Reference

## Description

A Land Use Compatibility Study is a technical report that provides a written description of the land use compatibility of sensitive land uses, where permitted or proposed adjacent to, or near to industrial uses; or within the influence area of major facilities; or in proximity to transportation and utility sources.

The report will identify any existing and potential land use compatibility issues and will identify and evaluate options to achieve appropriate design, buffering and/or separation distances between the proposed sensitive land uses and existing uses.

This report will be used to assist Regional staff in making recommendations concerning the proposed sensitive land uses, and may be peer reviewed by the Region at the cost of the applicant.

The report will:

1. Provide a written description of:
  - any potential land use compatibility impacts by type (i.e.: traffic, noise, vibration, and emissions, including dust and odour) and the severity, frequency and duration of such impacts, as may be appropriate for each type;
  - the history of any complaints received by the municipality and/or MOECP within the immediate area of the proposed development;
  - the potential land use compatibility issues the proposed development may create. Impacts shall be considered based on the potential:
    - effects on major facilities' compliance with applicable environmental policy, regulations, approvals, authorizations and guidelines, including the noise provisions of local by-laws;
    - increased risk of complaint and nuisance claims;
    - operational constraints for major facilities;
    - constraints on major facilities to reasonably expand, intensify or introduce changes to their operations;
    - constraints for new major facilities to reasonably be established on lands in proximity to the development that are designated for employment uses;
    - the extent of non-compliance with land use separation requirements for existing employment uses in the vicinity, including propane storage and distribution facilities, if applicable; and,
  - the extent to which the applicant of the proposed development and businesses within the nearby industrial, utility, transportation and/or major facilities have exchanged relevant information. This would include the written undertakings given to affected businesses that any information regarding their processes, emissions data and expansion plans not already part of the public record would be treated on a confidential basis.

2. Identify and evaluate options to achieve appropriate design, buffering and/or separation distance to prevent or mitigate potential adverse effects from traffic, noise, vibration, and emissions. This would include details on the following:
  - At-Source Mitigation: Technology that businesses in *Employment Areas* and/or major facilities may consider implementing to mitigate adverse effects;
  - Buffers: Physical structures, building design elements or distance separation that could be incorporated into the site design of the proposed sensitive land uses, including residential uses, to mitigate adverse effects and negative impacts;
  - At-Receptor Mitigation: Technologies, building materials, design features etc. that could be incorporated both on-site and within the built structure of proposed sensitive land uses, including residential uses, to mitigate negative impacts and adverse effects; and
  - Other: Any other potential techniques, strategies and approaches not identified above, including but not limited to, warning clauses, environmental easements, agreements with major facilities to secure at-source and at-receptor mitigation and classifying lands as a Class 4 Area in accordance with the requirements of the MOECP “Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning Publication NPC-300”, as amended or replaced from time to time.
3. Provide details of assessment criteria.
4. Provide details regarding the methodology used and assessment locations.
5. Discuss how the proposed development is consistent with the Provincial Policy Statement, is in accordance to the *Planning Act* (as amended), and conforms to The Growth Plan for the Greater Golden Horseshoe and The Greenbelt Plan, as it applies to the planning and development of sensitive land uses in proximity to industrial, utility and transportation uses.
6. Recommended methods to secure the necessary mitigation to guarantee that such mitigation is installed, performs as intended and will be maintained to ensure land use compatibility.

The study is to be prepared on behalf of the applicant by a Consultant (or Consultants) that is/are fully accredited, qualified and/or certified in the relevant matters being evaluated and recommended (for example air quality assessments should be performed by an engineer fully accredited in such field, etc.).

## When Required

A study may be required to justify sensitive land uses where permitted or proposed adjacent to or in proximity to industrial, transportation, and utility sources:

- Official Plan Amendment
- Zoning By-law Amendment
- Subdivision Application

- Site Plan Control
- Consent Application

During pre-application consultation, Regional staff will work with the applicant and the applicant's consultant(s) to determine if such a Study is required and, if so, the specific requirements of the Study, based on the nature of the proposed application and the context of the study area.

### Peer Review

The objective of the peer review is to provide staff with an independent, expert, third party assessment of the potential land use compatibility issues as well as the proposed mitigation measures. The purpose is to assist in making fully informed land use planning recommendations.

The peer reviewer will provide, at the cost of the applicant, an assessment of the report and whether appropriate methodology and data have been applied to the analysis, as well as an evaluation of the recommended mitigation measures and conclusions. The peer reviewer may request updates to the study as needed to satisfy Niagara Region and the Local Area Municipality that the report is complete and adequately addresses any potential land use compatibility concerns.