



THE REGIONAL MUNICIPALITY OF NIAGARA
PLANNING & ECONOMIC DEVELOPMENT COMMITTEE
FINAL AGENDA

PEDC 8-2021

Wednesday, August 11, 2021

1:00 p.m.

Meeting will be held by electronic participation only

This electronic meeting can be viewed on Niagara Region's Website at:

<https://www.niagararegion.ca/government/council/>

Due to efforts to contain the spread of COVID-19 and to protect all individuals, the Council Chamber at Regional Headquarters will not be open to the public to attend Committee meetings until further notice. To view live stream meeting proceedings, visit:
[niagararegion.ca/government/council](https://www.niagararegion.ca/government/council)

	Pages
1. <u>CALL TO ORDER</u>	
2. <u>DISCLOSURES OF PECUNIARY INTEREST</u>	
3. <u>PRESENTATIONS</u>	
3.1. <u>Niagara Official Plan: Made-in-Niagara Forecast and Land Needs Assessment</u> Isaiah Banach, Manager, Long Range Planning, and Greg Bowie, Senior Planner	3 - 16
4. <u>DELEGATIONS</u>	
4.1. <u>Niagara Official Plan: Land Needs Assessment and Settlement Area Boundary Review Update (Report PDS 33-2021(Agenda Item 5.1))</u>	
4.1.1. <i>Chuck McShane, Niagara Home Builders Association</i> The delegation submission is attached to this agenda item as PDS-C 46-2021 This delegation request was received after the deadline and must be considered by Committee.	17 - 18

5. ITEMS FOR CONSIDERATION

- 5.1. PDS 33-2021 19 - 91
Niagara Official Plan: Land Needs Assessment and Settlement Area
Boundary Review Update
- 5.2. PDS 34-2021 92 - 221
Regional Response – Proposed Land Use Compatibility Guideline

6. CONSENT ITEMS FOR INFORMATION

- 6.1. PDS 32-2021 222 - 285
Update on Niagara Official Plan - Further Draft Policy Development
- 6.2. ED 15-2021 286 - 301
Economic Development Quarterly Update

7. OTHER BUSINESS

8. CLOSED SESSION

- 8.1. Confidential ED 16-2021
A Matter of a Proposed Disposition of Surplus Lands under section
239(2) of the *Municipal Act, 2001* - located at 401A Lakeshore Road and
14 Broadway Avenue in the City of St. Catharines

9. BUSINESS ARISING FROM CLOSED SESSION ITEMS

10. NEXT MEETING

The next meeting will be held on Wednesday, September 15, 2021 at 1:00 p.m.

11. ADJOURNMENT

If you require any accommodations for a disability in order to attend or participate in meetings or events, please contact the Accessibility Advisor at 905-980-6000 ext. 3252 (office), 289-929-8376 (cellphone) or accessibility@niagararegion.ca (email).

Made-in-Niagara Forecast and Land Needs Assessment

Planning and Economic Development Committee

Report No. PDS 33-2021

Wednesday, August 11, 2021

Greg Bowie, Senior Planner, Long Range Planning

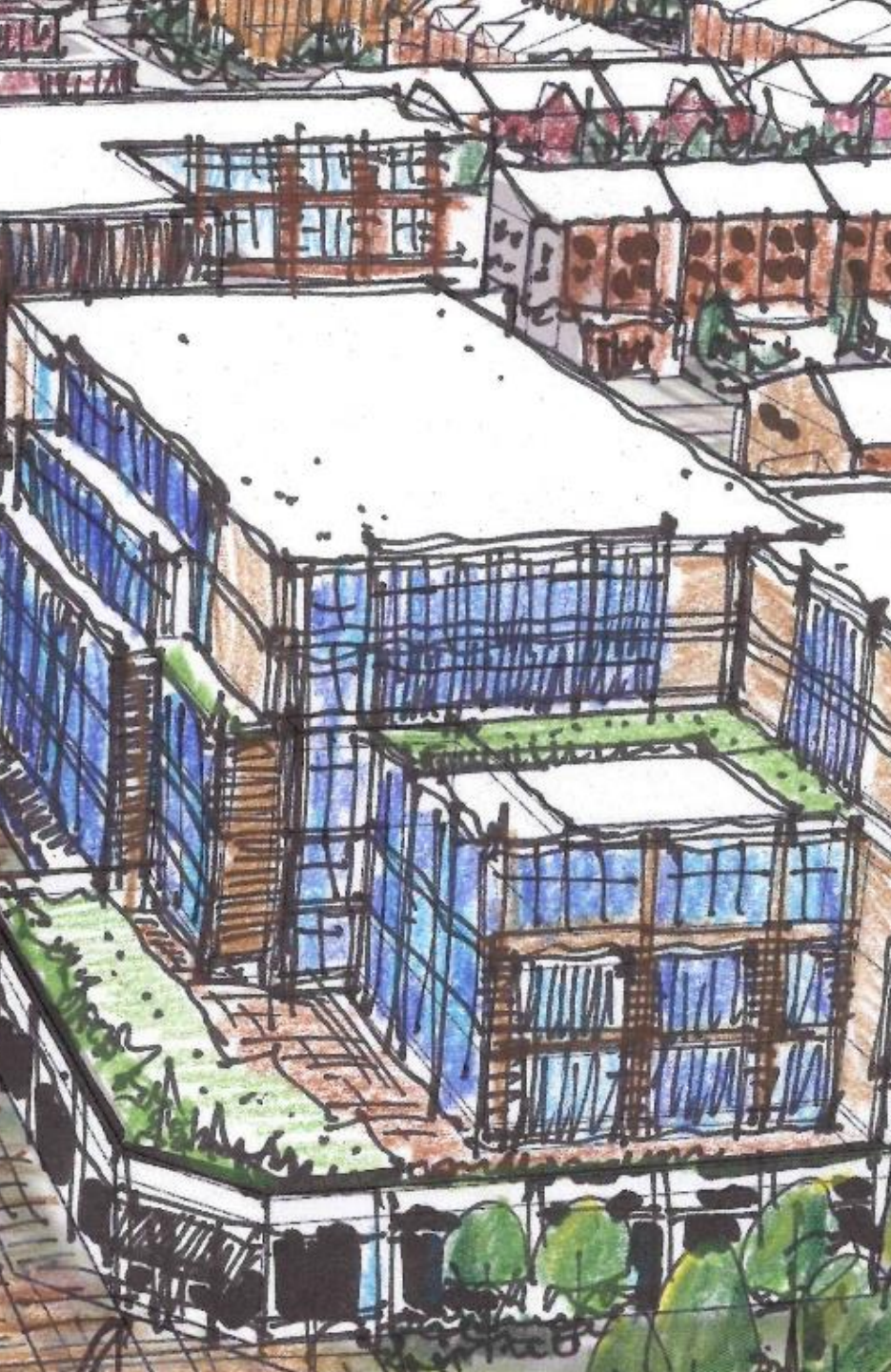
Isaiah Banach, Manager, Long Range Planning

Niagara Official Plan **Made-in-Niagara Forecast and Land Needs Assessment**

Wednesday, August 11, 2021
Planning and Economic Development Committee

Greg Bowie
Senior Planner
Long Range Planning

Isaiah Banach
Manager
Long Range Planning



the land needs assessment **program.**



The Region must follow the Province's Land Needs Assessment (LNA) Methodology.



The LNA is informed by many background studies. A draft LNA was released in May.



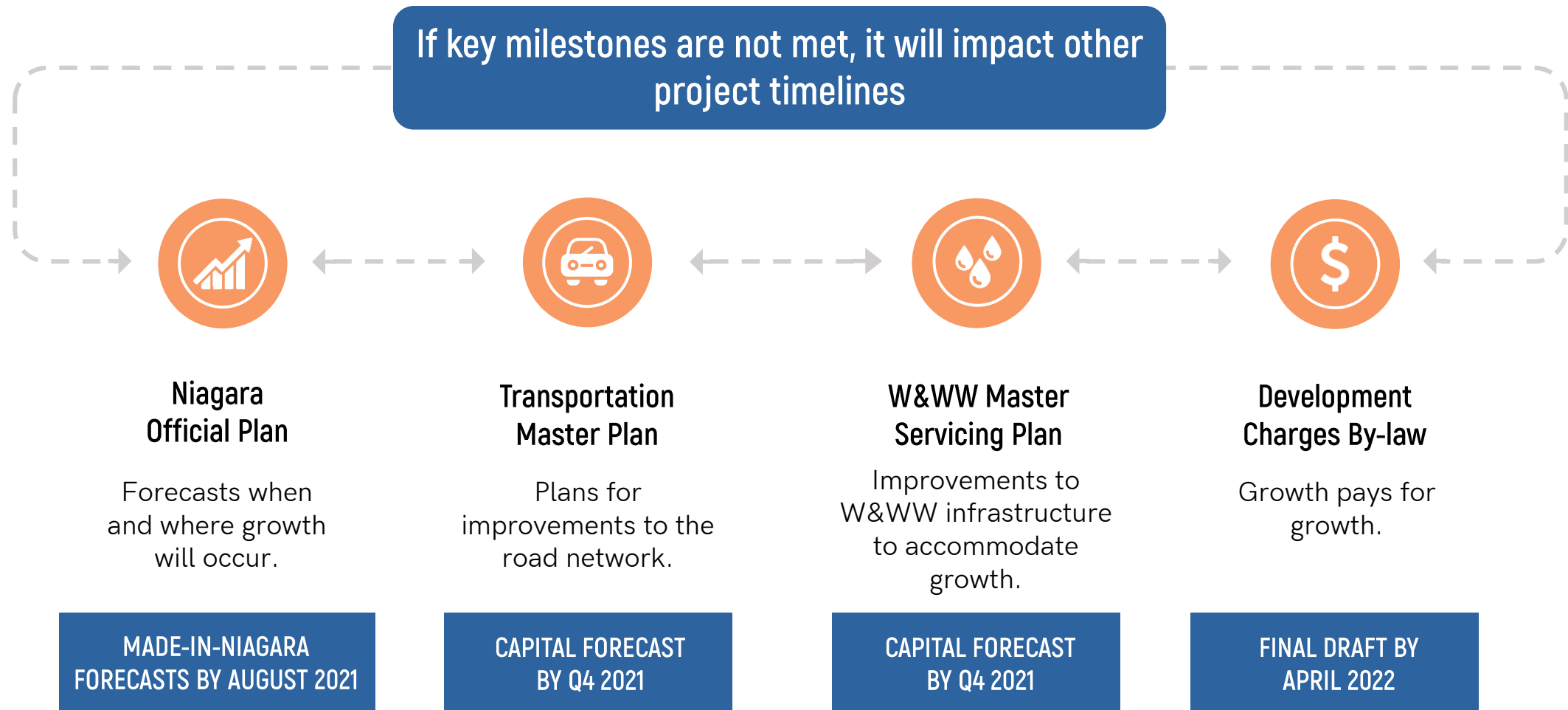
The proposed LNA is generally the same as the May version with two types of updates.



Endorsement of the LNA is needed now to finish the Official Plan in 2022.



coordinated planning, infrastructure, **and finance.**



delays in one project can cause **delays in others.**

01



made-in-niagara forecasts.

Population and employment growth forecasts are a critical initial step for the Official Plan, the Transportation Master Plan, W&WW Master Servicing Plan, and Development Charge By-law. **This needs to be settled no later than August 2021**

02



capital projects.

Growth Forecasts are needed so the Region can develop capital project listings for the Transportation Master Plan and Master Servicing Plan, after which the Development Charges can be finalized. **Capital project lists are needed no later than Q4 2021.**

03



development charges.

Development Charges delays may compromise funding of growth related infrastructure. **DC By-law Approval no later than June 2022.**



significant consultation since **May 2021**.



Since May, staff have met with local municipalities, members of the public, and other stakeholders to discuss growth forecasts and other NOP matters. **Feedback has been generally supportive of the Region's process.**

5

public information centres
attended by 238 members
of the public.

73

comments & submissions
received between May and
early July.

30+

meetings with stakeholders
to discuss the May LNA.



addressing **affordability**.

We need to build more housing in Niagara or affordability will get worse.

Analysis by the Region's consultants demonstrates that more growth, particularly medium and high-density housing, will better address core housing need. We need to:

- ✓ Increase intensification within existing developed areas, also known as "built-up areas".
- ✓ Improve the range of housing options and densities to meet current and future housing need.
- ✓ Facilitate compact built forms that support climate change adaptation and mitigation.



made-in-niagara forecasts.

The May Forecasts and LNA addressed Provincial requirements, but we've developed a solution that better reflects our needs. The **Made-in-Niagara Forecasts** and LNA are mostly the same as the May versions, with two types of changes incorporated:

1 More Intensification

The Made-in-Niagara Forecasts has more growth for Lincoln and Welland, in medium- and high- density form. This better reflects anticipated growth and planned infrastructure to 2051. This will also help affordability.

2 Reflect the Natural Environment System

The Made-in-Niagara Forecasts better incorporate the protection of lands associated with the Natural Environment System. More lands will be protected in urban areas.



intensification in **built-up areas**.

The Made-in-Niagara Forecasts direct more housing to existing “built-up areas” rather than new “greenfield areas”.

The Province requires a minimum of 50% of growth to built up-areas. In May, we proposed 56%. **Now, we're at 60%.**

Focusing 60% of growth to built-up areas **reduces community land need expansions by at least 700 Ha.**

Redevelopment also often reduces *existing* environmental impacts – e.g. retrofitting stormwater infrastructure.



“Missing Middle Housing” Concept by Opticos
Richmond, California

land needs **numbers.**

	May Forecasts	Made-in-Niagara Forecasts
Population Forecast	674,000 people	694,000 people *
Employment Forecast	272,000 jobs	272,000 jobs
Settlement Area: Community Area	+ 460 hectares	+ 495 hectares
Settlement Area: Employment Area	- 20 hectares	+ 210 hectares

Outside of the urban area Land Needs, the new Official Plan includes:

1,393 + | Ha of Greenbelt Protected Countryside

3,300 + | Ha of Growth Plan Prime Agricultural Area

38,000 + | Ha of Provincial Natural Heritage system

* The Made-In-Niagara Forecasts includes an additional 10,000 people in Lincoln and Welland, respectively.



moving forward.

REMAINING STRATEGIES



Endorsement of the LNA is needed to move forward with the Official Plan, including the Settlement Area Boundary Review (SABR), and the MSP, W&WWMP and DCS.

GROWTH COORDINATION

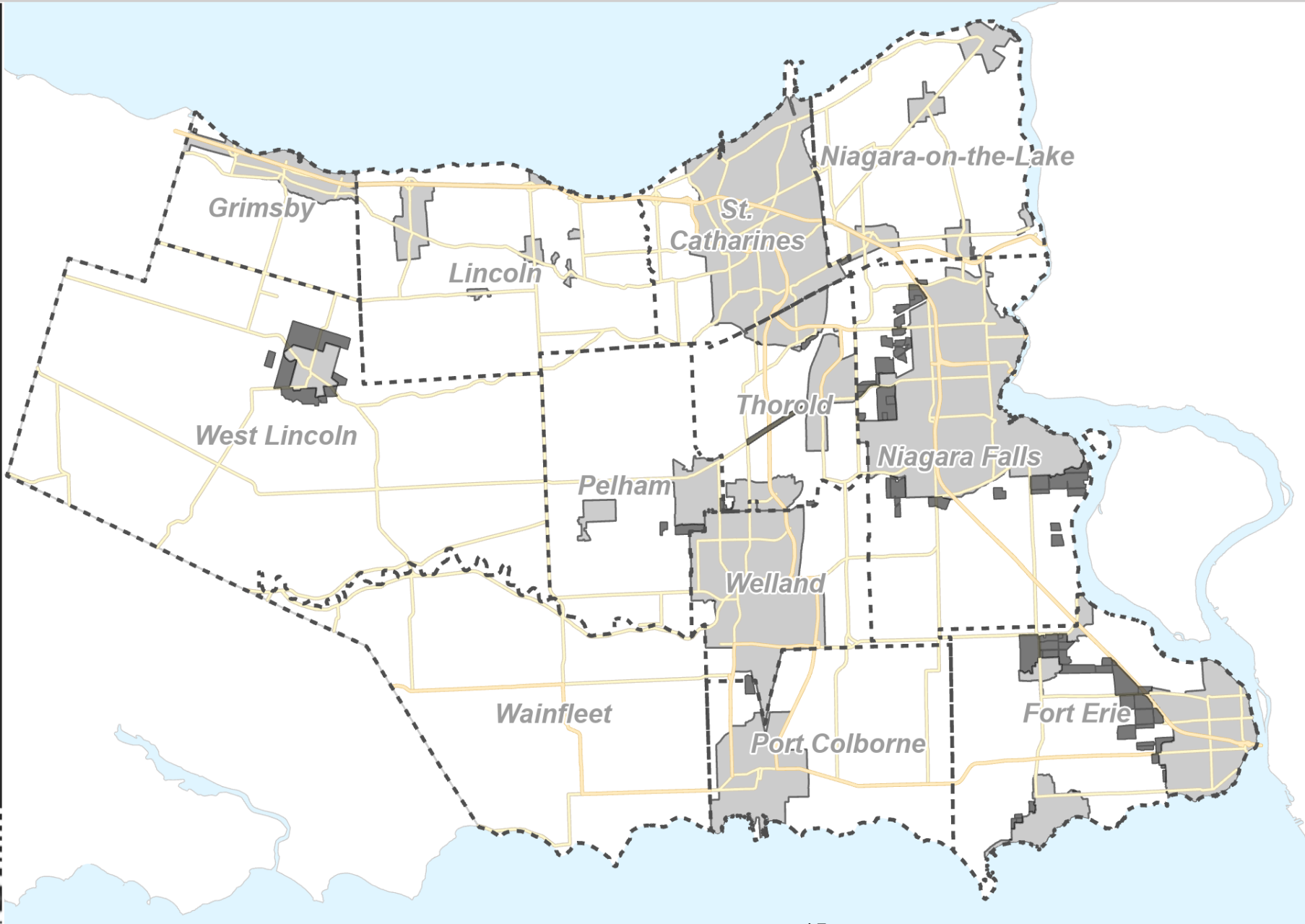


Minor adjustments to the LNA may be made as the Official Plan is finalized, with consideration of ongoing work on SABR, employment conversions and the NES.



settlement area boundary review (SABR)

- Only the Region can expand or adjust settlement area boundaries.
- A key step is the identification of land need. The Made-in-Niagara Forecasts are needed to move SABR forward.
- The Region developed criteria with local municipalities to assess SABR requests. No major concerns expressed through recent consultation.
- At this time, no recommendations are being made on SABR or employment conversions. The SABR program continues through Summer and Fall.



LEGEND

- Existing Urban Area
- Urban Area Expansion Requests Under Review

This is a July 2021 draft map and may not be current. Please see the Region's website to view and comment on the requests.



takeaways.



The Region engaged in significant consultation since May. The LNA feedback was generally supportive.



The Made-in-Niagara Forecast and LNA are mostly the same as the May LNA, but better addresses affordability and the natural environment.



A decision is needed today to advance the Official Plan, the Transportation Master Plan, the W&WW Master Servicing Plan, and the Development Charges By-law.



The SABR program is moving forward with recommendations in Fall 2021.

From: [PF-Mailbox-01](#)
To: [Norio, Ann-Marie](#); [Trennum, Matthew](#)
Subject: FW: Online Form - Request to Speak at a Standing Committee or Regional Council
Date: Friday, August 06, 2021 7:07:27 AM

From: Niagara Region Website
Sent: Friday, 06 August 2021 07:07:24 (UTC-05:00) Eastern Time (US & Canada)
To: Clerks
Subject: Online Form - Request to Speak at a Standing Committee or Regional Council

Request to Speak at a Standing Committee or Regional Council

To reply, copy the email address from below and put into 'To'. (if resident entered their email address)

Name

Chuck McShane

Address

[REDACTED]

City

Niagara on the lake

Postal

[REDACTED]

Phone

[REDACTED]

Email

Chuck@nhba.ca

Organization

Niagara Home Builders Association

standing committee

Planning and Economic Development Committee

Presentation Topic

Land needs

Presentation includes slides

No

Previously presented topic

No

Presentation Details

I would like to speak on the land needs with regards to the official plan

Video Consent

Yes

Subject: Niagara Official Plan: Land Needs Assessment and Settlement Area Boundary Review Update

Report to: Planning and Economic Development Committee

Report date: Wednesday, August 11, 2021

Recommendations

1. That Council **ENDORSE**, in principle, the use of the Made-in-Niagara Forecast and the Revised Land Needs Assessment (Appendix 1 of Report PDS 33-2021), to advance the Niagara Official Plan, the Water and Wastewater Master Plan, the Transportation Master Plan, the Development Charge Background Study and By-law, and other Regional programs; and
2. That Report PDS 33-2021 **BE CIRCULATED** to local area municipalities, partner agencies and the Province.

Key Facts

- This report recommends a “Made-in-Niagara” growth forecast to 2051. The Forecast is a land needs assessment (“LNA”) derived from the Provincial Land Needs Methodology. The Region must conform to the Provincial requirements, including this Methodology.
- The Made-in-Niagara Forecast provides a 2051 population of 694,000 people and 272,000 jobs.
- The Made-in-Niagara Forecast is similar to the previously-released forecast from May 2021, provided in the May Joint Report PDS 17-2021. Population forecasts have increased slightly in two municipalities to account for market demand and provide additional affordable housing options. Importantly, the updates since May are focussed exclusively in built-up areas – not greenfields – meaning that it does not result in additional residential land needed through urban boundary expansions.
- The Made-in-Niagara Forecasts and updated LNA result in a Region-wide net community area land need of 495 Ha and net employment area land need of 210 Ha. The Region-wide intensification rate is 60%, which is 10% greater than the minimum

required. Density is 50 people and jobs per Ha for greenfields and larger densities in the Region's Strategic Growth Areas.

- Feedback was carefully considered in making this recommendation. Staff have considered other key interests, like the Natural Environment System ("NES"), agricultural system, and affordability.
- The Forecasts need to be endorsed in principle at this time. These are used to make decisions about changes to urban and rural boundaries (called the Settlement Area Boundary Review or "SABR"). They are also used as part of the Niagara 2051 program to inform the Water/Wastewater Master Servicing Plan and Transportation Master Plan. The Region's infrastructure is paid for through Development Charges based on this information.
- Changes to municipal boundaries through the SABR can only occur as part of the Region's new Official Plan (with very limited exceptions). Staff need endorsement of the Made-in-Niagara Forecasts to move forward with the SABR. No decisions on SABR itself are requested now - that will be reported on further this Fall.
- The Forecasts and updated LNA are sought for endorsement in principle to allow the programs noted above to move forward. Adjustments to the forecasts are likely, prior to finalizing, to reflect any recommended employment conversions and other matters. This will be provided for consideration at a future Council meeting.

Financial Considerations

There are no financial considerations directly related to this report. However, as described below, a decision on the Made-in-Niagara Forecast is critical to establishing the 2022 Development Change By-law where growth-related costs are recovered.

This report is prepared as part of the Niagara Official Plan ("NOP") program. Council approved the resources to complete the NOP over a 5 year period as part of the 2017 Budget Process.

The growth forecasts identified here will be used in the upcoming revisions to the Water and Wastewater Master Servicing Plan ("MSP"), Transportation Master Plan ("TMP") and Development Charges Study ("DCS"). Those studies identify projects to be built based on the growth forecasts.

The DCS sets out a calculation of how all or a portion of those costs can be recovered through development charges. The Development Charge By-law must be passed in advance of current by-law expiry in August 2022. The Made-in-Niagara Forecasts are needed at this time for the inputs to the Development Charges work so that program can be advanced in time for the August 2022 deadline.

Analysis

On May 20, 2021, Regional Council received PDS 17-2021 Niagara Official Plan Consolidated Policy Report (the “May Joint Report”). The May Joint Report provided a comprehensive update on the NOP process and draft materials for consultation with local municipalities, stakeholders and public.

Staff asked for feedback by July 2, 2021 so it could be considered as part of this report, among other things. Feedback has been carefully considered and is described further below.

Two separate reports are advanced at this time. This report (PDS 33-2021) relates to the updated Made-in-Niagara forecasts and its relationship to SABR and Niagara 2051.

A second, related report, is PDS 32-2021, provided at this same August 11, 2021 PEDC meeting. That report speaks to the additional work that has occurred relating to other Official Plan matters since the May Joint Report. Although these reports are under separate cover, they have been prepared comprehensively with continued consideration of integrated planning of the new NOP.

At this time, the Region seeks endorsement in principle of the Made-in-Niagara Forecast. This allows the SABR program to move forward, and advancement of the Niagara 2051 work, including the Development Charges By-law.

Adjustments to the forecast and LNA are likely to be proposed prior to finalizing these documents. As described further below, employment conversion requests have not yet been considered. Depending on the outcome of that review, the forecast and LNA may be revised for Council consideration.

Further, the Provincial Land Needs Assessment Methodology contemplates that final adjustments may be made, after all other steps are undertaken, to account for specific circumstances like vacancy rates, constrained land from infrastructure, lands that may not develop because of landowner choice, and other economic or demographic factors.

Revised forecasts and LNA will be provided to Council in a future report for consideration.

Growth Forecast Consultation

A Place to Grow (2020) (“Growth Plan”) establishes a *minimum* population and employment forecasts for upper- and single-tier municipalities in the Greater Golden Horseshoe. The Region must plan for these minimum forecasts and assign the forecast to local municipalities.

The Region has done significant forecasting work over several years. Most recently, its forecasting work was set out as part of the May Joint Report, PDS 17-2021 [Appendix 3.3](https://www.niagararegion.ca/official-plan/pdf/pds-17-2021-appendix-3-3.pdf) (<https://www.niagararegion.ca/official-plan/pdf/pds-17-2021-appendix-3-3.pdf>), Growth Allocation Update to 2051 (Hemson, 2021). This work aligned regional forecasts with the recently-released 2020 *Growth Plan* (the “May 2021 Forecast”).

The May 2021 Forecasts distributed the minimum Growth Plan Schedule 3 forecast of 674,000 people and 272,000 jobs throughout Niagara’s 12 municipalities. Forecasts were distributed based on the Preferred Growth Option, established through Niagara 2041 (Niagara 2041: Preferred Growth Option (Hemson, 2019), with revisions made based on the new 2051 planning horizon and emerging development trends. This was based on the 2020 Growth Plan and a newly released Provincial LNA Methodology.

The May 2021 forecasts provided information on housing mix within each municipality and areas within them. This work was done to show how the forecasts represent market-based housing demand and support affordable housing.

The May Joint Report also provided specific data on affordability. Appendix 5.2, Niagara Region Housing Affordability and Growth Plan 2051 (CANCEA, 2021) set out that achieving the minimum Growth Plan forecast of 674,000 people would keep the Region’s Core Housing need at 13%.

The CANCEA conclusion was clear: if the Region grew too slowly, affordability would worsen.

The Region also released its Regional Structure through the May Joint Report. The Regional Structure identified locations and density targets for Strategic Growth Areas (SGAs). SGAs will accommodate a significant amount of growth, support infrastructure investment and contribute to complete communities.

On many occasions before and after the May Joint Report release, the Region met individually with planning staff at each local municipality to discuss growth forecasts, SGAs, intensification rates, densities, and related matters.

Since May 2021, the Region held five public information centres (PICs) and held dozens of meetings with interested parties about these same growth-related matters.

Additionally, the Region progressed on the TMP, MSP, and DCS update. This process involves a Niagara 2051 working group of various staff across many departments and consultation events held in the spring 2021.

Almost all feedback was supportive of the Region's process. The Region received comments on specific aspects of its May 2021 forecasts, with some parties recommending adjustments or changes reflecting a variety of interests.

Importantly, there was general public support, and local planning staff support, of the Region's overall land needs program and the Regional Structure components.

A comment summary of the land needs-related comments is provided in **Appendix 3**. The full set of comments received can be viewed here: [Niagara Official Plan](https://www.niagararegion.ca/official-plan/) (<https://www.niagararegion.ca/official-plan/>).

Additional comments, unrelated to land needs, are reported in PDS 32-2021.

Since the release of the May 2021 Forecasts, the Region carefully considered feedback received. Staff also conducted a further review of individual growth areas and existing and proposed development applications. Additional progress on the detailed work towards finalizing the NES has been made since May 2021.

On this basis, Staff recommend two categories of change be made to what was released in May 2021.

The first is additional intensification growth be allocated to Lincoln and Welland.

The second is including the most current information on the NES.

These topics are described in the following sections of this report.

Summary of Changes to the Land Needs Assessment

The Growth Plan (2020) allows Niagara to use alternative growth forecasts beyond those identified in Growth Plan Schedule 3. The Made-in-Niagara Forecast is an alternative growth forecast.

This alternative growth forecast can be only be advanced by a Region or single-tier government.

Details of the Made-in-Niagara Forecast are provided in **Appendix 1**. This is a revised version of [Appendix 3.2](https://www.niagararegion.ca/official-plan/pdf/pds-17-2021-appendix-3-2.pdf) (<https://www.niagararegion.ca/official-plan/pdf/pds-17-2021-appendix-3-2.pdf>) of the May Joint Report.

The Province provided three growth scenarios in its draft materials for the 2020 Growth Plan. One of those scenarios was a high growth forecast of 700,000 people for Niagara. At that time, Niagara Region staff supported the high scenario.

The proposed, Made-in-Niagara Forecast of 694,000 people is slightly below this high scenario identified by the Province.

The May 2021 Forecast identified a total population of 674,000 people. The additional 20,000 people above the May 2021 forecast have been allocated to Lincoln and Welland. Lincoln's 2051 population has been revised from 35,660 to 45,660 in the current forecast. Welland's 2051 population has been revised from 73,000 to 83,000.

Based on the analysis and consultation noted in the previous section, the Region proposes the following Preliminary Municipal Growth Allocations: 2021 and 2051 (i.e. the Made-in-Niagara Forecast):

Table 1: Preliminary Municipal Growth Allocations: 2021 and 2051

Municipality	Population 2021	Population 2051	Households 2021	Households 2051	Employment 2021	Employment 2051
Fort Erie	33,930	48,050	14,150	21,510	10,530	17,430
Grimsby	30,300	37,000	11,470	16,070	10,690	14,670
Lincoln	26,860	45,660	9,590	19,405	11,390	15,960
Niagara Falls	97,220	141,650	38,520	58,740	37,780	58,110
Niagara-on-the-Lake	19,970	28,900	7,910	12,500	11,800	16,960
Pelham	19,320	28,830	7,150	11,280	4,810	7,140
Port Colborne	19,250	23,230	8,210	10,500	5,910	7,550
St. Catharines	140,250	171,890	58,550	78,320	61,780	81,010
Thorold	24,440	39,690	9,230	15,660	8,530	12,080
Wainfleet	7,000	7,730	2,580	3,040	1,400	1,830
Welland	56,210	83,000	23,610	37,540	18,030	28,790
West Lincoln	16,370	38,370	5,330	14,060	4,460	10,480
Niagara Region	491,120	694,000	196,300	298,645	187,110	272,000

Revised Intensification Rates

Through the comments received and additional analysis done by the Region, Staff determined that the draft May 2021 Forecasts for Lincoln and Welland were likely to be achieved earlier than set out. In our view, higher forecasts were required to ensure alignment with infrastructure investment and to better align with planned development.

In Lincoln and Welland, the additional growth proposed is within the existing urban, built up areas with development or redevelopment potential. Thus, this is considered “intensification” growth. This kind of development supports a broader, more affordable housing mix of more townhouses and apartment units.

These changes reflect the planned infrastructure to sustain the anticipated growth. The Region seeks to proactively plan to accommodate the growth to ensure communities are more sustainable, better connected, healthy and safe.

As note above, the additional forecasted growth to Lincoln and Welland are within the built-up areas as intensification. In other words, more development is proposed within the existing boundaries. There is no impact to Community Area (residential/mixed use) land need to accommodate this additional population and these changes do not result in need for additional land through boundary expansions.

The “intensification rate” is a measure of how much growth is going to built-up areas rather than new greenfield areas. In the updated Forecast, Lincoln’s intensification rate has increased from 80% to 90%, and Welland’s from 60% to 75%. When these changes are incorporated to a Region-wide average, the Region’s intensification rate increases from 56% to 60%.

Table 2 is the revised intensification rates by municipality and the overall Region rate.

Table 2: Revised Intensification Rates to 2051

Municipality	Intensification Rate
Fort Erie	50%
Grimsby	98%
Lincoln	90%
Niagara Falls	50%
Niagara-on-the-Lake	25%
Pelham	25%
Port Colborne	30%
St. Catharines	95%
Thorold	25%
Wainfleet	0%
Welland	75%
West Lincoln	13%
Niagara Region	60%

The above paragraphs describe the changes in terms of population and intensification rates – the Region also looks at this in terms of units. The number of additional units proposed is 10,500. These additional units are predominately medium- and high-density housing types, such as townhouses, apartments, and other multi-unit dwellings.

Increasing this unit type is key to help address core housing need, driven primarily by affordability.

The diversification of Niagara’s existing, low-density housing stock is supported by the Region’s recent housing analyses completed by CANCEA, included in Appendix 5 to the May Joint Report, and noted above. The CANCEA work concluded that more dense forms of housing is needed to support Provincial growth targets, and consequently, to address rates of core housing need over time.

In short, more dense forms of housing are needed to address affordability.

Updated Natural Environment Work

Work on the Natural Environment program has been ongoing for many years.

Since May 2021, the Region has refined the analysis of Natural Environment developable area. The most current information suggests a need to remove non-developable lands from the land needs assessment calculation.

In other words, more land should be protected than identified in the May 2021 Forecast; in turn, less land is available for development. This results in a greater *overall need* for land (since less is available for development). This means a small increase of land needed for the Community Area (i.e. residential and mixed use) and a modest increase in land needed for Employment Areas (i.e. mostly industrial areas).

At the May 20, 2021 Regional Council meeting, Council directed Staff to prepare materials for Natural Environment System (NES) Options 3B and 3C, with a decision by Council on the preferred NES Option to be made at a later time.

Importantly, the land need difference between NES Option 3B and 3C is negligible. Regardless of which NES Option is selected at a later time, the land needs will be similar. For this reason, there is no need to await an Option selection to advance the land needs at this time. When an Option is selected, minor adjustments can be made to the land needs, if needed, before it is finalized..

Community Area Land Needs – Rural Settlement Areas

As directed by the Provincial Land Needs Assessment Methodology, an additional assessment was undertaken for Rural Settlement Areas.

Niagara has a modest population and employment base outside of urban settlement areas. Growth is anticipated to continue within rural areas and rural settlement areas. Between 2021 and 2051, Hemson Consulting forecast an additional 900 housing units and 8,090 jobs will occur in the rural area.

The Rural Settlement Area assessment determines where the forecast growth will occur within the rural areas and if additional land is required within rural settlement areas primarily focussed in Wainfleet and West Lincoln.

Further details of the rural settlement area assessment is provided in **Appendix 1**.

August 2021 Preliminary Draft Land Needs Assessment

As discussed above, the May 2021 Forecast was refined based on the alternative Made-in-Niagara Forecast, higher Regional intensification rate and recent NES work.

The detailed Forecast is provided in **Appendix 1**.

Table 3 below is a summary of the overall preliminary land needs by municipality.

Table 3: August 2021 Preliminary Draft Land Needs Assessment

Municipality	Community Area Land Needs (ha)	Employment Area Land Needs (ha)
Fort Erie	105	155
Grimsby	5	(5)
Lincoln	0	15
Niagara Falls	270	10
Niagara-on-the-Lake	5	(20)
Pelham	40	0
Port Colborne	(160)	(40)
St. Catharines	15	30
Thorold	(155)	(35)
Wainfleet	0	0
Welland	0	45
West Lincoln	370	45
Niagara Region (net)	495	210

In the May 2021 Forecast, the Region's net overall community land need was 460 Ha and net employment area land need was -20 Ha.

The net Community Area land need in the current Forecast and LNA is similar to the May 2021 Forecast. The net Employment Area land need is now 210 Ha compared to the previous surplus of 20 Ha.

Through consultation with the Province, the Region has also been advised that the LNA should result in a single number for land need; a blended number where Community Area land need and Employment Area land need are combined. This combined net land need is 705 hectares.

For the reasons noted elsewhere in this report, adjustments may be made to this preliminary forecast. Those adjustments will be provided to Council for consideration at a later time.

Employment Area Requests for Conversion

The Region is considering Employment Land Employment Area conversions as part of its new Official Plan. The Provincial Land Needs Assessment Methodology implementation section contemplates that this should be considered for reducing the amount of settlement area expansion required for forecasted growth.

Employment land exists both within and outside of Employment Areas in almost all of Niagara's communities. Through the NOP, the Region is mapping Employment Areas, or clusters of employment uses, to define these boundaries. Employment Areas are of Regional interest as they relate to the provision and protection of employment land employment jobs, typically those within industrial areas and business parks.

The Growth Plan contains criteria for conversion of employment lands within an Employment Area and provides direction for when conversions can be considered as part of a Municipal Comprehensive Review. In Niagara's case, this is the NOP process.

Information on conversion criteria considerations was provided in the Employment Policy Paper PDS 17-2021 – [Appendix 10.2](https://www.niagararegion.ca/official-plan/pdf/pds-17-2021-appendix-10-2.pdf) (<https://www.niagararegion.ca/official-plan/pdf/pds-17-2021-appendix-10-2.pdf>).

The Region received seven requests for Employment Areas conversions. These requests remain under consideration and will be reported further as part of the SABR review. The conversion requests are summarized in **Appendix 3**.

One of the tests for employment conversion is land need. Based on the current LNA presented with this report, the Region has a demand for 210 Ha more employment area. In other words, on a regional scale, there is a net land need demand for more employment area, not removal of employment area through conversions. However, individual conversion sites remain under review based on local considerations.

As indicated above, the review of conversion requests is part of the SABR review, with recommendations to be reported in the fall, including any associated adjustments to the forecast and land needs.

Settlement Area Boundary Review

Only the Region can make settlement area boundary changes and the NOP is the time to do so.

In order to make SABR decisions, the Made-in-Niagara Forecast needs to be endorsed. If not, Staff will not know how much land is needed to review and adjust boundaries accordingly.

The SABR will review candidate land adjacent to the existing settlement area boundaries to determine the most appropriate location for settlement area expansion to be accommodated. Regional staff have developed criteria and an assessment process to consider both urban and rural settlement area boundary expansions.

The location of SABR expansion requests are mapped on **Appendix 2**.

SABR Assessment Criteria and Process

The SABR assessment criteria was developed based on direction from the Provincial Policy Statement (2020), the Growth Plan, and Regional considerations. Staff consulted local area planners on many occasions, as a group and in individual meetings. Local planning staff support the criteria.

Additionally, the draft criteria was publically shared as part of the May Joint Report [Appendix 18.2](https://www.niagararegion.ca/official-plan/pdf/pds-17-2021-appendix-18-2.pdf) (<https://www.niagararegion.ca/official-plan/pdf/pds-17-2021-appendix-18-2.pdf>) for urban areas and [Appendix 18.3](https://www.niagararegion.ca/official-plan/pdf/pds-17-2021-appendix-18-3.pdf) (<https://www.niagararegion.ca/official-plan/pdf/pds-17-2021-appendix-18-3.pdf>) for rural settlement areas. Since that time, until July 2, 2021, the Region received comments on the criteria. With one small site-specific exception, no negative comments on the criteria were received. In fact, in many cases, the draft criteria are already under use by those making submissions to support a SABR request.

For these reasons, the Region will continue to use the criteria in its SABR review this summer and fall.

The criteria are divided into two parts. The first is an initial screening of the requests. Not all requests could be considered eligible for reasons related to Provincial Plan prohibitions. For example, the Greenbelt Plan prohibits expansion into the Specialty Crop Area and the Niagara Escarpment Plan also prohibits expansion of Minor Urban

Centres. The Region has no ability to make these changes, and therefore, these types of requests will not proceed.

As a result of this initial screening, 17 requests are being removed from further consideration.

If part one is satisfied, a request proceeds to the second part which contains more detailed criteria, including:

- Sanitary Servicing
- Municipal Water Supply
- Transit and Transportation
- Environmental Protection and Natural Resources
- Agricultural / Agri-food Network
- Aggregate Resources
- Growth Management

To undertake the second part of the SABR process, a review team comprised of regional staff across many disciplines has been assembled (including those relating to water, wastewater natural environment, transportation, aggregates, agriculture and growth management). The team may also draw on additional staff resources, if required, in relation to some topic areas where specific knowledge would assist. Local municipal staff will also participate within their respective areas.

For the SABR process, staff will rely on primary sources of study reference and technical data. The expectation is the same sources of information will be used for all sites being reviewed.

Additionally, any supplemental information provided by requestors will also be reviewed. Not all SABR requests received have supplemental information – it was not required. The supplemental information will be carefully considered; however, no additional weight is given to those requests that have supplemental information.

Some local municipalities have undertaken expansion-related study work or specific comments on expansions that will be carefully considered by the Region's review team.

Criteria for rural settlement area (Hamlet) review differs from the urban SABR. Rural settlement expansion focuses on maintaining rural character and supporting the

agricultural community and rural population needs. Rural settlement areas will continue to be serviced through private systems.

SABR Request Details

The Region received about 87 private owner submissions related to the SABR process. These are specific to the existing Official Plan process; separate from comments made to the Province through the 2017 Coordinated Plan Review (CPR). CPR comments are not currently being processed by the Region (with three exceptions) since these matters are for Provincial review period only. The Region cannot make changes to Provincial Plans as part of the Niagara Official Plan process to accommodate expansion.

The three noted exceptions are sites in Lincoln (Albright Manor), Niagara Falls (Cotton Construction), and Niagara-on-the-Lake (Queenston Quarry) that were changed in the Niagara Escarpment Plan to Urban Area or Escarpment Recreation Area during the past review. Since these changes were made by the Province, the Region is processing these sites through its SABR.

In addition to the private owner requests for this Official Plan, the Region has received a number of local municipal requests for expansion consideration. The requests have been delivered through local Council resolution and will be reviewed along with all other requests made. Some local municipalities are still working on such recommendations, for circulation to the Region in the near future.

Local municipal requests comprise an additional 30 locations to date.

In addition to the private requests and municipal requests, noted above, the Region is reviewing additional candidate lands. The Region must consider what lands should be included – whether or not a request has been made – to ensure a holistic and objective review of Provincial policy in determining “the most appropriate location” for expansion.

As of writing, the total number of locations for expansions is approximately 147, including all categories described above.

A map of the SABR expansion areas is set out in **Appendix 2**.

SABR Consultation

In preparing this report, careful consideration was given to comments provided on land needs, SABR requests and criteria, and employment conversions. All comments

received prior to July 15, 2021 were reviewed in preparing this report. Comments were requested by July 2, 2021.

The Region received over 20 comments related to the LNA. These submissions, as well as responses, are summarized in **Appendix 3**. Generally, the submissions are favourable and support the direction of the LNA. Some landowners made land need- or conversion- related suggestions specific to their interests.

As noted above, the Region also received a number of SABR and conversion requests. These requests have been acknowledged and remain under consideration. Recommendations will be made in the fall.

Prior to advancing SABR recommendations, staff will gather public input. The Region has created a public mapping tool that illustrates the requests for expansion and allows for comments. It is available at the following link: [Niagara Official Plan](https://www.niagararegion.ca/official-plan/) (<https://www.niagararegion.ca/official-plan/>).

In addition to the SABR website, additional public consultation is planned to receive input in the candidate locations. This is not intended to be a forum to have requests added or removed from consideration. It will be a dialogue to inform the process and received information on the assessment process and recommendations.

Policy Review

The *Planning Act, 1990* requires all municipal Council decisions to be consistent with, conform to, or not conflict with the applicable Provincial policy. Regional and local planning staff must provide planning advice and make recommendations under the same requirements.

Below outlines relevant Provincial Policy for the LNA and SABR process. The Made-in-Niagara Forecast and updated LNA conforms to, is consistent with, and does not conflict with these documents, as applicable.

Provincial Policy Statement (PPS), 2020

The PPS, 2020 provides direction on land use planning to promote sustainable, strong communities, a strong economy, and a clean and healthy environment.

Section 1.1 - Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns supplies many of the referenced policies appearing in the SABR Assessment Criteria including:

“1.1.1 Healthy, liveable and safe communities are sustained by:

a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;

c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;

e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs; ...

g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;

h) promoting development and land use patterns that conserve biodiversity;”

Respecting the policy context for use in the SABR assessment from a community building perspective, the consistent theme of healthy, livable, safe communities that are efficiently designed, cost effective, transit-supportive and integrated, underscores the direction expansion consideration should take while reminding and recognizing future expansion needs to be a consideration.

Section 1.1.3 – “Settlement Areas” includes direction for settlement area boundary expansions only at the time of an MCR and only after there has been demonstrated need. New to the 2020 PPS is a policy that refers to satisfying market demand.

Policies of Section 1.1.3 also direct that agricultural land and industry be held in regard of decisions being made concerning expansion. This too is reflected in the SABR Criteria to be used in expansion review.

Other policies of the PPS, such as Housing, Employment, Infrastructure, Transportation and Wise Use and Management of Resources, all provide important direction for the completion of the LNA and the criteria considerations for the SABR.

A Place to Grow - Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan provides a strategic, long-range growth management framework for the Greater Golden Horseshoe area. The Growth Plan supports Ontario's vision of building stronger, more efficient, prosperous communities through appropriate growth management.

Similar to the PPS, the guiding principles of the Growth Plan are focused on achieving complete communities, stimulating economic growth, prioritizing intensification and higher densities to optimize infrastructure investments, and mitigating the adverse impacts of climate change.

Policy 2.2.1.5 identifies the Province's Land Needs Assessment methodology to be used by the Region to assess the quantity of land required to accommodate forecasted growth to 2051.

Policy 2.2.8 of the Growth Plan speaks to Settlement Area Boundary Expansions.

Specifically, Policy 2.2.8.2 provides the direction for expansions to proceed through the MCR process based on the components and direction of the LNA. Further, Policy 2.2.8.3 requires any expansion be justified based on a comprehensive list of criteria. These policies were used to develop the Region's SABR criteria and have included consideration for transportation, infrastructure, NES, agricultural lands and operations, and the applicable requirements of other Provincial Plans.

The Greenbelt Plan and Niagara Escarpment Plan were also reviewed. The policies of both provide direction for enhancement and protection of the natural and agricultural systems. Expansions into the Greenbelt and Niagara Escarpment areas are prohibited.

Next Steps

The Region will continue to move forward with the NOP work program. Once the SABR and conversion review process is complete, Staff will prepare a report with recommendations in fall 2021.

The Made-in-Niagara Forecasts will be integrated into the Niagara 2051 strategies: the MSP, TMP and DCS and DC By-law. These strategies work together to ensure the planned growth is serviced and paid for.

Alternatives Reviewed

Alternative 1: Council could not endorse any land needs assessment at this time. This alternative is not recommended as any delay has consequences to the Niagara Official Plan, the MSP, TMP and DCS and DC By-law, for the reasons noted in this report. The Made-in-Niagara Forecasts set out in this Report have been developed to conform to Provincial Policy and are based on significant local planning and public consultation.

Alternative 2: Council could endorse a land need assessment that differs from the Made-in-Niagara Forecast set out in this Report. This option is not recommended as the detailed work undertaken led to adjustments to the intensification growth for Welland and Lincoln. Differing from the Made-in-Niagara Forecast could lead to a misalignment between how growth is planned, serviced and paid for through development charges.

Relationship to Council Strategic Priorities

The land needs assessment and Niagara Official Plan is important to address Council's priorities, being:

- Supporting Businesses and Economic Growth;
 - Through the identification and protection of employment areas.
- Healthy and Vibrant Community;
 - Through responsible management of growth by directing population and employment allocations as determined through the LNA.
 - The growth management work will also retain, protect and increase the supply of affordable housing stock to provide a broad range of housing to meet the needs of the community.
- Responsible Growth and Infrastructure Planning.

- Through coordinating growth with infrastructure investment to support existing and future growth in Niagara. The Made-in-Niagara Forecast will be integrated into Niagara 2051 strategies to ensure the Region is responsibly coordinating work related to growth.

Other Pertinent Reports

Report	PDS 17-2021 – Niagara Official Plan Consolidated Policy Report (May Joint Report)
Report	PDS 32-2021 – Update on Niagara Official Plan-Further Draft Policy Development

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Appendices

Appendix 1 Niagara Official Plan: Revised Land Needs Assessment Summary (August 2021)

Appendix 2 Settlement Area Boundary Review: Request Mapping

Appendix 3 Summary of Comments Received Relating to Land Needs Assessment
and Settlement Area Boundary Review

DRAFT



NIAGARA OFFICIAL PLAN

Revised Land Needs Assessment Summary

Results subject to refinement in draft Official Plan.

Niagara Region
August 2021

GROWING REGION



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Land Needs Assessment Overview

The Land Needs Assessment (“LNA”) is a technical, Region-led process that determines the amount of land required for each local municipality based on the Provincially-allocated overall growth to 2051.

Specifically, the Region must calculate the amount of designated land each local municipality requires to accommodate population, housing and employment forecasts provided in *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* (“Growth Plan”).

The Minister of Municipal Affairs and Housing, as directed by the *Growth Plan*, released the *Land Needs Assessment Methodology for the Greater Golden Horseshoe* (the “*Methodology*”) in August 2020. The Region is required to use the Methodology in combination with the policies of the *Growth Plan* to determine the amount of land required to accommodate forecasted growth.

The *Methodology* is used to calculate two separate land needs, one for *Community Area* and one for the *Employment Area*.

Conducting the LNA is an iterative process and requires substantial direction and input from background strategies associated with the Niagara Official Plan (“NOP”) as well as consultation with the public, local municipalities and Province.

An earlier Draft LNA Summary was released in May 2021 for the purpose of consultation and refinement. Feedback was received from local municipalities, consultants and the public. Commentary was generally supportive; feedback was made on allocations, methodology assumptions, existing intensification potential and affordable housing.

Advancement of related to NOP strategies and Niagara 2051, a joint working group made up of the Transportation Master Plan, Water/Wastewater Master Servicing Plan and Development Charge has also occurred since the release of the May 2021 LNA.

The Revised LNA presented in this report is based on the feedback received on the May 2021 draft and updates from associated NOP strategies and Niagara 2051.

The LNA results provided here are for the purpose of informing the Settlement Area Boundary Review and the Transportation Master Plan, Water/Wastewater Master Servicing Plan and Development Charge Background Study associated with Niagara 2051. The LNA may be further refined through the consolidated Official Plan process later this year.

How to Read this Report

This report follows the Provincial *Methodology* process and provides a summary for each component outlined within it. The report does not represent the final land needs assessment; that will be included as a companion to the Official Plan in 2022.

The Revised LNA is based on consultation with the Province, local municipalities, stakeholders, public and Niagara 2051 working group. Details on specific revisions and rationale are provided throughout the report.

The LNA results presented here should not change significantly over the remainder of the Official Plan program. However, advancement and/or refinement to associated Official Plan Strategies may change the output of the LNA.

The Province is the approval authority on the LNA and requires consultation be done prior to submitting the final LNA. The Province has provided feedback on the May 2021 Draft LNA and will continue to be consulted while the LNA is finalized.

The Final LNA will be submitted with the consolidated draft Official Plan for Provincial review and approval.

A **Glossary of Terms** is provided at the end of this summary to provide clarity on frequently used terms and terms from Provincial policy.

Public Consultation and Engagement

The Municipal Comprehensive Review (now called the Niagara Official Plan) was first initiated in 2014 and has been through significant consultation and continuous evolution.

The following summary identifies milestone consultation efforts made so far which covered growth allocations and land needs assessment.

Project Phase	Date	Description
Niagara 2041: Growth Options	November 17, 2015	Public Information Center: Town of Grimsby
	November 18, 2015	Public Information Centre: City of Port Colborne
	November 19, 2015	Public Information Centre: City of St. Catharines
Council approved Phase 1 and 2 Report (PDS 15-2016)		
Niagara 2041: Preferred Growth Option	June 15, 2016	Public Information Centre: Town of Fort Erie
	June 16, 2016	Public Information Centre: Township of West Lincoln
	June 22, 2016	Public Information Centre: City of Welland
	November 30, 2016	Public Information Centre: City of Niagara Falls
	December 6, 2016	Public Information Centre: City of Thorold
	December 7, 2016	Public Information Centre: Town of Niagara-on-the-Lake
	December 8, 2016	Public Information Centre: Town of Lincoln

Project Phase	Date	Description
Preferred Growth Option Forecast approved for Development Charges Study (PDS 37-2016)		
2017 Provincial Plan Review and Release of Growth Plan (2018)		
Regional Council deem Pre-2017 Growth Plan MCR complete and Growth Management work transitioned into new Niagara Official Plan (PDS 21-2018)		
Niagara Official Plan: Employment Strategy	October 10, 2019	Industry Stakeholder Session: Town of Niagara-on-the-Lake
Niagara Official Plan: Growth Strategy	November 6, 2019	Public Information Centre: City of Thorold
	November 7, 2019	Public Information Centre: City of Niagara Falls
	November 13, 2019	Public Information Centre: Town of Grimsby
	November 14, 2019	Public Information Centre: Town of Fort Erie
Niagara Official Plan: Employment Strategy	February 25, 2020	Industry Stakeholder Session: Town of Niagara-on-the-Lake
Release of Growth Plan (2020) and Revised Land Needs Assessment Methodology		
Settlement Area Boundary Review Program: Growth Plan Forecasts and Land Needs Assessment Update presented to Council (PDS 29-2020)		
Niagara Official Plan: Growth Management and Employment Surveys	September – October, 2020	Online surveys related to Growth Management and Employment directions and options
Niagara Official Plan: Land Needs, Growth Allocations and Settlement Area Boundary Adjustment	October 7, 2020	Virtual Public Information Centre

Project Phase	Date	Description
Niagara Official Plan: Employment Strategy	October 8, 2020	Virtual Public Information Centre
Niagara Official Plan Consolidated Policy Report (PDS 17-2021). Appendix 1 to Report PDS 17-2021 provides a detailed list of all Official Plan consultation efforts.		
Niagara Official Plan: Growing Region	June 9, 2021	Virtual Public Information Centre
Niagara Official Plan: Vibrant Region	June 10, 2021	Virtual Public Information Centre
Niagara Official Plan: Competitive Region	June 16, 2021	Virtual Public Information Centre
Niagara Official Plan: Connected Region	June 17, 2021	Virtual Public Information Centre
Niagara Official Plan: Sustainable Region	June 23, 2021	Virtual Public Information Centre
Feedback on Niagara Official Plan Consolidated Report, and associated materials, was requested by July 2, 2021		

Summary of Updates since the Draft May 2021 Land Needs Assessment

On May 20, 2021, Regional Council received PDS 17-2021, Niagara Official Plan Consolidated Policy Report. The report provided a comprehensive update on the NOP process and draft materials for consultation with local municipalities, stakeholders and public.

Staff asked for feedback by July 2, 2021, so it could be considered as part of this report, among other things. Feedback has been carefully considered and is described later in this report.

The May 2021 report provided a Draft LNA, based on a Regional forecast of 674,000 people and 272,000 jobs throughout Niagara's 12 municipalities. Forecasts were distributed based on the Preferred Growth Option, established through Niagara 2041 (Niagara 2041: Preferred Growth Option (Hemson, 2019)), with revisions made based on the extended planning horizon and emerging development trends. Municipal specific forecasts, housing mix and employment mix were all extended to 2051 and provided in PDS 17-2021 Appendix 3, Growth Allocation Update to 2051 prepared by Hemson ("*2051 Growth Update Memo*", 2021). Updated forecasts and assessment were based on the 2020 Growth Plan and associated Provincial LNA Methodology (the "*Methodology*").

The May 2021 Forecasts provided information to address housing mix within each municipality, as well as areas within them (Delineated Built-up Area, Designated Greenfield Area and Rural Area). This was done as a component of 2020 Provincial LNA Methodology and meant to show how the forecasts are representing market-based demand for housing and support affordable housing.

The Region retained a consultant to review core housing needs, which is driven primarily by affordability in Niagara. This was reported in PDS 17-2021 Appendix 5.2, Niagara Region Housing Affordability and Growth Plan 2051 (CANCEA, 2021). CANCEA concluded that achieving the *minimum* Growth Plan forecast would keep the Region's core housing need at 13%. More growth – particularly more medium and higher density housing – is needed to better address core housing need (i.e. affordability).

Before and after the May Joint Report release, the Region met individually with planning staff at each local municipality to discuss growth forecasts, among other things. The Region also held five public meetings and dozens of meetings with

interested parties about its forecasts, land needs, and boundary matters. The need to address housing affordability was raised consistently in these meetings.

Additionally, the Region has progressed on the Transportation Master Plan (“TMP”), the Water and Wastewater Master Plan (“WMP”) and its Development Charge Background Study and By-law update (“DCS”). This process is collectively called “Niagara 2051”. It involves a working group of staff across many departments and public consultation events held in the spring 2021. More is planned in 2021 and 2022.

Since the release of the May 2021 forecasts, the Region carefully considered individual feedback received. Staff also conducted a further review of individual growth areas and existing and proposed development applications. Additional progress on the background work to the Natural Environment System has been made since May 2021.

On this basis, Staff identified two categories of change that have modified the LNA from what was presented in May 2021. The first is that additional population and intensification growth be planned for Lincoln and Welland. The second is that adjustments be made to better integrate the Natural Environment Option 3B/3C in to the growth forecasts.

The Growth Plan (2020) allows Niagara to use alternative growth forecasts beyond those identified in Growth Plan Schedule 3. The forecasts provided here are referenced as the “Made-in-Niagara Forecast” since they represent an alternative growth forecast that works better for the Region.

Through the comments received, and additional analysis done by the Region, Staff determined that the draft May 2021 Forecasts for the Lincoln and Welland were likely to be achieved earlier than set out in the 2051 planning period. Higher forecasts are required to ensure alignment with infrastructure investment and to achieve market based demand.

In both Lincoln and Welland, the areas identified for development (beyond the preliminary forecast) are within existing urban, built up areas with development and redevelopment potential. These locations are considered intensification opportunities and will support a broader, more affordable housing mix through this development/redevelopment.

As a result of the increased population forecasts in these municipalities, and the Region overall, these municipalities will achieve a higher intensification rate. In

other words, more development is proposed within the existing boundaries. There is no impact to Community Area (residential/mixed use) land need from this adjustment.

The Made-in-Niagara Forecast and increased intensification rates do not result in additional land through boundary expansions.

The proposed additional intensification for Lincoln and Welland is important to reflect the planned infrastructure to sustain the growth. The Region seeks to proactively plan to accommodate growth and to ensure communities are more sustainable, better connected, healthy and safe. The addition will also better address core housing needs identified by CANCEA.

Recently, at the May 20, 2021 Regional Council meeting, Council directed Staff to prepare policies and mapping for both Natural Environment System (NES) Option 3B and 3C, with a decision on the preferred NES Option to be made at a later time. The finalization of criteria and methodology has begun, and policies and mapping is under way, with reporting later this year. Consultation with the local municipalities on mapping and policy development is ongoing.

Since May 2021, the Region has refined the analysis of developable area based on the NES Options. The most current information for Options 3B and 3C identified a need to remove non-developable lands from the land needs assessment calculation.

In other words, more land should be protected than identified in the May 2021 Forecast; in turn, less land is available for development.

This results in a greater *overall need* for land (since less is available for development). This means a small increase of land is needed for the Community Area (i.e. residential and mixed use) and a modest increase in land needed for Employment Areas (i.e. mostly industrial areas).

Through consultation with the Province, the Region has also been advised that the LNA should result in a single number for land need; a blended number where Community Area land need and Employment Area land need are combined.

In the May 2021 LNA, the Region's net overall land need was 440 hectares. From the above-noted changes, the Region's current overall net land need is 705 hectares.

Additional context and information is provided throughout this document, with particular focus on those component that were revised from the May 2021 LNA.

Community Area Land Needs Assessment

Community Area is defined as the Urban Area, minus *Employment Areas*, and is made up of both the *Delineated Built-Up Area* (as defined and mapped by the Province in 2006) and the Designated Greenfield Area (DGA).

The *Community Area* part of the Land Needs Assessment seeks to quantify the amount (in hectares) of DGA lands that is needed to accommodate the required growth forecasts to 2051.

The *Community Area* Land Needs Assessment is comprised of six components. Below is a discussion of those components and the results.

Component 1: Population Forecasts

The starting point is the population projection by age group for the Region. This comes from *Growth Plan* Schedule 3, which provides a *minimum* forecast 2051 population of 674,000 for Niagara Region.

Through the work described above, the Region is advancing an alternative growth forecast, referred to as the “Made-in-Niagara Forecast”. This better reflects the growth potential in Niagara’s communities and current work on the NES.

For the reasons set out in this report, the Made-in-Niagara Forecast uses a population of 694,000.

Component 2: Housing Need

The Region has done significant forecasting work, over several years, and based on input from many stakeholders. Most recently, its forecasting work was set out in Report, PDS 17-2021 Appendix 3, Growth Allocation Update to 2051 prepared by Hemson (“*2051 Growth Update Memo*”, 2021).

The *Methodology* requires population to be converted into housing units based on household formation rates. Household formation rates are based on the likelihood or tendency of age groups to live in households.

Niagara’s household formation rates are anticipated to increase between 2016 (the base Census year) and 2051. A contributing factor is Niagara’s aging demographic,

which will continue to grow to 2051, with a significant increase in households maintained by people 75 years of age and older.

The 2051 housing forecast has been updated to reflect the Made-in-Niagara Forecast, based on the assumptions and age cohorts identified in the *2051 Growth Update Memo*.

Table 1 identifies a need for **296,750 households** based on the 2051 population forecast of 694,000.

Table 1: 2016 and 2051 Occupied Households by Age of Household Maintainer

Age	Headship Rate	Occupied Households		2016-2051 Growth	2016-2051 Growth %
		2016	2051		
15 - 19	1.7%	430	566	136	31.7%
20 - 24	14.5%	4,000	5,066	1,066	26.6%
25 - 29	35.2%	8,640	12,768	4,128	47.8%
30 - 34	48.7%	11,435	17,566	6,131	53.6%
35 - 39	52.9%	12,385	19,461	7,076	57.1%
40 - 44	54.1%	13,825	20,130	6,305	45.6%
45 - 49	57.4%	16,365	22,220	5,855	35.8%
50 - 54	57.7%	19,920	24,897	4,977	25.0%
55 - 59	58.6%	20,050	25,948	5,898	29.4%
60 - 64	58.9%	18,845	25,093	6,248	33.2%
65 - 69	61.2%	18,015	25,711	7,696	42.7%
70 - 74	61.7%	13,675	24,331	10,656	77.9%
75 - 79	65.3%	10,480	24,207	13,727	131.0%
80 - 84	66.5%	8,190	21,747	13,557	165.5%
84 - 89	60.7%	5,185	15,991	10,806	208.4%
90 +	46.3%	2,390	11,048	8,658	362.3%
Total	48.2% (2016)	183,830	296,750	112,920	61.4%
	50.8% (2051)				

The forecast population age structure and household formation information is further used to determine households by housing type. The *Methodology* requires housing forecast by four housing types; single/semi-detached, row houses, accessory dwelling and apartment.

As referenced in the *2051 Growth Update Memo*, the starting point for household forecast by housing type was a market-based demand. Market-based demand is a key consideration within the LNA process and, along with housing affordability, is one of the main drivers in establishing housing mix and land need requirements.

The Made-in-Niagara Forecast is driven by an increase of medium and high density housing within existing urban areas. The resulting housing mix, compared to the mix presented in *2051 Growth Update Memo*, is slightly lower for single and semi-detached homes and greater for other housing types. However, there is an overall increase in all housing unit types and is based predominantly on recent development application trends and inquires. Therefore, while the housing mix has changed slightly, it remains reflective of market demand, supports additional intensification, and better aligns with recommendations from CANCEA regarding affordability and core housing need.

Table 2 provides a summary of household forecast by housing type between 2021 and 2051.

Table 1: Household Forecast by Housing Type - 2021 to 2051

Household Forecast by Housing Type: 2021 to 2051					
Niagara Region	Single/Semi-Detached	Row House	Accessory Dwelling	Apartment Building	Total
Units	44,318	27,404	3,390	27,653	102,765
Share	43%	27%	3%	27%	100%

Component 3: Allocation of Housing Need to Local Municipalities

Allocation of Housing Need to local municipalities is based on input from local municipalities and public and private stakeholders.

Draft allocation covering the period between 2016 and 2041 was completed through Niagara 2041 (see PDS 37-2016) and formed the basis for completion of the pre-2017 Municipal Comprehensive Review (see PDS 21-2018).

Municipal allocations were revised and extended to the 2051 planning horizon through the *2051 Growth Update Memo*, based on the need to reflect market demand for housing and informed by associated Official Plan strategies, including Watershed, Housing and Employment Strategies.

After release of the May 2021 Forecasts, consultation and collaboration continued with local municipalities, internal Niagara 2051 working group and the public.. Through this work, it was identified that municipal allocations of population growth to the Town of Lincoln and City of Welland were not reflective of growth expectations and anticipated 2051 infrastructure demand.

On this basis, staff increased the population forecast to 694,000 people – an increase of 10,000 to each of Lincoln and Welland. The increase of 20,000 population results in an additional 9,000 housing units to 2051.

All housing units are located within the existing built boundary, support intensification and contribute to the mix of housing needed to improve housing affordability.

Housing Affordability

The Housing Report (CANCEA, 2021) provided in PDS 17-2021 (Appendix 5.2), sets out that the Region's core housing need (including, affordability) will get worse if we continue growth at the existing level. Achieving the minimum forecasts set out the *Growth Plan* will keep the core housing need level at about 13%. To reduce core housing need, even more housing is needed.

Importantly, core housing need can be addressed by providing a greater share of higher density housing types. Row/townhouse and apartment units have a lower average number of people per unit compared to single and semi-detached units. Therefore, increasing the supply of higher density units leads to more housing options and reduced core housing need.

The Made-in-Niagara Forecast supports higher population growth and an increased amount of medium and high density housing. Therefore, this forecast will better address core housing need.

The LNA considers a market-based housing mix and its relationship to the planned housing mix. This is a requirement of the *Methodology*. A market-based approach is useful to identify an appropriate variety of housing units to be built to meet the needs of Niagara's population.

The Greenbelt specialty crop designation, present in northern Niagara municipalities, prohibits expansion of Settlement Areas boundaries. In the communities of Grimsby, Lincoln, St. Catharines and Niagara-on-the-Lake, growth is proposed within existing Settlement Areas through intensification of the Built-Up Area – requiring a greater proportion of higher density housing types.

Municipalities outside of the *Greenbelt Plan* area have a relatively lower intensification rate and, therefore, a higher proportion of lower density housing types. The balance between these two geographies is important for supporting market-based demand for housing and protection of specialty crop lands within the Greenbelt Plan area.

Table 3 provides municipal-level housing allocations by housing type.

Table 3: Housing Unit Growth by Type and Municipality, 2021 to 2051

Housing Unit Growth by Type and Municipality, 2021 to 2051				
Municipality	Single/Semi	Row	Apartment	Total
Fort Erie	4,060	2,700	600	7,360
Grimsby	130	1,340	3,120	4,590
Lincoln	1,590	2,530	5,695	9,815
Niagara Falls	11,980	5,090	3,140	20,210
Niagara-on-the-Lake	3,060	915	630	4,600
Pelham	2,380	1,070	680	4,130
Port Colborne	1,690	430	180	2,300
St. Catharines	3,040	4,500	12,230	19,770
Thorold	3,900	2,390	160	6,450
Wainfleet	450	0	10	460
Welland	6,010	4,050	4,290	13,930
West Lincoln	6,030	2,390	310	8,730
Niagara Region	44,320	27,405	31,040	102,765

Component 4: Housing Supply Potential by Policy Area

The *Methodology* requires municipalities to plan for growth within three policy areas:

1. Delineated Built-Up Area
2. Designated Greenfield Area
3. Rural Area

Development within the *delineated built-up area* is referred to as Intensification. The *delineated built-up area* was established by the Province in 2008 and was further refined through Niagara 2031, the Region's Growth Management Strategy that implemented the policies of the 2006 Growth Plan.

The *Growth Plan* requires 50% of future household growth in Niagara to be directed to the *delineated built-up area*. This is an increase from 40% in the Region’s current Official Plan, which was the intensification target in the 2006 Growth Plan.

The Region seeks to exceed this requirement. The analysis conducted through the Regional Structure Strategy (PDS 17-2021 Appendix 4.2) identified a Regional Intensification Rate of 56%.

Recent work – based on public consultation and the Niagara 2051 servicing review – suggests Niagara can have an even higher intensification rate. As previously noted, the additional population for Lincoln and Welland is entirely planned within the delineated built-up area. No changes are needed to Strategic Growth Areas (SGA) or settlement boundaries from what was set out in the Regional Structure Strategy, as identified in PDS 17-2021, Appendix 4.2.

The outcome of this recent work reflects an intensification target of 60%.

This target is well above the minimum 50% target identified in the *Growth Plan*.

The *Designated Greenfield Area* (“DGA”) is the remainder of the designated urban area outside of the *delineated built-up area*.

The *Growth Plan* sets out that the Region must plan for a minimum density target of 50 people and jobs per hectare within the DGA. This target is incorporated in the LNA.

The Rural Area is considered all areas outside of Urban Settlement Areas, and includes the Agricultural System and Rural Settlements (Hamlets). Rural housing need will be addressed in the final Land Needs Assessment. The Rural Land Needs Assessment is discussed in detail later in this report.

Housing forecasts by municipality, within the three policy areas, is based on an assessment of intensification opportunities, including SGA’s, and development potential within the DGA. Intensification rates, established through the Regional Structure, are based on a combination of consultation with local municipalities and an assessment of the capacity for growth within the *delineated built-up area*.

Table 4 provides household forecast by policy area for each municipality and identifies the overall intensification rate of 60%.

Table 4: Housing Forecast by Policy Area and Municipality, 2021 to 2051

Shares of Household Growth by Policy Area Niagara Region by Local Municipality, 2021-2051				
Municipality	Built Up Area	DGA	Rural	Total
Fort Erie	50%	49.5%	0.5%	100%
Grimsby	98%	2.5%	0.5%	100%
Lincoln	90%	9.5%	0.5%	100%
Niagara Falls	50%	49.5%	0.5%	100%
Niagara-on-the-Lake	25%	74.5%	0.5%	100%
Pelham	25%	74.5%	0.5%	100%
Port Colborne	30%	69.6%	0.5%	100%
St. Catharines	95%	4.5%	0.5%	100%
Thorold	25%	74.5%	0.5%	100%
Wainfleet	0%	0%	100.0%	100%
Welland	75%	24.5%	0.5%	100%
West Lincoln	13%	86.5%	0.5%	100%
Niagara Region	60%	39%	1%	100.0%

As with Component 3, the *Methodology* requires housing forecasts within each of the policy areas to be broken out into housing type. The distribution of housing type within each policy area must be based on an achievable housing mix and consider market-demand.

Within the *delineated built-up area*, the housing mix is predominately higher density forms of housing including row and apartment housing. In contrast, the housing forecast within the DGA and Rural area is predominately ground-related, with 73% of units anticipated to be single or semi-detached.

Table 5 and **Table 6** provide housing unit forecasts by municipality within the *delineated built-up area* and DGA.

The Township of Wainfleet is excluded from both tables as Wainfleet does not have an Urban Settlement Area and all forecast housing growth will occur within the *Rural Area*, in Rural Settlements and on other agricultural lands. Additional detail is provided in the Rural Settlement Area Assessment section.

Table 2: Housing Forecast by Unit Type, Delineated Built-Up Area, 2021 to 2051

Delineated Built-Up Area Housing Unit Growth, 2021 to 2051				
Municipality	Single/Semi	Row	Apartment	Total
Fort Erie	1,520	1,620	540	3,680
Grimsby	110	1,330	3,060	4,500
Lincoln	1,430	1,920	5,545	8,895
Niagara Falls	4,220	3,050	2,830	10,100
Niagara-on-the-Lake	238	350	563	1,150
Pelham	350	500	180	1,030
Port Colborne	400	130	160	690
St. Catharines	2,480	4,370	11,930	18,780
Thorold	580	890	140	1,610
Welland	2,920	3,330	4,190	10,440
West Lincoln	760	120	250	1,130
Niagara Region	15,008	17,610	29,388	62,005

Table 3: Housing Forecast by Unit Type, DGA, 2021 to 2051

Designated Greenfield Area Housing Unit Growth, 2021 to 2051				
Municipality	Single/Semi	Row	Apartment	Total
Fort Erie	2,500	1,080	60	3,640
Grimsby	0	10	60	70
Lincoln	140	610	150	900
Niagara Falls	7,660	2,040	310	10,010
Niagara-on-the-Lake	2,800	564	66	3,430
Pelham	2,010	570	500	3,080
Port Colborne	1,280	300	20	1,600
St. Catharines	460	130	300	890
Thorold	3,290	1,500	20	4,810
Welland	2,630	720	100	3,450
West Lincoln	5,230	2,270	60	7,560
Niagara Region	28,000	9,794	1,646	39,440

Component 5: Community Area Jobs

The *Methodology* requires *Community Area* jobs be allocated within the DGA portion of the *Community Area* to calculate the total number of residents and jobs occurring within it.

Community Area jobs are predominately within the Major Office and Population-Related Employment categories. For the purposes of the *Community Area* assessment, *Community Area* jobs are further distinguished between the *delineated built-up area* and *designated greenfield area*.

Community Area jobs were calculated based on existing development proposals, land use permissions, and factoring in Work At Home employment.

Work At Home

Work at Home employment is incorporated into the Land Needs Assessment impacts *Community* and *Employment Area* Land needs.

Since the onset of the Covid-19 pandemic to the time of preparing this LNA Summary, many jobs have shifted to a Work at Home setting, although the Region does not have specific data quantifying such a shift.

At the time of writing, the Region and other experts are unsure the long-term impacts for Work at Home. For the preparation of the LNA, this is an important consideration for how Work at Home may impact the calculation of different Employment Types.

In Niagara, the majority of *Employment Areas* are considered Core and Dynamic (as defined in the Employment Strategy, **Appendix 10.2**). Jobs within these areas are largely categorized as Employment Land Employment and occur onsite. Therefore, moving Employment Land Employment jobs out of *Employment Areas* would result in an erroneous reduction in *Employment Area* land requirements.

Alternatively, Major Office and Population-Related Employment jobs are those that are most likely to be Work at Home. In other words, those are the types of jobs that may see long-term Work from Home changes. That type of job is predominantly located within the *Community Area*.

The approach taken in the LNA is to maintain similar Work at Home rates, generally consistent with pre-Covid-19 pandemic conditions. This ensures the greatest flexibility within *Employment Areas* and maintains a sufficient supply of lands in the event there is not a significant long-term shift to Work at Home.

In this way, the Region is being conservative in its LNA. Work from Home trends will be carefully monitored and, if warranted, future Official Plan changes will be advanced to address those trends.

Table 7 provides an estimated number of jobs within the DGA portion of the Community Area for each urban municipality.

Table 4: DGA Community Area Job Forecast, 2021 to 2051

DGA Community Area Job Forecast, 2021-2051	
Municipality	Total
Fort Erie	247
Grimsby	5
Lincoln	744
Niagara Falls	1,065
Niagara-on-the-Lake	1,091
Pelham	559
Port Colborne	362
St. Catharines	1,555
Thorold	532
Welland	266
West Lincoln	1,998
Niagara Region	8,424

Component 6: Need for Additional Land

The final component of the *Community Area* LNA brings together the forecast housing units and employment within the DGA to establish an overall land need based on achieving the minimum density target of 50 people and jobs per hectare.

To determine land need, the forecast housing units in **Table 6** are compared to the planned units (units that are within either a draft or registered Plan of Subdivision) within each municipality. The surplus, or shortfall, of units is converted into residents based on the Persons Per Unit rate¹ for each unit type.

¹ The Person Per Unit (PPU) rate is based on the 2017 Niagara Region Development Charges Background Study. This Study provides a PPU of 2.91 for single/semi-detached, 2.12 for row and 1.62 for apartment. PPU rates may be revised based on forthcoming Development Charges Study work undertaken later in 2021.

Finally, DGA Community Area job forecasts in **Table 7** are added to establish an overall people and jobs target for the DGA.

The overall population and employment target is converted to a land need in hectares based on the minimum density target of 50 people and jobs per hectare.²

Table 8 provides the *Community Area* Land Needs Assessment results.

Table 5: Overall Community Area Land Need, 2021 to 2051

DGA Community Area Land Need, 2021-2051				
Municipality	Population and Employment Growth within the Unplanned DGA	Area Required (ha)	Area Designated³ (ha)	Additional Land Need (ha)*
Fort Erie	8,170	165	60	105
Grimsby	120	5	0	5
Lincoln	2,410	25	25	0
Niagara Falls	23,470	470	195	270
Niagara-on-the-Lake	9,935	80	75	5
Pelham	3,215	65	25	40
Port Colborne	4,615	90	250	(160)
St. Catharines	3,655	75	60	15
Thorold	4,830	95	250	(155)
Welland	5,770	115	115	0
West Lincoln	20,545	410	40	370
Niagara Region	86,735	1,590	1,095	495

Note: Above numbers have been rounded to the nearest 5.

² The density target of 50 people and jobs per hectare excludes Lincoln, which has a vacant DGA target of 100 people and jobs per hectare due to the land use permissions within the Major Transit Station Area and Niagara-on-the-Lake, which has a target of 125 people and jobs per hectare relating to the Glendale District Plan.

³ The Area Designated is the gross developable land, within the Designated Greenfield Area, free of non-developable features identified within the *Growth Plan*. The Natural Environment System (NES) area removed is based on draft analysis associated with NES Option 3B/3C as of July 2021.

Community Area Land Needs Summary

Niagara's 12 local municipalities can be placed into two general categories as it pertains to the Made-in-Niagara Forecast results for Community Area:

1. Additional Community Area Land Required

The Town of Fort Erie, City of Niagara Falls and Township of West Lincoln needs more community area land to accommodate the 2051 forecast. The Town of Pelham has a small need for community area land.

2. No Additional Community Area Land Required

The Town of Grimsby, Town of Lincoln, Town of Niagara-on-the-Lake, City of St. Catharines, and City of Welland generally have a sufficient supply of designated lands to accommodate the 2051 forecast.

The City of Thorold and City of Port Colborne have a surplus of designated lands to 2051.

Additional Considerations and Revisions

The *Methodology* allows for final adjustments to be made to *Community Area* Land Needs, including a minor increase to land in the event of any expansions, to create a logical boundary.

The *Methodology* also allows for refinements based on constrained lands due to infrastructure and servicing. Determining servicing constraints will be important in assessing lands that may be considered constrained, rather than surplus.

Finally, revisions to associated strategies will require updates to the Land Needs Assessment. Work on the Natural Environmental System (NES) is ongoing and draft mapping and policies will be released in Fall 2021. Updates to the NES may require minor adjustments to the LNA.

If an *Employment Area* boundary is changed, it will directly impact the *Community Area* land need. If the *Employment Area* is within the BUA, the result may be an increase to Intensification Rate. If the *Employment Area* is within the DGA, the result would be a decrease in *Community Area* land needs.

The final Land Needs Assessment will be a combined overall number of community area and employment area. That requires endorsement by Council and will be provided to the Province for approval.

Employment Area Land Needs Assessment

Component 1: Employment Forecasts

Similar to the *Community Area* assessment, the starting point for determining the overall *Employment Area* land need is the employment forecast set out in *Growth Plan* Schedule 3. The *Growth Plan* requires Niagara Region to plan for a minimum employment base of **272,000 jobs** by 2051.

The *Methodology* requires the employment forecast to be allocated to local municipalities and be categorized by employment type, including Major Office, Population-Related Employment, Employment Land Employment and Rural based employment. These employment types are defined within the **Glossary of Terms** section at the end of this report.

2051 Growth Update Memo sets out the distribution of employment forecasts for Niagara Region.

Table 9 provides an overview of employment growth by municipality, by employment type, from 2021 to 2051.

Table 6: Niagara Region Employment Growth, 2021 to 2051, by Employment Type

Total Employment Growth by Employment Type, 2021-2051					
Municipality	Major Office	Population-Related Employment	Employment Land Employment	Rural Employment	Total Employment
Fort Erie	140	2,890	3,430	440	6,900
Grimsby	380	2,070	1,130	390	3,970
Lincoln	100	1,580	1,390	1,500	4,570
Niagara Falls	1,150	15,550	2,770	850	20,320
Niagara-on-the-Lake	350	3,040	290	1,480	5,160
Pelham	10	1,600	0	710	2,320
Port Colborne	0	750	350	540	1,640
St. Catharines	4,970	10,780	2,880	590	19,220
Thorold	250	2,540	580	170	3,540
Wainfleet	0	0	0	420	420
Welland	360	4,610	5,300	480	10,750
West Lincoln	160	3,580	1,760	520	6,020
Niagara Region	7,870	48,990	19,880	8,090	84,830

Source: Hemson Consulting, Niagara Region Municipal Comprehensive Review – Growth Allocation Update to 2051

Component 2: Employment Allocation

The *Methodology* requires municipalities to further refine forecasts by allocating employment to the *Community*, *Employment*, and *Rural Areas*.

Employment that is expected to occur outside of urban settlement area boundaries is allocated to the *rural area*. The *Methodology* sets out that a small share of employment land employment and population-related employment should be allocated to the *rural area*. This is particularly important in Niagara where certain local municipalities have existing industrial, manufacturing and greenhouse operations within the *rural area*.

The remaining, non-rural jobs are allocated to *Community Area* and *Employment Areas* within settlement areas. Within Niagara, the vast majority of population-

related employment is based within the *Community Area*; only about 5%⁴ occurring within *Employment Areas*.

Major office growth is also predominately within the *Community Area*, Urban Growth Centre and Major Transit Station Areas. However, some major office currently exists within some *Employment Areas* and some growth is expected to occur within those areas accordingly.

Finally, the vast majority of employment land employment job growth will occur within the remaining *Employment Areas*.

Table 10 provides a summary of employment forecasts by location.

Table 7: Employment Growth by Type and Municipality, 2021 to 2051

Employment Growth by Policy Area, 2021-2051			
Municipality	Community Area	Employment Area	Rural Area
Fort Erie	2,787	3,610	503
Grimsby	2,136	1,412	422
Lincoln	1,535	1,241	1,794
Niagara Falls	15,786	3,501	1,033
Niagara-on-the-Lake	2,250	1,397	1,513
Pelham	1,594	0	726
Port Colborne	705	384	551
St. Catharines	14,253	4,269	727
Thorold	2,005	1,311	230
Wainfleet	0	0	420
Welland	4,513	5,658	579
West Lincoln	3,445	2,001	573
Niagara Region	51,009	24,784	9,072

Component 3: Employment Area Capacity

The *Methodology* requires employment potential within existing Employment Areas be determined.

⁴ 5% is an average. This varies by municipality, particularly those with Knowledge and Innovation Employment Areas as they have a higher share of population-related employment compared to Core and Dynamic Employment Areas.

This is calculated based on the vacant *Employment Area* employment lands and densities identified within the Employment Strategy.

The Employment Policy Paper (PDS 17-2021, Appendix 10.2) provides a breakdown of occupied and vacant lands, as well as associated densities, for each of the 34 Employment Areas across the Region.

Table 11 provides a summary of existing capacity within Employment Areas, by municipality.

Table 8: Existing Employment Area Potential for Additional Employment

Existing Employment Area Potential	
Municipality	Additional Employment Potential
Fort Erie	1,264
Grimsby	1,679
Lincoln	500
Niagara Falls	3,079
Niagara-on-the-Lake	3,421
Pelham	0
Port Colborne	1,538
St. Catharines	2,663
Thorold	2,128
Wainfleet	0
Welland	4,552
West Lincoln	885
Niagara Region	21,709

Component 4: Need for Additional Employment Area Land

The final step in determining the *Employment Area* land need is to compare the forecast growth (**Table 10**) with the job growth potential within existing *Employment Areas* (**Table 11**). The difference between the forecast and the potential is divided by the municipal level vacant *Employment Area* land density target.

The vacant density target is based on the sub-grouping of employment type determined through the Employment Policy Paper. Generally, Core Employment Areas, with traditional/heavier employment type uses, have the lowest vacant land density target. Knowledge and Innovation Employment Areas, with more major office type uses, have the highest density target. Dynamic Employment Areas can have a mix of traditional and lighter employment type uses and have densities that fall in between Core and Knowledge and Innovation.

Employment Area Densities

Changes to any Employment Area density target within the Employment Strategy will directly impact the Existing Employment Area Potential in **Table 11** and Vacant Employment Area Density Target in **Table 12**. This will either increase or decrease the associated amount of Employment Area land required to meet 2051 forecasts.

Table 12 provides a summary of the Employment Area Land Needs.

Table 9: Employment Area Land Need, by Municipality, 2021 to 2051

Employment Area Land Need by Municipality, 2021-2051			
Municipality	Unaccommodated Employment Growth	Vacant Employment Area Density Target (Jobs/ha)	Employment Area Land Need (ha)*
Fort Erie	2,345	15	155
Grimsby	(265)	50	(5)
Lincoln	740	45	15
Niagara Falls	420	35	10
Niagara-on-the-Lake	(2,025)	95	(20)
Pelham	0	0	0
Port Colborne	(1,155)	30	(40)
St. Catharines	1,605	50	30
Thorold	(815)	25	(35)
Wainfleet	0	0	0
Welland	1,105	25	45
West Lincoln	1,115	25	45
Niagara Region	3,075	32	210

Note: Above numbers have been rounded to the nearest 5.

Employment Area Land Needs Summary

The result of the *Employment Area* component of the LNA suggests the Town of Fort Erie, City of Welland and Township of West Lincoln do not have sufficient supply of *Employment Area* to accommodate the forecast growth to 2051.

As noted earlier in this Summary, since May 2021, NES work identified that additional vacant lands need to be removed from the developable area calculated in the land needs assessment. This removal of land was most predominant for employment areas in certain municipalities with a greater vacant employment area land surplus. Specifically, this had the largest impact in Port Colborne and Thorold.

In the current LNA, the surplus has been reduced significantly for these municipalities.

Overall the Region has a need for 210 Hectares of Employment Area.

Rural Land Needs Assessment

As directed by the Provincial Land Needs Assessment Methodology, an additional assessment was undertaken for Rural Settlement Areas.

Niagara has a modest population and employment base outside of urban settlement areas. Limited growth is anticipated to continue within rural areas and rural settlement areas. Between 2021 and 2051, the *2051 Growth Update Memo* forecast an additional 900 housing units and 8,090 jobs will occur within the rural area.

The Rural Settlement Area assessment determines where the forecast growth will occur within the rural areas and if additional land is required within rural settlement area boundaries (also known as Hamlets).

The Rural Land Needs Assessment has been restricted to municipalities where Rural Settlement Areas currently exist and are outside of the Greenbelt Plan Area. In other words, the analysis only considers the potential for additional Rural Settlement Area lands where supported by Provincial policies.

Table 13 provides a summary of housing and employment forecasts within both the Rural Area and the proportion to be directed to Rural Settlement Areas. Distribution of units and employment to Rural Settlement Areas is based on historic trends and policy direction within associated Local Official Plans.

Table 13: Rural Area and Rural Settlement Area Forecasts

Rural Area and Rural Settlement Area Forecasts: 2021 to 2051				
Municipality	Rural Area Housing Forecast	Rural Area Employment Forecast	% Rural Employment to Rural Settlement Areas	% Units to Rural Settlement Areas
Fort Erie	40	500	0%	10%
Port Colborne	10	550	100%	100%
Wainfleet	420	460	50%	60%
West Lincoln	40	570	100%	50%

Consultation is ongoing with local municipalities to determine the capacity of existing Rural Settlement Areas, vacant lands and NES mapping. The above Rural Land Needs Assessment may be refined as part of that consultation and included

with the new Niagara Official Plan. It will include a summary of need within Rural Settlement Areas.

Land Needs Assessment Results

This Land Needs Assessment provides a total amount of land required to support the Made-in-Niagara 2051 forecasts.

The Province requires the Region provide a cumulative need of Community Area and Employment Area assessments. **Niagara Region requires a cumulative need of 705 hectares of additional developable urban lands to support a minimum of 694,000 people and 274,000 jobs by 2051.**

Conclusion

This LNA Summary provides a revised draft assessment of how *Community Area* and *Employment Area* land need is calculated.

The *Growth Plan* requires that the Province approve the Region's final LNA. The Region has been consulting with the Province on the draft LNA and will continue to communicate until a final assessment is presented to Council as part of the Niagara Official Plan in 2022.

In preparing this document, careful consideration was given to input from the public, agency and local area municipalities, as outlined above. The Region will continue to consult and make minor refinements in preparing the final LNA as part of the new Official Plan. The next round of public consultation is planned for fall 2021.

Regional staff will seek endorsement in principle of these Forecasts. After that, substantive changes are not planned. However, refinements to the overall need, or distribution between municipalities, may be required. The overall land need should generally remain. This is to ensure consistent recommendations can be advanced for settlement boundaries changes and the Niagara 2051 servicing strategies.

Glossary of Terms

Community Area: Areas where most of the housing required to accommodate the forecasted population will be located, as well as most population-related jobs, most office jobs and some employment land employment jobs. Community areas include delineated built-up areas and designated greenfield areas (Provincial Land Needs Assessment Methodology).

Delineated Built-Up Area: The limits of the developed urban area as defined by the Minister in consultation with affected municipalities for the purpose of measuring the minimum intensification target in the Growth Plan (Growth Plan).

Designated Greenfield Area: Lands within *settlement areas* (not including *rural settlements*) but outside of *delineated built-up areas* that have been designated in an official plan for development and are required to accommodate forecasted growth to the horizon of this Plan. *Designated greenfield areas* do not include *excess lands* (Growth Plan).

Employment Area: Areas where most of the employment land employment jobs are (i.e. employment in industrial-type buildings), as well as some office jobs and some population-related jobs, particularly those providing services to the employment area. Employment areas may be located in both delineated built-up areas and designated greenfield areas (Provincial Land Needs Assessment Methodology).

Employment Land Employment: all employment in urban industrial-type employment areas, excluding major office. As well, large retail concentrations and major institutions that lie within employment areas are excluded from the Employment Land Employment category (2020 Growth Plan).

Excess lands: Vacant, unbuilt but developable lands within settlement areas but outside of delineated built-up areas that have been designated in an official plan for development but are in excess of what is needed to accommodate forecasted growth to the horizon of this Plan (Growth Plan).

Headship Rate: The headship rate is defined as the ratio of the number of household heads or household maintainers to the population 15 years of age and older (Government of Canada).

Intensification: The development of a property, site or area at a higher density than currently exists through:

- a. *redevelopment*, including the reuse of *brownfield sites*;
- b. the development of vacant and/or underutilized lots within previously developed areas;
- c. infill development; and
- d. the expansion or conversion of existing buildings (PPS, 2020).

Major Office: Freestanding office buildings of approximately 4,000 square metres of floor space or greater, or with approximately 200 jobs or more (Growth Plan).

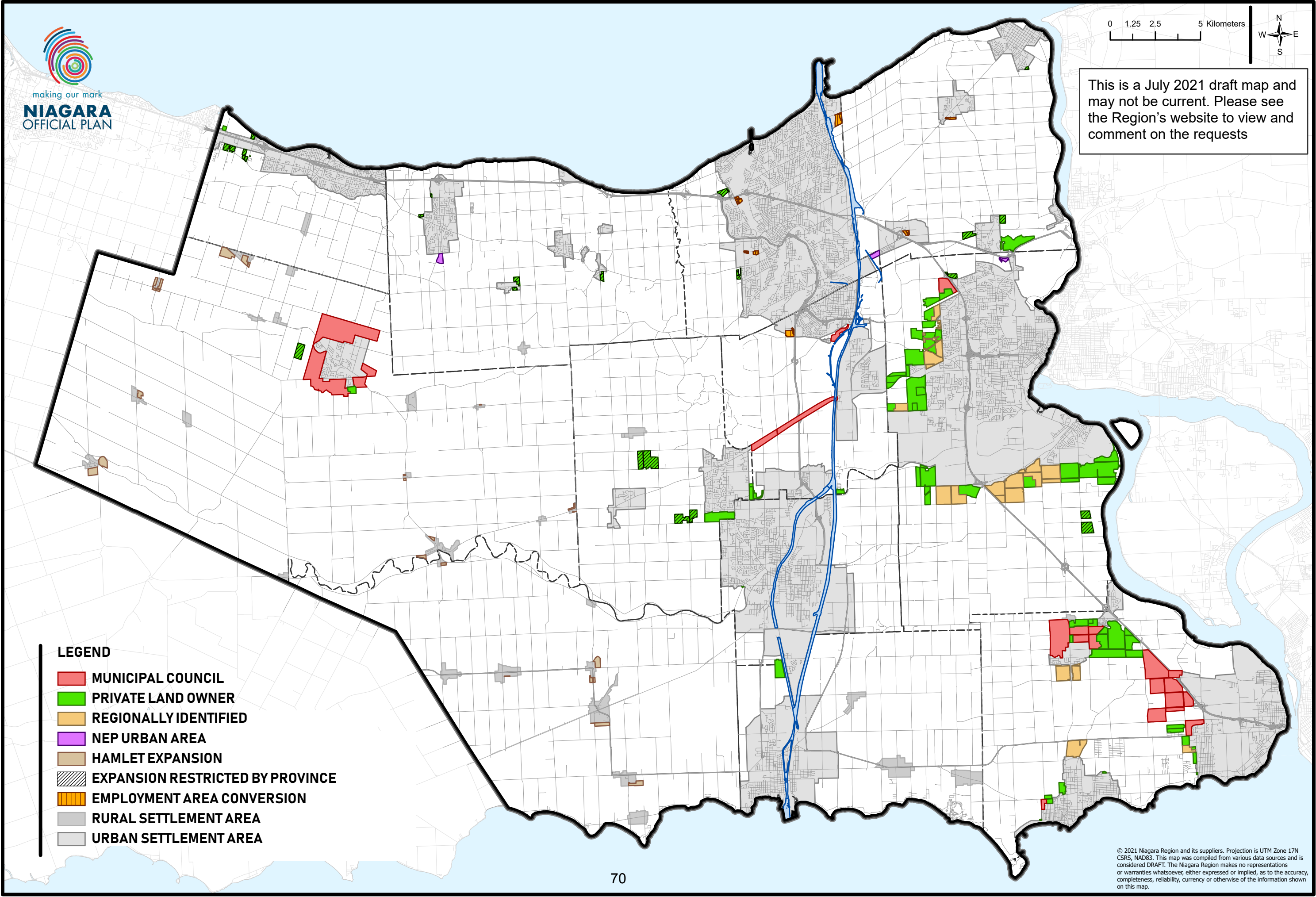
Population-Related Employment: Population-Related Employment is all employment within urban community areas, except major office, and is mainly commercial retail, institutional and urban work at home employment. Major concentrations of retail or large institutions excluded from Employment Land Employment are also part of Population-Related Employment (2051 Growth Update).

Rural Area: Rural Area, for the purposes of the Land Needs Assessment, refers to all lands outside of urban Settlement Area Boundaries. The Rural Area includes Rural Settlements, Prime Agricultural Lands and Rural Lands.

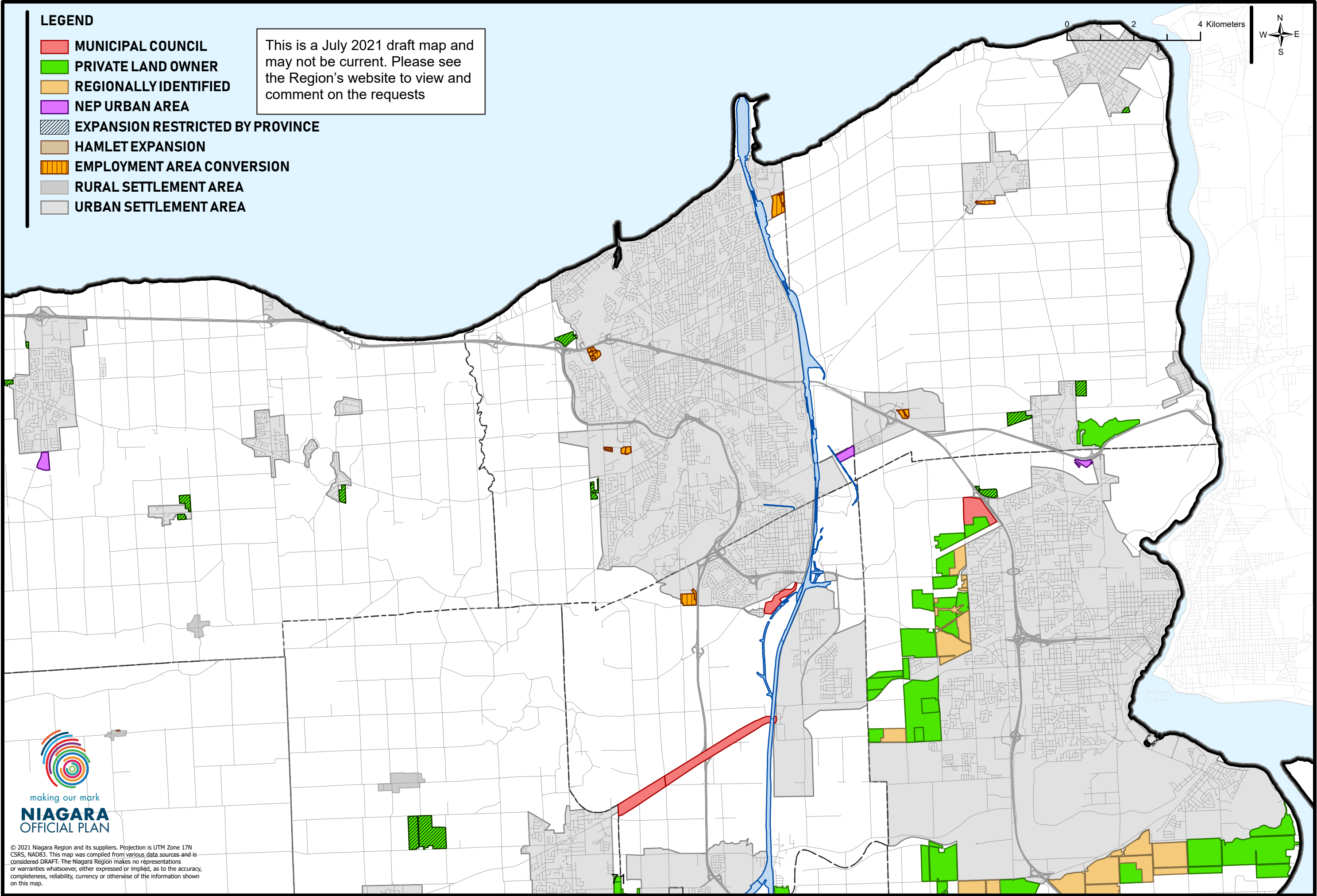
Rural Employment: all employment occurring within the rural geography with the few exceptions for major industrial uses or larger rural industrial areas. Work at home employment is typically a substantial proportion of the rural employment base (Hemson Consulting, Niagara Region Municipal Comprehensive Review – Growth Allocation Update to 2051).

SETTLEMENT AREA BOUDNARY REVIEW REQUESTS

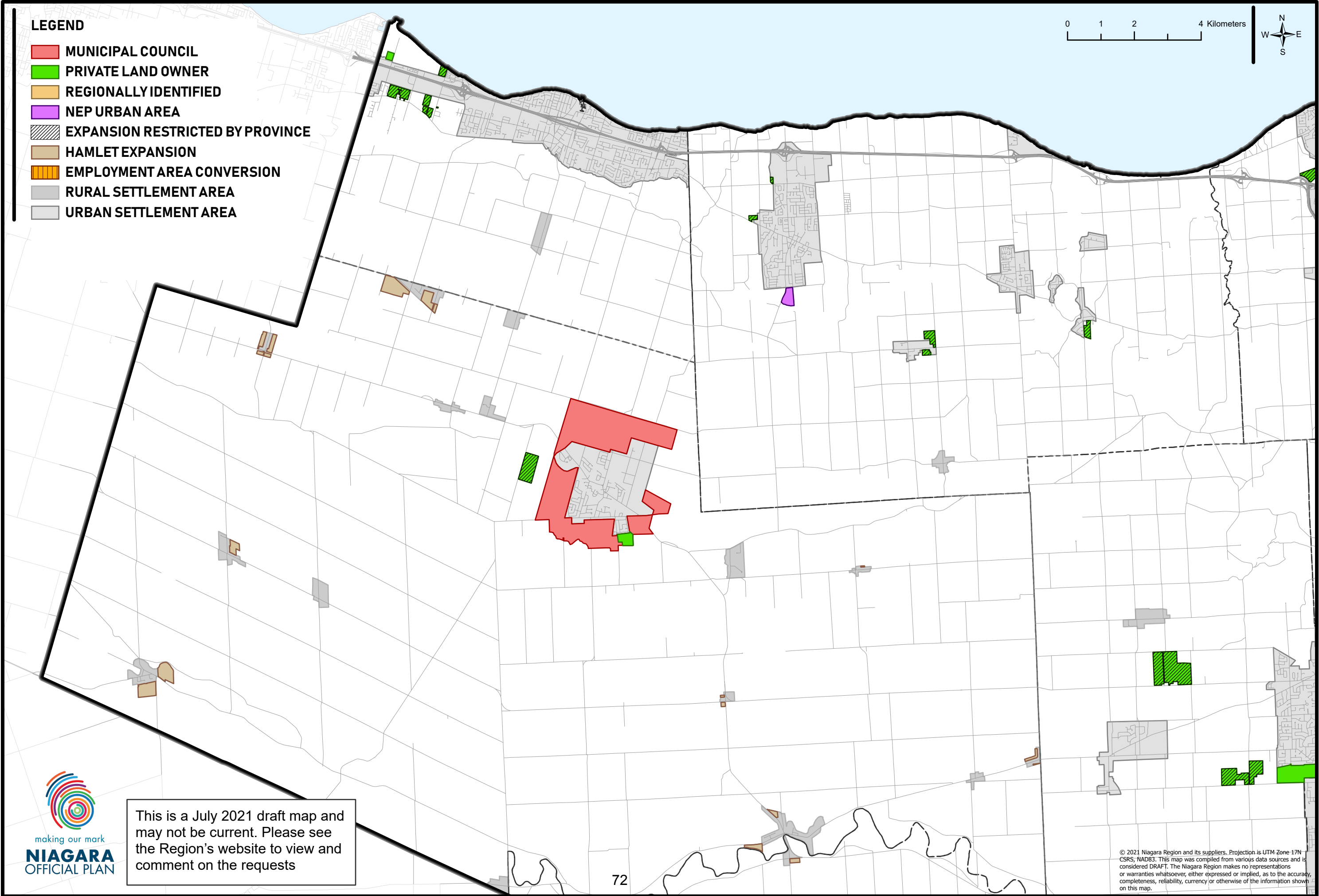
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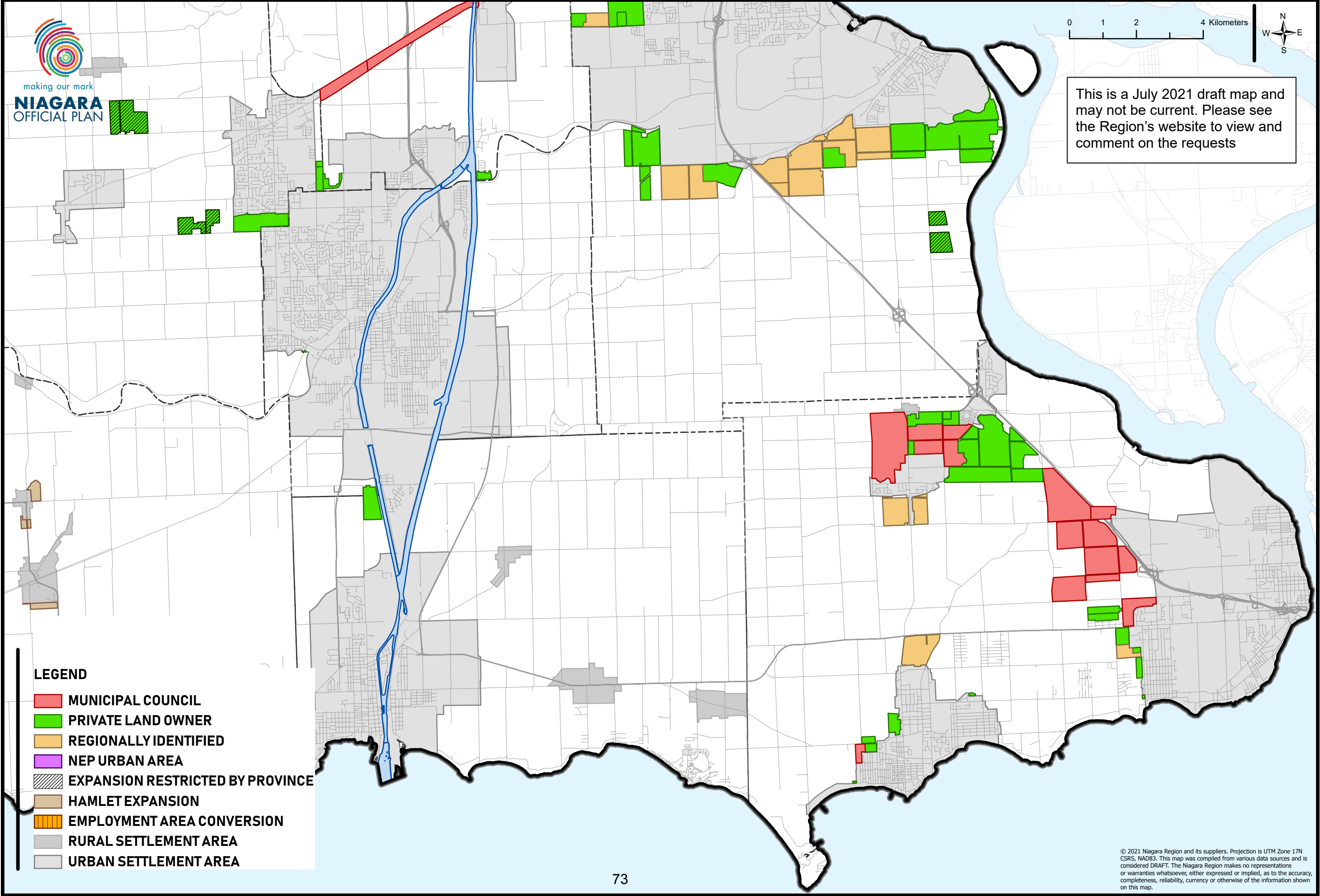
SETTLEMENT AREA BOUDNARY REVIEW REQUESTS



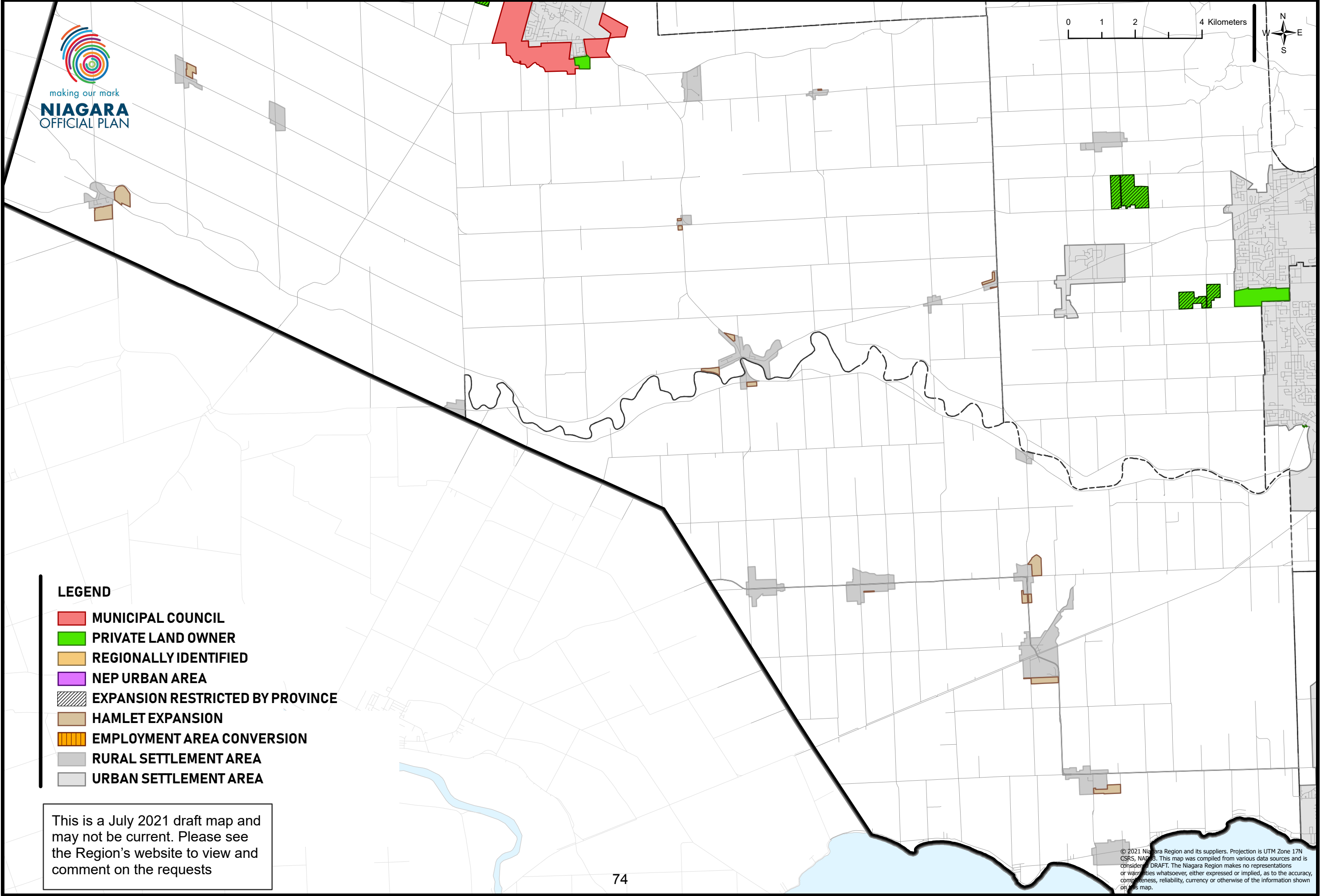
SETTLEMENT AREA BOUDNARY REVIEW REQUESTS



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Appendix 3: Summary of Comments Received Relating to Land Needs Assessment and Settlement Area Boundary Review

Below is a summary of written comments received on PDS 17-2021 between May 2021 and July 15, 2021, related specifically to the Land Needs Assessment, Settlement Area Boundary Review, and employment conversions. Comments received verbally through municipal meetings and Public Information Centres are not summarized below.

Detailed comments are available at the Region's website: [Niagara Official Plan](https://www.niagararegion.ca/official-plan/) <https://www.niagararegion.ca/official-plan/>

Commenter	Comment Summary	Regional Response	Action Taken
Town of Pelham	Town staff support 2051 population and Employment forecasts, as well as Town's intensification rate. This was endorsed by Pelham Council (Report #2021-0108).	Staff acknowledge the Town's support of the Region's work to date on the forecasts.	Region Planning staff will continue to consult with Pelham staff on the LNA and related processes.
Town of Pelham	Town staff support draft Community Area land need of 40 ha. This was endorsed by Pelham Council (Report #2021-0108).	Staff agree with Pelham comments on minor expansion need.	Region Planning staff will continue to consult with Pelham staff on minor expansion need through its SABR process.
Town of Pelham	Town staff have identified locations for potential expansion through property owner requests and have provided their assessment of those which are practical for consideration and those which are not, having regard for provincial policies relating to expansion.	Comments received.	Region Planning staff will continue to consult with Pelham staff on minor expansion need through its SABR process.

Commenter	Comment Summary	Regional Response	Action Taken
City of Niagara Falls	City staff support the 2051 population target of 141,560 people and housing growth of 20,220 units for the 2021 to 2051 period.	Staff acknowledge the City's support of the Region's the work to date on the forecasts.	Region Planning staff will continue to consult with City staff on the LNA and related processes.
City of Niagara Falls	Niagara Falls staff request that the City intensification rate be changed from 50% to 60%, to reflect work undertaken on the City's Housing Needs and Supply Report. Corresponding changes are requested to the Region's Land Needs assessment materials.	<p>Niagara Region staff support the City's Housing work.</p> <p>The Region's Intensification Rates are based on the Land Needs Assessment Methodology released by the Province. The City's Housing work suggested increased intensification to address Housing needs, but did not include analysis of land needs, including market demand.</p>	<p>The Region will continue to work with the City to support the City's Housing work.</p> <p>The City is encouraged to apply a greater intensification rate, above the minimum identified in the Niagara Official Plan, through the City's future Official Plan conformity exercise. At this time, in the Region's Official Plan, we do not intend to change the City's intensification rate from 50% to 60%.</p>
City of Thorold	Identified excess lands through the Regions' LNA need to be addressed through tools and policies in the Region's Official Plan. At this time, those policies and tools have not yet been prepared. Development of these policies and tools should be done in conjunction with local Planning staff.	Work is ongoing on policies and tools to manage lands that are currently designated beyond the 2051 planning horizon.	Additional policies are forthcoming in Fall 2021 to address this comment. Region and Thorold staff will meet to collaboratively work on policies.

Commenter	Comment Summary	Regional Response	Action Taken
Town of Lincoln	Staff opine that Lincoln's population forecasts are low considering current development proposals and the planned higher densities in the Beamsville GO Station Area and Prudhommes area.	Based on a detailed review of the development proposals and servicing to 2051, more population is needed in Lincoln's built-up area.	Lincoln is assigned an additional 10,000 people to 2051, exclusively in the delineated built-up area. This results in an intensification rate of 90% and no additional need for Community Area lands to 2051.
Town of Lincoln	The Region allocated an additional 900 households to Lincoln's Designated Greenfield Area (DGA) over the next 30 years. Lincoln staff opine this figure is low, given the location of DGA in the Beamsville GO Station area planned for higher transit-oriented densities.	The DGA lands in the Beamsville GO Transit Station Area Secondary Plan Land Use Schedule are predominately Office Commercial and Transit Station Area. Thus, only 900 residential units are forecast. However, this unit forecast is a minimum target.	No action taken at this time. Minor refinements may be made to the housing unit mix prior to the completion of the Niagara Official Plan.
Town of Lincoln	Lincoln supports the Region's allocation of 0.5% growth to the Rural Area.	Staff acknowledge the Town's support of the Region's work.	None.
Town of Lincoln	Staff opine that a larger proportion of growth should be allocated to apartment unit types. This reflects recent applications, planned densities and land supply.	On further data review, Regional staff have adjusted the unit mix and included a greater share of apartment units. This is assigned exclusively within the built-up area.	Lincoln is assigned an additional 4,225 apartment units through the Made-in-Niagara Forecast.

Commenter	Comment Summary	Regional Response	Action Taken
Town of Lincoln	Town staff previously requested a number of technical amendments as part of the Provincial Plans Review and Municipal Comprehensive Review. The Town's suggested boundary amendments that were included in staff report PL 16-13 continue to be carried forward to the Region for consideration. Town staff request to be provided with draft mapping from the Region when it becomes available for comment.	Region staff acknowledge receipt of technical boundary adjustments, and will comment at a later time. Technical adjustments are not the same as boundary expansions – these are minor and intended to fix a technical matter.	Staff are working on technical boundary adjustments for reporting in Fall 2021.
Town of Fort Erie	Town Staff reviewed the Draft LNA and Draft Forecasting Polices and are generally satisfied with the proposed intensification rates, growth allocation numbers and land needs assessment. However the Town felt although close, more employment area was needed based on its consultant findings (Report PDS-54-2021).	Staff acknowledge Town's support of Region's work on the LNA and allocations. The revised Made-in-Niagara Forecast and updated LNA has more employment area in Fort Erie than the May Forecast and LNA.	Region Planning staff will continue to consult with Fort Erie staff on the LNA and related processes.
Town of Fort Erie	The Town, through the approved Urban Area Boundary Expansion Study, has forwarded expansion candidate sites to the Region for consideration.	Staff received the Town's reports on preferred expansions. These will be reviewed as part of the Region's SABR process.	Region Planning staff will continue to work with Fort Erie staff on the SABR expansion process.

Commenter	Comment Summary	Regional Response	Action Taken
Town of Fort Erie	The Town has the ability to legislatively advance 40 ha expansions outside of the MCR process. Addendum 2 of the Urban Area Boundary Expansion Study, identified sites and priorities for these expansions, should candidate sites not be considered by the Region.	Only the Region can expand boundaries. The Growth Plan has a policy that allow expansions for up to 40 Ha in advance of a municipal comprehensive review (i.e. new Official Plan), subject to specific requirements. The Region is not processing 40 Ha expansion requests at this time since it is not in advance of a municipal comprehensive review.	Comment received. No action taken.
City of Welland	Welland staff seek clarification on draft Regional Structure policy 2.2.5.6 as it relates to criteria development by the Region for expansions and local involvement.	This policy relates to criteria developed for the SABR review, which has been discussed at several meetings with local staff.	Regional staff are considering revisions to this policy to better reflect the draft SABR criteria.
City of Welland	City Staff inquired on the relationship between established neighbourhoods and declining population growth over the 30 year planning horizon.	Established neighbourhoods generally have an older demographic than new neighbourhoods; as a result, the average number of people per unit is expected to decline slightly from 2021- 2051.	No action taken.
City of Welland	City Staff inquired how additional dwelling units (sometimes called Secondary Suites) are captured in the forecast and suggested a higher forecast be provided for the City of Welland.	Through consultation with Welland staff after receipt of this comment, the Region and City agreed that 50 additional units per year for Secondary Suites was an achievable target.	Welland is assigned an additional 1,600 apartment units in the Made-in-Niagara Forecast. The majority of additional apartment units are anticipated to be Secondary Units.

Commenter	Comment Summary	Regional Response	Action Taken
City of Welland	City Staff note the population and housing forecast seems low for Welland. Planning applications and pre-consultations surpass some draft figures, especially for apartment units. These projects will commence within the next half decade or less.	Based on a detailed review of development proposals and servicing to 2051, more population is needed in Welland's built-up area.	In the updated Made-in-Niagara Forecast, Welland is assigned an additional 10,000 people to 2051, exclusively in the built-up area. This results in an intensification rate of 75% and no additional need for Community Area lands to 2051.
City of Welland	City Staff noted that Employment Area needs increased as Natural Heritage mapping is updated.	Refinements to the Natural Environment System (NES) have been on going since the May report. Since that time, the Region has protected more environmental lands in Employment Areas, including in Welland. This results in less developable Employment Area in Welland.	The revised LNA has a small need for additional Employment Area land in Welland. NES work, including consultation on it, is ongoing. Thus, the final land need may have minor adjustments prior to completion in the Official Plan.
City of Welland	Based on the methodology for determining developable land, including the removal or discount of Natural Heritage features, City Staff ask if the amount of developable land within existing Employment Areas will be impacted.	The Employment Area calculations for the LNA are based on developable land supply and remove natural heritage features and encumbered lands.	No action taken.

Commenter	Comment Summary	Regional Response	Action Taken
City of Welland	The City is currently having its own forecasts being created as part of our own Official Plan review. These forecasts will be included in the updated Official Plan document. The City will consider policies in its Zoning and OP where necessary that are in adherence to the requirements of Provincial Policy.	The Growth Plan identifies that the Region is responsible for allocating forecasts. Until the Region allocates forecasts, the forecasts that existed on August 28, 2020 remain in effect. Future forecasts established by Welland must conform to the Niagara Official Plan and Growth Plan.	None at this time.
Township of West Lincoln	West Lincoln supports the Regional growth allocations as provided to West Lincoln.	Staff acknowledge the Township's support of the Region's work to date on the forecasts.	None at this time.
Township of West Lincoln	Township staff provided report PD-077-21 which identifies a rural hamlet review work program to be completed in accordance with the Region's SABR Appendix 18.3.	Regional planning staff acknowledge the Township's work plan and are available to consult as needed.	Region will work with Town and consultant as needed during their study.
Niagara Escarpment Commission	NEC requests that it be consulted if any of the proposed urban designations in the Region's Official Plan are for properties within the NEP Area. The Region cannot approve urban amendments, unless the change in designation has first been approved by the Province.	Any boundaries changes related to the NEP area, including technical adjustments, will be discussed with the NEC and local planning staff.	Region has ongoing meetings with the NEC and will address this topic at future meetings.
Niagara Escarpment Commission	NEC would like to assist with mapping discrepancies; it has new digital maps for the NEC Area of Development Control starting July 1, 2021.	Comment received.	None at this time.

Commenter	Comment Summary	Regional Response	Action Taken
Public	Question about potential redevelopment and land use designation changes to the lands west of Garner Road, north of McLeod Road, and south of Lundy's Lane in Niagara Falls. Concerned about urban expansion areas in the vicinity of their rural residence.	This is to be considered as part of the Region's SABR process.	Planning staff communicated with commenter to outline SABR and reasons why the process is needed.
Public	Question about whether the Region has changed the land use designation of lands on the east side of Rice Road, in Pelham, from agricultural land to rural or urban? Contends that it should be re-designated due to Pelham's zoning, extension of services, and dormant agricultural fields.	This area is under consideration for possible expansion.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
Public	Will 1538 RR20 will be brought into Bismark Hamlet in West Lincoln? Region should review hamlet boundaries to capture all of the R1A zone.	Staff are reviewing request to determine if request is an expansion or technical adjustment. The change requested will not add building lots in hamlet.	Staff communicated with requestor to outline process and provide location for materials.

Commenter	Comment Summary	Regional Response	Action Taken
Preservation of Agricultural Land Society (PALS)	PALS regards the use of a higher population projection by Niagara than that provided by the province as subversive of good land use planning across Ontario. Comments with respect to rejecting provincial population projections.	<p>The Region must plan for the population forecasted in the Growth Plan, as a minimum.</p> <p>Decision of Regional Council must conform to the Growth Plan.</p> <p>In developing forecasts, Staff consider all planning matters, including climate change, the natural environment system, and core housing needs/affordability. The Made-in-Niagara Forecasts best address these matters.</p>	Staff recommend proceeding with the Made-in-Niagara Forecasts for the reasons identified here and in the covering report.

Commenter	Comment Summary	Regional Response	Action Taken
Preservation of Agricultural Land Society (PALS)	Understands that a 460 hectare urban expansion for residential needs has been determined. Comments that this figure hasn't been defended and logically explained. Inquires about how this can be subject to change and why there is need for expansion of employment lands, with no precise figure provided. This does appear to eliminate the notion that residential needs can be accommodated through re-designating employment lands.	<p>A detailed May 2021 Draft Land Needs Assessment (LNA) is provided in Appendix 3.2 of PDS 17-2021. An updated version of the LNA is attached to this report as Appendix 1. This LNA was developed in conformity to the Provincial Land Needs Assessment Methodology, which identifies the specific components, inputs and assumptions required.</p> <p>Employment Areas are a component of the LNA. The additional Community Area land cannot be supported through re-designating employment lands. A reduction in existing Employment Areas to support Community Area development would create a greater need for Employment Area.</p>	Staff recommend proceeding with the Made-in-Niagara Forecasts for the reasons identified here and in the covering report.
Preservation of Agricultural Land Society (PALS)	Supportive of urban boundary expansion in Welland as it has been carefully planned for 10 years, has a linked natural heritage system, and can be logically serviced by transit. PALS not supportive of urban boundary expansions in Fort Erie and West Lincoln, for reasons of lack of transit support and loss of agricultural land, natural heritage and water resource features.	Comment received.	Expansions remain under consideration as part of SABR process.

Commenter	Comment Summary	Regional Response	Action Taken
Timberlee Glen Development Ltd. (IBI Group)	IBI Group representing Timberlee Glen Development Ltd., respecting lands in the Port Weller East area of St. Catharines, south of Lakeshore Road, between Read Rd and the Welland Canal, outlines reasons for making these lands a mixed-use area. These lands are currently employment and comprise approximately 18.4ha.	This matter is the subject of an OLT appeal relating to St. Catharines OPA 26. At this time, the Region does not agree to change the designation on these lands from employment area.	Employment Area conversions remain under consideration as part of the SABR process, for reporting in Fall 2021.
Marco Marchionda (Marcasa Homes Inc.)	Submission made in respect of lands on the north side of Regional Road No. 81 in the area of Cline Rd. comprised of approximately 2.4 ha. in Grimsby. How does the ROP identify the lands between Casablanca and Kelson Ave? Question about the potential for a MCR in Grimsby rather than NOTL given available infrastructure for development.	Area identified is within Greenbelt and currently prohibited from being considered for expansion. Lands would need to be removed from the Greenbelt through Provincial process prior to consideration for expansion.	Regional staff have advised commenter of Provincial prohibition for expansion.
Owner (Antrix Architects Inc.)	Request to include south side Forkes Street (25 acres south-west of Forks Rd and Elm St) that spans both Welland and Port Colborne municipal boundaries, be brought into Urban Area. Total lands comprise approximately 45.2 ha.	This area is under consideration for possible expansion.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.

Commenter	Comment Summary	Regional Response	Action Taken
Hummel Properties (urbanMetrics inc.)	<p>Submitted in respect of lands located at 1287, 1301 and 1313 Niagara Stone Road (6.7 ha.) on the southern boundary of Virgil, and 308 Four Mile Creek Road (0.2 ha.) in St. Davids.</p> <p>Commented on the share of household growth allocated to Niagara-on-the-Lake and suggested a higher rate of 6.8% be used rather than 5%.</p>	<p>Allocations of household growth have been evolving since initial scenarios were established in 2016. In 2019, Town staff suggested, and the Region agreed, the housing share be lowered to 5% as the developments in Old Town, Virgil and St. David's were being built-out.</p>	<p>No action at this time.</p>
Hummel Properties (urbanMetrics inc.)	<p>Submitted in respect of lands located at 1287, 1301 and 1313 Niagara Stone Road (6.7 ha.) on the southern boundary of Virgil, and 308 Four Mile Creek Road (0.2 ha.) in St. Davids.</p> <p>urbanMetrics suggests consideration be given to seasonal dwellings and how they will impact the LNA.</p>	<p>Niagara has a considerable supply of housing units that are not occupied by a usual resident – this includes both seasonal dwellings and student housing. Additional consideration could be considered for how these units drive housing need.</p>	<p>Consideration for units not occupied by usual residents (seasonal and student dwellings) are under further consideration for possible minor adjustment in final LNA included with Official Plan.</p>
Hummel Properties (urbanMetrics inc.)	<p>Submitted in respect of lands located at 1287, 1301 and 1313 Niagara Stone Road (6.7 ha.) on the southern boundary of Virgil, and 308 Four Mile Creek Road (0.2 ha.) in St. Davids.</p> <p>urbanMetrics requests conversion of lands from employment to non-employment use in Niagara-on-the-Lake, based on specific comments included in their submission.</p>	<p>Comments received.</p>	<p>Employment Area conversions remain under consideration as part of the SABR process, for reporting in Fall 2021.</p>
502 Winston Road Inc. (IBI Group)	<p>Request for consideration of an urban boundary expansion - Lands at 502 Winston Rd. in Grimsby comprised of approximately 5.8 ha.</p>	<p>Area identified is within Greenbelt. Provincial policy prohibits the Region from expansion in the Greenbelt, unless lands are removed from it.</p>	<p>Regional Planning staff have advised agent of the Provincial Plan prohibition.</p>

Commenter	Comment Summary	Regional Response	Action Taken
Iron Horse Stables (Niagara) Inc. (JV Consulting)	Request for consideration of an urban boundary expansion - Iron Horse Stables (Niagara) Inc. adjacent to existing settlement area boundary in Chippawa. 95 ha in size and bound by Sodom Road (west) and Willoughby Drive (east)- Niagara Falls	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
(1) Niagara Falls Park Inc. (2) Niagara Estates of Chippawa (3) Lyons Creek Niagara Falls (Trans Global Partners Canada)	Request for urban boundary expansion in 3 separate locations in Niagara Falls – (1) 5021 Gardner Rd (81.2 ha.), (2) east side Sodom Rd between Willick Rd and Weaver Rd (36.9 ha.) and (3) northeast corner of Stanley and Logan Rd (36.6 ha.)	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
Owners (Weston Consulting)	Request for urban boundary expansion at 9941 Lundy's Lane in Niagara Falls being approximately 24.5 ha.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
Rankin Engineering Inc. (MHBC Planning)	Request for Employment Area Conversion for lands in the STC-2 Hannover Employment Area for non-employment use. Lands are identified as 218, 222, 250 Martindale Road; 20, 25, 75 Corporate Park Drive and comprise approximately 10 ha. in St. Catharines.	This site was recently addressed through St. Catharines OPA 26. At this time, the Region does not agree to change the designation on these lands from employment area.	Employment Area conversions remain under consideration as part of the SABR process, for reporting in Fall 2021.

Commenter	Comment Summary	Regional Response	Action Taken
Grand Niagara (The Planning Partnership)	Grand Niagara request for urban boundary expansion in Niagara Falls being approximately 138 ha. west of the existing Grand Niagara golf course lands.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
River Realty, Club Italia, Redeemer Bible Church (Niagara Planning Group)	Request for urban boundary expansion of approximately 40 ha. in Northwest Niagara Falls between the QEW and Montrose, south of Niagara Sports Centre Limited lands (Regency Motel).	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
Anthony Romano, Andrew Zhongan, and Young Hong (Niagara Planning Group)	Request for urban boundary expansion – northeast Corner of Lundy's Lane and Beechwood in Niagara Falls and comprising approximately 12.9 ha.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
Niagara Sports Centre Limited (Douglas, Morningstar & Bonin LLP)	Letter of support for Niagara Sports Centre Limited and Ralph Biamonte for expansion of the northwest quadrant in Niagara Falls to include lands of approximately 64.8 ha.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
Grand Niagara Legends Estate Inc. (MHBC Planning)	Grand Niagara Legends Estate Inc. request for urban boundary expansion of lands on the north side of Weaver Rd, east of Willoughby Drive, and south of Legend's way in Niagara Falls. Total area requested expansion is approximately 206 ha.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.

Commenter	Comment Summary	Regional Response	Action Taken
Owner G. Douglas Vallee Limited	Request for urban boundary expansion at 949 Clare Ave in Pelham are comprised of approximately 4.1 ha.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
Owner G. Douglas Vallee Limited	Water and waste water calculations for 949 Clare Ave potential expansion in Pelham.	Comments received.	None at this time.
Kaneff Properties Limited (MHBC Planning)	Request for urban boundary expansion at 590 Glendale Avenue in St. Catharines being a portion of the site and totaling approximately 17 ha.	Lands currently awaiting decision from NEC on designation.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
Prca Global Enterprises Inc. (The Planning Partnership)	Request for both an employment area conversion and settlement area expansion involving lands totaling approximately 16.3 ha. - Price Global Enterprises Inc. at 38 Merritville Inc. and Schmon Parkway.	Comments received.	Expansion and employment conversions are under consideration as part of SABR process, for reporting in Fall 2021.
P. Coletto & Mr. D. Bartels (T. Johns Consulting Group)	Rural settlement area boundary expansion request - 8250 Mud Street West and 3498 Grassie Rd, West Lincoln totaling approximately 31 ha.	Comments received.	Rural expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
Owner	Consultant for 5415 Hwy 20 West Lincoln inquiring about the property and potential expansion of the Bismark Hamlet Boundary. Inquires about studies/reports required and the overall process for the expansion.	Planning staff responded to inquiry to provide information relating to rural settlement area expansion criteria.	Rural expansion consideration is under review as part of SABR process, for reporting in Fall 2021.

Commenter	Comment Summary	Regional Response	Action Taken
P. Coletto & Mr. D. Bartels T. Johns Consulting Group	Preliminary letter expressing rural settlement area boundary expansion request - 8250 Mud Street West and 3498 Grassie Rd, being totaling approximately 31 ha. in West Lincoln	Comments received.	Rural expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
Andre Leblanc (IBI Group)	Rural Settlement area boundary expansion request in the Caistorville Hamlet - Part Lot 20, Concession 1, West Lincoln. Request area is approximately 7.1 ha.	Comments received.	Rural expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
Stuart Wright (Quartek)	Request for urban boundary expansion- 1555 Nigh Road- Lands West of Buffalo Rd to Rosehill Rd- Town of Fort Erie. Site totals approximately 10.7 ha.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
Marz Homes (A.J. Clarke and Associates Ltd.)	Engineering Feasibility Report for expansion at Schooley Rd and Michener Rd in Fort Erie totaling approximately 8.3 ha.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
Marz Homes (A.J. Clarke and Associates Ltd.)	Planning Rationale Report for expansion at Schooley Rd and Michener Rd in Fort Erie totaling approximately 8.3 ha.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
Marina (Green Acres) Developments Inc. (Niagara Planning Group)	Request for settlement area boundary expansion for lands on the south side of Bertie Street, east of the Fort Erie Golf club and comprised of approximately 10.2 ha. in Fort Erie.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.

Commenter	Comment Summary	Regional Response	Action Taken
Jukic Group Inc. (Bousfields Inc.)	Request for urban boundary expansion for 'Black Creek Commons' by Jukic Group Inc. in Fort Erie. Materials provided include planning rationale, concept master plan, and responses to MCR criteria. Total of lands is approximately 371 ha. between Stevensville and Douglastown.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
Owners (LANDx Developments Ltd.)	Request of for technical mapping adjustment for 100 Dock Road in Thorold.	Comments received.	Staff are working on technical boundary adjustments, for reporting in Fall 2021.
LJM Developments (Niagara Planning Group)	Request for urban boundary expansion for Pt Lot 154 Garner Rd on the west side of Garner between Lundy's Lane and McLeod Road in Niagara Falls, comprised of approximately 24.1 ha.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.

Subject: Regional Response – Proposed Land Use Compatibility Guideline

Report to: Planning and Economic Development Committee

Report date: Wednesday, August 11, 2021

Recommendations

1. That Report PDS 34-2021 **BE RECEIVED** for information;
2. That staff **BE DIRECTED** to continue to provide detailed comments on the Ministry of the Environment, Conservation and Parks' proposed Land Use Compatibility Guideline (ERO #019-2785), and any associated matters, as warranted; and
3. That Report PDS 34-2021 **BE CIRCULATED** to local area municipal Planning Directors.

Key Facts

- This report provides an overview of the proposed Land Use Compatibility Guideline ("Guideline").
- On May 4, 2021, the Ministry of the Environment, Conservation and Parks ("MECP") released the draft Land Use Compatibility Guideline and set July 3, 2021 as the consultation deadline.
- On July 2, 2021, the MECP extended the consultation deadline until August 6, 2021.
- Staff prepared comments on the proposed Land Use Compatibility Guideline for submission to the Environmental Registry of Ontario ("ERO"). A copy is attached as Appendix 1.

Financial Considerations

There are no financial considerations directly linked to this report.

The proposed Land Use Compatibility Guideline may have a financial impact on the proponents of development within the Region. The proposed Minimum Separation Distances and Areas of Influence may result in an increase in the quantity of compatibility studies, and demonstration of need, required to support *Planning Act* applications.

Analysis

The Province's Proposed Land Use Compatibility Guideline

The proposed Land Use Compatibility Guideline is intended to replace components of the existing MECP D-Series Guidelines (Environmental Land Use Planning Guides), which were first introduced in the 1990s.

The Province developed the Land Use Compatibility Guideline to assist land use planning authorities and proponents of development in planning for land use compatibility that protects the long-term viability of major facilities while avoiding, or if avoidance is not possible, minimizing and mitigating adverse effects to the surrounding community.

The Guideline is to be applied to achieve and maintain land use compatibility between major facilities and sensitive land uses when a planning approval under the *Planning Act* is needed in the following circumstances:

- A new or expanding sensitive land use is proposed near an existing or planned major facility; or
- A new or expanding major facility is proposed near an existing or planned sensitive land use.

The proposed Land Use Compatibility Guideline will be implemented through PPS Policy 1.2.6.1, which states, “*major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects...in accordance with provincial guidelines, standards and procedures.*” The PPS has also aimed to protect and preserve employment areas for current and future uses, and provide long-term operational economic viability of the uses and functions of these areas. The current policies are found in Section 1.3.2 of the 2020 PPS, and note that “*employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses.*”

The proposed Land Use Compatibility Guideline is to be applied when an approval under the *Planning Act* is needed. The Guideline applies in situations where the land

use is not changing, but the nature and/or intensity of the land use is, and an application under the *Planning Act* is required (e.g., difference in building height). It is also applicable in situations where there is a new use proposed for an existing building and an application under the *Planning Act* is required (e.g., residential use proposed in previous commercial building).

Through the Municipal Comprehensive Review (“MCR”) Niagara Official Plan Review, Regional staff will be updating the current Regional Official Plan to be consistent with and conform to the 2020 PPS and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”; 2019) with regard to land use compatibility. The Region will look to the MECP guidance for ways to address land use compatibility and leverage the available tools under the *Planning Act* when refining Regional policies.

Key Changes

The proposed Land Use Compatibility Guideline provides a policy basis approach to land use compatibility, which is represented by a decision-making hierarchy to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects between incompatible uses. The following discussion presents some of the key changes proposed in the Land Use Compatibility Guideline.

Specified Major Facilities, Classes of Major Facilities & Characteristics

The proposed Land Use Compatibility Guideline assigns specific Area of Influences (AOIs) and Minimum Separation Distances (MSDs) to certain types of major facilities. The facility-specific AOIs and MSDs provide for more clarity in the planning process and consistent implementation across planning authorities.

The AOI is the area surrounding the property boundary of an existing or planned major facility where adverse effects on surrounding sensitive land uses have a moderate likelihood of occurring. Within AOIs, compatibility studies are required for proponents of proposed major facilities or proposed sensitive land uses as part of the supporting documentation for a planning application.

The MSD is a recommended minimum distance from a major facility within which adverse effects to a sensitive land use are highly likely to occur. Planning authorities should not allow sensitive land uses within the MSD. Where a sensitive land use is proposed within the MSD, a demonstration of need is required.

Introduction of Five (5) Industrial Class Facilities

The Guideline introduces five (5) industrial facility classifications, in comparison to the existing three (3) industrial facility classifications in the current D-Series Guidelines. Descriptions of major facilities at each class are provided below:

- Class 1: Operations with known smaller adverse effects.
- Class 2: Operations with moderate adverse effects. May include some outdoor operations.
- Class 3: Operations with moderate to significant adverse effects that may be difficult to mitigate. May include larger outdoor operations.
- Class 4: Operations with significant adverse effects that may be difficult to mitigate. May include larger outdoor operations.
- Class 5: Operations with the most significant adverse effects that may be difficult to mitigate. May include larger outdoor operations.

Additional characteristics to classify major facilities are provided in Table 3 of the proposed Guideline. It is noted that Table 3 does not provide specific characteristics for all five classifications, and represents a scaled approach to classify major facilities.

Increased Area of Influence and Minimum Separation Distance

The proposed Guideline presents increased distances for the AOI and MSD for each industrial facility classification. The AOI and MSD is typically measured as the actual distance between the property line of a sensitive land use and the property line of a major facility. The planning authority may allow measurement of the AOI or MSD from the major facility's building or equipment that is the actual source of adverse effects, as opposed to the property line. This method does not take into account any future expansions or future outdoor works, and should only be applied if the planning authority and major facility are agreeable and if future expansions to the major facility are not expected.

The below table (Table 1) demonstrates the increased distances for MSD and AOI, and compares the existing distances in the D-6 Guideline (Compatibility between Industrial Facilities) and the proposed Land Use Compatibility Guideline. As provided in the Land Use Compatibility Guideline, sensitive land uses should not be located within the MSD.

Table 1 – Current and Proposed Minimum Separation Distances

Major Facility Classification	Current Minimum Separation Distance (D-6 Guideline)	Proposed Minimum Separation Distance (Land Use Compatibility Guideline)	Increase
Class 1	20 metres	200 metres	180 metres
Class 2	70 metres	300 metres	230 metres
Class 3	300 metres	500 metres	200 metres
Class 4	N/A	500 metres	N/A
Class 5	N/A	500 metres	N/A

Table 2 – Current and Proposed Areas of Influence

Major Facility Classification	Current Area of Influence (D-6 Guideline)	Proposed Area of Influence (Land Use Compatibility Guideline)	Increase
Class 1	70 metres	500 metres	430 metres
Class 2	300 metres	750 metres	450 metres
Class 3	1,000 metres	1,000 metres	0 metres
Class 4	N/A	1,500 metres	N/A
Class 5	N/A	2,000 metres	N/A

Land Use Compatibility Studies, Demonstration of Need

If a land use proposal would place a new or expanding sensitive land use within a major facility's AOI, or a new or expanding major facility would capture sensitive land uses

within its AOI, a compatibility study will be required. If a new or expanding sensitive land use is proposed within a major facility's MSD or a new or expanding major facility would result in sensitive land uses within its MSD, compatibility studies and mitigation measures to address potential adverse effects on sensitive land uses and potential impacts to major facilities will be required. A demonstration of need will also be required if the proposed land use is a sensitive land use within the MSD of an existing or planned major facility.

The requirement for a demonstration of need is a new requirement of the proposed Land Use Compatibility Guideline.

Implementation through Official Plan Provisions

The proposed Guideline contains direction for planning authorities to address land use compatibility through official plan policies and procedures, planning tools and proponent-driven planning applications. The Guideline notes that the Official Plan should be the first mechanism used to implement compatibility policies, and recommends the incorporation of AOIs and MSDs and their related policies. The Guideline also recommends that Official Plans make specific reference to provincial guidelines, standards and procedures for land use compatibility. It is recommended that Official Plans include compatibility studies as part of a complete application when development is proposed within an AOI; and specifically requiring a demonstration of need as part of a proposal for a sensitive land use when mitigation measures are required for the development within an AOI and when the development is proposed within the MSD. The Guideline notes that, in two-tier municipalities (upper-tier and lower-tier), both levels need to have policies supporting early consideration of land use compatibility. Official Plans should identify or designate areas with existing or planned major facilities and identify associated AOIs and MSDs for these facilities; this can be demonstrated on a land use schedule, possibly as an overlay.

Identified Implications and Concerns

Regional staff have noted a number of recommendations, and items of concern or implication to anticipated and proposed development, in response to the proposed Land Use Compatibility Guideline. While more information on these items is detailed in Appendix 1, a list of the items has been provided below.

1. **Change from a Guideline to Official Plan Policy Directive:** resulting in potential impacts to the Region's MCR submission, and inflexibility in mapping (to demonstrate the AOI and MSD) as recommended in the Guideline.

2. **Municipal Comprehensive Review Timeline:** the Guideline requires planning authorities to identify, evaluate and develop alternate AOIs as part of the MCR, which may impede the Region in meeting the Provincial conformity deadline.
3. **Industrial Classification Language:** the Guideline utilizes subjective language such as “moderate” and “significant” to classify major uses. These terms are open to interpretation, and staff has concerns with consistent application and opinion on major facility classifications.
4. **Classification and Characteristics of Major Facilities:** the Tables provided in the proposed Guideline does not provide for clear reading or understanding of the characteristics of major facilities. Recommended that the Province consider utilizing the North American Industry Classification System (NAICS) to support major facility classification.
5. **Significant Increase in the MSDs and AOIs:** the increases in AOI and MSD may impact a number of strategic growth areas in the Region, including Major Transit Station Areas and development undergoing the approval process.
6. **Demonstration of Need:** the Guideline introduces that a demonstration of need is required, generally, when sensitive land uses are proposed within the MSD of a major facility. The Guideline does not outline who is qualified to prepare an MSD or criteria to evaluate the assessment.
7. **Transition Clauses:** the Guideline does not include a transition or sunset clause that recognizes existing and planned sensitive land uses prior to the implementation date. Staff has concerns regarding the implementation of the Guideline, upon finalization by the Province, and the ways in which this may impact ongoing, long-term, development proposals.
8. **Distances Measured from Property Boundary:** the Guideline requires that distances for MSD and AOI are measured from the property line or the building envelope of the major facility, and has eliminated the ability to measure these distances from site-specific zoning. The Province is encouraged to re-consider permissions to measure setbacks from site-specific zones.
9. **Applicability to Agriculture-Related and On-Farm Diversified Uses:** the Guideline notes that its provisions do not apply to agricultural operations; Regional staff wish to clarify whether agricultural operations include agriculture-related and/or on-farm diversified uses, which may be industrial in nature.
10. **Application to Cannabis Production Facilities:** the Guideline classifies cannabis production facilities within the settlement area boundary (i.e. urban

area) as a Class 5 industrial use, with significant AOI and MSD. Given that the Guideline does not apply to agricultural operations, which can include cannabis production facilities, staff are concerned that this classification creates two sets of rules for the same use.

11. **Consultation with Industry:** the Guideline places significant importance on engagement from and with major facilities; staff are supportive of this direction and recommend that the Guideline clearly outline the benefits of early and continued engagement to both proponents of new or expanding sensitive land uses and new or expanding major facilities.
12. **Transitional Uses:** the Guideline recommends that commercial or office uses be applied as transitional uses between major facilities and sensitive land uses. Staff are concerned that the implementation of commercial or office spaces as transitional uses will impact the ability of the Region and local area municipalities to achieve complete communities.
13. **NPC-300 Class 4 Designation and Land Use Compatibility Guideline:** Regional staff are concerned that the proposed significant increase in the MSD and AOI will result in increased requests of the planning authority to consider the application of Class 4 designation, per NPC-300. Staff are of the opinion that the proposed Land Use Compatibility Guideline could benefit from additional clarification regarding NPC-300 and the proposed provisions, as it is anticipated that many proponents will request the implementation of a Class 4 designation.

Alternatives Reviewed

The purpose of this report is to provide a summary of the proposed Land Use Compatibility Guideline as well as provide the Staff comments that were submitted to the Province on July 2, 2021.

Relationship to Council Strategic Priorities

Businesses and Economic Growth

The proposed Land Use Compatibility Guideline will impact the way in which Niagara Region conducts its planning function, to promote and improve interactions with proponents of major facilities early on in the planning approvals process.

Healthy and Vibrant Community

The intent of the proposed Land Use Compatibility Guideline is to ensure suitable setbacks between major facilities and sensitive land uses to ensure that compatibility is achieved. With compatibility being achieved, planning in Niagara can continue to result in the development of healthy and vibrant communities.

Other Pertinent Reports

N/A

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This report was reviewed by Diana Morreale, MCIP, RPP, Director of Development Approvals.

Appendices

Appendix 1	Niagara Region's submission: Proposed Land Use Compatibility Guideline (ERO 019-2785)
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Delivered electronically

Subject: Niagara Comments: Proposed Land Use Compatibility Guideline (ERO 019-2785)

Date: July 2, 2021

To: Sanjay Coelho

Senior Policy Analyst, Ministry of the Environment, Conservation and Parks – Environmental Policy Branch

From: Doug Giles

Acting Commissioner of Planning and Development Services, Niagara Region

Thank you for the opportunity to comment on the proposed Land Use Compatibility Guideline (the “Guideline”).

Please accept this submission in response to Environmental Registry of Ontario (ERO) posting #019-2785, on behalf of the Acting Commissioner of Planning and Development Services of the Regional Municipality of Niagara (the “Region”).

This submission contains three parts:

- 1) This cover letter highlighting the background of the proposed Land Use Compatibility Guideline, and the Region’s key areas of interest.
- 2) A table containing the Region’s policy-specific comments and recommendations.
- 3) Case study examples, which demonstrate the impacts in the Niagara Region of increasing the areas of influence and minimum separation distances in proposed employment areas.

Regional Comments

Niagara Region supports many of the proposed changes to address land use compatibility, as presented in the Guideline. For instance, the Region supports:

- The additional clarification provided regarding when the contents of the Guideline are to be applied in the planning approvals process.
- The introduction of graphics throughout to demonstrate process and application of the Guideline.

- In principle, the introduction and implementation of Table 1 (Area of influence and minimum separation distance for select major facilities), which will reduce ambiguity and subjectivity in the planning process.
- In principle, additional tools to assess land use compatibility and implement recommendations of necessary studies.

The Region has identified some instances where further clarification is required. As previously noted, we have provided the enclosed table with detailed comments in that regard. Following the Table of Contents is a summary of the background of the proposed Land Use Compatibility Guidelines and the Region's key concerns.

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Background

On May 4, 2021, the Ministry of the Environment, Conservation and Parks (the “MECP”) released the proposed Land Use Compatibility Guideline on the Environmental Registry of Ontario (“ERO”; [ERO No. 019-2785](#)). Since May 4, 2021, the Province held various information sessions to discuss the proposed Land Use Compatibility Guideline, including sessions Regional staff attended on June 2, 9 and 16, 2021. The MECP has provided a 60-day consultation period, with comments and feedback due on July 3, 2021.

The proposed Guideline is intended to replace components of the existing MECP D-Series Guidelines (Environmental Land Use Planning Guides), which were first introduced in the 1990s, as follows:

- D-1 Land Use and Compatibility
 - D-1-1 Land Use Compatibility: Procedure for Implementation
 - D-1-2 Land Use Compatibility: Specific Applications
 - D-1-3 Land Use Compatibility: Definitions
- D-2 Compatibility Between Sewage Treatment and Sensitive Land Use
- D-4 Land Use on or Near Landfills and Dumps
 - D-4-1 Assessing Methane Hazards from Landfill Sites
 - D-4-3 Registration or Certificates and Provisional Certificates
- D-6 Compatibility Between Industrial Facilities
 - D-6-1 Industrial Categorization Criteria
 - D-6-3 Separation Distances

In replacing the above sections of the existing D-Series Guidelines, the proposed Land Use Compatibility Guideline will consolidate all information and direction into one document. It is noted that the following D-Series Guidelines sections are not being replaced through the introduction of the proposed Land Use Compatibility Guideline:

- D-3 Environmental Considerations for Gas or Oil Pipelines and Facilities
- D-5 Planning for Sewage and Water Services and its subsections

The Province developed the Land Use Compatibility Guideline to assist land use planning authorities and proponents of development in planning for land use compatibility which protects the long-term viability of major facilities while avoiding, or if

avoidance is not possible, minimizing and mitigating adverse effects to the surrounding community.

The Land Use Compatibility Guideline is to be applied to achieve and maintain land use compatibility between major facilities and sensitive land uses when a planning approval under the *Planning Act* is needed in the following circumstances:

- A new or expanding sensitive land use is proposed near an existing or planned major facility; or
- A new or expanding major facility is proposed near an existing or planned sensitive land use.

The proposed Land Use Compatibility Guideline features the following key components:

- Direct allocation of responsibility to planning authorities (municipalities) to:
 - Ensure that sensitive uses and major facilities are planned to avoid or minimize adverse effects in accordance with Provincial Policy Statement (PPS) Policy 1.2.6.1 and 1.2.6.2;
 - Protect the long-term viability of existing and planned industrial and employment uses in accordance with PPS Policy 1.3.2.2, 1.3.2.3, 1.3.2.4, and 1.3.2.5.
- Detailed process for assessing land use compatibility through clear delineation of the area of influence (the “AOI”) and minimum separation distance (the “MSD”), measured between property lines.
- Guidance on mitigation strategies and the preparation of compatibility studies.

Since the introduction of the Provincial Policy Statement (the “PPS”) in 2005, the Province has directed that major facilities and sensitive land uses should be planned to prevent or mitigate adverse effects, minimize risk to public health and safety, and to ensure the long-term viability of major facilities. Section 1.2.6 (Land Use Compatibility) of the 2020 PPS specifically speaks to compatibility. The proposed Land Use Compatibility Guideline will be implemented through PPS Policy 1.2.6.1, which states, “major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects...in accordance with provincial guidelines, standards and procedures.” The PPS has also aimed to protect and preserve employment areas for current and future uses, and provide long-term operational economic viability of the uses and functions of these areas. The current policies are found in Section 1.3.2 of the 2020 PPS, and note that “employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses.”

The 2020 PPS provide the following definitions:

“Adverse effects: as defined in the *Environmental Protection Act*, 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.”

“Major facilities: means facilities which may require separation from *sensitive land uses*, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, *rail facilities*, *marine facilities*, sewage treatment facilities, *waste management systems*, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.”

The proposed Land Use Compatibility Guideline is to be applied when an approval under the *Planning Act* is needed, including: Official Plan and Official Plan Amendments; Secondary Plans; Community Planning Permit Systems; Plans of Subdivision and Condominium; Consents; Minor Variances; and Site Plan Control and other planning approvals. The Guideline applies in situations where the land use is not changing, but the nature and/or intensity of the land use is, and an application under the *Planning Act* is required (e.g., difference in building height). It is also applicable in situations where there is a new use proposed for an existing building and an application under the *Planning Act* is required (e.g., residential use proposed in previous commercial building).

Through the Municipal Comprehensive Review (MCR) Niagara Official Plan Review, Regional staff will be updating the current Regional Official Plan to be consistent with and conform to the 2020 PPS and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”; 2019) with regard to land use compatibility. The Region will look to the MECP guidance for ways to address land use compatibility and leverage the available tools under the *Planning Act* when refining Regional policies.

Discussion

Key Changes

The proposed Land Use Compatibility Guideline provides a policy basis approach to land use compatibility, which is represented by a decision-making hierarchy to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects between incompatible uses. The following discussion presents some of the key changes proposed in the Land Use Compatibility Guideline.

1. Specified Major Facilities, Classes of Major Facilities & Characteristics

The proposed Land Use Compatibility Guideline assigns specific AOIs and MSDs to certain types of major facilities. These distances are found in Table 1 (Area of influence and minimum separation distance for select major facilities) of the Guideline. Where available, the facility-specific AOIs and MSDs found in Table 1 should be used. Where other types of major facilities (those not listed in Table 1) are being considered, Table 2 (Area of influence and minimum separation distance for classes of major facilities) and Table 3 (Characteristics for classifying major facilities) should be reviewed to best classify the use and determine the appropriate class-related AOI and MSD.

The inclusion of these three tables (Tables 1, 2, 3) will replace the existing D-6-1 Industrial Categorization Criteria. The existing D-6-1 table provides criteria to classify industrial uses into one of three (3) existing classifications; it provides possible examples of industries that may qualify as a specific classification but does not provide strict requirements for a certain major facility (as is proposed in Table 1).

2. Introduction of Five (5) Industrial Class Facilities

The Land Use Compatibility Guideline introduces five (5) industrial facility classifications, in comparison to the existing three (3) industrial facility classifications in the current D-Series Guidelines. Per Table 2 of the proposed Guideline, descriptions of major facilities at each class are provided below:

- Class 1: Operations with known smaller adverse effects.
- Class 2: Operations with moderate adverse effects. May include some outdoor operations.
- Class 3: Operations with moderate to significant adverse effects that may be difficult to mitigate. May include larger outdoor operations.
- Class 4: Operations with significant adverse effects that may be difficult to mitigate. May include larger outdoor operations.
- Class 5: Operations with the most significant adverse effects that may be difficult to mitigate. May include larger outdoor operations.

Additional characteristics to classify major facilities are provided in Table 3 of the proposed Land Use Compatibility Guideline. It is noted that Table 3 does not provide specific characteristics for all five classifications, and represents a scaled approach to classify major facilities.

3. Increased Area of Influence (AOI) and Minimum Separation Distance (MSD)

The proposed Land Use Compatibility Guideline presents increased distances for the AOI and MSD for each industrial facility classification. The Guideline defines the AOI as the distance within which adverse effects on surrounding sensitive land uses have a moderate likelihood of occurring; MSD is defined as the distance within which adverse effects on surrounding sensitive land uses are very likely to occur. The AOI and MSD is typically measured as the actual distance between the property line of a sensitive land use and the property line of a major facility. The planning authority may allow measurement of the AOI or MSD from the major facility's building or equipment that is the actual source of adverse effects, as opposed to the property line. This method does not take into account any future expansions or future outdoor works, and should only be applied if the planning authority and major facility are agreeable and if future expansions to the major facility are not expected.

The below table (Table 1) demonstrates the increased distances for MSD and AOI, and compares the existing distances in the D-6 Guideline (Compatibility between Industrial Facilities) and the proposed Land Use Compatibility Guideline. As provided in the Land Use Compatibility Guideline, sensitive land uses should not be located within the MSD.

Table 1 – Current and Proposed Separation Distances

Current Minimum Separation Distance (D-6 Guideline)		Proposed Minimum Separation Distance (Land Use Compatibility Guideline)		Increase
Classification	Distance	Classification	Distance	
Class 1	20 m	Class 1	200 m	180 m
Class 2	70 m	Class 2	300 m	230 m
Class 3	300 m	Class 3	500 m	200 m
		Class 4	500 m	N/A
		Class 5	500 m	N/A

Current Potential Influence Areas (D-6 Guideline)		Proposed Area of Influence (Land Use Compatibility Guideline)		Increase
Classification	Distance	Classification	Distance	
Class 1	70 m	Class 1	500 m	430 m
Class 2	300 m	Class 2	750 m	450 m
Class 3	1,000 m	Class 3	1,000 m	0 m
		Class 4	1,500 m	N/A
		Class 5	2,000 m	N/A

4. Land Use Compatibility Studies, Demonstration of Need

Section 2.9 Decision Tree for Land Use Compatibility (Figure 5 – Decision tree for land use compatibility) outlines the requirement for studies to support proposed sensitive land uses and major facilities that may fall within an AOI or MSD. If a land use proposal would place a new or expanding sensitive land use within a major facility's AOI, or a new or expanding major facility would capture sensitive land uses within its AOI, a compatibility study will be required. If a new or expanding sensitive land use is proposed within a major facility's MSD or a new or expanding major facility would result in sensitive land uses within its MSD, compatibility studies and mitigation measures to address potential adverse effects on sensitive land uses and potential impacts to major facilities will be required. A demonstration of need will also be required if the proposed land use is a sensitive land use within the MSD of an existing or planned major facility.

Section 2.7 (General Documentation in Compatibility Studies) of the proposed Land Use Compatibility Guideline outlines the general information that should be provided as part of required compatibility studies. This general information should be provided in addition to the requirements listed in Appendix B (Compatibility Studies Addressing Noise, Dust and Odour). Information required in a Demonstration of Need is provided in Section 2.8 (Demonstration of Need) of the proposed Guideline.

5. Implementation through Official Plan Provisions

The proposed Land Use Compatibility Guideline contains direction for planning authorities to address land use compatibility through official plan policies and procedures, planning tools and proponent-driven planning applications. The Guideline notes that the Official Plan should be the first mechanism used to implement

compatibility policies, and recommends the incorporation of AOIs and MSDs and their related policies. The Guideline also recommends that Official Plans make specific reference to provincial guidelines, standards and procedures for land use compatibility. It is recommended that Official Plans include compatibility studies as part of a complete application when development is proposed within an AOI; and specifically requiring a demonstration of need as part of a proposal for a sensitive land use when mitigation measures are required for the development within an AOI and when the development is proposed within the MSD. The Guideline notes that, in two-tier municipalities (upper-tier and lower-tier), both levels need to have policies supporting early consideration of land use compatibility. Official Plans should identify or designate areas with existing or planned major facilities and identify associated AOIs and MSDs for these facilities; this can be demonstrated on a land use schedule, possibly as an overlay.

Implications and Concerns

In reviewing the proposed Land Use Compatibility Guideline, Regional staff have noted a number of recommendations, and items of concern or implication to anticipated and proposed development. Staff have organized these comments into the below major themes. Regional staff included comments of a more technical nature in Appendix A, for Ministry consideration.

1. Change from a Guideline to Official Plan Policy Directive

The proposed Land Use Compatibility Guideline contains new direction for planning authorities to address land use compatibility through Official Plan policies. The Guidelines recommend that Official Plans make reference to provincial guidelines, standards and procedures for land use compatibility. Specifically, the Guidelines outline that Official Plans should identify or designate areas with existing or planned major facilities and identify associated AOIs and MSDs for these facilities; this can be demonstrated on a land use schedule, possibly as an overlay. This change in direction, to implement the guidelines through Official Plan policies, will significantly impact the Region's, and local area municipality's, ability to protect its employment areas while meeting Provincial intensification and density targets. Depending on the methods in which the Region implements the Guideline directives in the Official Plan, there is a possibility that any revisions will significantly impact the timing of the Region's Official Plan Review and employment area policies.

An additional challenge with this approach will be the ability for municipalities to ensure accurate mapping that reflects current uses and the potential expansion of these uses. Updating this mapping to reflect on-ground uses will prove challenging, as employment growth and investment can be volatile and result in the need to adjust AOIs and MSDs based on evolving employment uses. For example, AOI and MSD would need to be reduced in an instance where an employment parcel that has historically occupied a Class I facility experiences the facilities departure of that facility and is replaced by a

Class II facility. Constantly updating official plan mapping to reflect these changes would result in increased burden to staff resourcing, as well as added red-tape and uncertainty to nearby development applications captured within these mapped areas.

The simplest and least burdensome means for municipalities to implement AOI and MSD mapping into official plans would be to assume a worst-case scenario for all designated employment lands and employment areas based on existing uses and permitted zoning. Staff has provided an example of this scenario in Map 3 (Proposed Land Use Compatibility Guideline Distances Applicable to Niagara's Draft Employment Areas), found in Appendix B. It is important to note; however, that this approach would result in its own implementation challenges – particularly with respect to potential development application study requirements and justification.

2. Municipal Comprehensive Review Timeline

The proposed Land Use Compatibility Guideline will impact and possibly delay the Niagara Region's submission of the Municipal Comprehensive Review (the "MCR"), to be completed by July 2022. The proposed Guideline requires Planning Authorities to identify, evaluate, and develop alternate AOI as part of the MCR (reviews of Official Plans, Secondary Plans and/or Zoning By-laws), which may impede the Region in meeting the Provincial conformity deadline. Further, with respect to employment areas, the Niagara Region is in the late stages of identifying its draft employment areas as part of its ongoing MCR. The Region worked closely with local municipalities and industry stakeholders to identify draft employment areas, which were considered based on the existing D-Series Guidelines. The new Guideline introduces increased MSD and AOI, which will significantly impact the draft employment areas and the associated MCR work completed to-date. It will be challenging to adjust the Regional MCR workplan and fully understand the implications of the Land Use Compatibility Guideline recommendations until such time as a final Guideline is released.

3. Industrial Classification Language

To assist planning authorities in classifying major facilities that do not have identified AOI or MSD in Table 1 of the Guideline (Area of influence and minimum separation distance for select major facilities), the Guideline provides Table 2 (Area of influence and minimum separation distance for classes of major facilities). Regional staff has concerns with the language used in the descriptions of each class of major facility:

- Class 1: Operations with known smaller adverse effects.
- Class 2: Operations with moderate adverse effects.
- Class 3: Operations with moderate to significant adverse effects that may be difficult to mitigate.

- Class 4: Operations with significant adverse effects that may be difficult to mitigate.
- Class 5: Operations with the most significant adverse effects that may be difficult to mitigate.

The inclusion of terms such as “moderate” and “significant” are considered strongly subjective in nature. These terms are open to interpretation, which may result in a major facility being considered of higher or lower class in a neighbouring local area municipality (lower-tier municipality). Regional staff are concerned with consistent application and opinion on these classifications, and the ability of the subjective terms to significantly impact development.

Regional staff recommends that the Province consider how seasonal uses may align with Table 3 of the Guideline (Characteristics for classifying major facilities). For instance, if a use has characteristics that align with the “red” section of Table 3 for the summer months (June to September), but its operations for the remainder of the year align with the “green” to “yellow” section of Table 3, how would the planning authority most appropriately classify the facility?

4. Classification & Characteristics of Major Facilities

The proposed Land Use Compatibility Guideline provides AOIs and MSDs for specific major facilities, and Section 2.3 provides guidance on how to classify a major facility with no facility-specific AOI and MSD. To classify a major facility with no facility-specific AOI and MSD, the Guideline directs the reader to first review Table 2 (Areas of influence and minimum separation distance for classes of major facilities), which identifies AOIs and MSDs for all five classes, provides a description of the major facility and examples of said facilities. The Guideline then directs the reader to review Table 3 (Characteristics for classifying major facilities) to identify the adverse effects commonly associated with the type of proposed or existing major facility. Given that Table 3 (excerpt provided below) does not delineate between each class, it is unclear how this table is implemented and analyzed to determine the class of the major facility and its associated AOI and MSD. It is recommended that the Province refine Table 3 to better classify the characteristics of major facilities to assist the planning authority in implementing the most accurate classification. The Guideline could also benefit from more clarification as to when a use could be considered Class 2 or Class 4 based on the below Table 3.

Image 1 – Table 3 Excerpt (Characteristics for classifying major facilities)

Table 3 – Characteristics for classifying major facilities.

	CLASS 1 → CLASS 2 → CLASS 3 → CLASS 4 → CLASS 5		
	IMPACTS		
Noise	Sound is not audible off property	Sound occasionally audible off property	Sound frequently audible off property
Vibration	No ground borne vibration on plant property	Possible ground-borne vibration, but cannot be perceived off property	Ground-borne vibration can frequently be perceived off property
Dust (Point Source)	Infrequent and not intense	Frequent and occasionally intense	Persistent and/or intense

The Province may wish to consider utilizing the North American Industry Classification System (NAICS) to support the determination of which classification a major facility is considered. The Guideline could be improved by specifying all level 1 (two-digit codes) of the NAICS sectors that apply to each major facility class. For NAICS sectors that apply within multiple classes, the NAICS sector could be further defined to include additional NAICS level three- and four-digit codes (level 2 subsectors and level 3 industry groups, respectively) to clarify the distinction between the industrial facilities within each class. Utilizing this method could support future planning efforts by considering how an industries class may change, should it have future plans to expand or transition its operations.

5. Significant Increase in the Minimum Separation Distances and Areas of Influence

The proposed Land Use Compatibility Guideline increases the number of classes for major facilities from three (3) classes (under the current D-6 Guidelines) to five (5) classes. The Guideline also increases the minimum separation distance (MSD) and area of influence (AOI) associated with the classes for major facilities. As a result of the proposed increases, many strategic growth areas in the Niagara Region, including Major Transit Station Areas, will be captured within the MSD and AOI of major facilities. Staff has provided case study examples of these implications in Appendix B.

Staff also has concerns regarding how the proposed Guideline will impact existing development proposals that are undergoing the approval process. This could include developments for which the land use permissions have been granted (through an amendment to an Official Plan and/or Zoning By-law) but require additional technical

approvals (including draft plan and/or site plan approval) once the Guideline comes into effect. Staff question how the increases to AOI and MSD will impact developments that have yet to proceed through the approval process but have land use compatibility assessments underway. Does a compatibility study completed under the existing D-Series guidelines override the recommended AOI and MSD of the proposed Land Use Compatibility Guideline?

It is recommended that the Province consider the case studies and additional analysis provided in Appendix B, and the circumstances noted above in revising the proposed Land Use Compatibility Guideline to better understand the implications of these increased distances on planning practice.

6. Demonstration of Need

The proposed Land Use Compatibility Guideline introduces a new assessment, the demonstration of need, which will accompany compatibility studies. A demonstration of need is an assessment that determines whether there is an identified need for the proposed use in the proposed location, and evaluates alternative locations if avoidance is not possible. A demonstration of need assessment is required for proponents of sensitive land uses and Section 2.8 of the Guideline outlines the instances when the additional assessment is required, including proposed development within the MSD. The Guideline does not outline who is qualified to prepare a demonstration of need assessment; however, the Guideline notes that a demonstration of need may be included as part of a planning justification report, which suggests that a Registered Professional Planner is a qualified author. It is recommended that the Province develop criteria to evaluate demonstrations of need, to assist the planning authority in determining the appropriateness of a completed assessment. Regional staff also recommend that the Province clarify what “avoidance” the demonstration of need is aiming to achieve.

7. Transition Clauses

The proposed Land Use Compatibility Guideline does not include a transition or sunset clause that recognizes existing and planned sensitive land uses prior to the implementation date of the new Guideline. Regional staff anticipate several challenges associated with the implementation of the Guideline without a transition period or transition clause. In particular, issues may arise with sensitive land uses that were previously approved within a given distance from an employment area or employment lands, which under the new Guideline, are captured within the increased MSD. Staff are particularly concerned with applications where a property was deemed appropriate for a proposed use (i.e. through an Official Plan and/or Zoning By-law Amendment) but requires additional technical Planning Act approvals (i.e. draft plan and/or site plan approval). As indicated in the consultation session organized by the Ministry of the Environment, Conservation and Parks staff on June 9, 2021, the Ministry intends to

reconsider the inclusion of transition clauses. Regional staff strongly encourages the Ministry to consider the inclusion of transition clauses, and would be supportive of the Guideline including such wording. In the absence of transitional wording being provided in the Guideline, Regional staff would work with local area municipalities to determine transition approaches, as applicable. Staff notes that this approach could vary by municipality, resulting in an inconsistent application of the Land Use Compatibility Guideline; accordingly, it is strongly recommended that the Province incorporate transitional clauses into the Guideline.

8. Distances Measured from Property Boundary

The proposed Land Use Compatibility Guideline recommends that both AOI and MSD be measured from the property line of a major facility and the property line of a sensitive land use. The Guideline also outlines that there may be instances where there is a buffer on a property and, in specific circumstances, the planning authority may allow the measurement of the separation distance from the source the adverse effect (building or equipment) as opposed to the property line. The Guidelines do not generally recommend this alternative measurement approach as it does not consider future facility expansions. The existing D-Series Guidelines permit AOIs and MSDs to be measured from a site-specific zone. Eliminating the possibility of planning authorities to measure these distances from site-specific zones will result in larger setbacks from major facilities and/or sensitive land uses. The proposed alternative to measuring setbacks from the property line requires significant engagement with existing major industries, which may not always be practical or feasible. Regional staff encourage the Province to re-consider permissions to measure setbacks from site-specific zones.

9. Applicability to Agriculture-Related and On-Farm Diversified Uses

The proposed Land Use Compatibility Guideline does not apply to agricultural operations to which the OMAFRA Minimum Separation Distance guidelines apply. Agricultural uses are not considered major facilities in the PPS and as such are not specifically referenced under this Guideline. According to the Guideline, it is expected that development and proposals outside of settlement areas will be able to achieve the required separation (AOI/MSD).

Given that agriculture-related (including agriculture-related commercial and industrial operations) and on-farm diversified uses are permitted outside of settlement areas, it is unclear as to whether “agricultural operations” include agriculture-related and on-farm diversified uses. Additional guidance should be provided to clarify whether agriculture-related and on-farm diversified uses are exempt from the criteria outlined in the proposed Land Use Compatibility Guideline.

10. Application to Cannabis Production Facilities

The proposed Land Use Compatibility Guideline provides different guidance for cannabis production facilities depending upon the location of the use. In settlement areas and employment areas, the Guideline recognizes a cannabis production facility as a major facility and classifies the use as a Class 5 Industry. In contrast, when a cannabis production facility is located within or proposed within the prime agricultural area or rural area, the Guideline defers to the OMAFRA Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas. Regional staff are concerned that the proposed Guideline results in the creation of two sets of rules that apply for cannabis production facilities. Regional staff recommend that the Province reconsider this approach as land use compatibility concerns are the same for nearby sensitive land uses regardless of whether the cannabis production facility is located in a settlement area, prime agricultural area, or rural area. Further, Regional staff are concerned that the Guideline will encourage cannabis production facilities to locate within prime agricultural areas and rural areas. As proposed, the Guideline classifies cannabis production facilities as a Class 5 Industry within settlement areas and employment areas; therefore, a proposed cannabis production facility could strategically locate within a prime agricultural area or rural area to avoid the more onerous Class 5 guidelines despite producing the same impacts on adjacent sensitive land uses.

11. Consultation with Industry

The proposed Land Use Compatibility Guideline places significant importance on engagement from and with major facilities. Appendix C of the Guideline (Consultation and Engagement for Land Use Compatibility) provides engagement strategies, timing and best practices. The Guideline "highly encourages" early engagement in accordance with Appendix C (refer to Section 1.6.2). Regional staff are supportive of, and encourage, early engagement in the planning approvals process. Staff note that there are often barriers to engaging with existing industry; if existing industry is not sufficiently engaged in the planning approval process, this could result in future compatibility concerns. The Guideline should clearly outline the benefits to both proponents of new or expanding sensitive land uses and new or expanding major facilities, to ease the implementation of early engagement strategies.

12. Transitional Uses

The proposed Land Use Compatibility Guideline outlines that transitional uses will be used to buffer impacts between major facilities and potentially incompatible uses. The Guideline recommends that if commercial or office uses are proposed as transitional land uses, a qualified individual should be hired to review its suitability; however, the Guideline does not include specific criteria for determining whether a particular use is an appropriate transitional use. Further, the Guidelines do not specify whether an existing use, which provides a buffer between a major facility and surrounding sensitive land

uses, can be considered a transitional use. Staff notes that the D-6 Guidelines currently permits for transitional uses subject to a feasibility analysis.

Regional staff are concerned that the implementation of the proposed Guideline will limit the types of transitional uses permitted in 'transition areas', such as employment areas, and thereby impacting the Provincial priority of creating complete communities. As previously mentioned, a large portion of Niagara Region's strategic growth areas and major transit station areas (the "MTSAs") are captured within the buffers associated with the increased AOIs and MSDs. As a result, the guidelines for transitional uses could restrict the types of uses otherwise envisioned and planned for in employment areas and the surrounding area.

In previous instances where Class 1 facilities were implemented as transitional uses, due to their 20 metre minimum separation distance, the proposed Guideline permits for only commercial or office-related type uses to transition from a major facility to a sensitive land use. It is recommended that the Province consider the implications of this direction on the ability for municipalities to encourage and achieve complete communities, in alignment with the direction provided in the PPS and Growth Plan. If commercial and office-related type uses are the only uses that could feasibly transition a major facility to a sensitive land use, staff have concerns with the potential relation of these uses outside of downtown cores. It is recommended that the Province consider ways to re-introduce additional uses as transitional uses between major facilities and sensitive land uses.

As proposed, the Land Use Compatibility does not appear to support the Provincial priorities of creating complete communities in close proximity to strategic growth areas. The significant proposed increase in MSD and AOI results in a large portion of MTSA and other strategic growth areas that are planned to accommodate Niagara's future growth becoming captured within these buffers. Regional staff recommend that the Guideline clearly articulate whether MTSAs are subject to the policies and recommended distances. The proposed Guideline must clarify how these various competing Provincial interests are balanced and prioritized, especially during instances where strategic growth areas are impacted by MSD and AOI from employment areas.

13. NPC-300 Class 4 Designation and Land Use Compatibility Guideline

The proposed Land Use Compatibility Guideline provides a note on Class 4 Designations under NPC-300 (Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning), stating that "Class 4 areas [per NPC-300] are defined as an area of specific site that would otherwise be defined as Class 1 or 2 and which is intended for development with new noise sensitive land use(s) that are not yet built; is in proximity to existing, lawfully established stationary source(s); and has formal confirmation from the land use planning authority with the Class 4 area classification which is determined through the land use planning process." The

Guideline further states that “Class 4 designation is intended for areas where a mix of incompatible uses may be unavoidable or very difficult to avoid, such as areas that are built-out or designated as MTSAs in the Growth Plan.”

Staff has concerns that, due to the significant increases in MSD and AOI, planning authorities will receive significant pressure from proponents to apply Class 4 designations to sites. Regional staff also recommends that the Province provide additional clarification on the ways in which the Land Use Compatibility Guideline and NPC-300 work together, or separately. Clarification should be provided regarding whether the AOI and MSD can be reduced if a Class 4 designation for Noise is permitted by the planning authority; if the AOI and MSD can be reduced, how do planning authorities address facilities that have more characteristics than noise (i.e. if a sensitive land use can be considered under a Class 4 designation for noise, but a nearby facility has dust and odour impacts, how will NPC-300 and the Land Use Compatibility Guideline align with one another to determine the applicable AOI and MSD)? In the event that a parcel is approved for Class 4 designation under NPC-300, is a proponent still required to complete a demonstration of need and a land use compatibility study if their property is within the AOI and MSD from a major facility, or is the parcel only subjected to a noise impact assessment as provided in the Guideline?

Regional staff are of the opinion that the proposed Land Use Compatibility Guideline could benefit from additional clarification regarding NPC-300 and the proposed provisions, as it is anticipated that many proponents will request the implementation of a Class 4 designation.

Summary

Based on the above-noted discussion, Regional staff are supportive of the Province revising the approach to land use compatibility to support the Provincial Policy Statement; staff encourage the Province to review and consider the recommendations provided in this submission when revising the proposed Land Use Compatibility Guideline. Regional staff acknowledge that the final Land Use Compatibility Guideline may be different than the proposed draft; the final Guideline may eliminate or reduce some of the items of concern or implication provided above.

Additional comments on the proposed Land Use Compatibility Guideline are provided in the enclosed table.

The Region appreciates the opportunity to provide these comments. Please contact myself if you have any questions or require additional information.

Respectfully submitted and signed by



for

Doug Giles

Acting Commissioner of Planning and Development Services

Niagara Region

Attachments:

- Appendix A – Consolidated Niagara Region Comments. Response to proposed Land Use Compatibility Guideline (ERO #019-2785)
- Appendix B – Case Study Application of the proposed Land Use Compatibility Guideline (ERO #019-2785)

Appendix A – Consolidated Niagara Region Comments

Response to proposed Land Use Compatibility Guideline (ERO #019-2785).

Land Use Compatibility Guideline


Niagara Region Review Comments

<https://ero.ontario.ca/notice/019-2785>

PART A:	Overview and Policy Context	
1	Introduction and Context	
1.1	Overview	
	<p>This Land Use Compatibility Guideline (Guideline) has been developed to assist land use planning authorities and proponents of development in planning for land use compatibility which protects the long-term viability of major facilities while avoiding, or if avoidance is not possible, minimizing and mitigating adverse effects to the surrounding community.</p> <p>The primary purpose of the Guideline is to support the implementation of the Provincial Policy Statement, 2020 (PPS) issued under Section 3 of the Planning Act, including policies 1.2.6.1, 1.2.6.2, 1.3.2.2 and 1.3.2.3 related to land use compatibility. It also supports land use compatibility-related policies in provincial plans, including those in A Place to Grow: A Growth Plan for the Greater Golden Horseshoe (A Place to Grow).</p> <p>The Guideline acts in concert with provincial noise, dust and odour guidelines, standards and procedures, and refers to these technical guidelines for further direction on undertaking compatibility studies, assessments and modelling. The Guideline provides context on how land use compatibility is achieved through Ontario’s land use planning process and the Environmental Protection Act (EPA) and regulations. It should also be used to inform Environmental Assessment (EA) processes carried out under the Environmental Assessment Act (EAA) and for compliance considerations.</p>	<p>Consider listing the guidelines that currently apply related to noise, dust and odour. While this could be problematic in the future, assuming that name/regulation changes will occur, the guideline titles could be listed as examples and refer to their predecessors.</p> <p>I.e., Noise = NPC-300, Air = O.Reg. 419/05, Guideline A-12, AERMOD, etc.</p>
	<p>The Guideline is to be applied to achieve and maintain land use compatibility between major facilities and sensitive land uses when a planning approval under the Planning Act is needed in the following circumstances:</p> <ul style="list-style-type: none">• a new or expanding sensitive land use is proposed near an existing or planned major facility; or• a new or expanding major facility is proposed near an existing or planned sensitive land use. <p>The Guideline will also be applied when municipalities are incorporating land use compatibility policies and principles into various land use planning tools under the Planning Act and other legislation.</p>	<p>The term “expanding” may have prior definition, but does “expanding” mean addition of land or change in zoning? Or is this a building (“facility”) expansion or new building on lands that might otherwise already be permissive of the in-effect zoning on a particular site? (As-of-right on site expansion). In other words, does this imply expansion on an existing industrial site would be subject to new limitation if a sensitive land use was being proposed outside of the industrial site itself?</p>

Land Use Compatibility Guideline		Niagara Region Review Comments
	<p>The objectives of land use compatibility planning are to:</p> <ul style="list-style-type: none">• protect employment areas designated for future major facilities from incompatible uses and encroachment by sensitive land uses;• protect existing or planned major facilities from potential impacts from new sensitive land uses; and• prevent adverse effects to existing or planned sensitive land uses from new and/or expanding major facilities. <p>Part A of the Guideline outlines the general approach and guiding hierarchy, key concepts, use of the guideline, roles and responsibilities and policy context for the Guideline.</p> <p>Part B details the approach for assessing land use compatibility to inform land use planning decisions regarding land use compatibility matters. This Part includes areas of influence (AOIs) and minimum separation distances (MSDs) for specific types of facilities and various classes of facilities. It also provides a description of the expected contents of a compatibility study, including guidance and links supporting technical assessments of noise, dust, odour and other emissions, and of a demonstration of need. Mitigation measures that can be used to mitigate land use compatibility issues and impacts are also described.</p> <p>Part C provides direction on incorporating land use compatibility policies and tools into various tools under the Planning Act and other legislation. Additional considerations for transitional land uses and infill and intensification scenarios are also provided.</p> <p>The Appendices provide additional detail on relevant policies, completing assessments supporting compatibility studies, specific sectors, and planning for land use compatibility for landfills and dumps. They also include a glossary, abbreviations, case studies and helpful references.</p>	<p>As stated, of the three bullets, I interpret the preference / hierarchy is given to employment over community. This should be the preference. This is reinforced through the Growth Plan by permitting “future” employment areas being identified (but not designated) for protection beyond 2051. This permission is not identified for “future” community area.</p> <p>Bullet two (from new sensitive land uses) should be revised to include “expanding” sensitive land uses. If a sensitive land use is expanding to encroach closer to an industrial use, this needs to be evaluated.</p>
1.2	<p>General Approach to Planning for Land Use Compatibility</p> <p>Land use compatibility is achieved when major facilities and sensitive land uses can co- exist and thrive for the long-term within a community through planning that recognizes the locational needs of both. These different land uses need to be planned and managed properly to avoid conflicting with or adversely impacting each other. Planning communities effectively to ensure compatibility amongst land uses enables industry and businesses to continue to operate and grow, while enabling the surrounding community to continue about their daily life and activities without experiencing adverse effects from emissions and other impacts from major facilities.</p> <p>Given the nature of major facilities, they are often a source of noise, dust, odour and other emissions which may have potential impacts on surrounding land uses. Sensitive land uses can also have impacts on existing major facilities if they are located too close to a major facility, resulting in complaints from residents, potential risks to public health and safety, need for additional mitigation, impacts to major facility operations and additional costs for the major facility.</p> <p>Consideration of these potential impacts early in the land use planning process, before new land uses are approved, provides opportunities to prevent conflicts. This Guideline contains direction for planning authorities to address land use compatibility through official plan policies and procedures, planning tools and proponent-driven planning applications.</p>	<p>Consideration of these potential impacts early in land use planning process is important if a use has been established prior to new uses being located in an adjacent area.</p> <p>It is recognized that it is ideal to consider impacts of land use compatibility early on in the land use planning process, however there are swaths of land that are zoned for sensitive land uses that were not feasibly assessed when they were zoned. The Guideline should consider additional wording to implement at the site plan stage, in the absence of being able to apply any setbacks or request studies at the time of rezoning (past/historical decisions).</p>

Land Use Compatibility Guideline		Niagara Region Review Comments
	<p>To enable planning land uses that avoid incompatible land uses, this Guideline provides AOI distances associated with various types of major facilities. A sensitive land use within that AOI could experience impacts. Planning authorities should use these AOIs to inform land use designations, zoning by-laws and other planning tools to avoid incompatible uses. These AOIs should also be used to inform policies to trigger land use compatibility studies if a development proposal would result in a sensitive land use being located within an AOI. That compatibility study then becomes the basis for assessing potential adverse effects and determining a more specific separation distance that would prevent adverse effects, potentially together with identified mitigation measures. This Guideline also provides MSDs, within which sensitive land uses should not be located, and supports the requirement for a demonstration of need to be completed in relation to a proposed sensitive land use if mitigation measures are the only possible way to prevent adverse impacts or if the proposed sensitive land use is within the MSD of a major facility.</p>	<p>Note the use of “should” here - provides some flexibility based on site-specific technical study.</p> <p>The Guideline requires land use compatibility studies for any sensitive development within the AOI distance and within the MSD; as noted above, this Guideline appears to provide flexibility for the location of sensitive land uses within the MSD (see “should”).</p>
1.3	<p>Guiding Hierarchy for Land Use Compatibility Planning</p>	
	<p>Separation of incompatible land uses is the preferred approach to avoiding land use compatibility issues. In many situations, including in relation to proposals for greenfield development and proposals outside of settlement areas, it is expected that separation can be achieved. Doing this would be consistent with achieving policy 1.1.5.6 of the PPS, which indicates that opportunities should be retained to locate new or expanding land uses that require separation from other uses. When avoidance (i.e. separation) alone is not possible, minimizing and mitigating potential impacts may provide a basis for a proposal. If minimization and mitigation of impacts is not viable, the proposed incompatible land use should not be enabled, and related planning or development applications should not be approved. Planning authorities, proponents (e.g. developers of sensitive land uses and major facility owners) and the surrounding community should work together to achieve land use compatibility.</p> <p>In order to support implementation of the PPS, a guiding hierarchy for land use compatibility is provided as a decision-making framework for planning authorities where avoidance of incompatible land uses through adequate separation should be achieved, or if avoidance is not possible, minimizing and mitigating adverse effects. See Figure 1 below.</p>	<p>What happens in the case if there is not a better alternate location? As I interpret this guideline, if adverse impacts cannot be mitigated or minimized, the proposed development should not be approved.</p> <p>What flexibility is provided by stating that planning or development applications “should” not be approved? Are there any instances where an approval authority could reasonably argue that a use is suitable when it will fact impacts from the industrial/sensitive land uses? The use of “should” does not align with the strength of the wording provided in the diagram below.</p>

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	 <p>The infographic outlines a three-step process for land use compatibility. Step 1, 'AVOID incompatible land uses', involves locating sensitive land uses outside the AOI of a major facility and designating transition areas. Step 2, 'ASSESS impacts in terms of types of impact and magnitude', requires compatibility studies and pre-consultation with planning authorities. Step 3, 'MINIMIZE and MITIGATE impacts', focuses on identifying mitigation measures and maximizing separation distance. A final note states that if avoidance and minimization/mitigation are not possible, the proposed incompatible land use should not be permitted.</p>	<p>2nd bullet of point 3 should specify that it is the site-specific MSD.</p>
1.4	Key Concepts	

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	<p>The following key concepts are briefly described to provide context for planning for land use compatibility. Further details on the application of these concepts are described in subsequent sections.</p> <p>Major Facilities: “Facilities which may require separation from sensitive land uses, including but not limited to: airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities” (PPS).</p> <p>The above definition does not include a comprehensive list of major facilities. Facilities other than those provided as examples with similar potential to affect sensitive land uses must be treated in the same manner under the PPS and this Guideline. See Section 1.5.2 for additional discussion on application of the Guideline to major facilities.</p> <p>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” (PPS).</p> <p>The above definition does not include a comprehensive list of all types of sensitive land uses. Planning authorities are expected to identify other similar uses as sensitive under the PPS and this Guideline. While uses such as residential are clearly sensitive land uses in all contexts, sensitive land uses could also include various commercial, retail, institutional, and office uses. Some additional examples of sensitive land uses may include hotels, community centres and places of worship. Under this Guideline residences includes long-term care homes, shelters for emergency housing and detention centres.</p>	<p>Potential conflict with NPC-300 in terms of hotels being subject to this guideline but not NPC-300.</p>
	<p>Adverse Effects: “means one or more of:</p> <ul style="list-style-type: none">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; andh) interference with normal conduct of business” (EPA, ss.1(1)) <p>Note that minor nuisance effects may not meet the definition of adverse effect.</p> <p>Area of Influence (AOI) (Section 2.1.1): an area surrounding the property boundary of an existing or planned major facility where adverse effects on surrounding sensitive land uses have a moderate likelihood of occurring (see Figure 2). Within AOIs, compatibility studies are required for proponents of proposed major facilities or proposed sensitive land uses as part of the supporting documentation for a planning application.</p> <p>Minimum Separation Distance (MSD) (Section 2.1.3): a recommended minimum distance from a major facility within which adverse effects to a sensitive land use are highly likely to occur. Planning authorities should not allow sensitive land uses within the MSD (see Figure 2). Where a sensitive land use is proposed within the MSD, a demonstration of need is required.</p>	<p>How to guarantee NO adverse effects? What if only one or a few people claim adverse effects?</p> <p>If uncertain, who should be responsible for qualifying an adverse effect? For example, there is a nearby industrial use but the planner is uncertain of the outputs of the facility; should a qualified professional proceed with an analysis? Is it sufficient for a planning consultant to complete their own due diligence? What happens when there is a difference of opinion?</p> <p>Highlighted section is new from PPS 1.2.6.2. How does this reconcile with the steps of 1.3... 1.3 appears to indicate a use can be located within a MSD if there is a site specific study specifying an alternative MSD/mitigation measures are feasible.</p>

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	<p>Compatibility Study (Section 2.6): a study that assesses potential adverse effects and recommends separation distances between land uses and mitigation measures, if needed, to prevent impacts to surrounding sensitive land uses.</p> <p>Avoidance: for the purposes of this Guideline, “avoidance” is achieved if a sensitive land use and a major facility are sufficiently separated to prevent any adverse effects on the sensitive land use, without the need of mitigation measures. Locating sensitive land uses outside of the AOI of a major facility would achieve this outcome, as would locating beyond the separation distance assessed through a compatibility study as necessary to avoid an adverse effect without mitigation.</p> <p>Demonstration of Need (Section 2.8): an assessment that determines whether there is an identified need for the proposed use in the proposed location, and evaluates alternative locations for the proposed use if avoidance is not possible. A demonstration of need is only required to be carried out by proponents of sensitive land uses in certain circumstances as outlined in Section 2.8 of this Guideline.</p> <p>Minimize and Mitigate: under this Guideline, minimizing potential adverse effects on sensitive land uses and potential impacts to major facilities is achieved by maximizing the separation distance between land uses that are incompatible, and mitigation refers to the additional measures necessary to prevent an adverse effect or impact, where avoidance is not possible.</p>	<p>“Demonstration of Need” - Further supports hierarchy in favour of employment over community.</p> <p>Comment added in highlighted text.</p>
1.5	Use of the Guidelines	
1.5.1	Audience	
	<p>This Guideline is intended for planning authorities under the Planning Act, including municipalities, planning boards, and the Province in circumstances where it is the planning authority. It should also be considered by the Local Planning Appeal Tribunal (now Ontario Land Tribunal) when determining appeals of decisions or a lack of decision(s) made by a planning authority under the Planning Act. Proponents of proposed development (e.g. developers of sensitive land uses, major facility owners/operators) are another key audience to understand the expectations of the planning authority. This Guideline is also intended for planning consultants and consultants preparing compatibility studies.</p> <p>Proponents for new or expanding sensitive land uses and/or new or expanding major facilities should consult the Guideline prior to applying for approvals under the Planning Act and environmental permissions, to better coordinate requirements for all processes.</p> <p>The Guideline may also be used by stakeholders and the public for educational purposes and increased awareness of considerations in land use planning decisions regarding land use compatibility in their communities.</p>	<p>Comments added in highlighted text, and note name change to LPAT.</p>
1.5.2	Applicability to Major Facilities	
	<p>The Guideline supports implementation of the PPS to address impacts to and from a range of major facilities. This includes but is not limited to major facilities listed as examples in the definition of major facility and listed in Table 1, such as manufacturing facilities, sewage treatment plants, composting facilities and anaerobic landfills.</p> <p>This Guideline is intended to apply to land use planning proposals related to any major facility unless otherwise specified or more specific provincial direction exists in relation to a specific major facility type. In respect of some major facilities for which other Guidelines or direction are provided, this Guideline may apply to encroachment of sensitive land uses on these facilities. This Guideline also does not address specific land uses that are not major facilities as defined by the PPS, but which may also have compatibility requirements. For example, this guideline does not apply to agricultural operations to which the Ontario Ministry of Agriculture, Food and Rural Affairs’ (OMAFRA’s) Minimum Separation Distance</p>	<p>The guideline does not apply to agricultural operations and this is an issue around NR12 with the surrounding chicken farms.</p> <p>What about other exclusions previously listed in the D-1 and D-6 guideline? And how does the application of the LUCG through the PA process coordinate with the ECA process to avoid overlap and ensure consistency in decision making?</p> <p>The Guideline does not apply to agricultural operations to which the OMAFRA MDS Guidelines apply; what about industrial uses located in the agricultural area that could be considered industrial (agriculture-related and on-farm diversified uses)?</p>

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	guidelines apply. See Appendix K for information and guidance related to some specific types of major facilities and other land uses. Guidance on landfills is located in Appendix E.	
	With respect to federally-regulated facilities, such as airports, rail facilities, marine facilities, and oil and gas pipelines, this Guideline does not apply to locating these major facilities. Similarly, this Guideline does not apply to development on federal crown lands that are not subject to the Planning Act. However, planning authorities are required to apply this Guideline in relation to sensitive land uses proposed near these facilities that are subject to the Planning Act.	
1.5.3	Applicability under the Planning Act	
	<p>The Guideline is to be applied to achieve and maintain land use compatibility between major facilities and sensitive land uses when an approval under the Planning Act is needed in relation to:</p> <ul style="list-style-type: none">• a new or expanding sensitive land use is proposed near an existing or planned major facility; or• a new or expanding major facility is proposed near an existing or planned sensitive land use. <p>“Planned” major facilities or sensitive land uses means that the land use is already designated in the local official plan (OP) and zoned in the local zoning by-law.</p> <p>Planning Act approvals this Guideline would apply to include:</p> <ul style="list-style-type: none">• OP and OP amendments (OPAs);• Secondary plans;• Community planning permit systems;• Zoning by-laws and zoning by-law amendments;• Plans of subdivision or condominium;• Consents;• Minor variances; and• Site plan control and other planning approvals. <p>The Guideline also applies in situations where the use of the land is not changing, but the nature and/or intensity of the land use is, and an application under the Planning Act is required. For example, a six-storey residential building being replaced by a twenty-storey residential building within the same parcel can trigger this Guideline, if an approval under the Planning Act is required. It also applies in situations where there is a new use proposed for an existing building and an application under the Planning Act is required.</p>	Of note, this section now specifies that the Guideline applies to Planning Act approvals including Site Plan control.

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	For example, a new residential use may be proposed for a building that is currently used for commercial purposes, which would lead to a situation of potential incompatibility if the building is located within an industrial and commercial employment area. Unless referenced under other applicable legislation, this Guideline does not apply when there are existing incompatible land uses (e.g. existing sensitive land uses too close to existing major facilities) and no Planning Act approval is being triggered.	This example is a bit confusing as they comment on residential in an industrial employment area. It must be assumed that they are not meaning an “Employment Area” by definition, which prohibits residential. Thereby a conversion would be required (OPA). Similarly, Employment Lands (outside Employment Areas) would require OPA for land use change to allow residential, therefore I am a bit confused as to why a Planning Act Application would not be the result. I do not see how an “existing” SLU as an intervening use would play into this when an OPA is required still.
1.5.4	Applicability under other Legislation	
	<p>Planning authorities and proponents need to be aware of and consider environmental legislation, regulations, programs and permissions, and other relevant provincial legislation, when making decisions in relation to land use compatibility. Proponents for major facilities that require other permissions (such as an Environmental Compliance Approval (ECA)) should consider undertaking land use planning approvals and environmental permissions, and the studies that inform them, in a coordinated fashion to the extent possible. The Guideline may also be used to inform some Environmental Assessments (EA). For example, this Guideline can be considered in the EA process for waste management projects that may be subject to the EAA. Information and compatibility study requirements developed through planning approvals and EAs may inform requirements for ECAs.</p> <p>This Guideline does not provide guidance on applying for an ECA, a Renewable Energy Approval, or registering on the Environmental Activity and Sector (EASR). Please refer to Appendix J for other documents that provide guidance and direction on these matters.</p>	This policy seems to put the onus on the proponent, but we (Regional staff) would be interested in ensuring there is consistency in the decision-making process as well.
1.5.5	Territory without Municipal Organization	
	<p>Despite generally having lower population and development density, land use compatibility issues exist in Northern Ontario, including in territories without municipal organization. In these areas, the Province or other planning authority should request that studies be completed to ensure that compatibility issues are adequately addressed prior to planning approvals being granted.</p> <p>Planning authorities in Northern Ontario in territories without municipal organization are the following:</p> <ul style="list-style-type: none"> • Planning boards, which coordinate overall future growth and land use planning activities. They can prepare OPs and can pass zoning by-laws in areas without municipal organization within their jurisdiction. • The Minister of Municipal Affairs and Housing defines planning areas of planning boards and may also initiate zoning controls in some territories without municipal organization. The Minister has the authority to approve development applications (plans of subdivision and consent applications) except in those areas where approval is given to other approval authorities, such as planning boards. <p>The Ministry of Natural Resources and Forestry (MNRF), which manages Crown land on behalf of the public.</p>	
1.6	Roles and Responsibilities	
1.6.1	Planning Authorities	

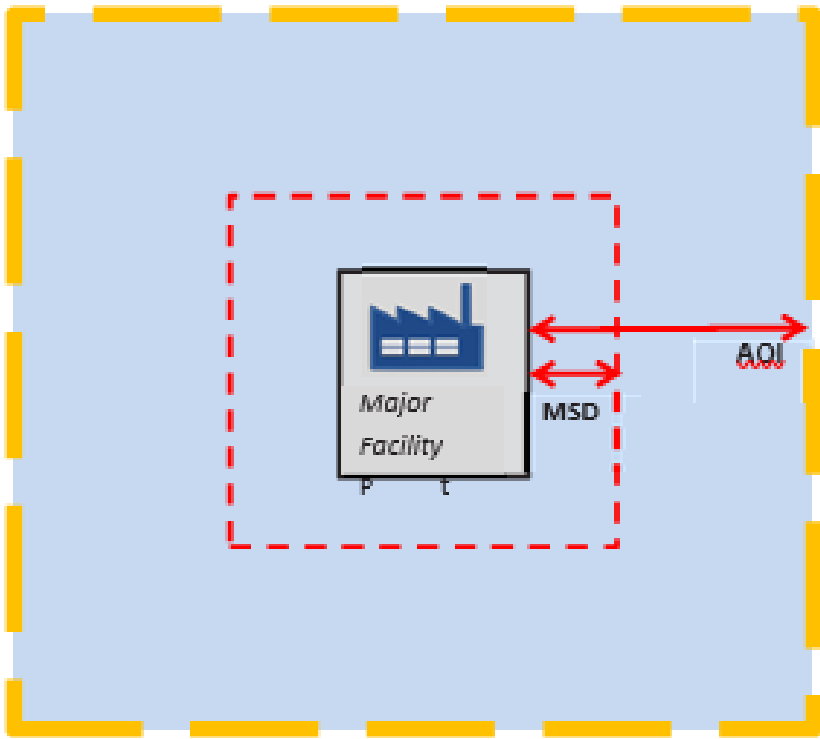
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	<p>“Planning authorities” refers to entities or bodies with land use planning approval authority under the Planning Act, including the council of a municipality, a planning board and the Ministry of Municipal Affairs and Housing (MMAH).</p> <p>Subsections 3(5) and 3(6) of the Planning Act provide that planning decisions and comments, submissions or advice affecting a planning matter by a council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government shall be consistent with the PPS and shall conform or not conflict with any provincial plans in effect at that time. As such, under the Planning Act and the PPS, planning authorities are responsible for ensuring that major facilities and sensitive land uses are planned and developed to avoid, or if avoidance is not possible, minimize and mitigate adverse effects. They are also responsible for protecting the long-term viability of existing or planned industrial, manufacturing or other employment uses. Planning authorities must not approve development proposals where there are irreconcilable incompatibilities (i.e. adverse effects with no feasible required mitigation measures). Land use planning decisions that result in incompatibility may create ongoing issues for all parties, including municipalities, to address noise and odour complaints and other impacts</p>	<p>Feasible or required? Or just feasible?</p>
	<p>Planning authorities should encourage pre-consultation with proponents to identify potential land use compatibility constraints (e.g. closed landfill, existing major facilities and/or sensitive land uses). Planning authorities will need to be satisfied that the classification of a major facility or AOI used are appropriate. Planning authorities are responsible for reviewing Planning Act applications (including required compatibility studies) for potential adverse impacts to existing facilities and/or existing sensitive land uses, and only approving planning applications that have demonstrated that such impacts do not exist or that impacts have been addressed and any necessary mitigation will be implemented. Municipalities that do not have in-house expertise to assist with this task are encouraged to hire third party experts for review of land use compatibility studies. Where feasible, planning authorities should encourage or accept electronic submissions of land use compatibility studies that may be required in this Guideline with planning applications.</p> <p>Planning authorities also undertake planning exercises which must address land use compatibility, such as comprehensive reviews of OPs, development of secondary plans and reviews of zoning by-laws. To address land use compatibility, OP policies and land use designations, requirements for supporting documentation for development applications, and zoning by-laws must be up to date and in accordance with the Guideline. See Table 4 for more details and instruction on how planning documents can incorporate the Guideline.</p>	<p>Timing of a compatibility study should occur at top level of any required PA Application and not be permitted to be pushed down the process to subdivision or site plan unless they represent the highest level of PA Application required to advance development.</p> <p>With respect to the comment on digital submissions, this should be a requirement. The wording should be affirmative in that respect, as the ability to retain, search, disseminate study work for the purposes of other related or area studies is enhanced. Hard copy of such materials is quickly, if not already, an antiquated method of application processing in general.</p>
1.6.2	Proponents of Major Facilities and Sensitive Land Uses	
	<p>This section applies to proponents of new or expanding major facilities that would capture existing or planned sensitive land uses within their AOI, and new or expanding sensitive land uses that would be captured within the AOI of an existing major facility.</p> <p>Proponents are responsible for ensuring that they have the proper land use planning approvals in place prior to development, and that their applications for planning and development demonstrate that the proposed new land uses will avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects.</p> <p>Pre-consultation with planning authorities is highly encouraged when planning for a new development, to identify potential constraints with respect to potential impacts to major facilities and sensitive land uses, explore alternative locations if necessary, and ensure all necessary studies are completed to inform planning decisions. Proponents can request pre-consultation and municipalities are required to agree to pre-consultation upon request under the Planning Act.</p>	<p>What are the implications for a proponent if they don't have the proper land use planning approvals in place prior to development?</p>

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	<p>Engagement between parties will allow for awareness of concerns, potential access to facility-specific information to complete compatibility studies, discussion on recommendations for mitigation, identification of any barriers to mitigation and, if necessary, discussion on agreements for any potential mitigation to address adverse effects and/or potential impacts to the major facility. Where a new sensitive land use is proposed, engaging existing major facilities early is highly recommended to better understand their operations and the mitigation measures that may already be in place. If major facility operators are the proponent of a new or expanded facility, early engagement of nearby sensitive land uses is highly recommended. More information on engagement and consultation is in Appendix C.</p> <p>Proponents are responsible for retaining qualified individuals to undertake appropriate studies, locating and designing their proposal to avoid, minimize and mitigate adverse effects and/or potential impacts to major facilities, and for installing and monitoring any required mitigation measures, as well as ensuring any necessary permissions (including ECAs, EAs and EASR registrations as applicable) under the EPA, the EAA or the Ontario Water Resources Act (OWRA), or other relevant legislation, are in place (see Appendix B for more on qualified individuals). Proponents of major facilities are encouraged to undertake studies supporting land use planning approvals and environmental permissions in a coordinated manner, where possible.</p>	<p>Barriers to this approach are significant where the proposed sensitive land use threatens existing industry. Most industry will not participate or engage with the developer of a sensitive land use where they think it will disadvantage their operations or advantage the sensitive land use. This leads to issues down the road with potentially conflicting land uses as a result of the industry not engaging in the public process. How can these conflicts be alleviated if the industry does not participate in the planning/public process?</p> <p>What about where the proponent is the sensitive land use and they don't require ECAs, etc? Salit Steel didn't have an ECA and was unregulated up until last year. They had no requirement to comply with noise and air quality at their property line or based on sensitive receptors.</p>
1.6.3	Existing Sensitive Land Uses and Major Facility Owners/Operators	
	<p>Owners of existing sensitive land uses are encouraged to engage with proponents and planning authorities when major facilities are proposed, and the sensitive land use is captured within their AOI.</p> <p>Conversely, existing major facility owners and operators are encouraged to respond to and engage with proponents and planning authorities when sensitive land uses are proposed within the AOIs of the major facility.</p> <p>Major facilities are encouraged to share information that may lead to the completion of land use compatibility studies and other reports that may be needed, provided appropriate privacy considerations are met. Ensuring compatibility studies are based on the best and current information will help to ensure potential compatibility issues are avoided in the future.</p>	<p>More clarity on the as-of-right status of both land uses needs clarity (if not offered later in this document).</p> <p>The reality is this doesn't happen. Owners of existing sensitive land uses may be represented by one land owner; and major facilities may not provide this information because they think it will assist in the sensitive land use being approved.</p>
1.6.4	Ministry of the Environment, Conservation and Parks (the Ministry)	
	<p>The Ministry is responsible for providing land use planning and technical guidance on land use compatibility matters related to certain types of major facilities, and other matters that fall within its mandate and programs.</p> <p>As a partner ministry, the Ministry also supports MMAH in the review of provincial planning policies and Planning Act applications where MMAH is the approval authority. The Ministry will conduct technical reviews where MMAH is the planning authority. In limited cases where MMAH is not the planning authority, municipalities may engage with the Ministry directly through the Municipal Plan Review process if they require specific technical input relating to compatibility studies. The Ministry does not have a role in reviewing and approving technical studies supporting planning applications under the municipal review process; its role is limited to providing specific technical information or guidance under its mandate and legislation.</p> <p>The Ministry is not a decision-maker on Planning Act applications. As part of its broader mandate to protect Ontario's air, land and water, the Ministry issues permissions required by its key legislation including the EPA, the EAA, OWRA and their regulations for some activities at major facilities. Environmental permissions, which include ECAs, EAs and EASRs, do not replace the need for land use planning approvals to address compatibility.</p>	
1.7	Planning Legislation and Policy Context	

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	The following sections provide context and background on the main provincial legislation and policies related to land use compatibility. A more comprehensive listing of relevant policies is found in Appendix A.	
1.7.1	Planning Act	
	<p>This Guideline supports implementation of key provincial land use planning policies. This includes relevant policies of the PPS, which is issued under the authority of the Planning Act.</p> <p>This Guideline also supports fulfillment of provincial interests under section 2 the Planning Act that planning authorities shall “have regard to”. These include building strong healthy communities, the protection of public health and safety, and the appropriate location of growth and development.</p> <p>Subsections 3(5) and 3(6) of the Planning Act require that decisions and comments, submissions or advice affecting a planning matter as made by planning authorities, and decisions made by the Local Planning Appeal Tribunal when making a determination on appeal “shall be consistent with” the PPS policies and “shall conform with” or “shall not conflict with” provincial plans.</p>	
1.7.2	The Provincial Policy Statement (PPS)	
	<p>The PPS sets out the Province’s long-term vision for building strong, healthy communities through land use planning decisions which support the long-term prosperity, environmental health and social well-being of Ontario.</p> <p>Relevant policies are referenced below, but it should be noted that the policies of the PPS represent minimum standards. Within the framework of the provincial policy-led planning system, planning authorities may go beyond these minimum standards to address matters of importance to a specific community, unless doing so would conflict with any policy of the PPS.</p> <p>PPS policies 1.2.6.1 and 1.2.6.2 provide direction to planning authorities to ensure that major facilities and sensitive land uses are appropriately planned and developed to avoid, or if avoidance is not possible, minimize and mitigate adverse effects (e.g. from odour, noise and other contaminants) and ensure the long-term viability of major facilities. As such, planning proposals need to demonstrate how land use compatibility has been assessed and addressed.</p> <p>Planning authorities also need to ensure that long-term viability and functions of employment areas are protected from encroachment within and surrounding these areas, as per PPS policies 1.3.2.2 and 1.3.2.3. Employment area conversion is also an important issue, as per PPS policies 1.3.2.4 and 1.3.2.5.</p>	
1.7.3	A Place to Grow: Growth Plan for the Greater Golden Horseshoe	

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	<p>A Place to Grow is issued under the authority of section 4 of the Places to Grow Act, 2005. A Place to Grow is the Ontario government's initiative to plan for growth and development in the Greater Golden Horseshoe. The area subject to A Place to Grow is set out in O. Reg. 416/05: Growth Plan Areas, made under the Places to Grow Act, 2005. Key policies relevant to the Guideline include 2.2.5.6 to 2.2.5.10.</p> <p>A Place to Grow policies 2.2.5.6 and 2.2.5.7 provide direction to municipalities to designate employment areas and protect them for employment use over the long- term by doing such things as prohibiting residential uses, prohibiting or limiting other sensitive land uses, and providing an appropriate interface between employment areas and adjacent non-employment areas to maintain land use compatibility. To support this, policy 2.2.5.9 and 2.2.5.10 address employment land conversion.</p> <p>A Place to Grow policy 2.2.5.8 stipulates that the development of sensitive land uses, major retail uses or major office uses will, in accordance with provincial guidelines, avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment</p> <p>A Place to Grow is issued under the authority of section 4 of the Places to Grow Act, 2005. A Place to Grow is the Ontario government's initiative to plan for growth and development in the Greater Golden Horseshoe. The area subject to A Place to Grow is set out in O. Reg. 416/05: Growth Plan Areas, made under the Places to Grow Act, 2005. Key policies relevant to the Guideline include 2.2.5.6 to 2.2.5.10.</p> <p>A Place to Grow policies 2.2.5.6 and 2.2.5.7 provide direction to municipalities to designate employment areas and protect them for employment use over the long- term by doing such things as prohibiting residential uses, prohibiting or limiting other sensitive land uses, and providing an appropriate interface between employment areas and adjacent non-employment areas to maintain land use compatibility. To support this, policy 2.2.5.9 and 2.2.5.10 address employment land conversion.</p> <p>A Place to Grow policy 2.2.5.8 stipulates that the development of sensitive land uses, major retail uses or major office uses will, in accordance with provincial guidelines, avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment.</p>	
1.8	Environmental Legislation and Permissions	
	<p>The following sections provide background on other provincial legislation and permissions related to land use compatibility. More information on environmental permissions can be found on the Ministry's website at https://www.ontario.ca/page/environmental-permissions.</p>	
1.8.1	Environmental Protection Act (EPA)	
	<p>A key part of the legislative basis for the Guideline is subsection 14(1) of the EPA, which provides:</p> <p>Subject to subsection (2) but despite any other provision of this Act or the regulations, a person shall not discharge a contaminant or cause or permit the discharge of a contaminant into the natural environment, if the discharge causes or may cause an adverse effect.</p>	<p>How does the Guideline account for major facilities that are operating contrary to the EPA but without an ECA?</p>
1.8.2	Environmental Assessment (EA)	

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	<p>Ontario's EA program promotes good environmental planning by determining the benefits and potential effects of projects, as well as evaluating alternatives, before projects are implemented. Projects that involve new or expanding major facilities may be subject to the EAA. The Minister may also designate a project as subject to the EAA.</p> <p>EA studies may involve evaluating alternative locations for siting a proposed major facility and must consider the proposed project's potential impacts to the environment, including impacts to the natural, social, economic, built, and cultural environments. This must include consideration of impacts to surrounding land uses. Appropriate measures must be proposed and implemented to address any impacts, such as noise and odour. Accordingly, the compatibility between a proposed major facility and its surrounding land use is often directly assessed and considered during an EA planning process.</p> <p>EA documents may be a resource for information related to land use compatibility when considering sensitive land use development near major facilities or vice versa.</p>	
1.8.3	Environmental Compliance Approvals (ECAs)	
	<p>ECAs are environmental permissions that are required by the EPA and the OWRA for certain activities which release contaminants into the air (including noise, vibration, odour and dust), land or water, such as industrial activities, waste management activities, sewage works, water works, and stormwater management systems.</p> <p>Existing ECAs may be able to be used as a source of information for conducting land use compatibility studies in a range of situations. The ECA and supporting studies include information about the assessment of noise, dust and odour emissions from a major facility, conditions on the timing of operations, setbacks or infrastructure and technology systems for mitigating emissions. However, there may be limitations on the ability to obtain reports used to inform an ECA. Major facilities are encouraged to provide reports and information when it will be used for such purposes as developing land use compatibility studies for proposed development.</p> <p>Terms and conditions set out in an ECA are included to help ensure the proper operation and maintenance of equipment and processes to minimize the impact to the environment and to prevent an adverse effect resulting from the operations. Depending on the type of facility, the ECA may include specific requirements to control dust, odour, noise, vibration, and other contaminants that can be released via air, water or land, to the environment.</p> <p>It should be noted that while ECAs can address various matters that relate to land use compatibility, such as the use of noise-attenuating technology, there are a range of issues related to the layout and operation of the site that are addressed through land use planning and not ECAs.</p> <p>It should be further noted that it cannot be assumed by a planning authority that a major facility with an ECA will implement additional mitigation measures to facilitate a sensitive land use proposed to be established nearby.</p>	<p>Only way to get these (possibly) is through and FOI to MECP. The MECP will not release them without an FOI.</p> <p>Or that a major facility that release contaminants is operating in compliance/with an ECA...</p>
1.8.4	Environmental Activity and Sector Registry (EASR)	

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	<p>An EASR is an online self-registration process for subject facilities instead of seeking a ministry approval through an application and review process.</p> <p>If a facility is required to register under the Air Emissions EASR, the proponent of that facility is required to have reports prepared that assess air, noise, fugitive dust and odour emissions prior to registration. Major facilities are encouraged to provide reports and information when it will be used for such purposes as developing land use compatibility studies for proposed development. Additionally, some summary information (i.e. Summary Table from Emissions Summary and Dispersion Modelling Report and the Acoustic Summary Table from the Noise Report) is available from the Ministry website through the Access Environment portal tools function.</p>	
PART B:	Assessing Land Use Compatibility	
2	Tools to Assess Land Use Compatibility	
2.1	Area of Influence (AOI) and Minimum Separation Distance (MDS)	
	<p>AOIs and MSDs specific to certain sectors or types of major facilities have been provided in this Guideline (Table 1). AOIs and MSDs have also been assigned to major facility class based on their anticipated local impact (Table 2). Where available, the facility-specific AOI/MSD in Table 1 shall be used. Where there is no facility-specific AOI/MSD in Table 1, or if planning authorities are determining an AOI for an area which may include a variety of facilities, Table 2 and Table 3 can be used to determine the appropriate Class-related AOI. See Figure 2 below for a visual representation of these areas, and Section 2.1.1, Section 2.1.2, and Section 2.1.3.</p>	
	<div><p>The diagram shows a central icon of a 'Major Facility' (a factory with smokestacks). This icon is enclosed within a red dashed rectangular boundary labeled 'MSD' (Minimum Separation Distance). This red dashed boundary is itself enclosed within a larger yellow dashed rectangular boundary labeled 'AOI' (Area of Influence). The entire area is set against a light blue background.</p></div> <div><p>AOI: distance within which adverse effects on surrounding sensitive land uses have a moderate likelihood of occurring. Compatibility studies are required for proposed major facilities and sensitive land uses. See 2.1.1 for more information.</p><p>MSD: distance within which adverse effects on surrounding sensitive land uses are very likely to occur. Proposals should not result in a sensitive land use being located in the MSD. See 2.1.3 for more information.</p></div>	<p>Label bold black line as property line?</p>

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	AOIs and MSDs provided in this Guideline are based on analysis of the Ministry’s complaint data (specific to noise, dust and odour) from a ten-year period, its experience dealing with issues associated with land use compatibility and considering other ministry guidelines and regulations. While the AOIs and MSDs were mainly based on adverse effects related to noise, dust and odour, the major facilities listed in Table 1 and Table 2 may have other adverse effects, such as groundwater and surface water contamination or methane leakage.	
2.1.1	Area of Influence (AOI)	
	<p>An AOI is defined in this Guideline as an area surrounding the property boundary of an existing or planned major facility where adverse effects on surrounding sensitive land uses have a moderate likelihood of occurring. If a land use proposal would place a new or expanding sensitive land use within a major facility’s AOI or a new or expanding major facility would capture sensitive land uses within its AOI, a compatibility study will be required (see Figure 3). Compatibility studies assess potential impacts associated with a planning proposal, determine a recommended separation distance for the proposed use, and if required, identify necessary mitigation measures to prevent impacts and demonstrate the need for a sensitive land use in a specific location (see Section 2.6).</p> <p>If a land use proposal would place a proposed sensitive land use outside of a major facility’s AOI, or when a new major facility is proposed in a location that does not capture existing or planned sensitive land uses within a major facility’s AOI, this Guideline does not require compatibility studies.</p>	<p>“Should” be required. There may be cases that do not warrant a study, and it would be nice to have that flexibility</p> <p>Can an AOI be “reduced” if a property has site-specific zoning that only encompasses the industrial use? Instead of measuring from the property boundary?</p>

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	<div><pre>graph TD; A[START - Proposed major facility or proposed sensitive land use near major facility (or facilities)] --> B[Classify major facility using Table 1 (Section 2.2)]; B --> C[If major facility is not listed in Table 1, classify major facility using Table 2 and Table 3 (Section 2.3)]; C --> D[Measure separation distance between major facility and sensitive land use (Section 2.4)]; D --> E[Determine whether proposed sensitive land is within major facility AOI or whether AOI of proposed major facility captures existing sensitive land uses]; E --> F[If yes - follow the process in section 2.5 (see Figure 5) If no - no further action required in this Guideline];</pre></div> <p>Figure 3 – Steps to determine if land use compatibility study is required.</p>	<p>The step indicating “Measure separation distance between major facility and sensitive land use (Section 2.) – is it appropriate to say “from property line”?</p>
	<p>AOIs are intended to be used as the study area as well as the default separation distance from a major facility unless compatibility studies recommend a different separation distance. The separation distance used should be sufficient to permit the functioning of the two potentially incompatible land uses without an adverse effect to the sensitive land use or potential impacts to major facilities. Separation of incompatible land uses under this Guideline does not result in ‘freezing’ or denying usage of the intervening land. Other compatible, transitional uses may be able to be developed in the intervening land.</p>	<p>I thought the minimum separation distance was the default separation distance? I think the highlighted section belongs under the MSD section, not AOI. Or should this say “to evaluate and recommend site specific separation distance from a major facility”?</p>
2.1.2	<p>Planning Authority-Determine Alternate AOIs</p> <p>The AOI distances noted in Table 1 and Table 2 of this Guideline must be used as the AOI in most situations. In relation to specific areas or sites, planning authorities may determine an alternate AOI, which may be smaller or larger than the AOI outlined in this Guideline, if supporting studies are completed to justify this alternate AOI. An alternate AOI may be smaller, for example in locations with a planning objective of increasing intensification as well as avoiding conflicts. An alternate AOI may also be larger if the planning authority has determined that adverse effects may occur outside of the Guideline’s AOI, for example in consideration of other area or facility specific emissions. In either case, the planning authority may choose to implement policies that restrict uses and/or require compatibility studies based on their studies.</p> <p>The development of an alternate AOI is a voluntary activity undertaken by the planning authority that is intended to support its broader land use planning framework. As such, studies to justify an alternate AOI should be developed by the planning authority (supported by consultants as necessary), and should take place during a broader planning process (such as review of Official Plans, Secondary Plans and/or zoning by-laws) so that the alternate AOI can inform the overall community structure of a particular area surrounding a major facility or employment area, and inform policies setting the study requirements for future development applications in the area.</p> <p>Alternate AOIs should only be developed for a specific major facility or specific employment area, and not for a sector of major facilities. For example, work completed to justify an alternate AOI at steel mill A, does not mean that all steel mills can have the same alternate AOI; the planning authority would</p>	<p>Why is the review and development of an alternate AOI limited to Planning Authorities? Further, limiting the development of alternate AOIs to “broader planning processes” could be onerous for local planning authorities during an MCR. It would result in additional in-house or procured work to identify and review Major Facilities to determine the necessity or feasibility of alternative AOI.</p> <p>What if a Major Facility is proposed outside of the timeframe of a MCR or broader planning process? Can an alternate AOI be assessed and developed?</p> <p>Highlighted section is unclear, should this say “to determine the alternative AOI”?</p>

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	undertake separate studies for each steel mill (in each location) to develop an alternate AOI appropriate for that specific steel mill.	
	<p>Planning authorities may only consider using an alternate AOI if it can be justified through the results of a technical and scientific process similar to that of a compatibility study. The study should include qualitative and quantitative assessments of the magnitude, significance, frequency and extent of the expected impacts to the major facility or to sensitive land uses. The assessments would need to demonstrate that impacts are expected within a smaller area than the AOI specified in this Guideline.</p> <p>The alternate AOI must never be smaller than the MSD in the Guideline (see Section 2.1.3).</p>	Is this meant to address larger swaths of industries (i.e. all industries of Type X are able to have a reduced AOI)? Or is this to be applied on one-off basis?
2.1.3	Minimum Separation Distances (MSD)	
	<p>MSDs are defined in this Guideline as recommended minimum separation distances. They are smaller than the AOI and are the distance within which adverse effects and compatibility issues are highly likely to occur. Proposals should not result in sensitive land uses being located in MSDs, as adverse effects are highly likely to occur. Such proposals should only be considered where there is a demonstrated need for the proposed use in that location and no other location is feasible, and mitigation to prevent adverse effects is possible and will be implemented. Avoiding sensitive land uses being located in the MSD should be feasible in areas of new development such as areas of settlement expansion and new built-up areas, and in employment areas intended for industrial or manufacturing uses in the long-term. If a new or expanding sensitive land use is proposed within a major facility's MSD or a new or expanding major facility would result in sensitive land uses within its MSD, compatibility studies and mitigation measures to address potential adverse effects on sensitive land uses and potential impacts to major facilities will be required. A demonstration of need will also be required if the proposed land use is a sensitive land use within the MSD of an existing or planned major facility.</p>	<p>This statement is loaded with questions as it relates to absolute encroachment limit, because 200m on class 1 for MSD seems rather excessive. When I read this, it indicates "should not be located in" MSD, but the results of a compatibility study and mitigating measures would afford encroachment, but to what degree? Site by Site recommended separation would become a benchmark on that site and should sensitive land use be established as a result, then nothing more impactful could establish on the site if the MF changed users and use.</p> <p>I am having difficulty comprehending a recommendation increase of 20 to 200m for Class 1 for MSD. Seems drastic.</p> <p>Demonstration of need is going to vary from LAM to LAM and if the expectation is to use all available urban area efficiently, these lands should expect to come online at some point, so curious how delaying the development would be beneficial in the long run.</p> <p>"Avoiding sensitive land uses being located in the MSD should be feasible in areas of new development" – Should the language be revised to "shall"?</p> <p>Greenfield areas? Is the demonstration of need for areas of infill/redevelopment as well?</p>

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2.2	<p>How to Classify a Major Facility with an Assigned AOI and MSD</p> <p>Certain types of major facilities have been assigned specific AOIs and MSDs. The proponent and planning authority should first determine whether a given major facility type has been assigned an AOI and MSD in Table 1. Where available, the facility- specific AOIs and MSDs in Table 1 should be used instead of class-related AOIs and MSDs in Table 2.</p> <p>Due to the differing exact characteristics of emissions of different activities, some types of major facilities have a larger MSD relative to their AOI compared to some other major facility types.</p> <p>Where other types of major facilities are being considered (i.e. facilities that are not listed in this table), the approach outlined in Section 2.3 to determine an appropriate class-related AOI and MSD should be used and Table 2 and Table 3 should be referenced.</p>	

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Table 1 – Area of influence and minimum separation distance for select major facilities.

Select Major Facility	Description of Major Facility	AOI & Class	Minimum Separation Distance
Aggregate Operations	Aggregate extraction, Resource extraction, Other mineral quarries	1,000m Class 3*	500m*
Asphalt Manufacturing	Asphalt mixture and block manufacturing, Asphalt shingle and coating manufacturing	1,000m Class 3	300m
Cannabis production and processing facilities	Indoor cannabis production facilities that are located in a <i>settlement area</i> on lands that are zoned for industrial uses; and all cannabis processing facilities	2,000m Class 5	500m
Cement Manufacturing	Cement manufacturing and distribution	2,000m Class 5	500m
Chemical Product Manufacturing	Inorganic chemical manufacturing, Household cleaning and miscellaneous product manufacturing	2,000m Class 5	500m
Composting Facilities	Composting facilities	1,500m Class 4	500m
Concrete (Ready-mix)	Ready-mix and concrete product manufacturing facilities	250m Class 1	100m
Industrial Anaerobic Digesters	Anaerobic digesters that are not agricultural uses	1000 m Class 3	500m
Food Manufacturing	General industrial manufacturing of food products	500m Class 1	200m
Industrial Food Mills (non-agricultural)	Wet corn or flour mill	750m Class 2	300m
Landfills and Dumps (see Section 7.2 of Appendix E)	Operating and non-operating sites	case-by-case Class 5	500m

Is the MSD for aggregate operations measured from property line or area of extraction? Often aggregate operations retain land outside of their extraction area to act as a buffer.

There are existing industrial food mills with residential uses immediately across the street in Niagara. How should intensification/redevelopment in these areas be treated?

Does “all Cannabis processing facilities” include outside of settlement areas as well?

In most instances, the facility specific uses could be applied. Provides greater certainty of MDS and AOI for specific facilities that previously may have been classified as a Class II or ClassIII

Draft Regional OP to be completed Q4 2021, impact of changes to MCR work already completed with respect to Employment lands.

Encourage MECP to do some GIS analysis on the facilities they have record of, to understand the implications for growth of UGCs (already delineated) and MTSAs

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	<table><tr><th>Select Major Facility</th><th>Description of Major Facility</th><th>AQI & Class</th><th>Minimum Separation Distance</th></tr><tr><td>Meat and Meat Product Processes</td><td>Slaughterhouses and rendering facilities, Meat by-product processing, Production of foods using fats or oils, Cooking oil production</td><td>1,500m Class 4</td><td>500m</td></tr><tr><td>Metal and Glass Parts Manufacturing</td><td>Manufacturing steel parts, Foundries, Metal stamping, Manufacturing glass or fiber glass auto parts</td><td>600m Class 2</td><td>300m</td></tr><tr><td>Oil Refinery</td><td>Refinery for oil and oil products</td><td>2,000m Class 5</td><td>500m</td></tr><tr><td>Painting/Coating</td><td>Application of paint, solvent, lacquer or other coating/ Includes paint spray booths, electroplating, tanneries</td><td>400m Class 1</td><td>100m</td></tr><tr><td>Paper Manufacturing</td><td>Paper, newsprint and paperboard mills</td><td>1,000m Class 3</td><td>400m</td></tr><tr><td>Plastics Manufacturing</td><td>Manufacturing plastic or rubber products</td><td>500m Class 1</td><td>100m</td></tr><tr><td>Recycling Facilities – General</td><td>The sorting, processing, storage and transfer of recycled material (except auto parts)</td><td>900m Class 3</td><td>200m</td></tr><tr><td>Recycling Facilities – End-of-Life Vehicles</td><td>The sorting, processing, storage and transfer of motor vehicles</td><td>2,000m Class 5</td><td>300m</td></tr><tr><td>Scrap Yards</td><td>Scrap metal recyclers, auto recyclers, auto wreckers</td><td>1,500m Class 4</td><td>300m</td></tr><tr><td>Steel Mills</td><td>Iron and steel manufacturing</td><td>2,000m Class 5</td><td>500m</td></tr><tr><td>Waste Transfer Stations</td><td>The sorting, processing and transfer of waste</td><td>400m Class 1</td><td>100m</td></tr><tr><td>Sewage Lagoons</td><td>Sewage treatment lagoons</td><td>500m Class 1</td><td>200m</td></tr></table>	Select Major Facility	Description of Major Facility	AQI & Class	Minimum Separation Distance	Meat and Meat Product Processes	Slaughterhouses and rendering facilities, Meat by-product processing, Production of foods using fats or oils, Cooking oil production	1,500m Class 4	500m	Metal and Glass Parts Manufacturing	Manufacturing steel parts, Foundries, Metal stamping, Manufacturing glass or fiber glass auto parts	600m Class 2	300m	Oil Refinery	Refinery for oil and oil products	2,000m Class 5	500m	Painting/Coating	Application of paint, solvent, lacquer or other coating/ Includes paint spray booths, electroplating, tanneries	400m Class 1	100m	Paper Manufacturing	Paper, newsprint and paperboard mills	1,000m Class 3	400m	Plastics Manufacturing	Manufacturing plastic or rubber products	500m Class 1	100m	Recycling Facilities – General	The sorting, processing, storage and transfer of recycled material (except auto parts)	900m Class 3	200m	Recycling Facilities – End-of-Life Vehicles	The sorting, processing, storage and transfer of motor vehicles	2,000m Class 5	300m	Scrap Yards	Scrap metal recyclers, auto recyclers, auto wreckers	1,500m Class 4	300m	Steel Mills	Iron and steel manufacturing	2,000m Class 5	500m	Waste Transfer Stations	The sorting, processing and transfer of waste	400m Class 1	100m	Sewage Lagoons	Sewage treatment lagoons	500m Class 1	200m	
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2.3	How to Classify a Major Facility with No Facility-Specific AOI and MDS	
	This section provides an overview of how to determine the AOI and MSD based on a class of facilities, where the specific major facility type is not listed in Table 1.	
	<p>1. Identify the type of the major facility</p> <p>Table 2 of this Guideline provides a description and examples of major facility classes to serve as a guide for determining an AOI and MSD. There are 5 classes of major facilities.</p> <p>The first step in the process of classifying is to identify the type of major facility and seek information to better understand its operation and potential adverse effects.</p> <p>If a major facility is being proposed, the facility type should be known. If a sensitive land use is being proposed or planned, particularly relative to a planned employment area, the planning authority should be consulted to advise on specific types of uses permitted under local zoning-by-laws and future development plans. Where major facility development plans are unknown or where the planning authority is determining an AOI for an area which contains multiple major facilities, the AOI for the largest scale major facility that could be permitted by the existing planning framework should be assumed ("worst case" scenario), unless, in collaboration with the planning authority, it is determined that certain uses are impractical in a specific area.</p>	<p>Additional examples would be helpful to assist in step 1.</p> <p>What about where a new sensitive use is proposed in proximity to an existing major facility, but insufficient information is known about the facility to classify the use? Historically we have put the onus on the proponent to classify the use.</p>
	<p>2. Consider the scale and characteristics the operations</p> <p>Identify the adverse effects commonly associated with the type of existing or proposed major facility (see Table 3) and its operations, including:</p> <ul style="list-style-type: none"> • impacts related to the timing of operations (e.g. day-time, shift or 24-hour operations); • fugitive emissions and vehicular emissions related to the operation; • traffic related to the operation; • noise, vibration and fugitive dust from indoor and outdoor operations (e.g. wood cutting, outdoor welding, moving stored materials); • adverse effects that may result from ancillary operations (e.g. delivery of raw materials via rail cars or marine facilities, facility lighting); • odours from indoor and outdoor operations (e.g. organic waste handling, outdoor storage for composting facilities, wastewater treatment lagoons); • any history of complaints in the area about adverse effects. <p>Where available, use approval information in the existing ECA or EASR for the major facility (e.g. existing ECAs and EASRs) as a source of information, as they may include conditions on the timing of operations, setbacks or systems for mitigating impacts for facilities in the area. ECAs and EASR information can be accessed at the Ministry's Access Environment site and may be useful.</p> <p>Note, the level of adverse effects anticipated should only be assessed from day-to-day operations, not from emergency situations or spills.</p>	<p>Note for internal purposes: this checklist should be included in the Terms of Reference being developed for Land Use Compatibility studies, to ensure that the information provided aligns with the Provincial guidelines.</p>

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	<p>3. Select the appropriate class</p> <p>Based on available information and professional expertise, a facility class and associated AOI and MSD is then selected for a major facility.</p> <p>The planning authority will need to be satisfied that the classification is appropriate. Proponents are encouraged to consult with the planning authority before proceeding further to verify that the information they are gathering will be satisfactory to them.</p> <table><tr><th>Select Major Facility</th><th>Description of Major Facility</th><th>AOI & Class</th><th>Minimum Separation Distance</th></tr><tr><td>Municipal and private communal wastewater facilities (small)</td><td>Facilities with a rated capacity less than 25,000 cubic metres per day</td><td>300m Class 1</td><td>100m</td></tr><tr><td>Municipal and private communal wastewater facilities (large)</td><td>Facilities with a rated capacity more than 25,000 cubic metres per day</td><td>1,250m Class 4</td><td>500m</td></tr></table> <p>* AOI and MSD only applies to new or expanding sensitive land use proposals near major facility aggregate operations.</p>	Select Major Facility	Description of Major Facility	AOI & Class	Minimum Separation Distance	Municipal and private communal wastewater facilities (small)	Facilities with a rated capacity less than 25,000 cubic metres per day	300m Class 1	100m	Municipal and private communal wastewater facilities (large)	Facilities with a rated capacity more than 25,000 cubic metres per day	1,250m Class 4	500m	<p>Confirm who the planning authority is – Land Use Compatibility studies are often solely requested and reviewed by the Region. Is the Region the authority that confirms whether the classification is appropriate, or is it the Local Area Municipalities (i.e. approval authority)?</p>
Select Major Facility	Description of Major Facility	AOI & Class	Minimum Separation Distance											
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		<p>The differentiation between Classes 1-2, 2-3, 3-4, and 4-5 in Table 3 are unclear and are thus open to significant interpretation, which may result in the guidelines being applied inconsistently or inaccurately. Consideration should be given to revising Table 3 to include separate columns for each class, with impacts differentiated between each class, versus a threshold. Alternatively, at minimum, the text of this section should be expanded to explain in detail how the threshold between each class is to be determined.</p> <p>Additional language should be added to clarify that the Classes ONLY apply when there are no applicable Facility Specific AOIs and MDS (previous tables).</p>												

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Table 2 – Area of influence and minimum separation distance for classes of major facilities.

Class	Description of Major Facility	AOI	Examples of Major Facility (see Table 1 for more examples)	Minimum Separation Distance
Class 1	Operations with known smaller <i>adverse effects</i> .	500m	Food Manufacturing Sewage Lagoons Various <i>EASR</i> activities	200m
Class 2	Operations with moderate <i>adverse effects</i> . May include some outdoor operations.	750m	Manufacturing Metal and Glass Parts	300m
Class 3	Operations with moderate to significant <i>adverse effects</i> that may be difficult to mitigate. May include larger outdoor operations.	1,000m	Aggregate Operations (in relation to <i>sensitive land use</i> proposals)	500m
Class 4	Operations with significant <i>adverse effects</i> that may be difficult to mitigate. May include larger <i>outdoor</i> operations.	1,500m	Meat and meat product processes (slaughterhouses and rendering facilities)	500m
Class 5	Operations with the most significant <i>adverse effects</i> that may be difficult to mitigate. May include larger outdoor operations.	2,000m	Chemical product manufacturing	500m

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Table 3 – Characteristics for classifying major facilities.

	CLASS 1 → CLASS 2 → CLASS 3 → CLASS 4 → CLASS 5		
	IMPACTS		
Noise	Sound is not audible off property	Sound occasionally audible off property	Sound frequently audible off property
Vibration	No ground borne vibration on plant property	Possible ground-borne vibration, but cannot be perceived off property	Ground-borne vibration can frequently be perceived off property
Dust (Point Source)	Infrequent and not intense	Frequent and occasionally intense	Persistent and/or intense

This diagram is clear however, is there a standard interpretation to quantify the characteristics? For instance, how are the following terms defined / quantified “infrequent”, “frequent”, “persistent”? How is seasonality considered?

Using Table 3, unlikely to get a Class 2 or 4.

	CLASS 1 → CLASS 2 → CLASS 3 → CLASS 4 → CLASS 5		
Dust (Fugitive Emissions)	Low probability of fugitive emissions	Moderate probability of fugitive emissions	High probability of fugitive emissions
Odour	Infrequent and not offensive	Frequent and occasionally offensive	Persistent and/or usually offensive
	SCALE OF OPERATION		
Scale of Production	Small scale plant	Medium level of production allowed	Large production levels
Outside Storage	Minimal storage	Outside storage permitted	Outside storage of raw and finished products
Process	Self-contained plant or building	Outdoor storage of low to moderate amounts of wastes or materials	Outdoor storage of large amounts of wastes or materials
Process Outputs	Produces/stores a packaged product	Periodic outputs of minor annoyance	Frequent outputs of major annoyances
Hours of Operation	Daytime operations only	Shift operations permitted at times	Daily or 24 hour shift operations permitted
On-site Movement	Infrequent movement of products and/or heavy trucks	Frequent movement of products and/or heavy trucks with the majority of movements during daytime hours	Continuous movement of products by heavy trucks and rail cars including at night

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2.4	How to Measure Separation Distances, AOIs and MSDs	
	<p>A separation distance, AOI or MSD is typically measured as the actual distance between the property line of a sensitive land use and the property line of a major facility.</p> <p>To determine whether the proposal would result in an existing or planned sensitive land use within the AOI or MSD for a particular facility, the proponent should do the following:</p> <ul style="list-style-type: none"> • measure the current separation distance between the property boundary of a proposed sensitive land use or major facility to the property boundary of the existing sensitive land use or major facility; and • determine whether the separation distance falls within the AOI or MSD. <p>Measuring the separation distance, AOI and MSD from the major facility's property boundary, instead of from the major facility building or source of emission, is recommended, as it will account for any future expansions that may be contemplated or new major facilities that may be developed within the property boundary.</p> <p>However, the planning authority may allow measurement of the separation distance, AOI and MSD from the major facility's building or equipment that is the actual source of adverse effects as opposed to the property line. This approach could be used, for example, if the major facility has a buffer area on the property which was included in order to shield impacts of the major facility from adjacent uses. However, this method does not take into account any future expansions or future outdoor works such as vehicular traffic, or onsite storage and maintenance. It should only be used if the planning authority and major facility is agreeable and if future expansions of the major facility are not expected.</p>	<p>Add context to better apply this Guideline to situations where a property has dual zoning (i.e. industrial use is limited to that zoning on the property).</p> <p>Suggest including consideration for site specific setback preventing expansions, as outlined in the current D6 Guideline, otherwise this approach will always be used by new sensitive uses.</p>
2.5	What to do if Development is Proposed within an AOI or MSD	
	<p>When a new or expanding sensitive land use is proposed within a major facility's AOI or MSD, or when a proposed or expanding major facility's AOI or MSD captures existing or planned sensitive land uses, the steps below apply and are the responsibility of the proponent of the planning application. See Figure 4 and Figure 5.</p> <ol style="list-style-type: none"> 1) Carry out compatibility studies (see Section 2.6). 2) Determine through the compatibility studies whether adverse effects to sensitive land uses from an existing or planned major facility or impacts to major facilities are expected. The determination must include consideration of relevant ministry standards or technical guidelines and assessments. Then: <ol style="list-style-type: none"> a. If a compatibility study shows that no adverse effects to sensitive land uses or impacts to major facilities is expected at the proposed separation distance (or a revised separation distance based on the study), without mitigation, then no further action is required (unless the proposal is for a new sensitive land use located within the MSD, see c) below). b. If a compatibility study shows that adverse effects to sensitive land uses or impacts to major facilities are expected at a proposed separation distance, mitigation measures must be identified (see Section 3). Implementation of identified mitigation measures must be required as part of the planning approval process, and they must be maintained over time. c. If a proposed new sensitive land use is located within the AOI of a major facility and mitigation measures are identified or if a proposed new sensitive land use is located in the MSD of a major facility, a demonstration of need is required (see Section 2.8). 	<p>The descriptions are clearly being conveyed. On it's own a D-series it remains clear.</p> <p>The last paragraph is definitive in that new sensitive use "must not be permitted" where adverse effects cannot be mitigated. How does this change should NPC-300 Class 4 be applied by the municipality if noise and vibration are the focus of nuisance?</p> <p>It would strike me as more instances of NPC-300 Class 4 will be used in future, or at least efforts by proponents of sensitive land uses will lobby for the designation.</p> <p>In such instances where the Industrial Class 3 (under current classification) inside an Employment Area should be concerned about Class 4 use given the purpose of Employment Area identification and protection from encroaching sensitive land uses.</p> <p>The PPS says "minimize and mitigate any potential adverse effects...minimize public health and safety, and ensure long -term...." It does not say no adverse effects should be expected. I think this is contrary to the PPS.</p> <p>Minimization and mitigation typically limit and minimize the adverse impacts from development, but may not be able limit <u>all</u> adverse impacts. This definitive language of no adverse impacts or the planning authority must not permit a development is highly subject to interpretation and may limit what would otherwise be good development in</p>

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	<p>The planning authority is responsible for reviewing the documents (e.g. compatibility studies) prepared by the proponent and must be in agreement with the conclusions of the documents, before Planning Act approval is provided. When adverse effects from major facilities cannot be minimized and mitigated such that no adverse effects are expected, the planning authority must not permit the new development.</p>	<p>keeping with Provincial and municipal planning and economic strategies, policies and goals. Further an adverse effect may impact community members differently, depending on their individual health versus that of the general population, so meeting this threshold may be difficult for any development to meet this standard.</p>
2.6	<p>Compatibility Studies</p> <p>Compatibility studies assess potential adverse effects to sensitive land uses and impacts to major facilities and recommend separation distances and mitigation measures to prevent adverse effects or impacts to surrounding land uses.</p> <p>Compatibility studies are required when:</p> <ul style="list-style-type: none">• a new or expanding sensitive land use is proposed within a major facility's AOI (including MSD); or• a new or expanding major facility is proposed to locate where there are existing or planned sensitive land uses within the AOI (including MSD) of the proposed major facility. <p>Compatibility studies should be prepared for the proponent by qualified individuals with experience in preparing technical assessments. The planning authority is responsible for reviewing the compatibility studies submitted by the proponent, and must be in agreement with the conclusions of the documents, prior to moving forward through the planning approvals process. If in-house expertise is not available, the planning authority should consider having a peer review of studies at the expense of the proponent.</p> <p>Technical guidance on preparing compatibility studies addressing noise, dust and odour is provided in Appendix B. Although this Guideline focuses on noise, dust and odour, the planning authority can and should require the proponent to avoid, minimize and mitigate any other relevant adverse effects that may exist (e.g. other air contaminants, toxins, traffic). The planning authority can also, at their discretion, undertake or require broader studies outside of a site-specific study, such as regional or cumulative impact modeling. This could be appropriate if there are multiple existing major facilities or multiple proposals for potentially incompatible development in a regional area, and the planning authority may want to assess impacts on an area-wide scale.</p>	<p>Based on this, from a Development Planning perspective, we must be satisfied with the Land Use Compatibility study that is submitted with an application and not make revisions a condition of approval.</p>

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	<p>Section 2.7 provides a list of the documentation that is required to be included as part of compatibility studies. Some of the information required for completing compatibility studies may not be accessible to the proponent due to its proprietary nature or if a major facility or sensitive land use is not able or willing to share the information. In such cases, the compatibility study should note the deficiencies in information, and make conservative estimates for the separation distance and mitigation measures to minimize and mitigate potential adverse effects to sensitive land uses or impacts to major facilities. The planning authority should use its discretion to ensure that the information provided is sufficient to justify the conclusions of the compatibility study and if not, require revision to address any noted deficiencies or if unsatisfactory, be rejected.</p> <p>Proponents should also carry out pre-consultation with the planning authority to discuss the application and compatibility study requirements, including potential impacts to be considered and potential information sources. Proponents must also share information and contact major facilities or sensitive land uses (depending on the proposal) based on the AOI to inform the compatibility study. Information sharing, engagement and consultation is discussed in Appendix C.</p>	
2.7	<p>General Documentation in Compatibility Studies</p> <p>In addition to the required technical components of compatibility studies (Appendix B), the following general documentation should be provided as part of required compatibility studies. The information may be integrated as part of technical compatibility studies done specifically for noise, dust, odour or other contaminants or kept as a stand-alone “general documentation” piece. For proponents of major facilities, the study area would be the AOI. For proponents of sensitive land uses, the study area should be large enough to include all the major facilities that capture the proposed sensitive land use in their AOIs.</p> <p>i. A general site description of the study area, including the nature of any land uses within the area (e.g. numbers of units, size, type).</p> <p>ii. Detailed mapping and descriptions showing the following:</p> <ul style="list-style-type: none">• For proposed sensitive land uses:<ul style="list-style-type: none">○ the nature of the proposed sensitive land use;○ all existing and planned major facilities in the study area; and○ the separation distance between the proposed sensitive land use and existing and planned major facilities, including whether the proposed sensitive land use is captured within any AOIs and MSDs.• For proposed major facilities:<ul style="list-style-type: none">○ the nature of the proposed major facility;○ all existing and planned sensitive land uses in the study area; and○ the separation distance between the proposed major facility and existing and planned sensitive land uses, including whether any sensitive land uses are captured within the MSD. <p>iii. Relevant excerpts from the OP and/or zoning by-law for properties in the study area, including vacant property designations or zoning, to indicate the full range of permitted uses and enable a complete assessment of potential impacts.</p> <p>iv. Classification of the major facilities within the study area according to the procedure described in Section 2.2 and Section 2.3.</p> <p>v. Description of the engagement completed with residents or major facility owners within the study area, including who was contacted, how they were contacted, what opportunities were provided to provide input into the proposal and how the input was incorporated into the compatibility study.</p> <p>vi. The assessment(s) of the adverse effects being generated by each major facility and for proposed sensitive land uses, potential impacts to major facilities, including:</p> <ul style="list-style-type: none">• how the potential adverse effects may impact sensitive land uses within its AOI informed by required technical assessments (Appendix B provides specific guidance to assess noise, dust and odour impacts); and	<p>The information listed in this section should be made clear to applicants, that we expect all of this to be incorporated into Land Use Compatibility studies.</p>

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	<ul style="list-style-type: none">• possible operational impacts (e.g. ability to expand) on existing or planned major facilities, where applicable. <p>vii. For each major facility within the study area, provide information that informed the assessment(s) of adverse effects, such as:</p> <ul style="list-style-type: none">• the duration, timing and types of operational activities, shipping, receiving and other transport activities, and outputs/contaminants associated with major facilities;• the hours of operation/normal use periods for sensitive land uses• design details and number, type and location of windows and doors in sensitive land use buildings;• wind patterns (predominant winds, wind roses), topography and natural and man-made barriers/buffers (e.g. elevation, vegetation, walls, berms, ground and surface water) in the study area;• any existing complaint history (where available) associated with the operation of the major facility (or major facilities) which would impact sensitive land uses, and any actions undertaken to address the concerns. <p>viii. Description of proposed mitigation measures to address potential adverse effects or impacts, if required (see Section 3), when they will be implemented, and ongoing maintenance requirements. This should include a description of the extent to which a proposed development and associated mitigation may require future permissions or other authorizations from the Ministry or other ministries, such as an ECA or an EASR.</p> <p>ix. Conclusions, including the following:</p> <ul style="list-style-type: none">• Whether the proposed sensitive land use is expected to experience adverse effects from the nearby major facilities, the proposed major facility is expected to have adverse effects on the nearby sensitive land uses, or the proposed sensitive land use is expected to have impacts on nearby major facilities.• A recommendation of whether the proposed development should move forward based on the analysis completed in general documentation and technical studies.• A proposed separation distance from the proposed use to the major facilities or sensitive land uses within the study area, whichever is applicable, and within which adverse effects or impacts would not be expected. This should be provided both without mitigation measures and, if any are necessary, with proposed mitigation measures implemented.	
2.8	Demonstration of Need	
	<p>A demonstration of need is an assessment that determines whether there is an identified need for the proposed use in the proposed location and evaluates alternative locations for the proposed use if avoidance is not possible. This assessment is only required for proponents of sensitive land uses.</p> <p>A demonstration of need is required to be carried out by a proponent of a sensitive land use when:</p> <ul style="list-style-type: none">• a new sensitive land use is proposed within a major facility's AOI and mitigation measures would be needed to ensure no adverse effects or potential impacts; or• a new sensitive land use is proposed within a major facility's MSD (regardless of whether mitigation measures are assessed to be needed or not). <p>The information required to be reported in a demonstration of need must accompany the compatibility study and can be included as part of existing municipal planning documents such as planning justification reports.</p> <p>The planning authority must review the demonstration of need provided by the proponent and must be satisfied that the report is complete and with the analyses and conclusions presented. In respect of the demonstration of need, and in addition to the other compatibility tests associated with approving a proposal, the planning authority must only permit the proposal if they are satisfied that there is an</p>	<p>Why does the demonstration of need not apply to expanding sensitive land uses?</p>

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	identified need and sound planning rationale for the proposed use in that location, and that alternative locations or areas for the proposed use have been evaluated and there are no reasonable alternative locations or areas.	
	<p>The demonstration of need should include the following:</p> <ol style="list-style-type: none">1) Demonstrate that there is a need for the proposed use in that particular location. This includes answering the following questions:<ol style="list-style-type: none">a. Do policies and objectives in the planning authority's applicable planning documents (such as OPs) and relevant provincial policies and plans (e.g. PPS, A Place to Grow) support locating the use in the proposed location? For example, consider policies/objectives related to complete communities, housing diversification, and community amenities.b. Are there demographic considerations, such as expected land supply, housing strategy, and forecasted growth or growth targets in population or employment, that would support the use in the proposed location?c. How will the proposed use, in its proposed location, support the community or other existing uses in the area? For example, does it provide necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing and transportation options and public service facilities?d. Are there community amenities and infrastructure (i.e. transportation, servicing) available to support the use?e. Is the proposed use to be located within a designated strategic growth area which by nature should include multiple types of uses, such as an MTSA (within the Greater Golden Horseshoe growth plan area) or nodes and corridors generally?2) Identify other locations in the municipality that have been designated and zoned specifically for this use and explain why they have not been chosen for the proposed use.3) Provide a list of at least two alternative locations that have been considered outside of the major facility's AOI and for each, discuss whether they would be appropriate for this use as compared to the preferred location. This discussion should address the same questions presented in #1a-e.4) Identify other potential uses for this particular site that would not be considered incompatible and explain why they have not been chosen for the proposed location.5) The conclusion of the demonstration of the need should discuss why the proposed use in the proposed location is the best option, having considered the answers to the questions presented in #1a-e.	<p>Question #3 states that the demonstration of need needs to provide a list of "at least" two alternative locations that have been considered outside of the major facility's AOI. What determines how many alternative locations should be explored, or will this be the responsibility of the proponent to identify in the report?</p> <p>Anticipating that we will run into constraints that are similar to our expansion policies for legal non-conforming uses in the agricultural area; the landowner owns the land they want to use for the expansion, given that they already own the land, it wouldn't make sense for them to purchase land elsewhere. Are the listed points for demonstration of need strong enough to ensure that the previously mentioned scenarios are not permitted or encouraged? How does a landowner owning adjacent property, that may encroach on an industrial use, result in good planning practice?</p>

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	<p>Note: unless the proposal relates to an expansion of an existing use, current ownership of property is not a factor that should be considered within the demonstration of need.</p>	
u	Decision Tree for Land Use Compatibility	

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The following figure is a visual representation of the process outlined in Section 2.5.

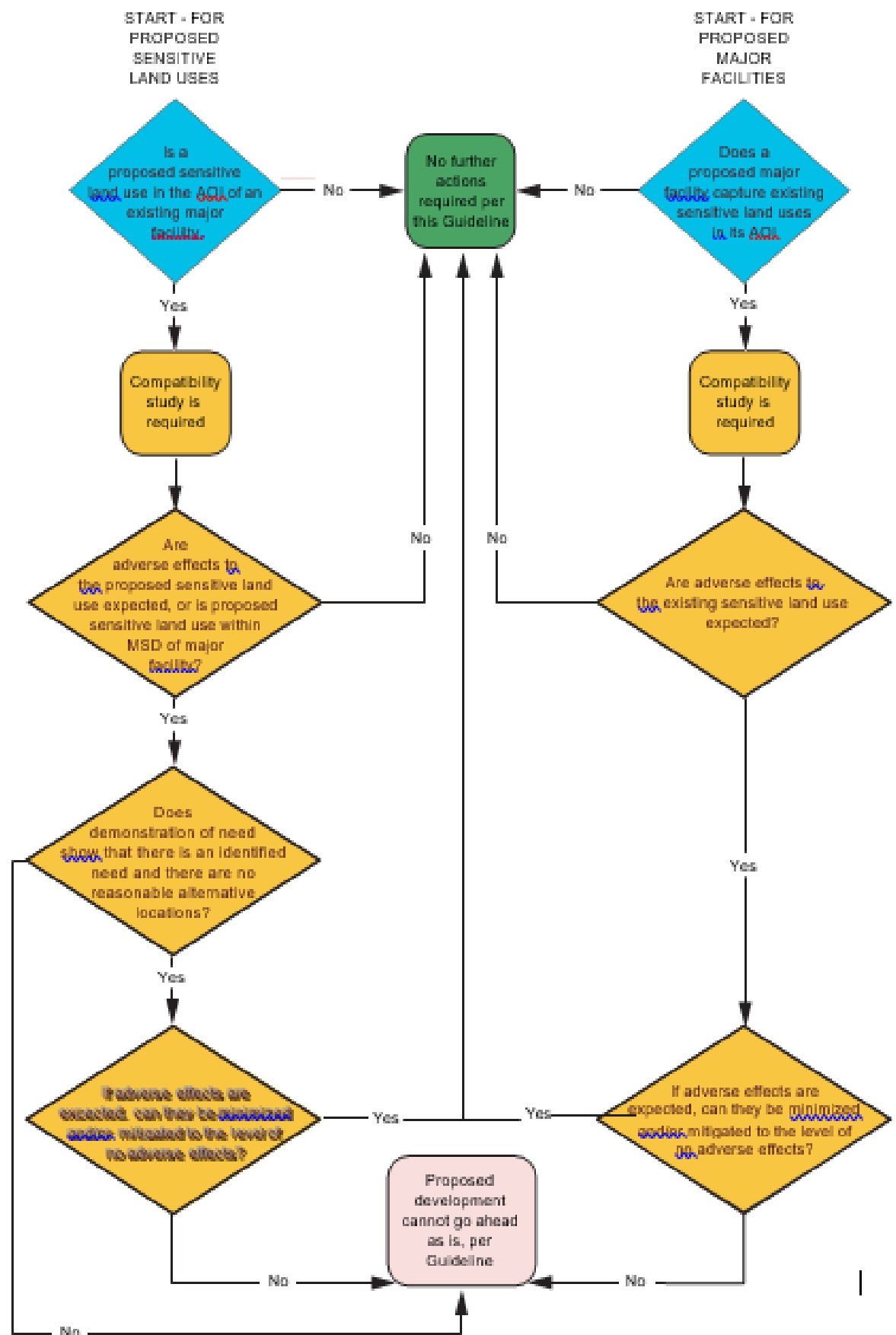


Figure 5 – Decision tree for land use compatibility.

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3	Mitigation	
	Avoidance, through separation of land uses, is the preferred approach to prevent land use compatibility issues and must be used wherever possible to avoid land use compatibility impacts. In many situations, including most greenfield development and outside settlement area situations, it is expected that separation can be achieved. As per policy 1.2.6.1 of the PPS, where avoidance is not possible, and potential impacts are minimized as much as possible through separation, mitigation measures for adverse effects will be needed in order for a proposed development to go forward. Mitigation measures are methods that can be used to prevent adverse effects arising from a major facility after separation has been maximized. The type of mitigation required will depend on the type and severity of potential adverse effect(s) as well as operating requirements of the facility. This section provides information on the types of mitigation that could be used to address compatibility issues between land uses. Mitigation measures will likely require discussions and negotiations between the proponent of a sensitive land use and the major facility. Planning authorities can facilitate discussions between the proponents of development (sensitive land uses or major facilities) and existing property owners/operators. The discussions should focus on: <ul style="list-style-type: none">• Can the sensitive land use be introduced subject to mitigation?	What qualifications/training would permit a planning authority to make determinations of what types of mitigation should be put in place?

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	<ul style="list-style-type: none">• What type(s) of mitigation should be put in place?• Who has responsibility for ongoing inspection and upkeep of mitigation measures as needed?• Who will pay for the mitigation measures?• How will implementation of mitigation measures form part of planning approvals or other legal agreement?	
	<p>It is the proponent's responsibility to demonstrate the effectiveness of any proposed mitigation measure to the satisfaction of the planning authority. Planning authorities should also ensure that any mitigation measures put in place are in compliance with provincial requirements.</p> <p>An assessment of the different types of recommended mitigation measures (if needed) to minimize and mitigate adverse effects to sensitive land uses from major facilities must form part of a compatibility study. Where appropriate, proponents should begin discussing possible mitigation measures with affected landowners, planning authorities and relevant provincial staff early in the planning process. Part of this assessment could include a scan of mitigation measures being used at similar major facilities and which have been determined to be effective.</p> <p>The below sections provide discussion on mitigation, and examples of it, but technical documents including NPC-300, Environmental Noise Guideline–Stationary and Transportation Sources–Approval and Planning, and the draft Odour Guideline provide additional considerations and examples.</p>	
3.1	At-Source Mitigation	
	<p>Mitigation at-source is mitigation that is used at a major facility to decrease adverse effects from its operations. Mitigation at-source is typically more effective than mitigation at-receptor.</p> <p>Examples of at-source mitigation can include:</p> <ul style="list-style-type: none">• installation and maintenance of emission mitigation equipment such as:<ul style="list-style-type: none">○ filters on exhausts to reduce air emissions;○ air scrubbers to reduce air emissions; and○ silencers to reduce noise;• process or chemical changes for manufacturing facilities;• enclosures for outdoor operations to reduce off-site noise, dust and odour;• orientation of new buildings to reduce noise and mitigate bright lighting;• physical placement of outdoor operations away from sensitive land uses to reduce adverse effects;• installation of vibration pads to reduce vibration from stamping presses and forging hammers; and	

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	<ul style="list-style-type: none">• installation and maintenance of emission mitigation equipment such as filters on exhausts to reduce air emissions.	
3.2	Operational Mitigation	
	<p>Operational mitigation is a type of at-source mitigation which includes changes made to a major facility's existing operations to reduce adverse effects.</p> <p>Examples of operational mitigation can include:</p> <ul style="list-style-type: none">• wheel washing stations to reduce fugitive dust;• limiting noisy operations to day-time hours;• use of alternate truck routes;• outdoor storage of waste materials in closed containers; and• broad band reverse warning alarm systems for trucks reversing.	
3.3	At-Receptor Mitigation	
	<p>At-receptor mitigation refers to mitigation that would minimize and mitigate adverse effects at the receptor and is located at the sensitive land use (e.g. an acoustic barrier on residential lands, triple-glazed windows, etc.). This type of mitigation is dependent on long-term maintenance by individual owners or operators of a sensitive land use. Where at-receptor mitigation is proposed, long-term maintenance should be ensured.</p> <p>It should be recognized that these individuals may not have been part of planning decisions and may not be aware of the importance of this mitigation to minimize adverse effects. For this reason, where at-receptor mitigation is used, it is recommended that warning clauses or notices on title be registered to inform future buyers of the potential for adverse effects and the need to maintain the mitigation (for more information on warning clauses, see Section 4.3.2 of this Guideline).</p> <p>At-receptor mitigation may be implemented on the property of the receptor or directly on a building.</p>	

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	<p>Examples of at-receptor mitigation include:</p> <ul style="list-style-type: none"> • building orientation to direct exposed areas away from source; • laying out the site such as that receptor is furthest away from source; • at-property berm/acoustic barrier; • enclosed areas that act as noise buffer; • acoustic barriers on building; • fixed/inoperable windows; • restriction to rooftop gardens/terraces; • protection of indoor air quality through centralized heating/air conditioning systems with air intake appropriately located away from odour sources; • individual heating/air conditioning systems associated with each residential unit equipped with carbon filters; and • locating air intakes well above grade. <p>At-receptor mitigation is not recognized by the Ministry to mitigate odour and dust impacts. However, at-receptor mitigation is recognized by the Ministry as mitigation for noise only in the ECA application review process if the area is designated as “Class 4” under NPC-300.</p>	
3.4	Buffers	
	<p>Buffers are a mitigation measure which involves a barrier used to prevent or minimize the adverse effects of incompatible land uses. Note that buffers which may be satisfactory for the control of noise may not be adequate for dust, odours, or gaseous air contaminants. A berm or wall may have little or no effect on these, and distance is often the only effective buffer.</p> <p>It should be noted also that narrow strips of plantings, trees or shrubs, and privacy fences may have little or no actual effect with regard to the reduction of noise or air pollution. These buffers may provide limited benefit, however, through screening the source from view and lessening the perceived impact.</p> <p>Examples of buffers include:</p> <ul style="list-style-type: none"> • fences and walls; • berms; • vegetation/landscaping/treed areas; • parking lots; and a land use that is different from the two conflicting ones but compatible with each of them. 	
3.5	Phasing	
	<p>In some cases, phasing or sequencing of development may be able to mitigate adverse effects between users. If a major facility will be changing to operations with fewer and/ or less impactful effects or relocating, development may be approved sequentially. If possible, development approvals could be timed so that sensitive land uses closest to a major facility are not developed until after the operation has changed or moved.</p>	
3.6	Effectiveness and Limitations of Mitigation Measures	

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	<p>Mitigation measures are specific to the current major facility and sensitive land use, and are to be based on the facility's scale and design, and the duration, frequency and the type of discharges/impacts.</p> <p>To be effective, the mitigation measure should be appropriately designed, constructed and maintained, bearing in mind the overall intended purpose. The measure should permit the normal functioning of the two incompatible land uses without conflict.</p>	
3.7	Requirements for Mitigation	
	<p>When mitigation is required to meet the land use compatibility requirements of the PPS and A Place to Grow, legal requirements to have mitigation implemented, and then maintained as necessary, should be in place. The legal requirements must apply to the person responsible for implementation and any costs (if applicable), and if necessary, ensure maintenance for any required mitigation measures in the long-term. Typically, legal requirements would be addressed through agreements and conditions applied directly on a given land use planning approval.</p> <p>For a range of planning approvals, conditions with respect to mitigation can be applied as pre-approval conditions. Further, in many cases, a legal agreement can be used to apply conditions that would be fulfilled following approval, including maintenance of mitigation measures. A range of legal agreements are possible under the Planning Act, including agreements entered into as part of a condition on the approval of plans of subdivision, plans of condominium, consents/severances, site plan control, and the issuance of a permit under the Community Permit Planning System (CPPS). Planning authorities are responsible for ensuring available approvals and agreements can ensure implementation and maintenance of mitigation measures. See Table 4 for more general discussion on the use of planning approvals in land use compatibility.</p> <p>It is possible that not all of the mitigation measures that will ultimately be needed will be confirmed or implemented at the planning approval stage. In these situations, when the planning authority is reviewing the proposed development, if any necessary mitigation measures are not confirmed on the basis of a planning approval, the planning authority should still be satisfied that the mitigation is feasible and will be addressed through a later approval (e.g. ECA if applicable). Note that the use of a subsequent ECA as a mechanism for mitigation would only apply in relation to a proposal for a major facility and to require at-source mitigation implemented by a major facility subject to an ECA. A new or amended ECA cannot be assumed in relation to a planning approval for a new sensitive land use.</p>	
	<p>Where mitigation measures are proposed to be implemented by a party other than the proponent of a proposal to enable that proposal to proceed, implementation of those measures should be complete as a condition of approval, and if necessary, agreements should be in place to ensure operation measures are implemented and to ensure all measures are maintained. It is a best practice to consider three party agreements (major facility, sensitive land use, and planning authority) where appropriate.</p> <p>In some cases, agreements must be able to bind subsequent landowners (be registered on title) to ensure ongoing implementation of measures. Agreements may also be used to achieve the placing of warning clauses on title where, for example, ongoing nuisance effects may be expected at a property (see Warning Causes in Section 4.3.2).</p>	

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	<p>Agreement(s) must be legally enforceable, signed by key parties, and should:</p> <ul style="list-style-type: none">• Outline the short-term and long-term responsibilities of each party (e.g. developer, major facility, planning authority etc.), including but not limited to financial and operational responsibilities.• Only assign responsibilities for fulfilling conditions to parties that are signatories to the agreement.• Outline responsibilities for obtaining planning approvals and ECAs (and other environmental permissions) that may be needed.• Outline who is responsible for undertaking the studies and associated costs for the approval applications, studies (including hiring qualified individuals), mitigation measures, monitoring, etc.• Provide for registration on title, as necessary, to bind subsequent property owners, and to provide for warning clause to be placed on title as necessary.• Outline responsibilities and expectations for consultations between parties and with the public.• Safeguard any confidential information from the facility that may be required.• Provide confirmation in writing that any required mitigation measures are implemented and maintained, and a description of how mitigation measures will be implemented and maintained.• Be adaptable to future change, such as in situations where business operations at a major facility change and there is a need for new mitigation measures.	
3.8	<p>Compliance</p> <p>Planning authorities and the Ministry have roles in ensuring compliance with conditions of planning approvals and environmental permissions, respectively. The EPA gives the Ministry the authority to respond to concerns about impacts from land use compatibility issues (i.e. potential adverse effects) as appropriate. A risk-based approach* is used by the Ministry to address known and potential violations of the law and risks to the environment or human health. Per its compliance framework, the Ministry may refer incidents related to compatibility issues that stem from planning decisions to a more appropriate level of government or agency (e.g. municipality).</p> <p>It is important to note that after a major facility has obtained its necessary planning approvals to be located in an area that may be close to a sensitive land use (e.g. a residential development), or vice versa where a sensitive land use was approved close to an existing facility, the tools available to the Ministry to deal with discharges of contaminants from that facility, as well as technical solutions may be limited. For example, when responding to a complaint from residents situated close to such a facility, the Ministry may only require the facility to take compliance actions to reduce</p> <p>the discharge of a contaminant where it is reasonably believed action is required to bring the facility into compliance with the EPA. If the Ministry determines that a major facility is in compliance with all ministry requirements and standards under the EPA and the major facility is using available technology to mitigate potential impacts, additional compliance actions may not be possible or required. This may result in a situation where the sensitive land use has to co-exist with minor impacts from the major facility over the long-term and subsequent complaints about adverse effects (e.g. noise, dust and odour) may be directed to the municipality.</p>	
	<p>In relation to existing major facilities that may be receiving complaints, a key responsibility of major facilities is effective responses to complaints. For all major facilities, when there are complaints, the major facility should respond in a way to help prevent potential need to revise an environmental permission (if applicable) or be subject to compliance from either the Ministry or municipality.</p> <p>* For more information on the Ministry's approach to compliance and enforcement see Compliance Policy: Applying Abatement and Enforcement Tools.</p>	

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PART C:	Incorporating Land Use Compatibility into Planning Tools	
4	Implementation and Planning Tools	
	Planning authorities must implement the policies related to land use compatibility and employment areas of the PPS and similar policies in A Place to Grow (see Appendix A). This section provides information on how to incorporate land use compatibility policies and approaches into various existing tools and approvals under the Planning Act and other legislation, including through OP policies and designations, secondary plans, zoning by-laws and other planning approvals. Planning authorities will need to integrate land use compatibility, protection of employment areas (which are recognized as having value for employment), and development and intensification in implementing these policies.	
4.1	Planning Tools	
	<p>Table 4 describes how key tools under the Planning Act can be used to enable land use compatibility. The purpose of Table 4 is not to provide foundational information on how land use planning approvals work. For guidance on this, see the Citizen’s Guides to Land Use Planning and other materials developed by MMAH.</p> <p>To the fullest extent possible, land use compatibility issues should be reconciled at the OP and zoning stage. It is expected, generally, that there is opportunity to avoid incompatible uses when planning for future industrial employment areas and surrounding non-employment uses. While conditions related to land use compatibility and mitigation can be integrated as part of the approval process for site-specific planning tools (such as plans of subdivision), decisions on these types of applications are usually one of the last steps of the planning process, before a building permit may be given. Accordingly, zoning which is done earlier in the land use planning process, should be used as much as possible to ensure potential adverse effects are avoided and minimized.</p>	
4.2	Overarching Mechanisms and Considerations	
4.2.1	Complete Planning Application Requirements	

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	<p>In addition to the minimum planning application requirements set out under regulations under the Planning Act, municipalities and planning boards can establish their own list of additional information or material required for land use planning applications, including OPAs, zoning by-law amendments and subdivision, condominium and consent applications. When a municipality/planning board requires additional information as part of a complete application, this must be identified in OP policies.</p> <p>Planning authorities must identify compatibility studies (and a demonstration of need, where applicable, required in relation to a proposed sensitive land use, see section 2.8) to be submitted as part of a complete land use application for the development of new sensitive land uses or new/expanding major facilities within an AOI. Within the MSD, studies are even more important, and mitigation would be expected in many cases.</p> <p>Proponents should review this Guideline and consult with planning authorities and other relevant agencies when considering a Planning Act approval involving new sensitive land uses or new major facilities. Part of this early consultation should include a discussion of what may be required to evaluate the compatibility of the proposal with existing and planned uses in the AOI. Mapping, for example, that includes existing and former land uses with potential compatibility issues (e.g. active and closed landfill sites) would be a key tool to avoid locating major facilities or sensitive land uses where compatibility may be an issue.</p> <p>Planning authorities typically provide and often publish online pre-application checklists for proponents to ensure that their application has considered legislative and regulatory requirements. This would be an appropriate place to list compatibility studies.</p>	
4.2.2	Transitional Land Uses	

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	<p>Transitional land uses are land uses that are compatible with major facilities and sensitive land uses and can be located between the potentially incompatible uses and buffer any impacts between them.</p> <p>Planning for transitional land uses is required by PPS policy 1.3.2.3, which indicates that employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas.</p> <p>Accordingly, transitional land uses should be planned for where needed as part of developing or amending an OP, secondary plan or zoning by-law. The designation and zoning of appropriate transitional land uses should be considered irrespective of whether an on-site buffer area is used as part of the separation distance.</p> <p>To the fullest extent possible, existing or proposed heavier industrial uses should be buffered from existing or proposed sensitive land uses by lighter industrial uses, rights of way, and other land uses that may not be sensitive in that context (e.g. warehousing, various commercial uses that relate to types of industries or the neighbouring lands, and roads). Buffering should allow for sensitive land uses to be located outside of the AOI to the fullest extent possible. If there is intention to use commercial or office uses as a transitional land use, a qualified individual should be hired to determine if such uses can be considered a transitional land use.</p>	<p>What should be considered when determining whether commercial or office uses are appropriate as a transitional land use? This isn't clearly identified.</p>
4.2.3	<p>Considerations for Infill and Intensification Scenarios</p> <p>It is recognized that locating sensitive land uses outside AOIs and MSDs may be more complicated to achieve in areas undergoing infill and intensification, including areas planned for mixed-use development, such as MTSAs as defined in A Place to Grow. In these scenarios, compatibility still needs to be addressed and it is important that the key direction and recommendations of this Guideline are followed (e.g. use of mitigation as needed), including the following:</p> <ul style="list-style-type: none">• Ensuring that OP policies and zoning by-laws are up-to date, clearly factor compatibility into designations and permitted uses, and require compatibility to be addressed.• An area-based approach to planning, including the use tools such as secondary plans, is encouraged to resolve potential compatibility issues through broader planning processes, instead of individual planning applications.• The zoning is use-specific (i.e. only the existing or proposed industrial or sensitive land use is permitted), or planning considerations are based on the "worst case scenario" based on permitted uses in the industrial zoning by-law.• Within employment areas, keep major facilities separated from other employment uses, and any sensitive land uses should only be permitted mixed with low-impact employment uses and where compatibility can be achieved. Note that per PPS policy 1.3.2.3, within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential use and prohibit or limit new sensitive land uses that are not ancillary to the primary employment uses. Any sensitive land uses in these areas continue to be subject to compatibility policies requiring adverse effects to be avoided or minimized and mitigated, and impacts on major facilities to be avoided.• Holding by-laws and interim control by-laws are used, if needed. These can be relevant in areas of intensification and infill because they can hold development until compatibility studies are completed and/or mitigation (as needed) is undertaken.• When industry is being phased out as part of a large-scale plan (e.g. a secondary plan to transition from historical industrial areas to other uses), redevelopment and/or infilling should be staged to coincide with the closure of those industries which create a significant impact on the proposed sensitive land use(s).	<p>This potentially would impact the expansion of any facilities e.g. landfills, as population and number of homes grows.</p>

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	<ul style="list-style-type: none">• Planning is done for transitional land uses per PPS policy 1.3.2.3. Lighter industrial uses would ideally be in proximity to heavy industrial uses, instead of sensitive land uses.• The cumulative effects of development are considered. For example, considering the potential implications of approving an additional industrial use near existing sensitive land uses may have a cumulative impact on the existing sensitive land uses.• Long-term monitoring and maintenance/replacement requirements for required mitigation measures should be in place. In infill and mixed-use areas, land use compatibility may only be possible through coordinated, implemented and maintained mitigation. Compatibility will be lost if mitigation is not maintained.• Use of municipal by-laws (e.g. noise by-laws) as an effective means of addressing unplanned nuisance impacts. <p>Information sharing and engagement are particularly important in infill and intensification areas. See Appendix C for more about information sharing and consultation.</p> <p>A Place to Grow provides some flexibility in considering employment area conversion when located in a MTSA. Policy 2.2.5.10 indicates that notwithstanding policy 2.2.5.9, which requires proposed employment area conversion to be assessed as part of municipal comprehensive review, areas may be converted to non-employment uses, even if they are in a provincially significant employment zone, if part of the employment area is located within a MTSA as delineated in accordance with subsection 2.2.4 of A Place to Grow. Note that only those portions of an employment area within an MTSA would be subject to this flexibility.</p> <p>In spite of this increased flexibility, other employment area conversion policies of A Place to Grow, including policy 2.2.5.9d (which then triggers 2.2.5.8, which relates to land use compatibility) still apply. Accordingly, policy tests to ensure land use compatibility still need to be met.</p>	In terms of long-term monitoring, there needs to have provisions for monitoring or it would need to be removed or amended in the ECA.
4.3	Additional Mechanisms to Support Compatibility	
	The following mechanisms are not implemented under the Planning Act but can also be used to foster land use compatibility.	
4.3.1	Municipal By-laws	
	<p>By-laws under the Municipal Act are an important part of a municipality's toolkit to respond to land use compatibility issues. Section 129 provides authority to municipalities to develop by-laws in response to noise, vibration, odour, dust and outdoor illumination. Municipalities are encouraged to develop and update by-laws as necessary. The onus is on the municipality to enforce by-laws that would prevent and respond to land use compatibility issues.</p> <p>In various by-laws, restrictions such as noise limits may be lower in industrial areas and other areas designated for employment. For these reasons, in communities where major facilities and sensitive land uses may have land use conflicts, including in areas undergoing infill and intensification, by-laws should be used in addition to the other mechanisms noted above.</p> <p>While municipalities bear primary responsibility for their by-laws, NPC-300 provides guidance that may help with creation of noise by-laws.</p> <p>In relation to odour, MECP's draft Guideline to Address Odour Mixtures in Ontario may be helpful.</p> <p>Regarding dust, municipalities are encouraged to consider the elements of the Ministry's Technical</p>	

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	Bulletin: Management Approaches For Industrial Fugitive Dust Sources when developing relevant by-laws.	
4.3.2	Warning Clauses	
	<p>Warning clauses should be used where there are effects expected post-mitigation that may cause nuisance to receptors within the AOI. When new development is expected to generate compatibility issues with existing major facilities, in addition to addressing this through the other means described in this document (e.g. compatibility studies, separation and mitigation if necessary), the Ministry recommends that a warning of anticipated nuisance effects be included in any offers of purchase and sale. The planning authority would need to require this as a condition of approval of a plan of subdivision or a condominium declaration; and once the parcels of land are sold individually, conditions should be included in agreements of purchase and sale and possibly lease/rental agreements.</p> <p>Direction on the use of warning clauses should be included in agreements (such as subdivision agreements) that are registered on title to the lands in question; it is appropriate to do this as part of the subdivision and condominium approval processes. After that, title searches done by lawyers should reveal warning clauses. This will notify potential future purchasers of property of the presence of a major facility in the area and the possibility of adverse effects as a result. Additional information on registering warning clauses on title can be found in the document: 2009-04 Environmental Warnings and Restrictions.</p> <p>NPC-300 gives additional guidance regarding warning clauses for noise and should be followed for the development of these clauses for noise. For example, when a Class 4 designation is used, NPC-300 gives additional guidance and wording. See NPC- 300, section C8, for further discussion on warning clauses and sample language. For example, Warning Clause Type E is applicable to a sensitive land use when it is located within the AOI of a major facility. Warning Clause Type F is applicable to a proposed sensitive land use when it is located in a Class 4 Area.</p>	
	<p>Warning clauses are useful but should not be used in replacement of other mechanisms described above, as they have drawbacks. The Ministry would also not consider warning clauses to be a mitigation measure, since they do not minimize or mitigate impacts, but communicate the possibility of impacts. There have been situations where warning clauses are disregarded or not properly communicated to property owners (the first property owner and successive property owners) over time. Additionally, warning clauses generally are used only for the first purchaser of a property after a development is built but should be included in every agreement of purchase and sale on a property where concerns persist over time. Compatibility studies should describe the use of proposed warning clauses if they may be needed.</p> <p>For stationary sources of noise, NPC-300 indicates that it is not acceptable to use warning clauses in</p>	

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	place of physical noise control measures to identify an excess over the Ministry's sound level limits; warning clauses may still be used and have value, but it is not to be used as justification for exceeding standards	
4.3.3	Inventories	
	<p>The Ministry recommends that municipalities and planning boards maintain inventories of the location of all existing, committed and former major facilities within their respective jurisdictions. This information should be provided on some form of scaled map (e.g. OP schedules), and accessible to inform studies, decisions and engagement. The inventory should be used to support the review of planning applications.</p> <p>To support constraint mapping and land use planning generally, planning authorities and proponents are encouraged to look at existing ministry resources, including Access Environment and the Source Protection Information Atlas. Using these map-based tools, planning authorities and proponents can search for information on various permissions, including registrations on the EASR, Renewable Energy Approvals and ECAs issued by the Ministry from December 1999 onward or identify if properties are within drinking water source protection vulnerable areas that may have other restrictions. This would be useful to planning authorities in developing OPs, zoning by-laws and more site-specific mechanisms. As well, information on sites where a record of site condition has been filed can be found through Ontario's Environmental Site Registry.</p>	
Appendix A -	Applicable Provincial Policy	
	<p>Provincial Policy Statement, 2020 – 1.1.5 Rural Lands in Municipalities</p> <p>1.1.5.6 Opportunities should be retained to locate new or expanding land uses that require separation from other uses.</p> <p>Provincial Policy Statement, 2020 – 1.2.6 Land use compatibility</p> <p>1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.</p> <p>1.2.6.2 Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:</p> <p>a) there is an identified need for the proposed use;</p> <p>b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;</p>	

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	<p>c) adverse effects to the proposed sensitive land use are minimized and mitigated; and</p> <p>d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.</p> <p>Provincial Policy Statement, 2020 – 1.3.2 Employment Areas</p> <p>1.3.2.2 At the time of the official plan review or update, planning authorities should assess employment areas identified in local official plans to ensure that this designation is appropriate to the planned function of the employment area.</p> <p>Employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses to maintain the long-term operational and economic viability of the planned uses and function of these areas.</p> <p>1.3.2.3 Within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility.</p> <p>Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas.</p> <p>1.3.2.4 Planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, 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.</p> <p>1.3.2.5 Notwithstanding policy 1.3.2.4, and until the official plan review or update in policy 1.3.2.4 is undertaken and completed, lands within existing employment areas may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation working together with affected upper and single-tier municipalities and subject to the following:</p> <p>a) there is an identified need for the conversion and the land is not required for employment purposes over the long term;</p> <p>b) the proposed uses would not adversely affect the overall viability of the employment area; and</p> <p>c) existing or planned infrastructure and public service facilities are available to accommodate the proposed uses.</p>	

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<p>A Place to Grow: Growth Plan for the Greater Golden Horseshoe – 2.2.5 Employment under Policies for Where and How to Grow</p> <p>2.2.5.6 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. For greater certainty, employment area designations may be incorporated into upper- and single-tier official plans by amendment at any time in advance of the next municipal comprehensive review.</p> <p>2.2.5.7. Municipalities will plan for all employment areas within settlement areas by:</p> <ul style="list-style-type: none">a) prohibiting residential uses and prohibiting or limiting other sensitive land uses that are not ancillary to the primary employment use;b) prohibiting major retail uses or establishing a size or scale threshold for any major retail uses that are permitted and prohibiting any major retail uses that would exceed that threshold; andc) providing an appropriate interface between employment areas and adjacent non-employment areas to maintain land use compatibility. <p>2.2.5.8. The development of sensitive land uses, major retail uses or major office uses will, in accordance with provincial guidelines, avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment.</p> <p>2.2.5.9. The conversion of lands within employment areas to non-employment uses may be permitted only through a municipal comprehensive review where it is demonstrated that:</p> <ul style="list-style-type: none">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; ande) there are existing or planned infrastructure and public service facilities to accommodate the proposed uses. <p>2.2.5.10. 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:</p> <ul style="list-style-type: none">a) satisfy the requirements of policy 2.2.5.9 a), d) and e);	

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	<p>b) maintain a significant number of jobs on those lands through the establishment of development criteria; and</p> <p>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.</p>	
Appendix B -	Compatibility Studies Addressing Noise, Dust and Odour	
	<p>The following sections provide an overview of compatibility studies for noise, dust and odour emissions from major facilities and are based on the Ministry's technical guidance documents. Meeting the standards and requirements outlined in these sections may help mitigate and minimize adverse effects from major facilities to nearby sensitive land uses.</p> <p>If documents referenced in these sections are not available online, they can be obtained by contacting the appropriate ministry District Office. To find contact information for your closest District Office, see: https://www.ontario.ca/environment-and-energy/ministry-environment-district-locator.</p>	
B.1	Noise (Including Vibration)	
	<p>While sound (noise is unwanted sound) and vibration are two separate contaminants under the EPA, vibration is addressed alongside noise in this Guideline. For the purposes of this Guideline, the Ministry-developed AOIs this Guideline should address both noise and vibration impacts (if developed, alternate AOIs should do the same); separation distances for noise are larger than vibration so covering noise impacts will cover vibration impacts.</p>	
	Vibration	

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	<p>Setbacks specifically for vibration are addressed through other municipal, provincial and federal guidelines and regulations by organizations including GO Transit, the Canadian National Railway, the Canadian Pacific Railway, the Toronto Transit Commission and the Ministry of Natural Resources and Forestry (in respect of aggregates sites). The requirements of those documents in respect of vibration will prevail if they conflict with this Guideline.</p> <p>These documents related to vibration include but are not limited to the following:</p> <ul style="list-style-type: none">• The Federation of Canadian Municipalities and the Railway Association of Canada’s Guidelines for New Development in Proximity to Railway Operations which provides mitigation measures associated with development near railway operations, particularly those associated with residential development;• Ontario Ministry of Environment and Energy / GO Transit Draft Protocol for Noise and Vibration Assessment;• Ministry of the Environment and Climate Change/Toronto Transit Commission Protocols for Noise and Vibration Assessment;• Ontario Publication NPC-119 – Blasting; and• Ontario Provincial Standard Specification 120 – General Specification for the Use of Explosives. <p>The above is not an inclusive list of all relevant documents related to vibration. Any applicable provincial documents not in this list will need to be considered and followed as well. To find links for these documents, or information on how to retrieve them, see Appendix J and Appendix K.</p>	
	Compatibility Study for Proponents of Sensitive Land Uses	
	<p>Under the Environmental Noise Guideline: Stationary and Transportation Sources – Approval and Planning (NPC-300), proponents of noise sensitive land use proposals may be required by planning authorities to undertake feasibility studies and/or detailed noise impact studies. For the purposes of this Guideline, the feasibility study and/or detailed noise impact study would act as the compatibility study for noise. These studies must be able to answer the criteria outlined in Section 2.7 and in this Appendix to the satisfaction of the planning authority.</p>	
	Compatibility Study for Proponents of Major Facilities	

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	<p>For proponents of major facilities, the compatibility study for major facilities' noise impacts should follow the process outlined in the Ministry's noise screening and guidelines outlined below.</p> <p>Depending on the facility's North American Industrial Classification Standards (NAICS)¹ codes, a range of levels of screening requirements and studies can apply.</p> <p>There are three types of studies that may be used to screen and assess the impact of noise from a facility:</p> <ol style="list-style-type: none">1) Primary Noise Screening Method (PNSM) does not require detailed calculations and uses conservative assumptions for potential noise sources at the facility to calculate distances within which additional studies are required. See the Ministry's Primary Noise Screening Method Guide for more details. Steps involved in this are:<ul style="list-style-type: none">• Identify NAICS code associated with facility and confirm that the PNSM applies. Calculate the separation distance between a facility's noise source and the closest point of noise reception at the sensitive land use.• Determine if beyond the noise screening's separation distance, it is not anticipated that a major facility's noise emissions will exceed noise limits set under the Ministry's noise guidelines (see section on noise limits).• When the facility does not screen out using the PNSM, the Secondary Noise Screening Method or the Acoustic Assessment Report need to be used.2) Secondary Noise Screening Method is for facilities that are ineligible for the primary noise screening process. It uses calculations and site-specific conditions to predict sound levels at closest points of reception, exceedances of provincial noise limits, and the effectiveness of any proposed mitigation to meet noise limits set under the Ministry's noise guidelines. <p>Studies need to analyze the following: location of the noise sources relative to the point of reception; effect of acoustic barriers that break the line-of-sight; tonality; intermittency of operation; and background noise from major highways/roadways. See the Ministry's Secondary Noise Screening Guide for more details.</p> <p>When the facility does not screen out using the Secondary Noise Screening Method, an Acoustic Assessment Report needs to be used.</p> <ol style="list-style-type: none">3) Acoustic Assessment Report (AAR) is based on detailed noise review of noise sources at the facility and their impacts on neighbouring points of reception. Facilities that require an AAR are those that are not eligible to use the Primary or Secondary Noise Screenings. The ministry has several guidance documents on how to prepare an AAR. These include NPC-103, NPC-104, NPC-233, NPC-300, AAR Check-List, AAR ACME and the Basic Comprehensive Certificates of Approval (Air) User Guide.	
	Noise Limits	

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	<p>For either proponents of sensitive land uses and major facilities, in order to meet the test of no adverse effects, provincial noise limits for various noise sources must be met. These are set by the Ministry under various guidelines, including:</p> <ul style="list-style-type: none">• NPC-300 – this Guideline covers sound level limits applied by the Ministry in ECAs, Renewable Energy Approvals (bioenergy and solar), EAs and the investigation of noise-related incidents; advice for decisions under the Planning Act; sound level limits that may be used for municipal noise control by-laws; and sound level limits which may be applied for aggregate resource extraction licensing and permitting. It does not provide sound level limits for blasting operations, landfills or new or expanded transit corridors, which are addressed in other publications.• Impulse Vibration in Residential Buildings (NPC-207): Vibration impacts from facilities producing impulse vibration (e.g., metal stamping or forging facilities) should be assessed following the methods and noise limits set in this Guideline.• Procedures (NCP-103) and Blasting (NCP-119): the noise and vibration impacts produced by blasting in quarries and mines should be assessed following the methods and noise limits set in these documents.• Air emissions user guide for environmental activity and sector registry (EASR Publication): Refer to the noise chapter in the EASR Publication, which is given in the hyperlink.	
	A note on Class 4 Designations	
	<p>For new sensitive land uses, planning authorities have the option to designate future areas as Class 4 areas as per NPC-300. Designating an area as Class 4 would allow proponents to construct new sensitive land uses in that area in proximity to existing, lawfully established and approved stationary sources of noise, to a greater extent than would otherwise be possible.</p> <p>Class 4 areas are defined as an area or specific site that would otherwise be defined as Class 1 or 2 and which is intended for development with new noise sensitive land use(s) that are not yet built; is in proximity to existing, lawfully established stationary source(s); and has formal confirmation from the land use planning authority with the Class 4 area classification which is determined during the land use planning process.</p> <p>The Class 4 designation is intended for areas where a mix of incompatible uses may be unavoidable or very difficult to avoid, such as areas that are built-out or designated as MTSAs in A Place to Grow. It is not meant to be used where separation of incompatible land uses is possible. It should be used in scenarios where potential encroachment impacts could not be otherwise avoided or mitigated through separation or other mitigation measures. In addition, one or more Class 4 designations should not serve as a precedent for future developments in the same area. Each designation should be considered and treated as a stand-alone case. This approach provides additional flexibility and should be used to address encroachment impacts to enable at-receptor mitigation (at the sensitive land use site), in addition to traditional at-source mitigation (at the major facility site) to address noise emissions without adversely impacting the ongoing operability of the existing facility.</p> <p>Within Class 4 designated areas, potential noise impacts from major facilities which are vulnerable to encroachment are addressed through:</p> <ul style="list-style-type: none">• Increased permitted noise limits according to NPC-300 for stationary and transportation sources, recognizing increased background noise from nearby noise emitters.	

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	<ul style="list-style-type: none">• Allowances for the consideration of at-receptor mitigation measures in a facility's ECA review process. The area must be designated Class 4 and recognized in local planning documents, in order for at-receptor mitigation to be recognized.• The increased sound level limits for Class 4 areas assume that windows can be kept closed with the use of a ventilation system (e.g. central air conditioning).	
	<p>The following considerations apply to new sensitive land uses proposed in Class 4 areas:</p> <ul style="list-style-type: none">• An appropriate noise impact assessment should be conducted for the land use planning authority as early as possible in the land use planning process that verifies that the applicable sound level limits will be met.• Noise control measures may be required to ensure the stationary source complies with the applicable sound level limits at the new noise sensitive land use.• Noise control measures may include receptor-based noise control measures and/or source-based noise control measures.• Source-based noise control measures may require a ministry permission.• Receptor-based noise control measures may require agreements for noise mitigation, such as agreements under a planning permission.• Prospective purchasers should be informed that their property is located in a Class 4 area through appropriate means and informed of the agreements for noise mitigation. Registration on title of the agreements for noise mitigation should be required as directed by related permissions (e.g. planning or ministry permissions) , as well as registration on title of an appropriate warning clause to notify purchasers that the applicable Class 4 area sound level limits for this property are protective of indoor areas and are based on the assumption of closed windows.• Any final agreements for noise mitigation as described in NPC-300 and all other relevant documentation are to be submitted to the Ministry by the stationary source owner(s) when applying for a ministry permission. These agreements will be assessed during the review of the application for ministry permissions. Additionally, the stationary source owner(s) are to include a copy of the formal confirmation of the Class 4 area classification from the land use planning authority in the application for a ministry permission. <p>Specific information about Class 4 Areas definition, applicable limits, at-receptor noise control measures and when to apply the Class 4 Area designation are provided in Parts A, B and C of NPC-300.</p>	

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B.2	Dust and Other Air Emissions													
	<p>The operations of some sectors lend themselves to dust and other air emissions from fugitive sources such as on-site roadways, storage piles and on-site traffic (e.g. bulldozers, grading, and parking lots). Adverse effects from these emissions can be assessed through methods explained below.</p> <p>To assess fugitive dust emissions from facilities, the compatibility study for dust should determine and explain how the major facility has met the requirements of Ontario Regulation 419/05: Air Pollution – Local Air Quality, made under the EPA (O. Reg 419/05) through any of the three compliance approaches that are included in the regulation. O. Reg. 419/05 is Ontario’s local air quality regulation, which works within the province’s air management framework by regulating air contaminants released into communities by various sources, including local industrial and commercial facilities.</p> <p>An approved ECA, which may be available on the Access Environment website, would indicate that the major facility is meeting ministry standards for dust at the property line. However, there might still be nuisance dust effects beyond the property line. Due to the potential for these effects, planning authorities should not allow sensitive land uses within the facility’s MSD unless completely unavoidable.</p> <p>The compatibility study should also determine and discuss whether a detailed Fugitive Dust Control Plan or Best Management Practices Plan (BMPP) is available for the major facility. Typically, requirements for a Fugitive Dust Control Plan or BMPP are included as conditions in the facility’s ECA. For more information on these plans, see the Technical Bulletin: Management Approaches For Industrial Fugitive Dust Sources that sets out information on the possible sources and management of suspended particulate matter from fugitive dust sources.</p>													
	<p>Recommendations for Facilities with Potentially Hazardous Fugitive Dust Emissions</p> <p>Certain types of facilities may emit potentially hazardous fugitive dust. These facility types are listed in Table 7-2 of the Guideline A-10: Procedure for Preparing an Emission Summary and Dispersion Modelling Report, below.</p>													
	<table><tr><th colspan="2">Sectors where metal content within fugitive particulate must be considered</th></tr><tr><th>NAICS Code</th><th>NAICS Code Description</th></tr><tr><td>2122</td><td>Metal Ore Mining</td></tr><tr><td>331</td><td>Primary Metal Manufacturing</td></tr><tr><td>332810</td><td>Coating, Engraving, Heat Treating and Allied Activities</td></tr><tr><td>332999</td><td>All Other Miscellaneous Fabricated Metal Product Manufacturing</td></tr></table> <p>As part of the dust <i>compatibility study</i>, <i>proponents</i> should determine whether the <i>major facility</i> meets one or more of the <u>NAICS</u> codes listed in Table 7-2 of the Guideline A-10: Procedure for Preparing an Emission Summary and Dispersion Modelling Report. If so, it is recommended that the proposed use be built outside the <u>AOI</u> of these <i>major facilities</i>, to avoid potential <i>adverse effects</i> from metal content in <i>fugitive dust</i>.</p> <p>If it is not possible to locate the proposed use outside the <u>AOI</u>, the <i>proponent</i> must obtain a copy of the approved <u>ECA(s)</u> for the <i>major facility</i> to demonstrate to the satisfaction of the planning authority that no <i>adverse effects</i> related to significant dust emissions are expected from the facility.</p>	Sectors where metal content within fugitive particulate must be considered		NAICS Code	NAICS Code Description	2122	Metal Ore Mining	331	Primary Metal Manufacturing	332810	Coating, Engraving, Heat Treating and Allied Activities	332999	All Other Miscellaneous Fabricated Metal Product Manufacturing	
Sectors where metal content within fugitive particulate must be considered														
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	<p>Recommendations for Facilities Registered for Technical Standards, Site-Specific Standards or Sector Specific Regulations</p> <p>Certain facilities cannot meet required air standards set out in O. Reg 419/05, so they meet technical standards or site-specific standards instead. There are also some facilities that fall under sector-specific regulations, such as O. Reg. 530/18: Air Pollution–Discharge of Sulphur Dioxide from Petroleum Facilities, made under the EPA (O. Reg. 530/18). As part of the compatibility study, proponents should determine whether the major facility is subject to technical standards, site-specific standards or sector-specific standards.</p>	
	<p>The following resources can be used to determine whether the major facility falls in the categories of technical standards, site-specific standards or sector specific regulations:</p> <ul style="list-style-type: none"> • Technical Standards: • Site-specific standards: Facilities with site-specific standards can be found by searching the Environmental Registry of Ontario. • Sector-specific regulations such as O. Reg. 530/18 can be checked to find the NAICS codes for which sectors are covered under the regulation. <p>It is recommended that any proposed uses be built outside the AOI of these facilities to avoid adverse effects related to significant air quality emissions.</p> <p>If it is not possible to locate the use outside the AOI, the proponent must demonstrate to the satisfaction of the planning authority that no adverse effects related to significant air emissions are expected from the facility. The compatibility study should also consider whether there are cumulative effects from multiple major facilities on the proposed land use. The ministry publishes maps which show the cumulative effects of air quality from multiple air pollution sources. These maps can be found at the following website:. If the proposed land use falls within Action Levels 2 or 3 of these maps, the study should acknowledge these cumulative effects and discuss whether adverse effects are expected and what measures would be taken to mitigate these effects.</p>	
B.3	Odour	
	<p>Odour is a subjective experience and individual responses to odour are highly variable and are dependent on many factors. Generally, the impact of an odour results from a combination of factors collectively known as FIDOL (frequency (F), intensity (I), duration (D), offensiveness (O), and location (L).</p>	<p>This is a significant issue. Odour is subjective and in some cases it may be difficult to determine its source therefore need to ensure there is a robust system in place to determine and monitor odours.</p>
	Draft Guideline to Address Odour Mixtures	
	<p>The compatibility study for a major facility's odour impacts should follow the process outlined in the ministry's draft guideline entitled, 'Guideline to Address Odour Mixtures in Ontario' (draft Odour Guideline). While the following highlights some key elements, the draft Odour Guideline should be reviewed for a full understanding. Use of the draft Odour Guideline will help determine the likelihood of causing an adverse effect.</p> <p>As part of the draft Odour Guideline, the ministry has identified several odorous activities and processes and grouped them into 3 tiers based on the potential to cause odour. These tiers are used for ECA applications and in the EASR to determine the level of requirements for major facilities to address any potential odour impacts. Based on the compatibility study, one or more of the following may be required</p>	

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	<p>at the facility before a new proposal or development can proceed:</p> <ol style="list-style-type: none"> 1) Facility Screened Out / No Additional Assessment Required – Based on the compatibility study the major facility can be screened out (i.e. no additional assessment would be required); otherwise, one or more of 2-4 could be required. 2) BMPP for Odour – Less odorous activities may require a BMPP to address potential odours; 3) An Odour Technology Benchmarking Report – More odorous activities may be required to develop an Odour Technology Benchmarking Report to determine the potential odour impacts and mitigation options if required. 4) Odour Mitigation/Minimization Plan – based on the results of the Odour Technology Benchmarking Report, the plan would identify the odour control strategy (ies) selected to minimize and mitigate potential odours, describe any technical requirements, and clarify the responsibility for the costs, implementation and maintenance of the required odour control strategies. <p>It should be noted that the proponent (proposed sensitive land use or proposed major facility) is responsible for any required work associated with this approach. Major facilities should provide information and participate in completing compatibility studies. However, if the major facility does not cooperate, the proponent should consult with the planning authority and still complete required compatibility study and determine if any mitigation is required to the best of their ability. If the planning authority cannot convince the major facility to participate, approaches to resolution outlined in the draft Odour Guideline should be considered.</p>	
B.4	Source of Information	
	<p>Consultation should be undertaken with existing major facilities to obtain information that would better inform the compatibility study and other assessments as described in this Guideline. Major facilities may have the information needed on site layout, design and existing noise, dust and odour control measures. It is expected that this consultation can usually occur concurrently with other information sharing and engagement activities related to compatibility studies.</p> <p>The major facility may have conducted an EA, have ECAs or be registered to the EASR.</p> <p>Documentation and studies supporting EAs, ECAs and EASRs should be used, if available, to gather relevant information on the major facility to inform the compatibility studies for noise, dust and odour as needed. This documentation may also help decide what mitigation measures should be used, and matters related to the ongoing operation of sites after compatibility studies are done and mitigation measures (if needed) are in place. While respecting information that may be proprietary, facilities are encouraged to be involved in the development of documentation and studies, and to share information. This would lead to timelier and more effective reconciliation of land use compatibility issues. Note that the information from any ministry permission/approval may not be up to date. When developing supporting information, proponents should determine whether new information is available and if there is a need to update assessments or studies received from major facilities.</p> <p>Also, note that any assessment developed for ECAs and EASRs may not consider fugitive emissions (e.g. traffic, on-site storage and loading). For odour and noise, previous issuance of ECAs or registration in the EASR will consider impacts to the closest existing or planned sensitive receptor at the time of the permission/approval or registration. As such, new sensitive land uses which result from rezoning will not have been considered and will need to be assessed as part of applying for an ECA or registering on the EASR.</p>	

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B.5	Qualified Individuals	
	<p>Municipal OPs should require that any study carried out to support planning decisions related to land use compatibility (including compatibility studies) be prepared by qualified individuals with experience in preparing technical assessments. Qualified individuals should have the education, experience, training or certification that will qualify them to: conduct the necessary analysis on adverse effects; provide expert opinions; and make recommendations on the subject matter related to avoiding or mitigating the adverse effects.</p> <p>For example:</p> <ul style="list-style-type: none">• Noise impact studies should be prepared by qualified individuals with experience in environmental acoustics.• Vibration studies should be undertaken by qualified individuals with experience in vibration.• Dust studies should be undertaken by qualified individuals with experience in assessing sources of particulate matter, including fugitive emissions and dust mitigation measures.• Odour compatibility studies should be undertaken by qualified individuals with experience in odour assessment and mitigation. <p>In most cases these reports should be prepared by a licensed engineering practitioner that is a holder of a licence, limited licence, or provisional licence under the Professional Engineers Act.</p>	
Appendix C	Consultation and Engagement for Land Use Compatibility	
	<p>Consultation may be required as part of a number of the processes and approvals described in this document. For example, if an OPA is undertaken, the Planning Act stipulates the minimum public consultation that is needed (or municipalities can also establish alternative notice and consultation provisions). When a sensitive land use is proposed, consultation should involve the planning authority, proponent (i.e. developer of new sensitive land use) and surrounding major facilities with an AOI that the proposed sensitive land use would be located in. If mitigation is required at the facility site, agreements or other legal mechanisms will be needed. Planning authorities can act as the facilitator between parties and place agreements as part of their conditional approval of suitable planning applications.</p>	
	Early Engagement for Proposed Land Use Decisions	
	<p>Pre-consultation has been recommended in this document (see Section 2.6). Planning authorities should include pre-consultation policies in their OPs and are required to participate in pre-consultation if asked.</p> <p>For example, in order to ensure that noise, dust odour and other potential sources of adverse impacts to the facilities have been appropriately assessed and addressed, planning authorities should ensure that proponents of new sensitive land uses have pre- consulted with major facilities within the AOI(s) of those major facilities. It is important that all major facilities are consulted as facility information may be required to determine the extent of potential impacts at the new sensitive land use and minimization and mitigation measures.</p>	
	Engagement to Support Compatibility Studies	

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	<p>A complete compatibility study includes information collected from potentially affected existing land uses and from existing emitting operations. Proponents of major facilities should engage all residents and other occupants within the AOI, including other major facilities, sensitive land uses and First Nations and Métis communities. Proponents of sensitive land uses should engage the owners of major facilities whose AOI the proposed sensitive land use falls into. This should include informing residents and occupants of the proposal and compatibility study, providing them an opportunity to provide input into the proposal and compatibility study, and incorporating information and input related to land use compatibility into the compatibility study and its conclusions. These efforts are intended to inform the compatibility study. Multiple forms of notification or contact may be necessary to ensure potentially affected parties are aware of the proposal and provide the information and input they are willing to provide.</p> <p>Overall, early contact between the proposed land use (whether a major facility or sensitive land use) and surrounding land uses is imperative to building understanding and avoiding future impacts and complaints. It will inform the following:</p> <ul style="list-style-type: none">• common understanding of the proposal, including potential uses, activities and operations;• common understanding of current uses, activities and operations associated with existing uses and planned expansions;• current and planned emissions and mitigation measures associated with existing and already planned uses;• potential types and scale of impacts the major facility may have on the sensitive land use or potential operational impacts or complaints on the major facility;• appropriate separation distances and mitigation measures to mitigate impacts on the major facility or sensitive land use; and• if necessary and appropriate, potential agreements between parties regarding implementation, monitoring and maintenance of any required mitigation measures.	
	Best Practices in Relationship Building	
	<p>Maintaining good relations between major facilities and neighbouring land uses is very important. There is a higher likelihood that communities would respond well to proposed nearby development when they are given the opportunity to become familiar with the proposed development or major facility operation and when they are given clear and accurate information.</p> <p>Methods for major facilities to communicate with members of the public include:</p> <ul style="list-style-type: none">• open houses;• presentations to schools and local groups;• newsletters;• websites;• advisory councils/groups;• social media;• signage in appropriate locations (such as highly visible or frequented areas where landowners are likely to see it);• dedicated points of contact such as a specific staff member or email; and,• one-on-one meetings with landowners where appropriate.	

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	Indigenous Engagement	
	Proactive engagement with Indigenous communities that may be affected by or interested in a planning or development proposal is recommended, early in the planning or development process, if compatibility is a concern. This engagement should help to inform compatibility studies. This guidance applies to planning authorities as well as proponents, as engagement should be considered as early as the OP stage. This guidance does not alter engagement and/or consultation that may be required through the Planning Act, provincial plans (e.g. A Place to Grow), EAA, or other legislation and regulations, and regardless of those requirements, proponents should always consider the need for engagement to inform compatibility studies.	
Appendix D	Sector-Specific Considerations Included in the Guideline	
	<p>This section provides additional considerations for specific sectors which are within the scope of this Guideline, which have had history of ongoing and frequent complaints. The following sections provide information and an overview of programs that may provide insight into adverse effects from these key sectors.</p> <p>Note that this section provides considerations for adverse effects specifically related to noise, dust and odour emissions. Planning authorities will also need to consider other potential adverse effects, such as the potential for groundwater and surface water contamination, which are not discussed specifically in this section.</p> <p>In addition to the guidance provided below on these sectors, guidance related to land uses near landfills and dumps is provided in Appendix E</p>	
	Composting and Industrial Anaerobic Digestion Facilities	

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	<p>Composting and industrial anaerobic digestion facilities use aerobic and anaerobic biological processes, respectively, to break down and stabilize recycled organic matter. In an urban setting these facilities are usually operated to manage organic waste like household organic materials, food processing by-products, and in the case of compost facilities, leaf and yard waste. These facilities have a potential for significant odour impacts on surrounding sensitive land uses. In addition, other potential impacts from animals and insects, dust, litter, lighting and noise may be experienced. Generally, these risks are managed through environmental approvals; however, setbacks can further help reduce impacts. This document provides AOIs and MSDs for composting and industrial anaerobic digestion facilities (see Table 1).</p> <p>For the purposes of this Guideline, composting and industrial anaerobic digestion facilities are understood to not be located on a farm or operated as an agricultural use or agricultural-related use. Farm-based anaerobic digestion or composting often involves the management of agricultural feedstocks like manure, animal by-products, livestock mortalities, or other agricultural materials in addition to mixing off-farm feedstocks like food waste. Farm-based anaerobic digestion facilities are generally sited according to the OMAFRA's Minimum Distance Separation (MDS) Guidelines, or setbacks required in other environmental permissions. Composting facility layout has an impact on the facility's relative impacts. Facilities with outdoor management of organic materials, whether it be feedstock reception, active compost piles, screening, and/or curing piles, may be expected to have significantly more impact than a facility where some or all of these features are indoors. Indoor activities are often subject to air capture and treatment requirements as part of their approval. For more information on considerations for siting composting facilities, please see the Ministry's Guideline for the Production of Compost in Ontario and the Ontario Compost Quality Standards.</p> <p>For industrial anaerobic digestion facilities not located on a farm or operated as an agricultural use or agriculture-related use, the facility's environmental permission/ approval (whether an ECA, or a Renewable Energy Approval under O.Reg. 359/09) often specifies detailed controls for potential causes of adverse impacts. Generally, for these facilities, the feedstock reception areas, materials handling, and effluent storage are located within enclosed structures with odour control. Management of fugitive emissions is key to reducing potential impacts. Other possible sources of impacts may include the biogas flare, cogeneration equipment that generates electricity, and truck traffic.</p>	
	Municipal and Private Communal Wastewater Treatment Plants	

Land Use Compatibility Guideline		Niagara Region Review Comments
	<p>This document provides AOIs and MSDs for three categories of municipal and private communal wastewater treatment plants (see Table 1).</p> <ol style="list-style-type: none">1) Wastewater treatment facilities with a rated capacity less than 25,000 cubic metres per day (small), which are considered to be class 1 facilities;2) Wastewater treatment facilities with a rated capacity more than 25,000 cubic metres per day, which are considered to be class 4 facilities; and3) Sewage treatment lagoons. <p>For clarity, these AOIs and MSDs would not apply to municipal and private communal wastewater treatments plants that are fully underground/subsurface, e.g. subsurface treatment systems such as septic tanks and fields.</p> <p>The following should be considered for municipal and private domestic wastewater treatment facilities:</p> <ul style="list-style-type: none">• When taking into consideration Section 2.4 of this Guideline and determining whether the property line or the facility/equipment should be used to determine separation distance, the following elements may support a conclusion that the shorter option may be used:<ul style="list-style-type: none">○ Parts of the plant are enclosed (headworks, solids handling/thickening, dewatering systems)○ Parts of the plant are covered (e.g. primary clarifiers, aerobic digesters, process tanks)○ Odour mitigation technologies are in place.• Where practical, sensitive land uses should not be placed adjacent to treatment facilities.• When new facilities (or enlargements to existing facilities) are proposed, an adequate buffer area should be acquired as part of the project. There should also be consideration of whether there are policies in local source protection plans that may restrict or prohibit the development in an area identified as a vulnerable area for the purpose of protecting existing and future sources of drinking water. <p>This Guideline is not appropriate for dealing with the effects of major treatment plant upsets due to overloading or equipment breakdown.</p>	
	<p>Aggregates</p> <p>It is important to plan land uses surrounding aggregate resources in a way that both prevents adverse impacts to sensitive land uses and ensures the long-term protection of aggregate resources. Planning authorities must consider the potential for adverse effects from aggregate operations (including existing, planned and potential future operations), such as traffic to and from the facilities, and noise and dust from blasting, crushing or other operations, for proposals that require a planning approval.</p> <p>This Guideline is prepared with the intent of assisting planning authorities in the implementation of PPS policies 1.2.6.1 and 1.2.6.2. In addition, the PPS recognizes the importance of aggregate resources and PPS policies related to mineral aggregate resources also need to be addressed in a municipal OP and any Planning Act application. For example, policies 2.5.2.4 and 2.5.2.5 direct that any proposed development and activities that would preclude or hinder the establishment of a new mineral aggregate operation, the continuation of an existing operation and any future expansions shall only be permitted subject to requirements. These requirements are in addition to what is recommended in this Guideline. This Guideline provides AOIs and MSDs in Table 1 applicable to new or expanding sensitive land use proposals near existing or planned aggregate operations. The AOI and MSD align with the Ministry's screening and study requirements for ECAs that are required for above-ground aggregate equipment, such as aggregate crushers, ready-mix concrete plants and asphalt plants. However, recognizing that</p>	

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	<p>the impacts associated with different aggregate operations may vary, the planning authority may choose to assess whether an alternate AOI for a given aggregate operation is appropriate.</p> <p>The AOI and MSD in the Guideline are not applicable to land use decisions for new or expanding aggregate operations proposed near sensitive land uses. Planning authorities are required to address land use compatibility with respect to new or expanding operations, as required by the PPS. However, when determining whether there may be potential adverse effects from an aggregate operation, planning authorities should also take into consideration that through the licensing process under the Aggregate Resources Act, the Ministry of Natural Resources and Forestry also has requirements to assess potential impacts on existing nearby land uses and whether it is feasible to mitigate potential impacts through that process.</p> <p>Development that encroaches into an aggregate operation's AOI may have a negative effect on the operability of that site, possibly resulting in the inability to access existing or future aggregate resources on the current site and/or through an expansion. Complaints from nearby sensitive land uses can also have an impact on the continued operations of aggregate sites.</p> <p>When considering new sensitive land uses near mineral aggregate areas, planning authorities must consider active aggregate operations, zoning which permits future aggregate operations and, where provincial information is available, deposits of mineral aggregate resources. Provincial information refers to aggregate resource information that can be found on the Ministry of Energy, Northern Development and Mines websites (GeologyOntario or OGSEarth) for the Aggregate Resources of Ontario (currently ARO- 2019, but typically updated yearly, ARO-2020 planned for early 2021). The Aggregates Resources of Ontario was compiled from published reports and maps contained in Ontario Geological Survey Aggregate Resources Inventory Papers (ARIPs). These reports are also available to download from the GeologyOntario or OGSEarth websites.</p>	
	Cannabis Production and Processing Facilities	
	<p>For the purposes of this Guideline, cannabis production is the term used to refer to the entire cultivation process (i.e., growing plants, harvesting, drying and storing), whereas cannabis processing refers, for example, to the subsequent manufacturing of edible cannabis, cannabis extracts and cannabis topicals. Sorting and packaging may fall into either category depending on the scale, extent and type of the packaging.</p> <p>The Guideline applies to indoor cannabis production facilities in areas zoned for industrial uses within settlement areas, and all cannabis processing facilities as these facilities are considered industrial uses. For information on cannabis production facilities in prime agricultural areas and on rural lands see Appendix K.</p> <p>Personal use production of cannabis (both recreational and medical use) is not covered under this Guideline.</p> <p>This section will provide an overview of the federal, provincial and municipal role in regulating cannabis, as well as specific guidelines that can be applied to cannabis processing facilities.</p> <p>Various levels of government play different roles in regulating and/or planning aspects of cannabis production and processing facilities, and these are described below.</p>	<p>This section states that packaging of cannabis may be defined as cannabis production or processing “depending on the scale, extent, and type of the packaging”, however no further information is provided as to how this should be determined. Application of the guidelines differs for cannabis production and processing facilities if they are located outside of a settlement area boundary. Therefore more clarification should be provided as to when packaging is considered processing versus production in order to properly apply the guidelines.</p>
	Federal Role	

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	<p>In 2018, the Federal Government of Canada legalized the production and sales of cannabis and cannabis-related products under the Cannabis Act.</p> <p>The Federal Government regulates cannabis production and processing and facility licensing, including odour management requirements. The Cannabis Act and Cannabis Regulations (SOR/2018-144) are administered by Health Canada. Production is authorized via licenses, registration certificates (e.g. designated growers), and through exemptions.</p> <p>Licensed cannabis facilities are subject to Part V Good Production Practices in the federal Cannabis Regulations (note: for clarity, the Cannabis Regulations (SOR/2018-144) refers to one federal regulation at the link given above, not multiple regulations). Under Part V, indoor parts of the facility are subject to a regulatory requirement to be equipped with a system that filters air to prevent the escape of odours (Section 85 of Part V).</p> <p>Certain types of facilities are not subject to odour control provisions in the federal Cannabis Regulations. Examples include:</p> <ul style="list-style-type: none">• Licensed facilities that are cultivating cannabis outdoors; and• Registered designates who need a registration certificate from Health Canada and are producing cannabis with a medical document authorizing the use of cannabis for medical purposes (even when they are cultivating indoors). <p>It is important to note that rules for controlling odour are addressed under the Cannabis Act and regulations. Nothing in this Guideline is meant to replace or detract from the authorities or requirements under the Cannabis Act and regulations.</p>	
	Provincial Role	
	<p>Cannabis production facilities may be subject to provincial environmental legislation such as the EPA, OWRA, Nutrient Management Act and Pesticides Act. Land use decisions around the location of these facilities are required to be consistent with provincial policies and conform or not conflict with provincial plans. An exact determination of the extent of provincial regulatory application is dependent on the circumstances associated with each cannabis production facility.</p> <p>Cannabis processors (e.g. oil extraction and refining, manufacturing of edibles, topical and extracts) could be subject to the environmental permission requirements for air emissions and/or waste management activities (e.g. waste storage and transport) under the EPA, if the activities are not agricultural.</p> <p>Some other involvement with the Ministry that may occur for cannabis production facilities includes the potential requirement for water-taking permits, permissions/ approvals related to stormwater works, records of site condition, regulation of pesticides use and storage and the regulation of waste storage</p>	

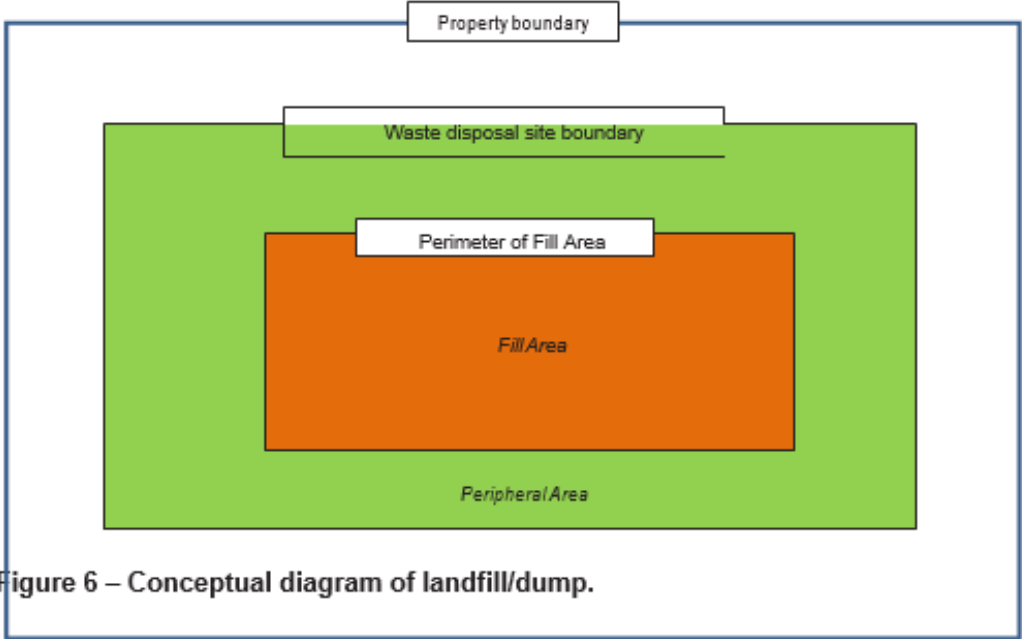
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	and transport. The ministry could also potentially be involved with the regulation of air emissions not directly associated with the growing, processing or storage of cannabis.	
	Municipal Role	
	<p>Municipalities and planning authorities have a role in maintaining land use compatibility and ensuring consistency with provincial policies and conformity with provincial plans through land use planning decisions regarding proposed cannabis processing facilities and adjacent sensitive land uses. As part of Health Canada's licensing process, cannabis producers and processors must comply with provincial and municipal laws, which provides an opportunity for local input through municipal by-laws (e.g. odour by-laws), zoning, and permitting processes.</p> <p>Municipalities have a range of tools available under the Planning Act to influence the location of cannabis production and processing facilities, such as official plan policies and land use designations, zoning by-laws, and site plan control. Through their zoning by-laws, municipalities may choose to adopt siting requirements for the production of cannabis, such as provisions for lot coverage, range and scale of accessory uses, or requiring setbacks to improve land use compatibility and reduce potential noise and odour impacts.</p> <p>Interim control by-laws can also be used to provide time to study potential impacts of land use planning matters and inform local decision-making. Municipalities may also choose to adopt a site plan control by-law under the Planning Act to address specific design elements that may improve compatibility such as mass or location of buildings, traffic access, parking layout, lighting, landscaping, drainage, etc.</p> <p>Municipalities also have powers under the Municipal Act to regulate a wide range of matters, including health, safety, and nuisance (subject to certain limits). Municipalities may also choose to develop odour control by-laws to regulate odour from cannabis production facilities.</p>	
	Applying the Guideline to Indoor Cannabis Production Facilities in Areas Zoned for Industrial Uses in Settlement Areas, and Cannabis Processing Facilities	
	<p>This Guideline is applicable to proposed new or expanding sensitive land uses near a cannabis processing facility and new or expanding indoor cannabis production facilities in areas zoned for industrial uses in settlement areas. When establishing policies to trigger compatibility studies, the largest AOI in Table 2 should be used. Alternatively, a planning authority may complete a study to determine an alternate AOI for a specific facility. This would enable factors such as the scale of operations, known mitigation, types of surrounding sensitive land uses, etc., to be factored into the AOI before it is set in policy. To assist with identifying these facilities, contact Health Canada at hc.compliance-cannabis-conformite.sc@canada.ca.</p>	

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Appendix E	Land Use on or Near Landfills and Dumps	
1	Application	
	<p>This section of the Guideline builds on other sections and provides additional guidance and direction specific to planning applications for lands in proximity to landfills and dumps or for applications that would permit new landfills and dumps. It reflects the restrictions and controls on land use that the ministry wishes to see implemented in the vicinity of landfills and dumps in order to protect the health, safety and welfare of residents and others near such facilities. It replaces the 1994 document D-4: Land Use on or Near Landfills and Dumps.</p> <p>The need to consider this section extends to all proposals for land use on, or near, operating and non-operating landfills (as defined in Regulation 347: General – Waste Management, made under the EPA), and dumps which contain municipal solid waste, liquid waste, hazardous waste, industrial solid waste and/or sewage sludges. It does not apply to lands certified as organic soil conditioning sites in Regulation 347. This section applies to all landfills and dumps regardless of ownership.</p> <p>When a land use, irrespective of its sensitivity, is proposed within the AOI of a landfill (formerly known as the influence area in D-4), this section must be considered. This is due to the risks that landfill gas and to a lesser extent, leachate, pose where there are or will be buildings or other enclosed structures on the proposed (or existing) land use. As well there are risks from groundwater that impact buildings via the soil vapour to indoor air pathway that are important.</p> <p>This section also applies when looking for locations to establish a landfill in Ontario, as this is the proposal of a new major facility, though it is acknowledged that a range of tasks described may be covered through an EA process.</p> <p>What is described in this section is separate from requirements related to Section 46 of the EPA, which provides that waste disposal sites (including non-operating landfills) cannot be used for any other use for 25 years after the end of the disposal without the approval of the Minister of the Environment, Conservation and Parks. Similarly, if a new proposed development is planned to be built on land underlain by a leachate contaminated groundwater plume a record of site condition completed based on Ontario Regulation 153/04: Records of Site Condition – Part XV.1 of the Act, made under the EPA (O. Reg. 153/04) may be needed. While this Guideline generally focuses on noise, dust and odour, planning decisions related to landfills and dumps will need to consider other potential adverse effects associated with landfills and dumps, prominently including landfill gas and potential groundwater and surface water impacts, as described below.</p>	
2	Municipal Input into New Large Landfill Siting	

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	<p>In addition to the guidelines in this appendix, it should be noted that Ontario has given municipalities more say in landfill approvals by requiring municipal support be obtained. Requiring municipal support helps ensure that the municipalities most directly impacted by the siting of new large landfills would have a say on a matter as important as a new landfill undertaking. The province recognizes the importance of autonomy in local decision making and believes that new large landfills should be located in communities that are supportive of the project.</p> <p>The Environmental Assessment Act requires proponents of new, large landfills (i.e. those that require an individual/comprehensive EA) to obtain support from host municipalities and adjacent municipalities where there is land with authorized residential uses within 3.5 kilometres of the proposed new landfill site.</p> <p>This requirement does not apply to landfill expansions. Applicants for landfill expansion proposals continue to have to meet all current approvals process requirements, including extensive consultation requirements with municipalities and other stakeholders.</p>	<p>This is an issue that is still being dealt with by both the public and private sectors.</p>
3	Impacts Associated with Operating Sites	
	<p>Impacts from landfilled waste can be widespread depending on the size of the landfill, the type of waste buried and the geology of the area. Lands which are used to dispose of waste can have significant adverse effects on nearby land uses (e.g. landfill gas migration and groundwater risks, including vapour intrusion from contaminated groundwater), even long after the deposit of waste has stopped. It is both the waste and the associated landfilling operations that can generate significant adverse impacts on neighbouring lands.</p> <p>The potential adverse effects from active waste disposal can be persistent and long- lasting. Factors to be considered by the planning authority, proponent and qualified individuals as appropriate when land use is proposed near an operating site include but are not limited to:</p> <ul style="list-style-type: none"> • landfill-generated gases; • groundwater and surface water and soil contamination by leachate, including vapour intrusion from leachate contaminated groundwater; • surface water runoff; • litter; • contaminant discharges from associated vehicular traffic; • visual impact; • noise, dust, odour or other air emissions; • fires; and, • attraction of animals and insects (vectors and vermin). <p>Regarding landfill gases, the production and migration of methane gas is also a key concern due to the risk of explosion hazards. There is also the risk of asphyxiation when methane displaces oxygen. Particular attention is needed to address this issue; see Appendix F for more guidance on this matter.</p> <p>These factors should also be considered for a proposed landfill, but consideration of such factors would typically be covered off through an EA process which these sites are required to go through.</p>	
4	Impacts Associated with Non-Operating Sites	

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	<p>Factors to be considered by the planning authority, proponent and qualified individuals as appropriate when land use is proposed on or near a non-operating site (i.e. within the AOI) include:</p> <ul style="list-style-type: none">• landfill-generated gases;• groundwater and surface water contamination by leachate, including vapour intrusion from leachate contaminated groundwater;• surface water runoff;• ground settlement;• visual impact;• soil contamination;• hazardous waste; and,• odour.	
5	Information Resources on Landfills	
	<p>In addition to considering the sources of information described in Appendix B of this Guideline, for landfills and dumps it is recommended that planning authorities map and include all past and present landfills and dumps for consultation with proponents.</p> <p>Inventories of landfills and dumps adjacent to the planning authority's jurisdiction should also be developed, as part of the inventory of facilities recommended in Section 4.3.3 of this Guideline.</p> <p>Some possible sources of information on existing or closed landfills include:</p> <ul style="list-style-type: none">• EAs: Waste management projects may have requirements under Ontario's EAA. Any EA process that may be required includes an assessment of the anticipated adverse effects of waste management activities on surrounding land uses.• Ministry District Office records on operating or former landfills.• Municipal records on operating and closed landfills (may not be kept in all municipalities). <p>Some possible sources of information for operating landfills include:</p> <ul style="list-style-type: none">• ECAs and associated technical assessments: Conditions set forth in ECAs and impact assessments provide information on associated off-site adverse effects anticipated from landfills.• Annual reports prepared based on ECA requirements (which contain monitoring).• Ministry published waste disposal site inventories.	
6	Additional Discussion on Key Environmental Considerations	
6.1	Landfill Generated Gas	

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	<p>Methane (CH₄) and carbon dioxide (CO₂) make up the majority of the landfill gas, with lesser amounts of nitrogen, oxygen, ammonia, hydrogen sulfide and various other gases. The quantity and components of gas generated by a landfill depends on the types and age of the waste buried, the quantity and types of organic compounds in the waste, moisture content and temperature of the waste, particle size and compaction, climate and buffering capacity.</p> <p>In this Guideline we focus on methane due to its combustibility and toxicity. Methane is an odourless, explosive and particularly strong greenhouse gas that contributes to climate change. It can build up in the ground and nearby buildings and become an explosion hazard. Regulatory agencies, proponents and planning authorities should always consider the possible presence of methane at or adjacent to lands that have been used for landfilling or dumps. Even landfills that are not operational continue to produce methane gas, hence it must be considered for both operating and non-operating landfills as described in sections 3 and 4 of the Appendix above. The extent of landfill gas subsurface migration depends on a number of factors such as landfill cover type, natural pathways (e.g. fractured rock), human-made pathways (e.g. drains, trenches etc.), and moisture conditions (wet vs. dry soil). Appendix F provides guidance in this area and is a replacement to the document D-4-1 Assessing Methane Hazards from Landfill Sites.</p>	
6.2	Leachate and Groundwater / Surface Water	
	Leachate is a liquid that permeates the landfill and ‘leaches’ into the subsurface. It is a result of precipitation falling on the landfill, and runoff entering the landfill, or water from the decomposition of waste, which then passes through the waste before “leaching” out. It varies widely in composition and will depend on landfill characteristics such as the age of the landfill, and the depth and the type of waste deposited. The downwards migration of leachate, through waste into underlying soil can eventually reach the groundwater and, through the discharge of leachate-impacted groundwater, a surface water body.	
7	Land Use Considerations	
7.1	How to Measure Separation Distance	
	<p>Section 2.4 of this Guideline indicates that separation distances should typically be measured from property boundary of the major facility (the landfill or dump in this case) to the property boundary of the sensitive land use (the proposed land use in this case, regardless of sensitivity). For landfills, instead of the property line, the waste disposal facility boundary may be used; this is because landfills are sometimes found within a property area boundary.</p> <p>However, not using the property line does not take into account any future potential expansions to the landfill. It should only be done if future expansions of the landfill are not expected, and when the buffer area has been recognized in the zoning by-law or site plans. In these situations, the planning authority is encouraged to assess the appropriateness of this approach, taking into consideration the potential for future expansions, as using this approach may limit or prohibit future expansions of the landfill (due to incompatible land uses being too close). Finally, the fill area itself should not be used for the purposes of measuring separation distances.</p> <p>See Figure 6 for a conceptual diagram of these boundaries. Peripheral Area is the area controlled by the site owner/operator between the boundary of the waste disposal site and the fill area; together, the peripheral area and the fill area make up the waste disposal site; the peripheral area will contain the buffer areas required to be on-site.</p>	Just a flag regarding expansions of a landfill – Given the challenges in finding new landfill sites, preserving capacity for expansion should be a high priority.

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	<div><p>Figure 6 – Conceptual diagram of landfill/dump.</p><p>Note: the <i>buffer</i> area would be between the property boundary and the perimeter of the <i>fill</i> area and/or waste disposal site boundary limits.</p></div>	
7.2	<p>Determining the Case-by-Case AOI</p> <p>When there are sensitive land uses proposed near an existing landfill or dump, the AOI will need to be determined on a case-by-case basis. Most of the requirements outlined in Section 8.1 of this Appendix may not apply to new proposed landfills that are subject to the EA process.</p> <p>The resources described in Section 5 of this Appendix may help in a case-by-case determination of what the AOI for a particular open or closed landfill is, or if necessary, what the AOI for a proposed landfill will be. Information availability will vary on circumstances. For example, ECAs were never obtained for many historic landfills and dumps and proposed new landfills do not hold ECAs at the land use planning stage. Qualified individuals such as Licenced Professional Engineers should be hired to determine what the AOI is. Factors described in Sections 3 and 4 of this Appendix should be considered; other factors to be considered include but are not limited to:</p> <ul style="list-style-type: none">• age and status of the landfill (i.e. proposed, open, closed);• regional and local hydrogeology, topography and geomorphology;• presence of surface water features (e.g., river, lake, pond, wetland, etc.);• landfill capacity and annual rate of waste disposal; and,• types of waste. <p>For proposed landfills, the AOI will need to be estimated based on a facility that does not yet exist. The compatibility study elements identified in Section 2.6 of this Guideline should be considered, but in many cases the EA process will account for the creation of an AOI, even if such terminology is not used in the EA process.</p>	
7.3	<p>The 500 metre Minimum Separation Distance</p>	

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	<p>The ministry has determined that the MSD for landfills and dumps is 500 metres. When the AOI is developed on a case-by-case basis, it must never be smaller than the MSD.</p> <p>While 500 metres is the MSD, the separation distance required should be larger in certain situations. For example, there may be exceptional hydrogeological settings such as areas of fractured rock where leachate contaminated groundwater or gas could migrate beyond 500 metres.</p> <p>It should also be noted that developing a new sensitive land use within the MSD of a landfill or dump will require a <i>demonstration of need</i> as described in Section 2.8</p>	
7.4	Sensitive Land Uses Adjacent to Operating Landfills	
	Planning authorities should not allow sensitive land uses within the MSD. If it is unavoidable, planning authorities must not consider Planning Act applications for sensitive land uses on an adjoining property, and on land used for waste disposal purposes where there are completed or partially completed fill areas. It should be noted that it is not possible to file a Record of Site Condition under O. Reg. 153/04 if waste is present on the property.	
7.5	Examples of Sensitive Land uses for Operating Landfills	
	<p>The PPS provides a definition of sensitive land uses, which gives examples of sensitive land uses and is not comprehensive. For the purposes of landfills currently in operation, this definition of sensitive land uses may include but is not limited to any existing or committed land use which includes the following:</p> <ul style="list-style-type: none"> • a permanent structure used in animal husbandry; or • agricultural land used for pasturing livestock or growing crops; or • a permanent structure where a person is present on a full-time basis; but not including, generally, uses such as food or motor vehicle service facilities adjacent to a highway, utility operations, scrap yards, heavy industrial uses, gravel pits, quarries, mining or forestry activities (note: some of these examples would be considered major facilities). These uses tend to be outdoors; or • cemeteries. 	
7.6	Sequential Development	
	In considering long-range planning, the ministry recommends that proponents delay or phase certain types of land use to coincide with closure of sections of a landfill, or the operation itself, as adverse effects are reduced or eliminated. This approach shall only be permitted in cases where no risks to health or safety are present.	
8	Assessment	
	<p>The potential impacts described above in Sections 3, 4 and 6 of this Appendix should be addressed through compatibility studies when they are needed as described in Section 2.6 of this Guideline and other referenced technical documents.</p> <p>Hydrogeological assessment and engineering matters (e.g. noise) can be integrated in those studies or addressed in stand-alone reports.</p> <p>When considering the adverse effects that may be created at each landfiling site, it should be noted that the overall extent, number, degree and frequency of contaminant discharges and visual problems can vary with each landfiling site. Consideration must be given to the nature of proposed land use(s). Accordingly, compatibility studies for landfills can vary significantly from one landfill to another.</p> <p>Note that the AOI would need to be determined before these studies are done.</p>	
8.1	Hydrogeological/Engineering Studies	

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	<p>Once compatibility studies are triggered in the AOI of an open or closed landfill, where the hydrogeological and geological setting of the proponent's property and the inter- relationship with gas and/or leachate from the fill area are unknown, and/or if the proposed use is a new sensitive land use that is going to be reliant on groundwater for drinking water (if applicable), the proponent must ensure a qualified individual is retained to determine the subsurface conditions and leachate migration and, where necessary, propose remedial measures and controls (e.g. annual monitoring and sampling). Landfill gas assessment must be included.</p> <p>For proposed landfills, there is an EA process that covers these requirements; Ontario Regulation 101/07: Waste Management Projects under the EAA (O. Reg. 101/07) defines which waste projects are subject to the EAA process. Requirements for hydrogeological and surface water assessment under Ontario Regulation 232/98 – Landfilling Sites (O. Reg. 232/98) are also provided for new or expanding landfilling sites where the total waste disposal volume of the site is greater than 40,000 m3. Hydrogeological and surface water assessment is required as set out in this regulation and the associated guideline titled Landfill standards: A guideline on the regulatory and approval requirements for new or expanding landfilling sites. Requirements under Regulation 347 apply to proposed landfills that fall outside of these regulations. Identifying sites for new landfills (or other types of waste management facilities) will also need to consider whether there are policies in local source protection plans that may restrict or prohibit the development in an area identified as a vulnerable area for the purpose of protecting existing and future sources of drinking water.</p>	
8.2	Noise Assessment	
	When assessing noise impacts from a landfilling site as part of compatibility studies, reference should be made to the document titled Noise Guidelines for Landfill Sites (October 1998). This document also describes mitigation measures that may be considered specifically for landfills. To retrieve a copy of this document if one is needed, please contact the ministry's Environmental Permissions Branch. For contact information, see: http://www.infogo.gov.on.ca/infogo/home.html#orgProfile/183618/en .	
8.3	Controls and Monitoring for Adverse Effects	
	<p>Where appropriate based on the results of compatibility studies, planning authorities must require, as a condition of approval, that a proponent include mitigation measures to deal with potential adverse effects. This is consistent with Section 3.7 of this Guideline. Where mitigation measures are proposed, the planning authority should also require monitoring of mitigation measures and contaminant migration where necessary.</p> <p>Also, where the planning authority requires monitoring and inspections on private property, the planning authority should require that a contract be executed between the proponent and the planning authority, in the form of, or as part of, an agreement that may be registered on title.</p>	
Appendix F	Assessing Methane Hazards from Landfill Sites	
	The following is a replacement to the document D-4-1 Assessing Methane Hazards from Landfill Sites.	
	Introduction	
	This Appendix provides technical guidance to proponents and planning authorities on how to test for the presence and potential harm from methane in the subsurface originating from landfilled waste. The document does not address problems associated with gases other than methane or with asphyxiation when oxygen is displaced by gasses produced from buried waste. The requirements of this Appendix are intended to form a general basis for planning authority endorsement or advice.	
	General comments on technical assessments	

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<p>Methane will cause an explosion in an enclosed space, where it can be ignited, when accumulated to concentrations that range from the lower explosive limit (LEL) of 5% to the upper explosive limit (UEL) of 15% CH4 by volume of air. For this to occur, the landfill gas that enters the enclosed space must have:</p> <ul style="list-style-type: none">• a methane concentration between the LEL and UEL, and,• both a high enough entry rate, and a high enough accumulation time, such that the methane concentration will still be above the LEL and below the UEL, after dilution by ventilation of the enclosed space. <p>Based on these points, a complete assessment of hazard should include consideration of the volume of gas containing methane at a concentration nearing the LEL that is moving into the enclosed space per unit time, and ventilation of the enclosed space.</p> <p>However, assessing hazardous conditions using the flux method does not provide reliable results and the required degree of certainty. In practice, safe conditions can only be assured by maintaining the methane concentration below the LEL. This is discussed further in Appendix E.</p> <p>It is a relatively straightforward matter to install monitoring and alarm devices for methane in, beneath, and immediately adjacent to structures, and in any associated utility conduits and trenches. Furthermore, there is a high level of confidence that such devices will, if properly maintained, provide adequate warning. Therefore, these devices should be used where there is any doubt about whether or not methane could exceed 20% of the LEL at any time. Where gas control facilities are required to protect a structure, monitoring and alarm devices will be required, or recommended to ensure that the control facilities do maintain the methane concentrations below 20% of the LEL.</p> <p>Major changes in weather, such as thunderstorms, may cause sudden increases in the concentration of methane at a point of concern and may also cause power interruptions. Therefore, back-up power should be provided to ensure that methane detectors, and ventilation systems will continue to function as necessary.</p> <p>The assessment of landfill gas hazards is a specialized field and should be done by qualified individuals (e.g. a Professional Engineer). The assessment should include details on the equipment used as well as weather conditions on days when field work was conducted. However, proponents planning authorities should be aware of the following:</p> <ul style="list-style-type: none">• It is important to use the proper instrument for measuring methane concentration in the subsurface. Most of the liquid waste and hazardous waste equipment commonly used to detect methane concentrations less than the LEL incorporates catalytic sensors. Such devices do not function properly in an anaerobic atmosphere, as is often present in landfill monitoring wells, without a special attachment.• When methane concentrations greater than the LEL are expected, instruments using thermal conductivity sensors should be used. Such instruments are less sensitive than the catalytic type below the LEL.• The concentration of methane and the landfill gas gauge pressure that will be measured in a monitoring well in a landfill may be influenced by changes in barometric pressure. There may be a delay of several hours before the landfill gas pressure and escape rate equilibrate to a changed barometric pressure. This should be considered when assessing monitoring data. <p>Where studies are available that demonstrate that methane is not present in the landfilled waste at a concentration greater than 20% LEL, it can be assumed that methane from that landfill is not present on</p>	

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	<p>Adjacent Property at a higher concentration.</p> <p>Property near a landfill that might be threatened by landfill gas is called the Adjacent Property, even though other property may separate it from the landfill. Thus, it may not be necessary to assess all the property in the vicinity of a landfill to establish safe conditions for development.</p> <p>Various activities, such as the construction of utility conduits, ditches and trenches, creating new impervious surfaces such as parking lots, filling in existing perimeter ditches and ponds and groundwater pumping may provide new pathways for methane migration or change the rate at which methane is produced. The impact of such activities on methane production and migration should be considered in advance of these activities taking place.</p>	
	<p>Rationale for the requirements of the Guideline</p> <p>The minimum concentration of a particular combustible gas or vapor necessary to support its combustion in air is defined as the Lower Explosive Limit (LEL) for that gas. Below this level, the mixture is too “lean” to burn. For methane, 5% mixture in air is the LEL.</p> <p>The maximum concentration of a gas or vapor that will burn in air is defined as the Upper Explosive Limit (UEL). Above this level, the mixture is too “rich” to burn. For methane, 15% mixture in air is the UEL. The range between the LEL and UEL is known as the flammable range for that gas or vapor.</p> <p>To add a margin of safety, this Appendix considers concentrations greater than 20% of the LEL to warn conditions which could be potentially hazardous and gas control systems should be designed to maintain concentrations below this level. And, concentrations greater than 20% LEL may be associated with still higher concentrations, exceeding the LEL.</p> <p>However, if sufficient anaerobically decomposing organic material is present, the concentration of methane will be more than 10% LEL for many years and measuring methane concentrations within the landfilled waste may not prove to be a useful assessment method. Subsurface landfill gas monitoring at the landfill property line or within on-site or off-site structures (e.g., buried utilities, trenches, foundations, basements, etc.) is a more reliable method for assessment of the potential hazards.</p> <p>A number of factors may influence the migration and the concentration of methane in the subsurface, and several are dependent on both short term and seasonal weather conditions (e.g. barometric pressure trends, soil moisture and pH, temperature, frozen ground). Therefore, to safely assess the influence of seasonal variations and spatial and temporal distribution of methane, three hydrological cycles of monitoring and sampling with multiple samples across the weather seasons are normally required. The design of sampling and monitoring program should be site-specific and should be prepared and carried out by a qualified individual.</p> <p>The assessment of the concentration of methane in the subsurface on adjacent property (i.e., property located near a landfill) is more complex than is the assessment of its concentration within the waste and therefore longer periods of monitoring, including multiple samples across the weather seasons, are needed to assess the adjacent property. This is in part due to the fact that in the assessment of adjacent properties must consider the impact of weather conditions on both the production of methane and the migration of methane, as well as the complexity of the migration pathways must be considered.</p>	<p>Combustible gas trigger levels for landfilling sites are governed by Section 14.(2) of Ontario Regulation 232/98 (Landfilling Sites). There are two triggering levels respecting the subsurface migration of methane gas:</p> <p>a)The concentration of methane gas below the surface of the land at the boundary of the Site must be less than 2.5 per cent by volume; and,</p> <p>b) The concentration of methane gas from the Site must be less than 0.05 per cent by volume in any off-site building or enclosed structure, and in the area immediately outside the foundation or basement floor of the building or structure, if the building or structure is accessible to any person or contains electrical equipment or a potential source of ignition.</p> <p>Question – how does the 20%LEL “trigger” mentioned in the Land Use Compatibility Guideline relate to the trigger levels in O.Reg 232/98?</p>

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	Decommissioning and the installation of protective facilities	
	<p>The ministry would consider that landfill gas control, alarm and monitoring systems could be safely decommissioned under the following circumstances (Note Section 2.5 of this Appendix):</p> <ul style="list-style-type: none">• For developments that overlie buried waste—Where the initial concentration of methane was greater than 10% LEL, monitoring systems may be decommissioned if methane concentration remains less than 20% LEL for three years, with any active gas control facilities not functioning.• For developments that do not overlie buried waste—Where the initial concentration of methane was greater than 10% LEL, systems may be decommissioned if methane concentration remains less than 20% LEL for five years, with any active gas control facilities not functioning. Where the initial concentration of methane was less than 10% LEL, one year of monitoring, with any active gas control facilities not functioning, and showing methane concentration less than 10% LEL, would be needed. <p>Note however, that Appendix E of this Guideline requires compatibility studies, which must include landfill gas assessment, when sensitive land uses are proposed within the AOI of a landfill or dump (which is, in turn, determined on a case-by-case basis). Bear in mind also that a change in land use on the lands identified above may affect migration on adjacent lands.</p> <p>Passive gas control facilities, that is facilities that do not rely on air blower or gas suction equipment, cannot be “turned off” and require maintenance or periodic inspection for proper operation. Therefore, monitoring facilities cannot be decommissioned at sites that rely on passive gas control facilities for safety, unless it can be shown that maintenance and/or inspection is not necessary.</p> <p>There may be cases where a proponent wishes to proceed with development before all of the monitoring data that would be necessary to assess the site can be collected.</p> <p>Under such circumstances safe conditions can be achieved if protective facilities are installed that would warn of unsafe conditions and activate abatement. Initially, it should be assumed that worst case conditions are present, and the concentration of methane is greater than 20% LEL outside the structures that are to be protected. Facilities must then be designed and installed that will operate to prevent concentrations greater than 20% LEL from occurring outside these structures. When it can be shown that the concentration of methane is less than 20% LEL, the facilities may remain on standby. Monitoring, as outlined in this Guideline, would still be required and the responsibilities must be assumed by an appropriate authority.</p>	
	Alternatives to regulating by concentration	
	<p>The ministry uses the concentration of methane as the main criterion for providing protection. This approach has been criticized in that it could occasionally prohibit developments where no danger exists or require gas control facilities where none are needed. There are those who suggest that these restrictions could be avoided if a way could be found to provide protection by using the broader criterion known as flux or by using some other approach. This matter has been examined and it was concluded that there are serious drawbacks associated with each of the alternate approaches that have been proposed. These approaches and their drawbacks are as follows:</p> <p>Approach—Develop a means of measuring flux and allow exemptions where the flux is less than some safe upper limit. For example, where a building code requires minimum air exchange rates for ventilation in dwellings, allow a methane flux that would not create a hazard provided the requirements of the building code have been met.</p> <p>Drawback—Safe conditions cannot be related to the minimum number of air exchanges required for</p>	

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	<p>health and comfort in living areas. Even though the habitable space of a dwelling may have enough ventilation to dissipate a potentially hazardous flux of methane and provide safe conditions, there may still be enclosed spaces where explosive gas mixtures could develop. Examples are closets, cupboards, fuse boxes and basement cold rooms. Further, buildings are occasionally closed for a vacation or renovations. At such times, normal ventilation could be sufficiently reduced to allow dangerous concentrations of methane to develop in the interior. Therefore, the dividing line between non-hazardous and hazardous in terms of flux into living areas is not known.</p> <p>As for monitoring methane flux in the underground, no instrument capable of doing this has yet been developed to a satisfactory stage. Even if it were possible to measure the magnitude of a flux of methane in the underground, it would still be uncertain how much of a hazard that particular flux constituted under various circumstances in various locations.</p> <p>Approach–Seal the outsides of structures to prevent methane entry.</p> <p>Drawback–Even if all methane entry points into a building could be sealed, additional openings might develop later. For example, cracks may develop in the basement wall, or openings may be made for such things as utility conduits.</p> <p>Approach–Allow exemptions for sources of methane that, because of their size or the rate at which they produce methane, will not produce sufficient methane to be hazardous.</p> <p>Drawback–The various types of landfill sites cannot be distinguished by the amount of organic material or methane they contain, with possible exceptions being ash disposal sites and hazardous waste disposal sites. No method is available to determine the minimum amount of buried organic material that could pose a hazard in a landfill site. Even small amounts of buried organic material, such as soil or putrescible wastes, can produce methane at concentrations above the LEL. Such concentrations can occur in otherwise relatively clean soil fill. Therefore, the Ministry is unable to suggest a way to provide exemptions from safety restrictions on the basis of a minimal content of organic material.</p> <p>Approach–Allow exemptions where the soil type would prevent the movement of sufficient methane to be hazardous.</p> <p>Drawback–Hazardous amounts of methane will probably not move through saturated soils and unfractured clayey soils. However, near-surface clayey soils are commonly fractured. All soils are subject to possible de-watering by construction. For example, where a high-water table previously blocked methane migration, the construction of a new utility trench could lower the water table, and allow methane migration.</p> <p>For these reasons, the ministry does not believe that any of these proposed approaches provides reliable protection against explosion hazards from landfill gas. Therefore, the ministry must continue to regulate methane hazards on the basis of concentration even though in some cases this approach may be too restrictive. Where an applicant believes that restrictions based on concentration can be safely relaxed, supportive evidence on a case by case basis will be considered by the ministry. Where there are uncertainties, the ministry will allow them to be resolved through monitoring before development proceeds.</p>	
Appendix G	Glossary	

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	<p>Adverse effect(s): means one or more of:</p> <ul style="list-style-type: none">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; andh) interference with normal conduct of business (EPA) <p>Amenity Area: an outdoor space or facility that is used for the enjoyment of persons residing in or utilizing any building(s) on the property/premises.</p> <p>Area of Influence: an area surrounding the property boundary of an existing or planned major facility where adverse effects on surrounding sensitive land uses have a moderate likelihood of occurring. An alternate AOI may be determined by the planning authority based on a technical and scientific process similar to a compatibility study.</p> <p>Buffer: A method of control used to prevent or minimize the adverse effects of incompatible land uses and may be in the form of:</p> <ul style="list-style-type: none">1. a land area or intervening space sufficient to provide the necessary distance separation; or2. a natural or human-made feature such as a berm, wall, barrier, planting, topography, trench, fence or other structure or technical control (e.g. solid brick walls, triple-glazed windows to lessen the effect of noise); or3. a land use different from the 2 conflicting ones but compatible with each; or4. any combination of the above, interposed between conflicting land uses. <p>Compatibility Study(ies): a study that assesses potential adverse effects and recommends separation distances and mitigation measures, if needed, to limit impacts to surrounding land uses.</p> <p>Contaminant: means any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly from human activities that causes or may cause an adverse effect (EPA).</p>	

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	<p>Demonstration of Need: a study that determines whether there is an identified need for the proposed use in the proposed location, and if alternative locations for the use have been evaluated and there are no reasonable alternative locations.</p> <p>Discharge: when used as a verb, includes add, deposit, leak or emit and, when used as a noun, includes addition, deposit, emission or leak (EPA).</p> <p>Employment Area: areas designated in an official plan for clusters of business and economic activities including, but not limited to industrial uses, manufacturing, warehousing, offices, and associated retail and ancillary facilities (PPS).</p> <p>Environmental Assessment: a study which assesses the potential environmental effects (positive or negative) of an individual proposal. Key components of an EA include consultation with government agencies and the public; consideration and evaluation of alternatives; and, the management of potential environmental effects. Conducting an EA promotes good environmental planning before decisions are made about proceeding with a proposal.</p> <p>Environmental Compliance Approval: an approval issued under Part II.1 of the EPA.</p> <p>Fill Area: the area of a waste disposal site set aside for landfilling or dumping.</p> <p>Fugitive Dust: dust or suspended particulate matter that is generated due to mechanical disturbance of granular material (e.g. dirt, soil). Fugitive dust sources may be separated into two broad categories: process sources (e.g. rock crushing) and open dust sources (e.g. material handling/storage).</p> <p>Infilling: development on vacant lots or underdeveloped lots within a built-up area.</p> <p>Intensification: means the development of a property, site or area at a higher density than currently exists through:</p> <ul style="list-style-type: none">a) redevelopment, including the reuse of brownfield sites;b) the development of vacant and/or underutilized lots within previously developed areas;c) infill development; andd) the expansion or conversion of existing buildings (PPS). <p>Land Used for Waste Disposal Purposes: the land comprising the fill area, where landfilling or dumping has occurred, and the land which is being used or is to be used for the leachate buffer area and/or the gas buffer area; the land may be on- or off-site.</p> <p>Landfilling: the disposal of waste by deposit, under controlled conditions on land or on land covered by water and includes compaction of the waste into a cell and covering the waste with cover materials at regular intervals (Regulation 347).</p> <p>Major Facilities(y): facilities which may require separation from sensitive land uses, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities (PPS).</p> <p>Major Transit Station Area: the area including and around any existing or planned higher order transit station or stop within a settlement area; or the area including and around a major bus depot in an urban core. Major transit station areas generally are defined as the area within an approximate 500 to 800 metre radius of a transit station, representing about a 10-minute walk (A Place to Grow).</p>	

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	<p>Minimum Distance Separation: means formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities (PPS).</p> <p>Minimum Separation Distance: a recommended minimum distance within which adverse effects are highly likely to occur and incompatible development should not normally take place.</p> <p>Municipal Comprehensive Review: means new official plan, or an official plan amendment, initiated by an upper- or single-tier municipality under section 26 of the Planning Act that comprehensively applies the policies and schedules of A Place to Grow.</p> <p>Planning Authorities: means the various agencies that make decisions on land use planning. This includes the entity or body with planning approval authority under the Planning Act (e.g. The Minister of Municipal Affairs and Housing, the council of a municipality, a local board, and a planning board). Note that decisions of the Local Planning Appeal Tribunal when determining appeals of decisions made by a planning authority under the Planning Act must also be consistent with that Act and the PPS.</p> <p>Point of Reception: means any location on a noise sensitive land use where noise from a stationary source is received. Noise sensitive land uses may have one or more points of reception (NPC-300).</p> <p>Proponent: means any person who makes an application under the Planning Act. For the purpose of this Guideline, this includes developers of sensitive land uses and developers of major facilities. Proponent can also mean a person who makes an application for approvals under other legislation, such as the Environmental Assessment Act.</p> <p>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 (PPS).</p> <p>Separation Distance: the distance between a sensitive land use and a major facility. This distance is usually measured from property line to property line, except as described in Section 2.4.</p> <p>Settlement Area: means urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:</p> <ul style="list-style-type: none">a) built-up areas where development is concentrated and which have a mix of land uses; andb) lands which have been designated in an official plan for development over the long-term planning horizon (A Place to Grow). <p>Vectors and Vermin: disease-carrying organisms, insects, rodents, birds (especially gulls) and other harmful creatures (e.g., bears).</p> <p>Warning Clause: Means a notification of or obligation to notify a potential purchaser or tenant of a potential annoyance due to an existing source of environmental noise. When circumstances warrant, agreements that are registered on title to the lands in question should incorporate provisions for using warning clauses. Warning clauses would be included in agreements of Offers of Purchase and Sale,</p>	

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	<p>lease/rental agreements and condominium declarations (NPC-300, with modifications).</p> <p>Waste Disposal Site: means,</p> <p> a) any land upon, into, in or through which, or building or structure in which, waste is deposited, disposed of, handled, stored, transferred, treated or processed, and</p> <p> b) any operation carried out or machinery or equipment used in connection with the depositing, disposal, handling, storage, transfer, treatment or processing referred to in clause (a) (EPA).</p> <p>Waste Management Systems: means sites and facilities to accommodate solid waste from one or more municipalities and includes recycling facilities, transfer stations, processing sites and disposal sites (PPS).</p>	
Appendix H	List of Abbreviations	

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APPENDIX H – LIST OF ABBREVIATIONS

Abbreviation	Definition
AAR	Acoustic Assessment Report
Air Emissions <u>EASR</u>	Ontario Regulation 1/17: Registrations Under Part II.2 of the Act – Activities Requiring Assessment of Air Emissions
<u>AQI</u>	<i>Area of Influence</i>
<u>BMPP</u>	Best Management Practices Plan
<u>CPPS</u>	Community Planning Permit System
<u>EAA</u>	Environmental Assessment Act
<u>EA</u>	Environmental Assessment
<u>EASR</u>	Environmental Activity and Sector Registry
<u>ECA</u>	Environmental Compliance Approval
EPA	Environmental Protection Act
A Place to Grow	A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020
Guideline(s) MDS	Land Use Compatibility Guideline Minimum Distance Separation (Ontario Ministry of Agriculture, Food and Rural Affairs')
<u>MMAH</u>	Ministry of Municipal Affairs and Housing
MSD	Minimum Separation Distance
<u>MTSA</u>	Major Transit Station Area
<u>NAICS</u>	North American Industrial Classification Standards
<u>NEE/NEP</u>	Noise Exposure Forecast/Noise Exposure Projection
<u>NEPPB</u>	Normal Farm Practices Protection Board
<u>OMAFRA</u>	Ontario Ministry of Agriculture, Food and Rural Affairs
OP	Official Plan
<u>OPA</u>	Official Plan Amendment
<u>OWRA</u>	Ontario Water Resources Act
<u>PNSM</u>	Primary Noise Screening Method
PPS	Provincial Policy Statement, 2020
The Ministry	Ministry of the Environment, Conservation and Parks

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Appendix I	Case Studies	
	Case Study 1: Importance of early and ongoing collaboration	
	<p>A municipality received a planning application to develop lands for mixed commercial and residential use adjacent to an existing manufacturing plant. The development consists of multi-level residential buildings with commercial uses on the lower floors. To permit the redevelopment in the area surrounding the plant, the municipality amended the OP and zoning by-law which include lands within 300 metres of the plant. The new development would fall within the AOI of the manufacturing plant.</p> <p>The plant has operated since the early 1960s and operates 24 hour per day, 7 days per week. Its operations produce noise, fugitive dust, and odour emissions. The plant has an ECA and has been inspected several times over the years with no compliance issues identified during the inspections. The plant does not have a history of noise or odour complaints.</p> <p>The plant owners raised concerns about the redevelopment in the area, and in particular, how its operations may result in noise and odour impacts at the new residential buildings.</p> <p>To help prepare for the eventual redevelopment in the area, the ministry worked collaboratively with all parties (i.e., municipality, plant owner and developer) to ensure that the area is developed in a manner that allows the plant to continue its operations.</p> <p>The plant owners conducted source testing to quantify the impacts of odour emissions from the plant. The results were used to assess and manage odours from the plant and the impact on the proposed residential development. A compatibility study addressing odour was jointly prepared by the plant owners and the developer.</p> <p>The plant owners and developers entered into a range of agreements to introduce noise and odour mitigation measures at the plant (at-source) and noise mitigation measures at the residential buildings (at receptor). The legally binding agreements ensured that the noise levels agreed to by all parties would be met and that noise control measures would be maintained for the long-term. The developers paid for a range of mitigation measures, and these were identified in agreements. Mitigation measures included:</p> <ul style="list-style-type: none">• At-source: modification or replacement of noise-generation equipment at the plant, additional odour controls to reduce odour emissions at the facility.• At-receptor: buildings designed and built with no openings or residential units that face the plant to minimize or eliminate the noise impacts <p>Over the years, a number of other residential and commercial developments have been built within the AOI and even the MSD of the site. The plant has maintained its practice of early and effective engagement with sensitive land uses and the municipality, and use of agreements, including three-party</p>	<p>Case Study 1 - uses an example that could be relatively common in Niagara. It also seems to be reliant on having participation from the Major Facility ownership. If this is not something that the Ministry can enforce, I'm not sure how interested a manufacturer is in coming to the table as a good future neighbour when the municipality made land use changes that bring sensitive uses into the MSD in particular. While it appears as though the developer would be on the hook for at-source improvements, the need for legally binding agreements seems to be a discouraging encumbrance on the Major Facility. It also seems as though more effort and expense would be required of the municipality for legal and other resources required to ensure everything is set in place. I would imagine the agreement would be require to register on title for the Major Facility (and the sensitive land use?). This facility specific approach would seem to include surrendering any potential future expansion on the site of the Major facility, which has implications to the facility owner and potentially encumber future potential. Furthermore, should the facility close or sell to a different industrial operator, the agreement would be part of due diligence and may limit potential buyer/occupant for purchase. How would an encumbrance of this nature be dealt with? If the operator of the major facility is within an Employment Area, it would seem to represent a concern given the intent of the Employment Areas is to allow operations without fear of sensitive land use encroachment. This case study does not represent protections, but rather introduces accountability on the MF through legal agreement. If I was a business owner, I would not be interested in voluntarily entering into a process such as this.</p> <p>The inclusion of the case studies is useful. This section could benefit from the use of illustrations or diagrams to provide more context (I.e. the illustrations included in the case studies for the OMAFRA Permitted Uses in Prime Agricultural Area Guidelines).</p>

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	<p>agreements that include the municipality as a signatory. The municipality's critical role in seeking land use compatibility at the site over the years has included but not been limited to: OPAs, secondary plan development, negotiating acceptable mitigation measures, amending the zoning by-law and being a signatory to some of the key agreements.</p> <p>Note: At receptor noise control measures are only acceptable in ministry permissions if the new development is designated by the municipality as a Class 4 Area (NPC-300).</p>	
	<p>Case Study 2: Importance of community relations</p> <p>A rendering plant has been operating for decades in a former industrial area and it is now surrounded by residential land uses. The closest residential unit is 80 meters from the plant; therefore, within the MSD of the plant. The plant operates 24 hours per day, 7 days per week and previously the ministry received hundreds of complaints about odours from the plant per year. The plant operated under an ECA and is in compliance with all zoning and municipal by-laws. The local public health department determined that the plant's emissions are not toxic and do not pose a health risk to the community.</p> <p>Over the years the company has made significant investments trying to mitigate the odours. The ministry monitors the odour issues and regularly visits the plant in response to complaints from local residents. The ministry asked the company to submit an odour abatement plan for approval. The company's plan included mitigation measures such as:</p> <ul style="list-style-type: none">• Increasing the height of the stacks on the roof to disperse the emissions;• Maintaining equipment;• Completing a ventilation assessment; and• Changing the method it uses to dispose of wastewater. <p>The company also installed new odour reduction technology.</p> <p>Throughout the odour reduction process, which took two years to complete, the company has maintained good community relations by attending public meetings held pursuant to various processes, such as Planning Act approvals for the surrounding residential developments when they were proposed. The company also communicated regularly with local politicians, area residents and ministry staff. Even today, the company frequently informs all parties on its progress to install and fine tune the new odour reduction technology, including reporting on any anticipated delays or issues. As such, they still communicate regularly, and mitigation measures are expected to be maintained over time. By maintaining good community relations, area residents responded well and provided the company with</p>	<p>Case Study 2 – This case study is unclear about the nature of the existing sensitive uses being established in the first place. Is this a scenario that would be more in line with longstanding incompatibility that was perhaps not subject to D-Series? Again, the premise includes MF cooperation when it is deemed to be in compliance. This is entirely a good neighbours reliance. Does the Ministry involve themselves at this level presently? Seems to describe their involvement in these Case Studies with more prominence in a facilitator role vs a regulatory / enforcement capacity, which I would think is more what they have acted in to date. The costs of some of the improvements would seem substantive for someone already compliant. Perhaps I am just out of touch with the level of involvement they presently perform. This would lean towards NPC-300 Class 4 status?</p>

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	<p>the opportunity to explain their operations and actions taken to reduce odours and address complaints (which have dropped considerably over time). Although considerable expenses were incurred, these would have been greater if the company had not made efforts in maintaining good community relations. The company's community relations program helped de-escalate the situation and allowed the company time to address the complaints. Conflicts between sensitive land uses and major facilities can often be avoided through open communication and with the use of best management practices.</p>	
	Case Study 3: Addressing Compatibility Near a Quarry	

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	<p>A development site is located near a 400-series highway on the periphery of a large municipality and is approximately 75 hectares in size, made up of three distinct parcels. The developer is proposing approximately 18 net hectares to be used for light (low- profile) industrial and employment generating uses and approximately 10 net hectares for retail uses. There is an active bedrock quarry adjacent to the site.</p> <p>The surrounding land uses include agricultural land abutting site to the north, an active bedrock quarry abutting the western boundary, a residential subdivision under development located to the east (adjacent to site, but across a municipal road) and a major retail center to the south east. The site is currently zoned Development Reserve (DR), is intended as a future location for appropriate zoning to implement the OP designation of Employment and Enterprise Area. The municipality recognizes the lands for future urban development.</p> <p>Applications for an OPA and zoning by-law amendment were received to facilitate the development of a business park. The applicant was looking to rezone from Development Reserve to a Business Park Industrial Zone (IP). The IP zone would have the effect of accommodating a range of office, light industrial and employment generating uses.</p> <p>An Aggregate Impact Assessment which took into account vibration from quarry blasting was completed as part of the application process (and at the request of the quarry operator) and recommended the prohibition of all sensitive land uses within 513 meters of the adjacent mineral aggregate resource ensuring only compatible non-sensitive land uses are located within 513 meters of the aggregate site. It took into account vibration from quarry blasting.</p> <p>The OP contains policies regarding aggregate resources, ensuring that they are close to markets, protected from incompatible land uses and that they have minimal negative impacts on communities. The applicant submitted an Aggregate Impact Assessment, which sought to identify suitable land uses within 500 meters of the existing quarry and exclude sensitive land uses that would otherwise be impacted by vibration from the quarry blasting.</p> <p>Findings of the assessment were that the sensitive land uses typically found within a zoning of IP would be prohibited by a provision until such time that a detailed vibration study could demonstrate that there will be no negative impacts from quarry. The standard uses that would be prohibited by this provision include uses such as day cares, hotels, places of assembly, etc.</p> <p>The detailed zoning by-law also requires that all sensitive land uses be prohibited within 513 meters of the existing bedrock quarry (including a 30-meter blasting setback, which was confirmed with the quarry operator's license), ensuring only compatible non- sensitive land uses are located in proximity to the aggregate operation.</p> <p>A private agreement was established between the applicant and quarry operator as part of the Planning Act approval and Aggregate Impact Assessment process. The agreement included holding provisions (i.e. a vibration study would need to be completed to allow any additional land uses in the future), limited land uses on adjacent land, and covenants on title to ensure that no future re-zoning applications in future years would negatively impact the quarry.</p>	<p>Case Study 3 – The impression from the description would be to establish the 10 hectares of retail immediately along the municipal road, but if there is already a major retail centre in the southeast, is there an actual need for more retail? Regardless, the transition of the uses would be most appropriate having retail closest to the residential and IP behind that and remaining area towards the quarry staying in holding. Also, not certain if use of agreements is currently a common practice. All three Case Studies so far have them in the mix as part of a solution, so what “requires” participation of any party? Quarry extraction does not talk about direction. Is it approaching of moving away? There seems to be much reliance on the vibration study. What limitations might be part of the consideration from other act or regulation such as that of the ARA and consideration of fly-rock?</p>

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	Case Study 4: Importance of Using AOIs	
	<p>A manufacturing plant opened in a small rural community in the early 1950s. The once isolated plant became surrounded by sensitive land uses including a housing development and daycare. The new neighbors complained to the ministry that they were being negatively impacted in their homes by the fumes and noise coming from the manufacturing plant.</p> <p>The ministry ordered the owner of the plant to assess noise, dust and odour emissions, develop an abatement plan and implement an enhanced complaint response procedure.</p> <p>The plant completed the studies, hosted a public meeting to report on its progress and established a public liaison committee.</p> <p>To address some of the neighbours' concerns, the plant also reduced its hours of operation, reformulated some of its raw materials and relocated some of its operations to another plant in the United States – resulting in a loss of jobs.</p> <p>The plant subsequently failed an inspection by the ministry as some regulations are based on the proximity of sensitive receptors (e.g. the new homes). As a result, the plant was charged with an offence under the EPA. The company investigated alternate production methods and at-source mitigation technology that would meet the environmental standards. The company decided that neither solution was economically feasible and moved all operations to the United States resulting in the loss of several hundred jobs.</p> <p>The municipality's decision to allow residential housing around the manufacturing plant did not serve the best interest of the community. Municipalities have to carefully consider how their land use planning decisions will impact their community, both now and in the future. Use of the AOI would have helped in this scenario; compatibility studies, had they been done early enough, would have shown the risks and potential impacts of approving this housing development.</p>	
	Case Study 5: Impacts from a Former Landfill	
	<p>This case study focuses on a landfill that was in operation between the 1950s and 1960s where due to lack of records the extent of its fill area was unknown. In the following years, the area experienced fast development, with various manufacturing operations and sensitive land uses such as residential developments being established adjacent and in close proximity to the closed landfill. These developments resulted in unsafe housing conditions and evacuation of some of the nearby houses, as well as leachate impacts to the groundwater which resulted in significant impacts to the municipality's water supply resulting in decades of costly remediation.</p> <p>To prevent these outcomes, approaches as described in Appendix D of this Guideline can assist the planning authority. Municipalities should consider factors discussed in Appendix D prior to approving a development near a closed or operating landfill. To prevent adverse effects and potential for explosion hazards from landfill gas migration, municipalities should require proponents proposing to locate near existing landfills to complete compatibility studies and consider factors such as landfill gases, primarily methane, as well as groundwater and surface water contamination by landfill leachate.</p>	

Land Use Compatibility Guideline		Niagara Region Review Comments
Appendix K	Information on Sectors not Included in this Guideline	
	<p>This Guideline does not provide specific land use compatibility direction with regards to locating some major facilities, or their approvals, including: airports, transportation infrastructure and corridors (e.g., transit stations), rail facilities, marine facilities, oil and gas pipelines, energy generation facilities and transmission systems and some resource extraction activities. This Guideline, however, applies to encroachment of sensitive land uses on some of these facilities. This Guideline also does not address specific land uses which may not be major facilities, as defined by the PPS, but which may also have compatibility requirements, such as agricultural uses. Additionally, this Guideline does not apply to activities associated with major facilities that do not require land use approval under the Planning Act, such as temporary aggregate, asphalt or concrete facilities associated with the construction or rehabilitation of transportation facilities. However, these activities may require other approvals (e.g., ECA) to address potential adverse effects to nearby sensitive land uses. This section provides background information and resources related to these sectors, which may be helpful in considering land use compatibility for these uses. The information provided here is not inclusive of all resources and legislation that may exist for these sectors.</p>	
	Airports and Aerodromes	
	<p>Transport Canada uses Noise Exposure Forecast/Noise Exposure Projection contours to provide the actual and forecasted aircraft noise in the vicinity of airports and aerodromes. Where noise forecasting or projections have been developed, the contours for land use planning in the area should be used. Contact the airport authority or aerodrome operator for copies of the noise forecasts or projections.</p> <p>The best practice is for planning authorities to use noise contours to develop “airport operating areas” which are identified in OPs together with appropriate policies. This is a transparent way to share this information and to use more easily identifiable landmarks (e.g. roads, railways, valleys) to identify the noise contours themselves. Given the importance, rarity and economic significance of airports the need to ensure the potential for their future expansion, and the need to allow for 24-hour operation, a best practice is to consider protection to lower noise contour levels. For example, rather than the maximum 30 Noise Exposure Forecast/Noise Exposure Projection (NEF/NEP) used by Transport Canada, some planning authorities are restricting sensitive land uses down to 28 NEF/NEP. For more information on the NEF/NEP contours, please see Transport Canada’s website.</p> <p>For airports and aerodromes that do not have NEF/NEP contours, please refer to Transport Canada’s Aviation: Land Use in the Vicinity of Aerodromes (Reference Number TP1247E).</p>	
	Transportation Infrastructure and Corridors, Rail and Marine Facilities	
	<p>The construction of many major transportation infrastructure and corridors, including highways, transit corridors and arterial roads, has requirements under Ontario’s EA process. There are four different EA processes that may apply:</p> <ol style="list-style-type: none"> 1) Municipal Engineers Association Municipal Class EA – Provides a process for municipalities to assess the impacts of roads. 2) Class EA for Provincial Transportation Facilities – Provides a process for the Ministry of Transportation to assess the impacts of provincial transportation facilities including highways. 3) Guide to EA Requirements for Transit Projects – A document which outlines the process specified in Ontario Regulation 231/08: Transit Projects and Metrolinx Undertakings for the assessment of the impacts of transit projects. 4) Individual EA – Project-specific process to assess the impacts of road or highway projects larger than those permitted to proceed under the Municipal Engineers Association Municipal Class EA or Ministry of Transportation Class EA. 	

Land Use Compatibility Guideline		Niagara Region Review Comments
	<p>EA documents can be reviewed for the potential adverse effects of transportation infrastructure and corridors when considering sensitive land use development in surrounding areas. The EAs may not have been completed recently, and therefore should not be fully relied upon in the preparation of detailed compatibility studies. The date of the studies should be considered and to see if new information is available that may impact the projections made at the EA stage, such as changes to traffic volumes, landscaping, lines-of-site, etc.</p> <p>When locating sensitive land uses near existing highways, roads and railways, the Ministry's Environmental Noise Guideline: Stationary and Transportation Sources – Approval and Planning NPC-300 and other applicable guidelines can assist in determining what the noise impacts of these transportation corridors are.</p> <p>In addition, anyone planning to construct on or adjacent to a provincial highway may require a permit from the Ministry of Transportation. The Ministry of Transportation issues permits under the Public Transportation and Highway Improvement Act for entrances, buildings, signs, and encroachment either onto or adjacent to provincial highways to manage access and preserve the function of provincial transportation corridors.</p> <p>The Ministry of Transportation's Highway Corridor Management Manual contains policies, guidelines, best practices and specifications for managing building and land use, encroachments, access and signs within the Ministry's controlled area under the Public Transportation and Highway Improvement Act and applications for permits are submitted through the Highway Corridor Management System.</p> <p>The Ministry of Transportation's Freight-Supportive Guidelines can be consulted for advice on planning for transportation facilities and corridors in a way that supports safe and efficient movement of freight while integrating and balancing the compatibility of surrounding land uses and needs of other transportation system users.</p> <p>When considering new development near railways, the Federation of Canadian Municipalities and the Railway Association of Canada's Guideline for New Development in Proximity to Railway Operations should be consulted. This Guideline provides information on common issues, mitigation, barriers and review processes for new development and infilling near railways.</p> <p>When considering new development near marine facilities, the Canada Marine Act and Canadian Environmental Protection Act should be consulted.</p>	
	Oil and Gas Pipelines	
	<p>Proponents can consult the guide "Land use planning for pipelines: A guideline for local authorities, developers, and pipeline operators" for guidance on land use compatibility for oil and gas pipelines.</p> <p>The ministry's Guideline D-3 Environmental Considerations for Gas or Oil Pipelines and Facilities also outlines the environmental considerations that the Ministry advises the Ontario Energy Board and/or the National Energy Board to take into account when they give approval to gas or oil pipelines and facilities under their jurisdiction.</p>	
	Energy Generation Facilities and Transmission systems	

Land Use Compatibility Guideline	Niagara Region Review Comments
<p>The following legislation governs the planning of energy generation facilities and transmission facilities:</p> <ul style="list-style-type: none"> • Ministry of Environment, Conservation and Parks: Green Energy Act • O. Reg. 359/09 under the Electricity Act • Ontario Energy Board Act (Board approves construction of new transmission/distribution facilities) <p>ECAs under the EPA govern noise, odour and contaminant emissions from these facilities/systems.</p> <p>The Canadian Nuclear Safety Commission regulates all stages of the life of each nuclear power plant in Canada, from the EA required before plant construction, to the decommissioning of the facility once operations are ended.</p>	
Resource Extraction related to Petroleum and Salt Production	
<p>Oil, natural gas, and salt are produced in southwestern Ontario using wells licenced by the Ministry of Natural Resources and Forestry under the Oil, Gas and Salt Resources Act.</p> <p>Records for oil, natural gas, or salt mining wells licences are housed at the Oil, Gas and Salt Resources Library in London, Ontario and are also available online at www.ogsrlibrary.com. Basic well information, including location, is available free of charge.</p> <p>In addition to licenced wells, there are many wells predating licencing requirements that have long since ceased to be used and have no identifiable operator. Their location is often unknown as no records were required at the time. Orphan wells such as these that are encountered during development can present a hazard to human or environmental health or safety and may need to be plugged.</p> <p>For more information, and to obtain a licence to plug an orphan well, please contact the Ministry of Natural Resources and Forestry's Petroleum Operations Section by calling 519-873-4634 or emailing POSRecords@ontario.ca.</p>	
Resource Extraction related to Mining	
<p>The Ministry of Energy, Northern Development and Mines has issued two guidance papers on municipal planning near mines. The first, Provincial Policy Statement 2.4 Mineral Resources and Municipal Planning provides guidance on the protection and access to mineral resources.</p> <p>The second guidance paper, Provincial Policy Statement 3.2 Mining-Related Hazards and Municipal Planning provides guidance on municipal planning near former or current mining operations due to related hazards such as open shafts, deep pits or unstable ground.</p> <p>To obtain copies of these documents please contact the local Ministry of Energy, Northern Development and Mines office.</p>	
Agricultural Uses	

Land Use Compatibility Guideline		Niagara Region Review Comments
	<p>Agricultural uses are not considered major facilities in the PPS and as such are not specifically referenced under this Guideline. Instead, compatibility for this broad suite of land uses is addressed through various other tools that are developed and implemented by different levels of government depending on the topic. Other policies of the PPS also speak to agricultural uses and compatibility.</p> <p>Prime agricultural areas are intended to be the places in Ontario where all types of agricultural uses can prosper. To support this, the PPS recognizes a wide variety of agricultural uses and associated normal farm practices should be promoted and protected in accordance with provincial standards. Provincial land use policies permit agricultural uses in prime agricultural areas and rural lands. Municipalities may also choose to permit agricultural uses in additional land use planning designations and zones.</p> <p>Certain ancillary activities also form part of the agricultural use if they are considered “value-retaining”, such as drying, cleaning and sorting.</p> <p>In the context of considering compatibility for agricultural uses, a number of guidelines and best practices inform provincial standards, including: Minimum Distance Separation (MDS) Document: Formulae and Guideline for Livestock Facility and Anaerobic Digester Odour Setbacks, 2016</p> <p>In prime agricultural areas and rural lands, the policies of the PPS direct that new land uses, including new or expanding livestock facilities, shall comply with the MDS formulae.</p> <p>MDS is a land use planning tool implemented by municipalities to calculate reciprocal setback distances between livestock facilities, anaerobic digesters and other surrounding land uses. The tool is intended to address odour compatibility for livestock facilities and anaerobic digesters. It does not apply to other agricultural uses, such as mushroom or cannabis operations. Nor was it designed or intended to address other potential disturbances from livestock facilities and anaerobic digesters such as noise, dust, or flies, etc. For more information on MDS, please refer to the Minimum Distance Separation (MDS) Document, 2017.</p>	<p>Does an agricultural use include agriculture-related and on-farm diversified uses that might be considered industrial in nature? How are these Guidelines applied to those uses, if at all?</p>
	Nutrient Management Act, 2002	
	<p>While “Industrial Anaerobic Digestion Facilities” are identified in this Guideline, some anaerobic digestion facilities are located on farms and are considered agricultural uses, not major facilities. Some of the considerations for the agricultural nature of an anaerobic digestion facility may include that some of the feedstocks are agricultural source materials; or that the facility is located on an agricultural operation and is integrated into the activities of the agricultural operation.</p> <p>Some anaerobic digesters, as well as certain greenhouses and livestock facilities, are subject regulations under the Nutrient Management Act, 2002. For more information on nutrient management, please refer to this website on the topic by OMAFRA</p>	

Land Use Compatibility Guideline		Niagara Region Review Comments
	Farming and Food Production Protection Act, 1998	
	<p>The Farming and Food Production Protection Act (FFPPA) establishes a process to ensure that agricultural operations can appropriately engage in normal farm practices. More specifically, the Act enables the Normal Farm Practices Protection Board (NFPPB) to hear matters related to:</p> <ol style="list-style-type: none">1) Practices carried out by an agricultural operation which may result in noise, dust and odour, light, vibration, smoke or flies; and,2) Municipal by-laws that potentially restrict an agricultural operation from carrying out normal farm practices. <p>The NFPPB is responsible for determining whether an activity in a particular location constitutes a normal farm practice, or whether a municipal by-law restricts a normal farm practice.</p> <p>Decisions issued by the NFPPB must be consistent with any directives, guidelines or policy statements issued by the Minister of Agriculture, Food and Rural Affairs in relation to agricultural operations or normal farm practices.</p> <p>The act defines a normal farm practice as one that:</p> <ol style="list-style-type: none">1) “is conducted in a manner consistent with proper and acceptable customs and standards, as established and followed by similar agricultural operations under similar circumstances, or2) makes use of innovative technology in a manner consistent with proper advanced farm management practices.” <p>Consequently, there is no definitive list of normal farm practices. Relevant information on best management practices related to a specific farm practice may be considered, such as:</p> <ul style="list-style-type: none">• Understanding and Reducing Noise Nuisance From Stationary Farm Equipment• Using Propane-Fired Cannons to Keep Birds Away From Vineyards• Wind Machines for Minimizing Cold Injury to Horticultural Crops <p>Some agricultural uses may involve activities that are normal farm practices but may not be fully understood or accepted by neighbours or visitors (e.g., the use of propane bird bangers and wind machines for growing tender fruit and grapes, or the spreading of manure as part of raising livestock and maintaining soil nutrients). As a first step, when a complaint is received, OMAFRA staff will offer mediation services in an attempt to address the issue. If a resolution is not successful, then the matter may proceed to the NFPPB for a hearing. Where the NFPPB determines an agricultural operation is following normal farm practices, the Farming and Food Production Protection Act permits an agricultural operation to continue the activity despite potential disturbances. The Farming and Food Production Protection Act does not provide agricultural operations the authority to violate other applicable legislation (e.g. EPA, Pesticides Act, Health Protection and Promotion Act, OWRA). This provides the assurance and flexibility necessary for agricultural operations to succeed in prime agricultural areas while balancing</p>	

Land Use Compatibility Guideline		Niagara Region Review Comments
	the needs of rural Ontario with regard to provincial health, safety and environmental concerns. For additional information on normal farm practices, please refer to OMAFRA's website on the topic.	
	Agricultural Impact Assessment Guidance Document	
	Provincial land use plans for the Greater Golden Horseshoe may require an Agricultural Impact Assessment for certain proposed non-agricultural uses in prime agricultural areas (e.g., settlement area boundary expansions, infrastructure and mineral aggregate operations). This guidance document discusses how to undertake an Agricultural Impact Assessment to improve compatibility between agricultural and non-agricultural uses. It focuses on how a proposed use can avoid or, if avoidance is not possible, minimize and mitigate adverse impacts to the agricultural system. Please refer to OMAFRA's website for more information.	
	Guideline on Permitted Uses in Ontario's Prime Agricultural Areas	
	To support the implementation of the PPS, the Province has issued guidance on the various land uses that are permitted in prime agricultural areas. These guidelines contain information on agricultural uses, as well as direction on how to improve compatibility for agriculture-related uses (e.g. commercial grain dryers) and on-farm diversified uses (e.g. a welding or woodworking shop). For more information on permitted uses, please refer to the Guideline on Permitted Uses in Ontario's Prime Agricultural Areas.	
	Cannabis Production Facilities	

Land Use Compatibility Guideline		Niagara Region Review Comments
	<p>For the purposes of this Guideline, cannabis production is the term used to refer to the entire cultivation process (i.e. growing plants, harvesting, drying and storing), whereas cannabis processing refers, for example, to the subsequent manufacturing of edible cannabis, cannabis extracts and cannabis topicals. Sorting and packaging may fall into either category depending on the scale, extent and type of the packaging.</p> <p>The Guideline applies to indoor cannabis production facilities in areas zoned for industrial uses within settlement areas, and all cannabis processing facilities as these facilities are considered industrial uses.</p> <p>Cannabis production facilities may be considered agricultural uses (e.g. the growing of crops and associated value-retaining uses) and are therefore subject to PPS, 2020 policies 2.3.3.2 and 1.1.5.2 d) respectively, which permits agricultural uses and normal farm practices in accordance with provincial standards in prime agricultural areas and on rural lands. Cannabis production facilities in settlement areas and zoned industrial, and cannabis processing facilities are addressed by these guidelines, see more information in Appendix D.</p> <p>The Farming and Food Production Protection Act establishes a process to determine whether a specific agricultural activity is considered a normal farm practice when considering disturbances such as noise, odour, and light. For more information, please refer to OMAFRA's website on the Normal Farm Practices Protection Board.</p>	

Appendix B – Case Study Application

As proposed, the draft Land Use Compatibility Guideline will adjust the classifications of industrial facilities from three to five, as well as significantly increase both the minimum separation distance (MSD) and area of influence (AOI) associated to all types of employment uses. Regional staff acknowledge that these changes are intended to address the evolving needs of major facilities and constraints experienced by these uses due to encroaching sensitive land uses. However, the proposed changes do not address the implementation challenges that exist with the current D-Series Guidelines.

A major challenge that will persist for municipalities relates to the ability to plan for the integration of employment uses within and/or close to areas planned for intensification and strategic growth. For instance, the Growth Plan sets out for upper-tier municipalities to identify employment areas within settlement areas as a means to protect clusters of existing and planned traditional employment uses (i.e., manufacturing, industrial, transportation, and warehousing) within the urban area.

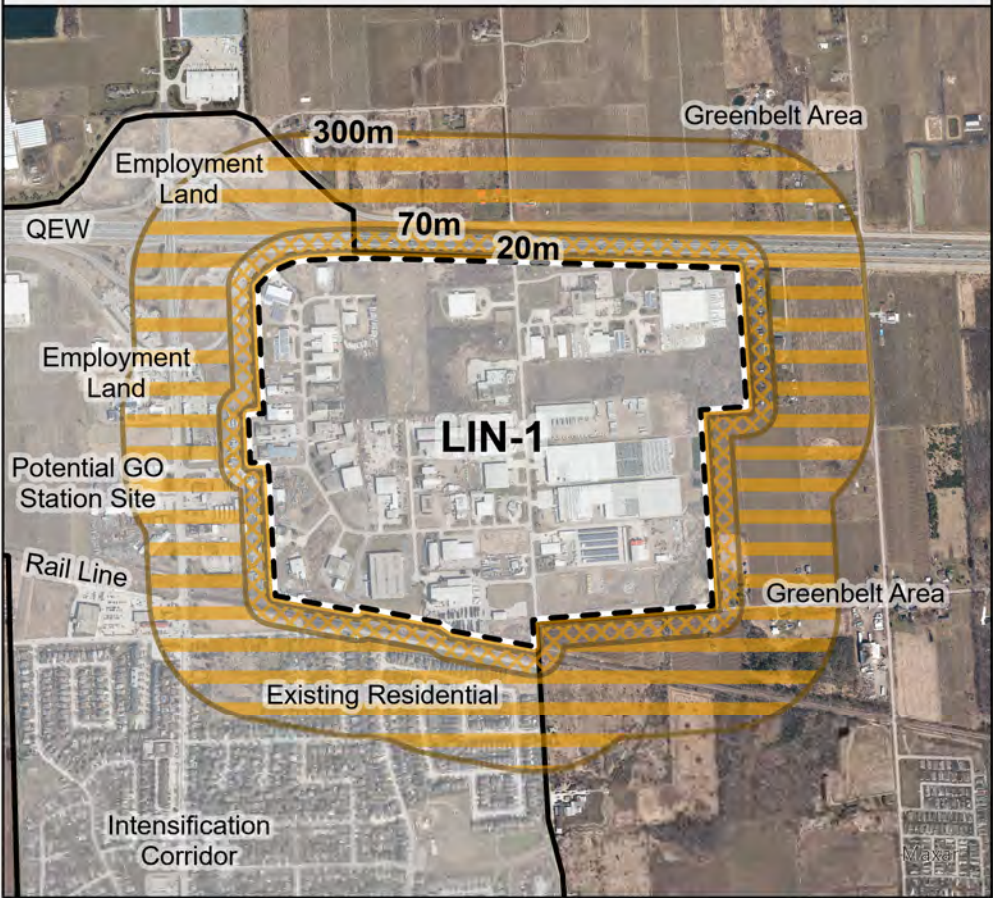
The Niagara Region is in the late stages of identifying its draft employment areas as part of its ongoing municipal comprehensive review (MCR) work program, which is expected for completion in 2022. The Region's MCR recognizes that not all employment is the same. As such, the Region has worked closely with local municipalities and industry stakeholders to sub-group each identified draft employment area into 1 of 3 categories: Knowledge and Innovation, Dynamic, or Core. The purpose of these sub-groups is to reflect the existing and planned employment uses envisioned to occur within them, as well as respect the nearby existing and planned function of the surrounding area.

Based on work completed to date, many draft employment areas are identified for the potential to contribute jobs and support employment in close proximity to strategic growth areas, including Urban Growth Centre ("UGC") and Major Transit Station Areas ("MTSAs"). All identified employment areas have been carefully considered based on existing D-Series MSD and AOI guidance, balancing Provincial and Regional interests, and providing for compatible live work communities.

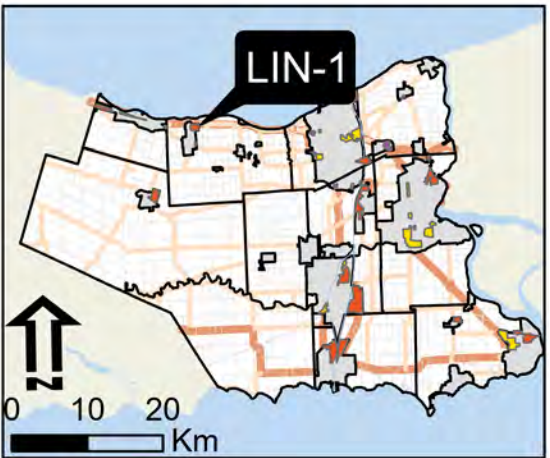
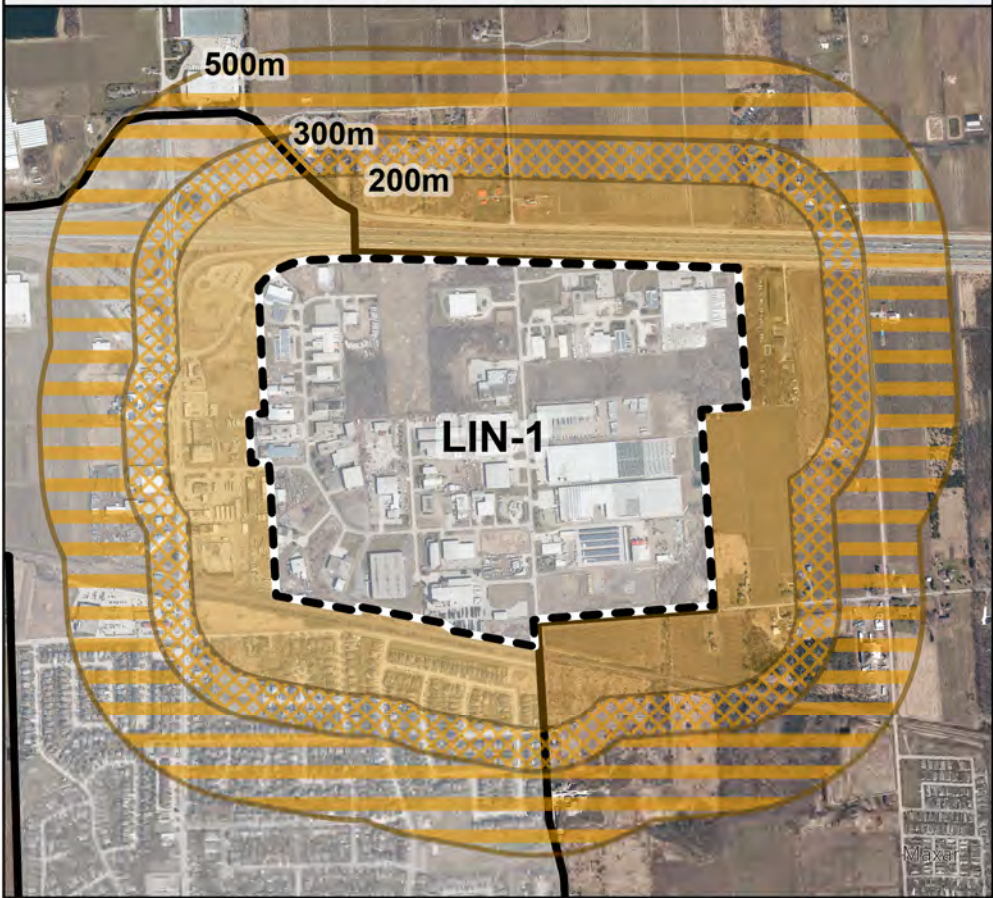
Comparisons of the existing MSD and AOI (under the current D-6 Guidelines) and the proposed MSD and AOI (under the proposed Land Use Compatibility Guideline), for four municipalities within the Niagara Region (Town of Lincoln, City of St. Catharines, City of Thorold, and Township of West Lincoln), are provided below.

Case Example 1: LIN-1 Draft Employment Area

Existing D-6 Minimum Separation Distance Extent



Proposed Land Use Compatibility Guideline Minimum Separation Distance Extent



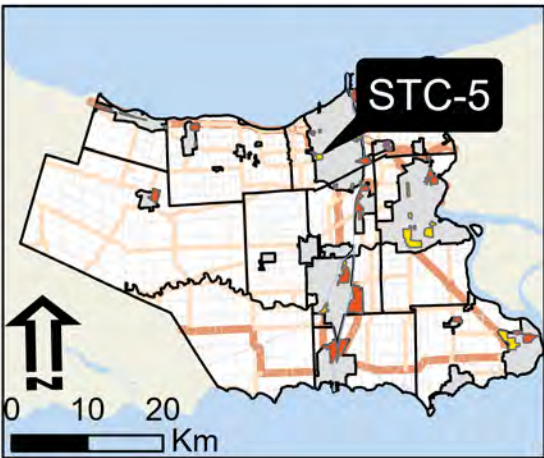
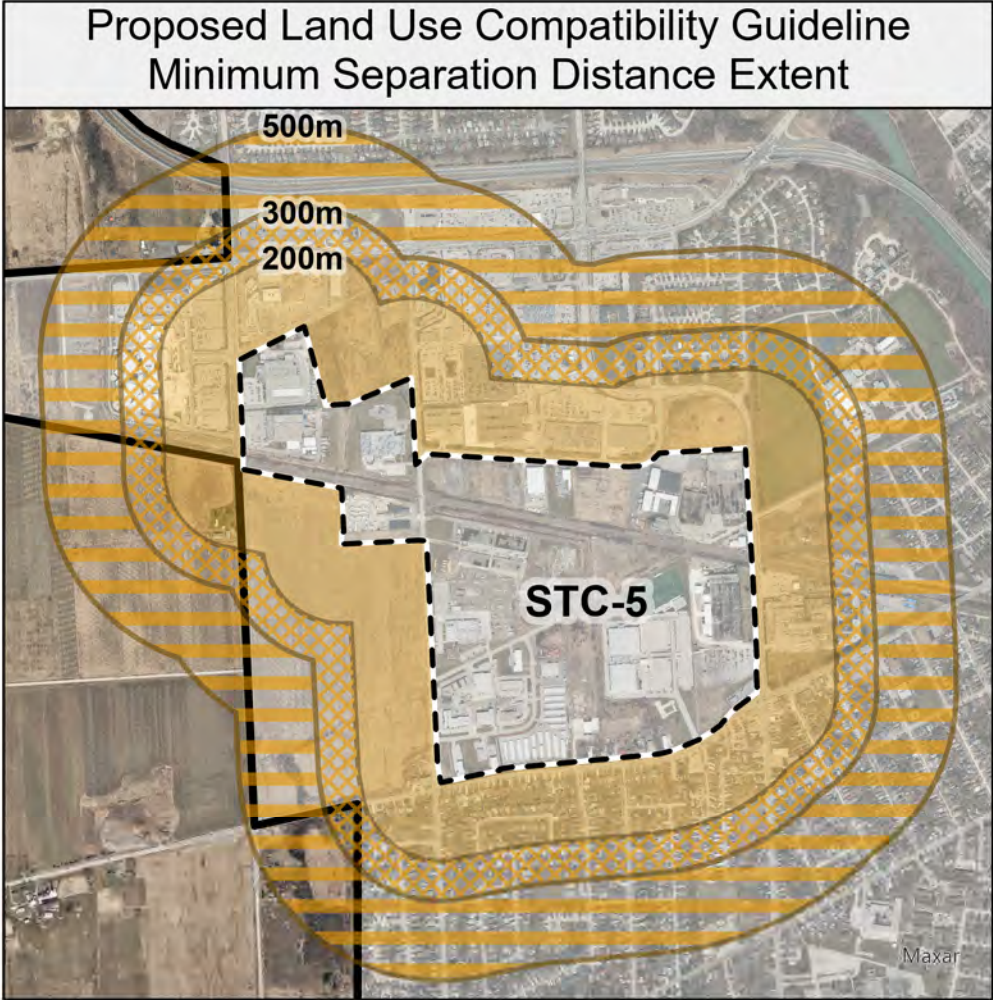
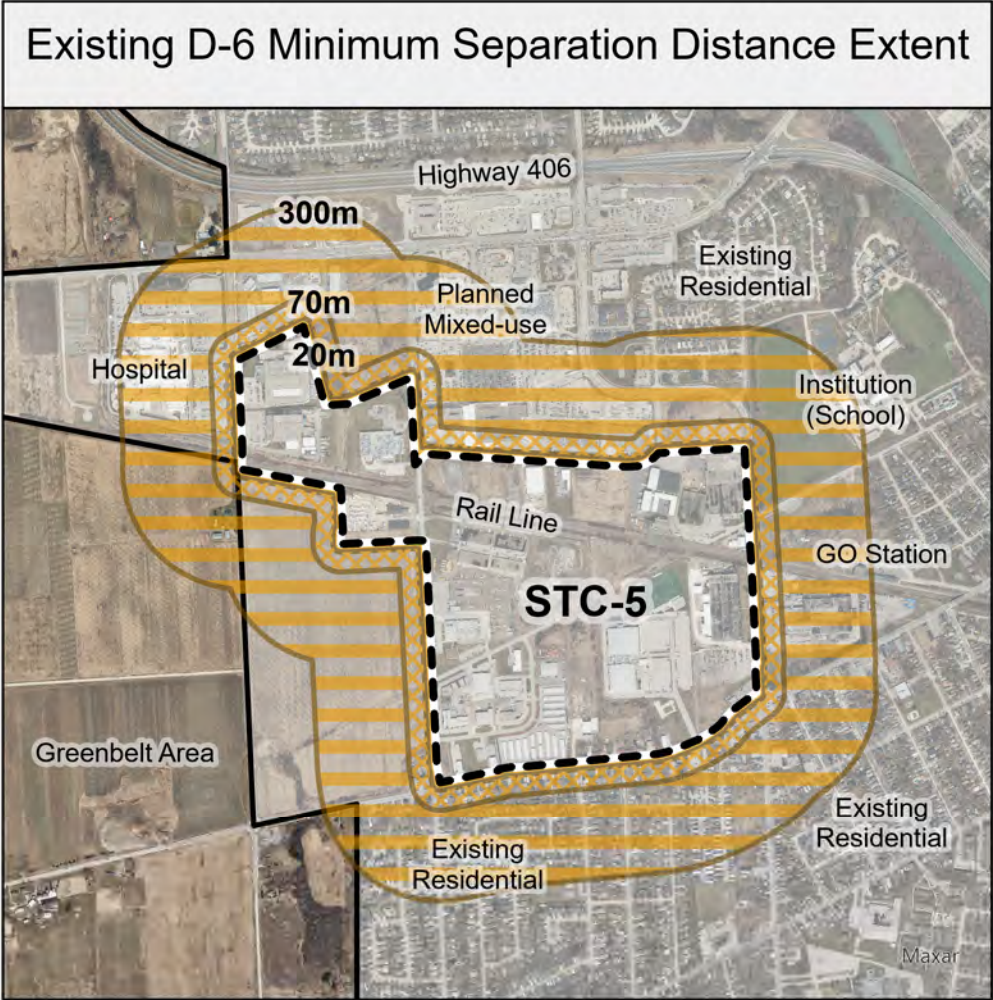
Context / Issue

The draft LIN-1 Employment Area is located within the Beamsville GO Secondary Plan Area of the Town of Lincoln. The Town and Region recognize the importance to protect this employment area due to limited employment land supply within the Town, as well as its increased conversion pressures due to its proximity to a future potential GO Station site and QEWS. As it exists, the draft employment area is mostly comprised of manufacturing, wholesale trade, construction, and retail trade employment uses. Given the presence of these uses, the proposed Guideline MSDs will add red tape that may impede the ability to develop transit-supportive densities within the secondary plan area.

Legend

- Urban Area Boundary
 - LIN-1 Draft Employment Area
 - Minimum Separation Distance**
 - Class I
 - Class II
 - Class III through V
- Page 111 of 121

Case Example 2: STC-5 Draft Employment Area



Context / Issue

The draft STC-5 Employment Area is located within the St. Catharines Transit Station Secondary Plan Area. The City and Region recognize the importance of protecting this employment area due to the City's limited employment land supply. These lands are desirable to a range of employment uses due to their proximity to population services (hospital), Downtown amenities, and transportation infrastructure (GO Station and Highway 405). The secondary plan plans for employment uses that compliment this Major Transit Station Area. As proposed, the new Land Use Compatibility Guideline MSDs will significantly impact the viability / marketability of these employment lands, as well as the ability to accommodate transit-supportive densities within secondary plan area vicinity.

Legend

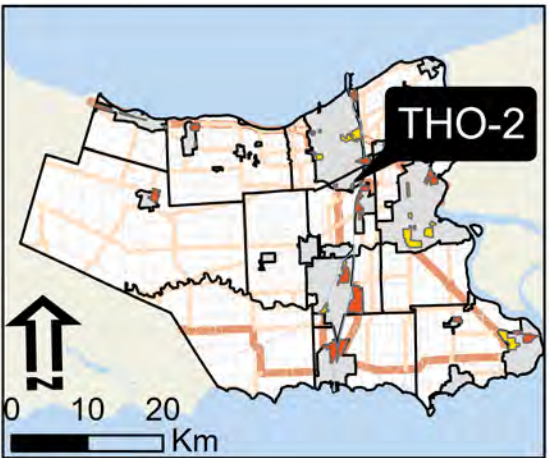
- Urban Area Boundary
- STC-5 Draft Employment Area
- Minimum Separation Distance**
 - Class I
 - Class II
 - Class III through V

Case Example 3: THO-2 Draft Employment Area

Existing D-6 Minimum Separation Distance Extent



Proposed Land Use Compatibility Guideline Minimum Separation Distance Extent



Context / Issue

The draft THO-2 Employment Area is located within the City of Thorold. The draft employment area consists of mostly vacant and unencumbered employment lands with advantageous access to Highway 58. Its envisioned function is to accommodate primarily Class I and Class II facilities, though historically it occupied Class III facilities. These lands are experiencing encroachment from planned sensitive lands uses. Under the current Guidelines for Class I and II facilities, nearby planned sensitive uses experience limited impact from expected MSD requirements. Under the proposed Guideline, planned sensitive uses are nearly entirely captured within the expected MSDs. The proposed Guideline must include mechanisms that recognize existing approvals and development applications that are deemed complete in order to resolve instances of conflict within the new MSDs.

Legend

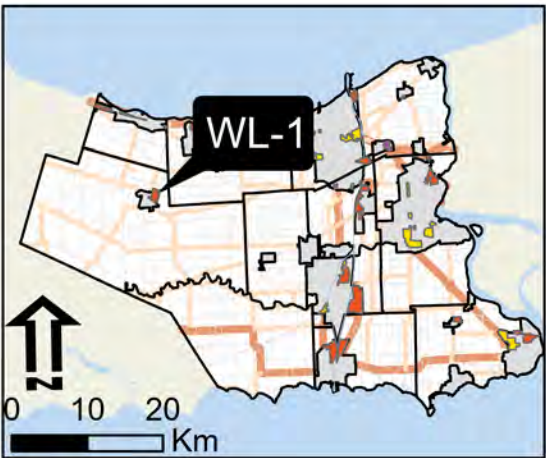
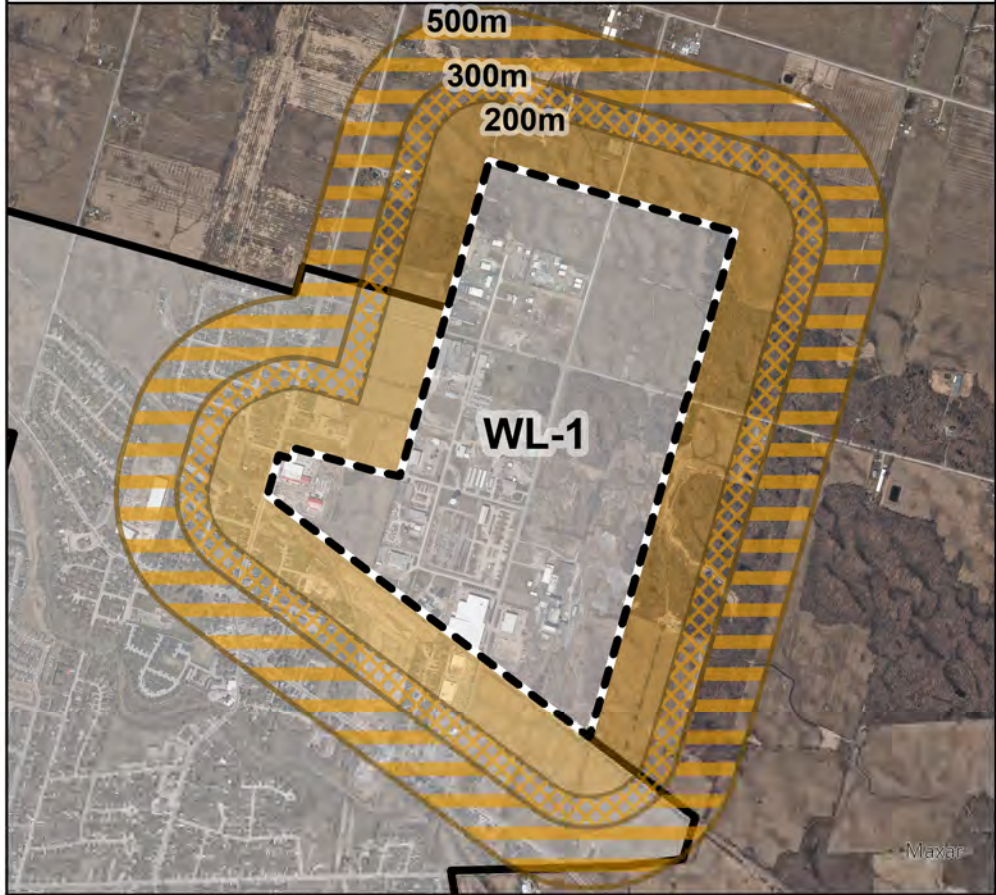
- Urban Area Boundary
- THO-2 Draft Employment Area
- Minimum Separation Distance
 - Class I
 - Class II
 - Class III through V

Case Example 4: WL-1 Draft Employment Area

Existing D-6 Minimum Separation Distance Extent



Proposed Land Use Compatibility Guideline Minimum Separation Distance Extent



Context / Issue

The draft WL-1 Employment Area is located within the Smithville Industrial Park and to the north of the proposed East Smithville Secondary Plan Area in the Township of West Lincoln. Given that the Smithville Industrial Park is the only designated employment area in the Township, Region and Township staff recognize that this area is important for protection. Existing permissions in this area encourage a broad range of industrial employment and prestige employment, which align with existing Class I to Class III major facilities in the D-Series Guidelines. The draft WL-1 employment area consists of largely manufacturing, storage and industrial supply uses. Given the existing uses, and proposed mixed use development of the draft East Smithville Secondary Plan Area to the south, the proposed Land Use Compatibility Guideline Minimum Separation Distances could significantly impede the ability to develop in the East Smithville Secondary Plan Area and impact the ability of future major facilities to be located within the Smithville Industrial Park.

Legend

- Urban Area Boundary
 - WL-1 Draft Employment Area
 - Minimum Separation Distance**
 - Class I
 - Class II
 - Class III through V
- Page 114 of 121

Niagara's Draft Employment Areas (Visual 1)

The Region is in the midst of completing its MCR in support of the new Niagara Official Plan.

As directed by the Growth Plan, the Region is responsible to identify and map employment areas within its Official Plan. The ROP in its current state is outdated and does not map Niagara's existing employment areas.

As part of the MCR work program over the last 3 - 4 years, the Region has worked closely with local municipalities and industry stakeholders to identify and map Niagara's employment areas for incorporation into the MCR for the new Niagara Official Plan. To date, the Region has identified 34 draft employment areas – all of which are located within Niagara's urban areas – that are comprised entirely of clusters of local official plan designated employment lands with existing or planned employment uses. The Region's draft employment areas are shown on the visual titled "Map 1 – Niagara's Draft Employment Areas".





Recognizing that not all employment lands are the same, the Region's MCR further analyzed and categorized each identified draft employment areas into 1 of 3 sub-groups (Knowledge and Innovation; Dynamic; or Core) based on their envisioned role, function, and surrounding contexts. The purpose of this exercise is to ensure that each employment areas is sufficiently protected for appropriate and long-term employment uses that are compatible with their surrounding land use contexts.

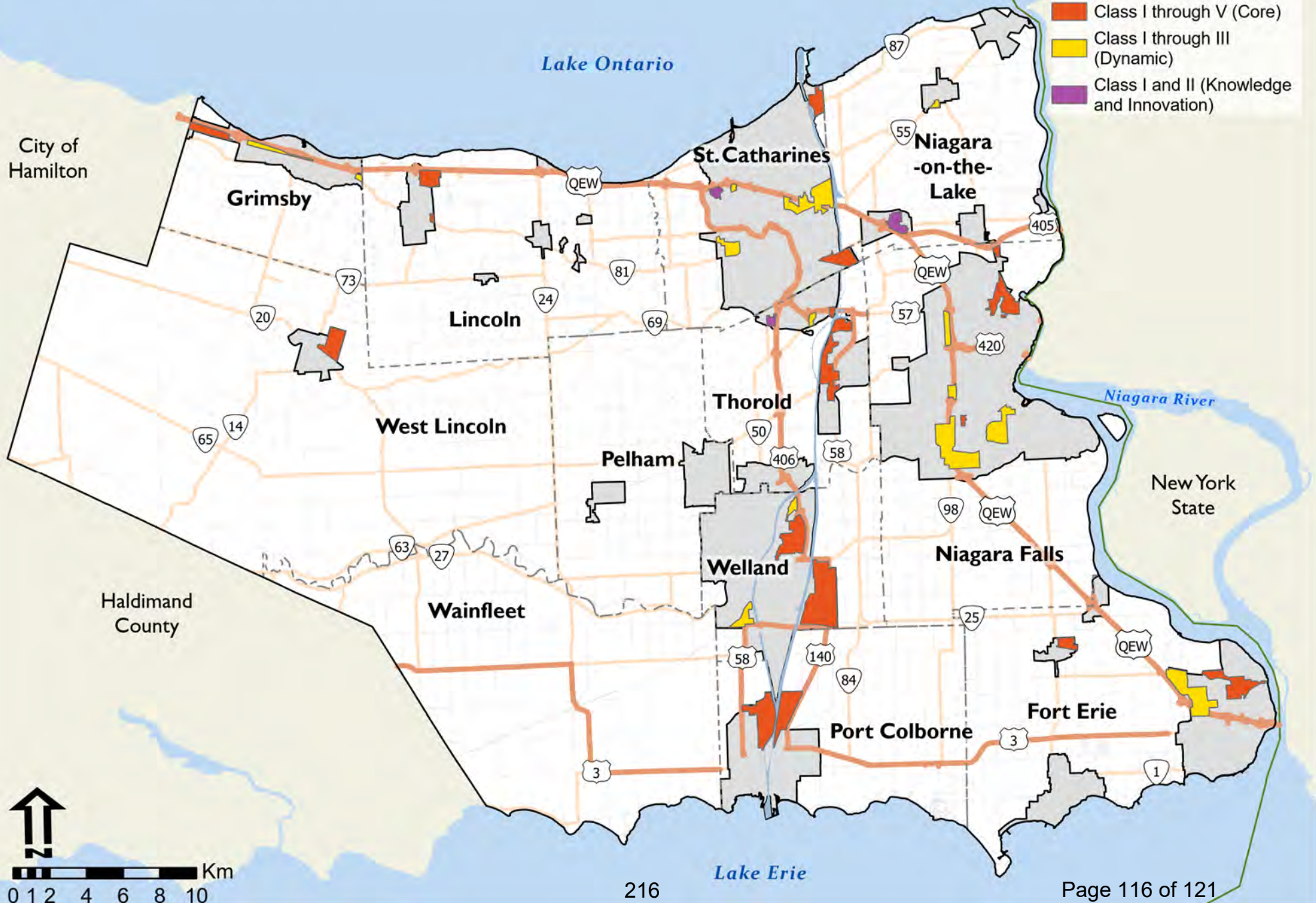
For example, "Knowledge and Innovation" employment areas are envisioned for employment uses that are compatible and can co-exist with sensitive land uses (i.e., Class I and II facilities). Whereas "Core" employment areas are envisioned for solely for all types of employment uses and require distance separation from sensitive land uses in order to operate (i.e., Class I, II, and III facilities).

As proposed, the new Guideline will significantly alter the means by which the Region and local municipalities consider and plan for employment within their respective official plans. As proposed, the new AOI and MSD buffers vastly broaden the catchment area of any type of designated employment land, irrespective to it being within or outside of an employment area.

Map 1 – Niagara's Draft Employment Areas

Legend

-  Urban Area Boundary
- Draft Employment Areas**
 -  Class I through V (Core)
 -  Class I through III (Dynamic)
 -  Class I and II (Knowledge and Innovation)



Niagara's AOI and MSD Coverage: Current & Proposed LUC Guidelines (Visual 2 and Visual 3).

The visuals titled, "Map 2 – Existing D-6 Guideline Distances Applicable to Niagara's Employment Areas" and "Map 3 – Proposed Land Use Compatibility Guideline Distances Applicable to Niagara's Employment Areas" demonstrate the coverage of AOI and MSD based on current distances and the proposed Land Use Compatibility Guideline, respectively.

These maps illustrate the worst-case scenarios of all employment facility classes for current and proposed Land Use Compatibility Guidelines based on Niagara's draft employment area mapping. The AOIs and MSDs match the employment area's sub-group (Knowledge and Innovation; Dynamic; or Core) as determined through the Region's ongoing MCR work.

The purpose of these maps is to show the change in Niagara's urban area coverage based on AOIs and MSDs under current and proposed Land Use Compatibility Guidelines. It is important to note that these maps do not include locally designated employment lands located outside of draft employment areas. In theory, these omitted locally designated employment lands would contribute to an even greater AOI and MSD coverage of total urban area. For the purpose of this submission, only impacts attributed by Niagara's draft employment areas are being assessed.

Tables 1 and 2, below, quantitatively compare the Region's urban area coverage shown on Maps 2 and 3 based on draft employment areas and their associated AOI and MSDs with respect to the current distances and proposed Land Use Compatibility Guideline.

It is noted that these numbers do not factor all technical components that would normally be considered through a municipal land needs assessment methodology. Instead, the quantities involve a cumulative total of all lands and do not differentiate between developable lands (i.e., designated greenfield areas) and non-developable lands (i.e., core natural heritage systems; hydro corridors; cemeteries; etc.).

Table 1 - Niagara's Approximate Urban Area and Draft Employment Area Lands.

Niagara's Total Urban Area Lands	34,535 ha (85,338 acres)
Niagara's Total Draft Employment Area Lands	4,001 ha (9,886 acres) <i>12% urban area coverage</i>

Table 2 - Niagara's Total Urban Area Impacted by Draft Employment Areas and Associated Worst-Case Scenario AOIs and MSDs.

Coverage Type	Urban Area Coverage Based On Current Guidelines	Urban Area Coverage Based On Proposed Guidelines	Total Change in Urban Area Coverage
AOI Coverage (AOI + Total Draft Employment Area Lands)	52% 17,883 ha (44,189 acres)	68% 23,490 ha (58,044 acres)	+ 16% + 5,607 ha (+ 13,855 acres)
MSD Coverage (MSD + Total Draft Employment Area Lands)	21% 8,240 ha (20,362 acres)	32% 11,161 ha (27,582 acres)	+ 9% + 2,921 ha (+ 7,220 acres)

As shown in visuals 2 and 3, as well as within Tables 1 and 2 above, the proposed Guidelines will result in approximately 68% of Niagara's total urban area lands being captured within an AOI associated to a single or multiple draft employment area(s). This coverage represents a 16% increase in total urban area coverage in comparison to the current Guideline.

Similarly, the proposed Guideline will result in approximately 32% of Niagara's total urban area lands being captured within a single or multiple MSD coverages associated to a single or multiple draft employment area(s). The coverage represents a 9% increase in total urban areas coverage in comparison to the current Guideline.

To provide context behind these numbers, Niagara's historical urban settlement patterns and employment / industrial uses have a tendency to be located in areas with advantageous to access major goods movement facilities and corridors (i.e., Welland Canal, QEW, Highway 406, etc.). A review of visuals 2 and 3, as well as the previous four Case Examples demonstrate that the proposed Guideline will significantly impact the Region's urban areas, including capturing many well-established residential areas and planned strategic growth areas. The proposed Guideline will prove challenging to both municipalities and the development industry alike, as it will inevitably result in reviewing planning justification that analyzes competing Provincial interests without a clearly distinguished priority between them.

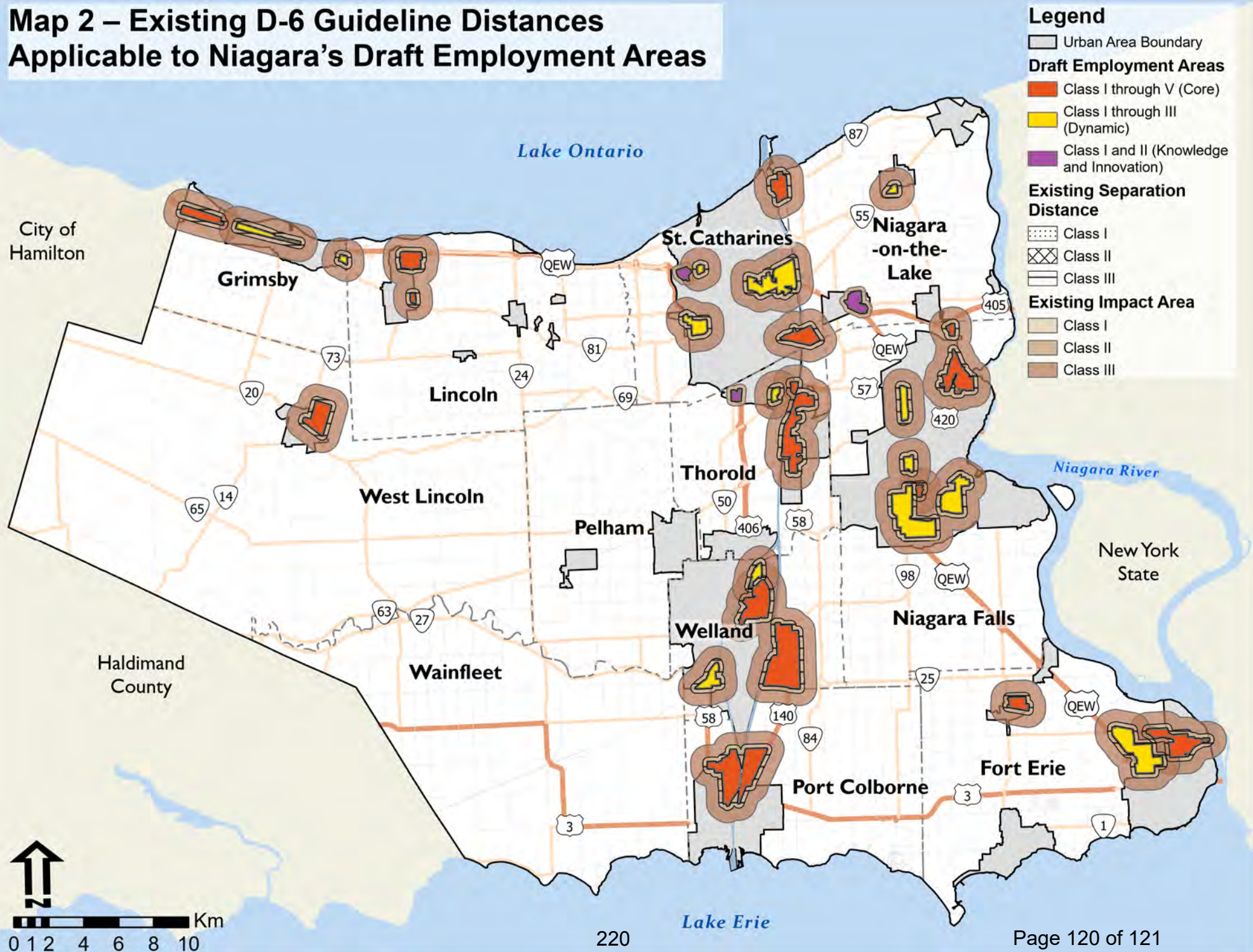
For example, Provincial policies direct for municipalities to plan for complete communities that enable improved quality of living through providing a range of jobs,

connectivity, community services, affordable housing and housing options, and amenities. Proposed AOIs and MSDs will make it challenging for municipalities to plan for and achieve complete communities that offer more than just population-related employment. Further, additional study requirements (i.e., Demonstration of Need Study) also introduced through the proposed Guideline will add complexity and uncertainty to the development review and approval process, as approximately 68% of Niagara's urban area is impacted by the AOI.

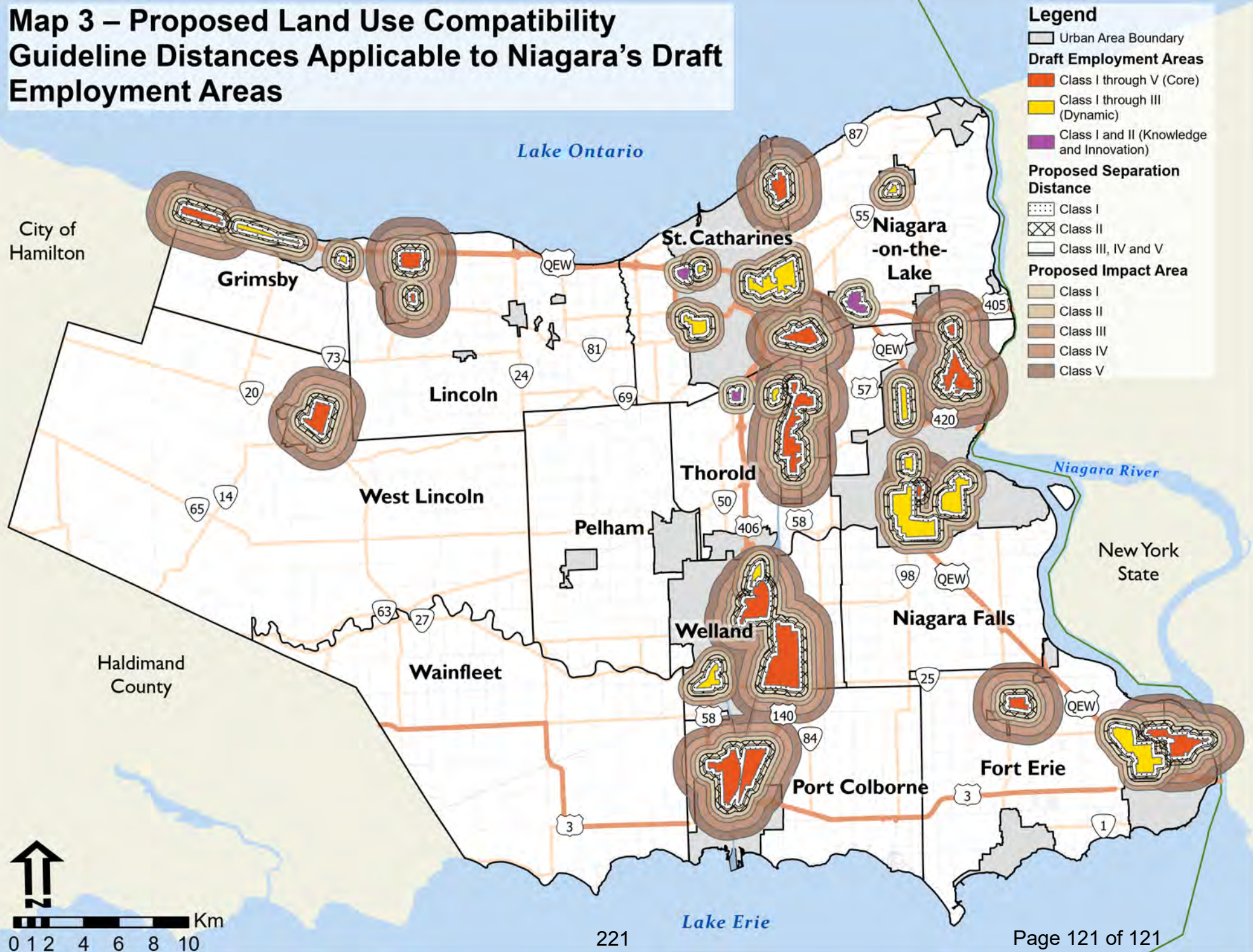
Another potential consequence of the propose Guideline may occur with respect to the sterilization of locally designated employment lands outside of draft employment areas. The increased AOIs and MSDs may inadvertently harm the viability and marketability of these employment lands by limiting the types / classes of facilities that can occur on them. For example, employment lands located within an established urban area will likely be limited to only cater to accommodating Class I facilities, whereas in reality, Niagara has many examples of existing Class I, II, and III facilities located within the urban fabric based on long-standing historical uses.

Additionally, matters are further complicated when considering that current Provincial policies allow for employment area conversions and employment land redevelopment. Both scenarios involve introducing non-employment uses to lands that are solely designated for employment uses. Seemingly, the direction of the proposed Guidelines intends to increase the distance between employment uses and sensitive land uses. However, so long as Provincial policies continue to provide for mechanisms that enable the introduction of non-employment uses into employment areas or onto designated employment lands, these employment parcels will continue to be vulnerable to rapid encroachment / pressures of sensitive lands uses. For instance, a single employment area conversion could, in theory, completely sterilize the remaining employment area due to AOI and MSD requirements based on existing and planned industrial facility classes within the employment area.

Map 2 – Existing D-6 Guideline Distances Applicable to Niagara's Draft Employment Areas



Map 3 – Proposed Land Use Compatibility Guideline Distances Applicable to Niagara's Draft Employment Areas



Subject: Update on Niagara Official Plan-Further Draft Policy Development

Report to: Planning and Economic Development Committee

Report date: Wednesday, August 11, 2021

Recommendations

1. That Report PDS 32-2021 **BE RECEIVED** for information; and
2. That a copy of Report PDS 32-2021 **BE CIRCULATED** to the Local Area Municipalities.

Key Facts

- This report provides an update on consultation and ongoing policy work for the Niagara Official Plan (NOP) since Committee's consideration of the Joint Consolidated May Report- (PDS 17-2021).
- This report follows a similar structure to the Joint Consolidated May Report (PDS 17-2021) with Executive Overviews prepared for the new draft policy sections. The draft sections include Source Water Protection, Excess Soils, Petroleum and Mineral Resources, and Performance Indicators and Monitoring will be provided for consultation up until October 1, 2021.
- Updates on policy development such as the Introduction Chapter, Natural Environment System, Watershed Planning, Climate Change, Niagara Escarpment Plan Area, Open Space, Economic Prosperity, Cultural Heritage and Implementation are provided.
- A separate report at the August 2021 PEDC meeting, Report PDS 33-2021, provides a revised Land Needs Assessment based on feedback received and work undertaken since May 2021.
- Draft Natural Environment System policies, and Region-wide mapping will be available for review and comment in Fall 2021.

Financial Considerations

Council approved the resources to complete the new Niagara Official Plan (NOP) over a 5 year period as part of the 2017 Budget Process, predominantly funded through Development Charges.

Analysis

In the Joint Consolidated May Report (PDS 17-2021), detailed information was provided on the purpose of an Official Plan, the importance of a new Official Plan and the Pillar Statements and Directives. Also included for further consultation were draft policies pertaining to growth management and supporting draft policies on Infrastructure, Transportation, District and Secondary Planning and Urban Design for the Niagara Official Plan.

This report has three parts:

1. An update on consultation since the release of the May PDS 17-2021 report;
2. Draft policy sections completed since Report PDS 17-2021 including; Source Water Protection; Excess Soils; Petroleum and Mineral Resources; and Performance Indicators and Monitoring; and
3. Updates on ongoing policy development for other Chapters/Sections of the NOP such as the Introduction Chapter, Natural Environment System, Watershed Planning, Climate Change, Open Space, Economic Prosperity, Cultural Heritage and Implementation.

4. Update on Consultation

Prior to the release of the Joint Consolidated May Report PDS 17 2021

As detailed in Appendix 1 of the Joint Consolidated May Report (PDS 17-2021), hundreds of consultation events have occurred since 2017. Work for the NOP has been informed by consultation from the public, stakeholder groups, local Councils, agencies, Indigenous communities, local municipal planners, local planning workshops, and meetings with the Planning Advisory Committee.

The Region's Planning and Economic Development Committee has been informed by more than 35 Administrative Reports between 2018 and 2021 on the NOP. These

reports and presentations provided updates on the work program, individual sections of the Plan, and consultation.

After the release of the Joint Consolidated May Report PDS 17 2021

At the time of writing this report, consultations on the Niagara Official Plan have been ongoing with the Province, Conservation Authority, several Indigenous Groups (local and treaty rights groups), and the Planning Advisory Committee. In addition, planning staff are in the process of setting up consultation sessions with younger adult groups.

Local municipal planning staff have been and will continue to be engaged on growth management, expansions, technical boundary adjustments, site-specific policy areas and other matters that necessitate detailed discussion.

Updates and information continue to be made available through newsletters and the official plan website.

This Report themes key comments/questions received from Public Information Centres and comments received on the content of the Joint Consolidated May Report (PDS 17-2021).

A detailed consultation report, including all comments received on the May PDS 17-2021 report and staff responses to the comments, will be provided at the September 15, 2021 PEDC Meeting. Received submissions and a summary of comments will be available on the Region's website on or before August 11, 2021. This will allow members of Council or the public to review comments submitted prior to the PEDC's consideration of the more detailed Consultation Report in September 2021.

The exception to the above are comments received relating to the land needs assessment, expansion and urban boundary requests, made between May and July 2021. Those are detailed in Report PDS 33-2021 and will be available in early August, or sooner.

June 2021 Public Information Centres

Throughout the month of June, five virtual Public Information Centres were held, with each session focusing on policy topics from a different Chapter of the Niagara Official Plan, being; Growing Region, Sustainable Region, Competitive Region, Connected

Region and Vibrant Region. Draft policy and background information was shared to inform the public and gather feedback.

Across the five sessions, there were 238 attendees, and 204 questions and comments submitted. The majority of questions were answered live by staff during the webinar, however, comments and questions left unanswered due to lack of time or available information, will be posted to the Niagara Official Plan website by approximately August 11, 2021. Additionally, recordings of the PICs will also be placed on the Niagara Official Plan website: <https://www.niagararegion.ca/official-plan/public-information-centres.aspx>

A brief summary of the key themes or questions received include the following:

Chapter/Session	Consistent/Key Comment or Question
Chapter 2: Growing Region	<ul style="list-style-type: none"> - Requests for clarity and more information regarding the process, timelines and proposed locations of settlement area boundary expansions. - Lack of affordable housing options in Niagara. - The implications of potential boundary expansions on the natural environment and agricultural lands.
Chapter 6: Vibrant Region	<ul style="list-style-type: none"> - Support for low impact development strategies for future developments (urban design). - Coordination with local area municipalities on mapping and implementation of the new Archaeological Management Plan.
Chapter 4: Competitive Region	<ul style="list-style-type: none"> - Support for protection of existing Specialty Crop Areas and enhanced designation of Prime Agricultural Areas. - Consideration of allowances for Greenhouses and other Agricultural structures to be built on top of Specialty Crop Area. - Comments on Employment Area categorizations. - Approach to recognizing Special Policy Areas in agricultural areas.
Chapter 5: Connected Region	<ul style="list-style-type: none"> - Concern with accessibility and trip lengths of Regional Transit services.

	<ul style="list-style-type: none"> - Concerns with stormwater pollution and quantity, and support for reduction strategies through green infrastructure. - Concerns over lateral connections to services outside the settlement area boundary within Specialty Crop areas.
Chapter 6: Sustainable Region	<ul style="list-style-type: none"> - Information regarding species, planting areas, and public involvement in the Regional Greening Initiative. - Clarification on timelines for draft policy and mapping for the Natural Environment System. - Support for climate change mitigation and integration of climate change policy into various areas of the Plan.

Received Submissions

Staff have received numerous written submissions from agencies, stakeholders and the public since Joint Consolidated May Report PDS 17-2021 was brought forward to PEDC. At the time of writing this report, 73 submissions were received between May and mid-July 2021. The key comments/questions raised are summarized in the chart below:

Themes Emerging From Feedback On Joint Consolidated May Report PDS 17-2021

Chapter	Consistent/Key Comment or Question
Chapter 2: Growing Region	<p>2.1- Growth Allocations and Land Needs</p> <ul style="list-style-type: none"> • Some municipalities suggested higher populations may be more appropriate for them and there were private sector submissions suggesting different distributions. <p>2.2- Regional Structure</p> <ul style="list-style-type: none"> • Requests for clarification on concepts and policies. <p>2.3- Housing</p>

	<ul style="list-style-type: none"> Concerns for appropriate housing mix, separation between dwellings, and secondary dwelling units. <p>SABR</p> <ul style="list-style-type: none"> Various requests for urban boundary expansions/adjustments in Niagara, including Niagara Falls, West Lincoln, Pelham, Fort Erie, Thorold, Welland, and St. Catharines.
Chapter 3: Sustainable Region	<p>3.1- Natural Environment System</p> <ul style="list-style-type: none"> Questions about balance of protecting natural environment with urban boundary expansions. Emphasis on protection of natural spaces, including trails and parks. <p>3.5- Climate Change</p> <ul style="list-style-type: none"> The importance of making climate change prominent throughout the plan to address transit, watershed planning, natural heritage system and agriculture. The need to protect mature trees in addition to planting new trees across the region.
Chapter 4: Competitive Region	<p>4.1- Agriculture</p> <ul style="list-style-type: none"> Requests to expand agricultural areas, as well as requests for removal of land in the Greenbelt Plan area. Comments on recognizing agricultural infrastructure in the NOP. <p>4.2- Employment Areas</p> <ul style="list-style-type: none"> Specific requests to remove employment areas and letters of support for employment conversions.

	<p>4.3- Aggregates</p> <ul style="list-style-type: none"> • Questions with respect to technical studies required for new aggregate operations, haul routes, and rehabilitation requirements. • Concern over local and regional amendments for new operations and concern over haul route and rehabilitation policies
Chapter 5: Connected Region	<p>5.1- Transportation</p> <ul style="list-style-type: none"> • Concern with heavy truck traffic along the Niagara Escarpment crossing to QEW. • Support for lands designated as Major Transit Station Areas and growth surrounding those areas. • Requests for clarity local-regional jurisdictional matters <p>5.2- Infrastructure</p> <ul style="list-style-type: none"> • Specific request with respect to servicing outside the urban area. • Requests for clarity local-regional jurisdictional matters
Chapter 6: Vibrant Region	<p>6.1- District and Secondary Planning</p> <ul style="list-style-type: none"> • Comments on requirements to add secondary plan policies into local official plans. • Concern over expanded scope and study for Secondary Plans. <p>6.2- Urban Design</p>

	<ul style="list-style-type: none"> • Comments on local and regional urban design guidelines. • Concern over regions oversight relative to urban design matters. <p>6.3- Archaeology</p> <p>Questions regarding when archaeological assessments should be required and exemptions.</p>
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5. New Draft Policy Sections

Since the Joint Consolidated May Report PDS 17-2021, additional technical policy sections have been drafted for circulation and comment. These are outlined below by Chapter for the Niagara Official Plan.

As with Report PDS 17-2021, draft policies are accompanied by Executive Overviews (EOs), both of which are attached as Appendices.

Chapter 3- Sustainable Region

Section 3.3- Source Water Protection

The *Source Protection Plan* for the Niagara Peninsula Source Protection Area (SPP) protects existing and future sources of drinking water in Niagara by ensuring activities identified as drinking water threats under the *Clean Water Act* and associated regulations either never become a *significant threat*, or cease to be a *significant threat* to drinking water.

Based on the 2014 Source Water Protection Plan, Niagara Region prepared an amendment to include source protection policies in the existing Regional Official Plan in 2015. For the new Niagara Official Plan, there are minimal changes being made to this section as the SPP (2014) remains in effect.

The EO and draft policies are attached as Appendices 1.1 and 1.2 respectively. A draft Schedule D for Source Water Protection is attached as Appendix 1.3.

Section 3.7- Excess Soils

Excess soil is a growing concern for rural municipalities as there have been cases of illegal dumping, impacts to ground or surface water quality, and impacts to natural and agricultural land. *Excess soil* is soil that is not required at a construction or development site and must be moved to a new, off-site location.

The policies of this section encourage local municipalities to create or update their site-alteration and fill by-laws in order to address the Best Management Practices on Excess Soil.

The EO and draft policies are attached as Appendices 2.1 and 2.2 respectively.

Chapter 4- Competitive Region

Section 4.3.2- Petroleum and Mineral Resources

Petroleum resources, such as oil, gas, and salt resources extracted through the drilling of wells, are located throughout Niagara region. Mineral resources, including metallic minerals and non-metallic minerals, but not including mineral aggregate resources, have few possible deposits identified across Niagara Region.

Petroleum and mineral resources are finite and must be protected from incompatible land uses or uses that would limit their extraction in the future. Proper and regulated decommissioning of wells is integral to ensuring potential hazards are avoided.

The EO and draft policies are attached as Appendices 3.1 and 3.2 respectively. A draft Petroleum Resource Schedule H is attached as Appendix 3.3

Chapter 7-Implementation

The Implementation Chapter is very important to carrying out the policies of the Official Plan. Policies for this Chapter are more easily developed as the draft policies associated with other Chapters are finalized.

The EO attached as Appendix 4.1 provides an overview and update on the policy development of the Sections of this Chapter.

Draft policies specific to this report have been developed for performance indicators and monitoring to assist with and compliment the policy direction of Chapter 2: Growing Region.

Section 7.3 Performance Indicators and Monitoring

The policies of the NOP will identify a comprehensive monitoring program to help implement the Plan. A list of indicators will measure progress to ensure that the Plan's policies continue to meet its vision and objectives. Monitoring will also help to identify emerging trends, track progress towards specific targets, and confirm NOP policies remain relevant. Consistent and regular monitoring of the NOP's performance will be key to ensuring its success.

The draft policies are attached as Appendix 4.2

Glossary of Terms

The Glossary of Terms provided in the Joint Consolidated May Report PDS 17-2021 has been updated to define new terms mentioned in these draft policy sections (shown in bold). These definitions align with existing regional Official plan definitions and or provincial definitions.

The updated Glossary of Terms is attached as Appendix 5.

6. Update on Other Policy Sections

Policies still under development will be incorporated into the final consolidated draft Official Plan for the end of the year. Further consultation will take place on the final consolidated draft Official Plan with the public, agencies and stakeholder groups.

The following are those policy chapters that will be completed later this year.

Chapter 1-Introduction

The Introduction will establish the following:

- i) The planning context for Niagara;
- ii) Challenges and opportunities centred on managing the inevitable growth coming to Niagara in a manner that provides better housing affordability, protects our natural environment and addresses our changing climate;
- iii) The two-tier planning framework;
- iv) Pillar statements and directives; and
- v) The legislative basis and structure of the Niagara Official Plan.

Planning staff have undertaken consultation with Indigenous groups (both local and treaty rights groups). An acknowledgement of their contributions to the development of the NOP around their areas of interest including archaeology, natural environment, climate change, affordable housing and future consultation will be included as a precursor to the Plan. The Archaeological Master Plan being prepared to inform the NOP will provide the important Indigenous historical context.

Chapter 3 Sustainable Region

Section 3.1-Natural Environment System

The objective of the Natural Environment Work Program (NEWP) is to develop a Regional-scale natural heritage and water resource system. Together these systems will be collectively known as the integrated natural environment system (NES).

PDS 17-2021 which contained the staff recommendation for the preferred NES option was presented to Planning and Economic Development Committee (PEDC) on Wednesday May 12th, 2021. At the Regional Council Meeting on Thursday May 20th, 2021 staff were directed to move forward with both NES Option 3B and 3C. Regional Council will be requested to make a decision on the NES option at a future date.

The next step in the NEWP is to prepare detailed criteria and definitions for each of the components of the system. This information will be documented in a technical report – which will also include a methodology for mapping the system. It is important that the criteria and methodology are documented before the mapping work is undertaken. The detailed criteria and methodology will be an important tool for the ongoing implementation of the NES once the new Official Plan has been approved.

At the same time the detailed policy sets will be written while the detailed mapping is developed for both Options 3B and 3C. Both mapping and policy development of the NES will involve significant consultation with the Local Municipalities and NPCA.

Additional consultation with the public and other stakeholders will be undertaken. This includes the 3rd Point of Engagement once the draft NES maps and policies are prepared.

It is expected that a draft of the technical report, policies, and Region-wide NES mapping will be available for review and comment in Fall 2021. Council will need to make a decision on an Option to move forward with at that time.

Section 3.2-Watershed Planning

Watershed planning is a methodology used to support the protection or restoration of natural resources (with an emphasis on water resources) within a watershed through the development of management plans, policies, and other related tools.

The updated Provincial Growth Plan and Greenbelt Plan place a greater emphasis on the need for watershed planning to inform land-use planning. To ensure that the Niagara Official Plan is informed by watershed planning in accordance with Provincial direction the Niagara Watershed Plan (NWP) project is underway. On June 16th, 2021, a report and presentation were made to PEDC.

The NWP is being published in three volumes. Following the June PEDC meeting, a draft of Volume 1 (Characterization) and Volume 2 (Management) were made available for review by the Public and other stakeholders. Comments were requested by July 30th, 2021. Planning Staff and the Consulting Team are in the process of reviewing all of the input that was received and will be finalizing in the NWP in Fall 2021.

Volume 3 of the NWP will analyze various growth scenarios as part of the overall Official Plan work program and is currently being completed. A draft of Volume 3 will be made available for review and comment for finalization in September/October.

Sections 3.4- Stewardship and 3.5- Climate Change

The objective of the Climate Change Work Program is to build and broaden climate change goals, objectives and policies in the Niagara Official Plan, working towards the development of resilient communities.

The Climate Change Work Program is comprised of three pillars: climate change policies for the NOP, climate modeling and projections, and a regional greening initiative.

The climate change section of the NOP will have policies to reduce greenhouse gas emissions and adapt to the impacts of climate change, support for other priority areas of

the NOP including Regional Structure, Infrastructure (servicing and transportation), District and Secondary Plans, Natural Environment System, and Urban Design.

PDS-C 31-2021 provided an update on the progress of the Niagara Climate Modeling and Projections Project. At the end of July, a preliminary results session was held with our local municipal partners and the NPCA. The consultant team for the project is currently reviewing comments and feedback. A draft climate projections report is anticipated for September, with the project set to conclude in October 2021.

The Regional Greening Initiative, most recently reported on in July 2021 (PDS-C 44-2021), will be a project connected to the NOP work through the Sustainable Region chapter, including connections to the Natural Environment System (s. 3.1), Stewardship (s. 3.4) and Climate Change (s. 3.5) sections.

The goal of the greening initiative is to enhance vegetative cover across the Region. Staff are preparing material for consultation later this year.

Section 3.6- Niagara Escarpment Plan

Planning staff have been developing an approach to integrate the Niagara Escarpment Plan (NEP) with the NOP. This approach will include identifying the NEP area on key schedules.

This Section of the NOP will acknowledge the NEP plan policies apply within the NEP area, in addition to where Regional planning staff would request more detailed regional policies for a development permit application, such as the Natural Environment System or Infrastructure policies. This approach will be discussed further with Area Planners and Niagara Escarpment Commission staff and refined as appropriate.

Chapter 4- Competitive Region

Section 4.4-Economic Prosperity

This section will pull together and reflect the policies of other Sections in this Chapter and other Chapters with the goal of providing focus on opportunities for greater economic prosperity in relation to land use. For example, cultural heritage and natural heritage landscapes and features can, in a more passive way, provide economic benefits.

These policies will be developed with input from the Region's Economic Development Department and receive input from other stakeholder groups.

Chapter 5-Connected Region

Section 5.3-Public Spaces, Recreation, Parks, Trails and Open Spaces

This section will provide policy that provide context to the importance of open space, trails, and public spaces as part of vibrant places, complete communities, reducing car dependency, and active healthy lifestyles.

Chapter 6-Vibrant Region

Section 6.4- Cultural Heritage

Policies will be developed encouraging the protection of significant built heritage and cultural heritage landscapes and districts. Cultural heritage contributes to preservation of history, contributions to vibrant communities and can provide economic opportunities.

Alternatives Reviewed

There are no alternatives to this report. This report is for information purposes providing an update on certain policy sections. Draft policies on certain Official Plan sections are attached to inform Council and provide the opportunity to receive input from the public, stakeholders, Indigenous communities, local area municipalities, and the Province.

Relationship to Council Strategic Priorities

The Niagara Official Plan will support the following Strategic Priority Objectives:

Objective 1.1: Economic Growth and Development

- Enhance integration with local municipalities' economic development and planning departments to provide supports and improve interactions with businesses to expedite and navigate development processes.
- Forward thinking approach to economic development in Niagara through long term strategic planning and leveraging partnerships with post-secondary institutions.

Objective 1.4: Strategically Target Industry Sectors

- Define Niagara's role in tourism including areas such as sport, eco, agricultural and culture tourism.

Objective 2.3: Addressing Affordable Housing Needs

- Retain, protect and increase the supply of affordable housing stock to provide a broad range of housing to meet the needs of the community.

Objective 3.2: Environmental Sustainability and Stewardship

- A holistic and flexible approach to environmental stewardship and consideration of the natural environment, such as in infrastructure, planning and development, aligned with a renewed Official Plan.
- Drive environmental protection and addressing climate change such as through increasing waste diversion rates and reducing our carbon footprint.

Objective 3.3: Maintain Existing Infrastructure

- Sound asset management planning to ensure sustainable investments in the infrastructure needed to support existing residents and businesses, as well as future growth in Niagara.

Other Pertinent Reports

- Joint Consolidated May Report PDS 17-2021:
<https://www.niagararegion.ca/official-plan/consolidated-policy-report.aspx>
- PDS 33-2021, Niagara Official Plan: Land Needs Assessment and Settlement Area Boundary Review Update

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This report was prepared in consultation with Isaiah Banach, Manager of Long Range Planning and Erik Acs, Manager of Community Planning, and reviewed by Doug Giles, Director of Long Range and Community Planning.

Appendices

Appendix 1.1	Source Water Protection Executive Overview
Appendix 1.2	Draft Source Water Protection Policies
Appendix 1.3	Draft Schedule D: Source Water Protection
Appendix 2.1	Excess Soil Executive Overview
Appendix 2.2	Draft Excess Soil Policies
Appendix 3.1	Petroleum and Mineral Resources Executive Overview
Appendix 3.2	Draft Petroleum and Mineral Resources Policies
Appendix 3.3	Draft Schedule H: Petroleum and Mineral Resources Areas
Appendix 4.1	Implementation Executive Overview
Appendix 4.2	Draft Performance Indicators and Monitoring Policies
Appendix 5	Glossary of Terms

EXECUTIVE OVERVIEW

CHAPTER 3.3 – Source Water Protection

SUMMARY

The *Source Protection Plan* for the Niagara Peninsula Source Protection Area (SPP) protects existing and future sources of drinking water in Niagara by ensuring activities identified as drinking water threats under the *Clean Water Act* and associated regulations either never become a *significant threat*, or cease to be a *significant threat* to drinking water.

The Ministry approved and in-effect SPP (2014) evaluated six water treatment plants and determined there were *significant threats* related to land uses for the Decew Falls Water Treatment Plant, Port Colborne Water Treatment Plant, and the Niagara Falls Water Treatment Plant *intake protection zones*.

In 2015, source protection policies were added for the in-effect Official Plan (an exercise known as ROPA 5). The Niagara Official Plan predominantly carries forward those policies and mapping.

- The NPCA is the Source Protection Authority (SPA) in Niagara under the *Clean Water Act*. The SPA provides administrative and technical support to the Source Protection Committee (SPC) and the source protection planning process.
- Responsibility for source water protection planning is that of the SPC with staff support from the NPCA. The Province is the approval authority for Source Protection Plans prepared by the SPC.
- The Niagara Peninsula Source Protection Plan, including the technical Assessment Report and Explanatory Document is in effect as of October 1, 2014.
- ROPA 5- 2015 implemented the *significant threat* policies for Decew Falls, Port Colborne, and Niagara Falls water treatment plants *intake protection zones* in the Regional Official Plan.
- Source water protection policies only apply to municipal drinking water sources. All drinking water in Niagara is from surface water.
- The SPC is currently updating the assessment report and SPP, anticipated to be completed in 2023. Once approved, an amendment to the Niagara Official Plan, Local Official Plans and Local Zoning By-laws will be required.



A Draft Policy set and schedule is provided with this sub-section document.

Integration Guide for Sub-sections Reported in PDS 32-2021

<input checked="" type="checkbox"/> Regional Structure	<input type="checkbox"/> Archaeology
<input type="checkbox"/> Housing	<input checked="" type="checkbox"/> Employment
<input checked="" type="checkbox"/> Land Needs	<input checked="" type="checkbox"/> Agriculture
<input type="checkbox"/> SABR	<input type="checkbox"/> Aggregates
<input type="checkbox"/> Transportation	<input type="checkbox"/> Natural Heritage incl.
<input checked="" type="checkbox"/> Infrastructure	<input checked="" type="checkbox"/> Water Systems Options
<input checked="" type="checkbox"/> District/Secondary Plans	<input checked="" type="checkbox"/> Watershed Planning
<input type="checkbox"/> Urban Design	<input type="checkbox"/> Climate Change

OVERVIEW

The creation of the *Clean Water Act* (2006) was in direct response to an inquiry led by Justice Dennis O'Connor into the May 2000 Walkerton tragedy and more broadly to the safety of Ontario's drinking water. The CWA established 38 source protection areas within the Province based on Conservation Authority boundaries. Source protection plans are now in place within 38 source protection areas, representing approximately 90 percent of the population.

The purpose of the CWA is to ensure communities are able to protect their municipal drinking water supplies at the source through identifying potential risks to local water supply quality and quantity and create a plan to reduce or eliminate these risks.

In Niagara, the NPCA is the Source Protection Authority (SPA), providing administrative and technical support to the Source Protection Committee (SPC). The SPC is responsible for the source protection process, which includes the development of a Source Protection Plan (SPP) for the Niagara Peninsula Source Protection Area.

An assessment report outlining the vulnerable zones, vulnerability scores, and *significant threats* was prepared, followed by the SPP outlining policies to address *significant threats*, implementation timelines and responsibilities.

The Niagara Peninsula Source Protection Plan evaluated six water treatment plants in Niagara and determined there were *significant threats* for three water treatment plants: Decew Falls, Port Colborne, and Niagara Falls. The SPP was approved by the Province and has been in effect since October 1, 2014.

As required under the CWA and through the SPP, Niagara Region prepared an amendment to include source protection policies in the Regional Official Plan in 2015

(process known as ROPA 5-2015). The amendment included policies to address *significant threats* identified through the SPP for the Decew Falls, Port Colborne, and Niagara Falls water treatment plant *intake protection zones*. The policies also require local municipalities to incorporate source water protection policies into their local official plans and zoning by-laws. A municipal guidance document was prepared to provide a framework for local municipalities to translate Regional Official Plan policy related to source protection, and implement those policies into local Official Plans and associated planning and building processes.

For the new Niagara Official Plan, there are minimal changes being made to this section as the SPP (2014) remains in effect. However, the SPC is currently updating the Assessment Report and SPP for the Niagara Peninsula Source Protection Area. The SPP is anticipated to be completed in 2023, subject to Ministry approval. Once approved and in effect, the Niagara Official Plan and Local Official Plans and Zoning By-laws will require an amendment to conform to the policies of the new SPP.

The attached draft policy and mapping, **Appendix 1.2** and **Appendix 1.3** respectively, predominantly carries forward policies and mapping approved through ROPA 5-2015. For more information on source protection planning in Niagara, please visit the [Niagara Peninsula Drinking Water Source Protection website](https://www.sourceprotection-niagara.ca/) (https://www.sourceprotection-niagara.ca/)

CHAPTER 3 - SUSTAINABLE REGION

Section 3.3 Source Water Protection

The Source Protection Plan for the Niagara Peninsula Source Protection Area (SPP) protects existing and future sources of drinking water in Niagara by ensuring activities identified as drinking water threats under the *Clean Water Act* and associated regulations either never become a *significant threat*, or cease to be a *significant threat* to drinking water. The *Source Protection Plan* evaluated six water treatment plants and determined there are *significant threats* related to land uses associated with the DeCew Falls water treatment plant in the City of Thorold, Port Colborne water treatment plant in the City of Port Colborne, and the Niagara Falls water treatment plant in the City of Niagara Falls. The following *source water* protection policies are organized according to the water treatment plant *intake protection zones* for which *significant drinking water threats* have been identified in the *Source Protection Plan*. These water treatment plants and associated *intake protection zones* are identified as an overlay on Schedule D to this Plan. The underlying land use designations on Schedule D continue to apply.

The policies of Section 3.3 must be read with the Niagara Official Plan in its entirety and in conjunction with the Niagara Peninsula *Source Protection Plan*, the Assessment Report and the Explanatory Document which provides the context and rationale for the land use policies and in identifying *significant threats* and eliminating these drinking water threats for the DeCew Falls, Port Colborne and Niagara Falls water treatment plant *intake protection zones*. The policies of Section 3.3 must also be read in conjunction with other applicable plans and legislation.

Update to the Source Protection Plan for the Niagara Peninsula Source Protection Area

The SPP was approved by the Ministry of the Environment, Conservation and Parks and is effective as of October 1, 2014.

Under the Clean Water Act, municipal official plans must be amended to conform to the *significant threat* policies within the SPP.

The Source Protection Authority is currently updating the Assessment Report and the SPP for the Niagara Peninsula Source Protection Area. The SPP is anticipated to be completed in 2023, subject to Ministry approval. Once approved, the Niagara Official Plan, Local Official Plans, and Local Zoning By-laws will require an amendment to conform to the policies of the new SPP.

3.3.1 To protect the water source for the DeCew Falls Water Treatment Plant to ensure activities identified as significant threats cease to be significant threats.

3.3.1.1 The placement of untreated septage to land is considered a *significant drinking water threat* in the DeCew Falls *Intake Protection Zone 1*. New *waste disposal sites* for the application of untreated septage to land shall not be permitted within the DeCew Falls *Intake Protection Zone 1*.

3.3.1.2 The discharge from new *stormwater management facilities* is considered a *significant threat* where the storm sewer drainage area is at least 100 ha in size with the predominant land use being commercial or industrial. New *stormwater management facilities*, which meet these criteria, are not permitted to discharge within the DeCew Falls *Intake Protection Zone 1*. New industrial or commercial land uses which meet the 100 ha storm sewer drainage criteria are not permitted within the DeCew Falls *Intake Protection Zone 1*. For the purposes of this policy, new industrial or commercial land uses include industrial or commercial uses which are not currently designated as such in the local municipal Official Plan.

Untreated septage

Properties where untreated septage is applied to land are considered *waste disposal sites* under Part V of the Environmental Protection Act (EPA). Untreated septage is typically produced from the clean-out of residential septic system tanks.

- 3.3.1.3 The discharge from *wastewater treatment plants* or combined sewer overflows, or discharge of industrial effluent is considered a *significant threat* as defined under the applicable circumstances as outlined by the Ministry of Environment in Table 22 and Table 48 in Appendix C of the Assessment Report (2013). New *combined sewers, wastewater treatment facilities, and industrial effluent systems* are not permitted where they would be a *significant threat* within the DeCew Falls *Intake Protection Zone 1*.

Niagara Peninsula Source Protection Plan

[The Niagara Peninsula Source Protection Plan, Assessment Report and Explanatory Document](http://www.sourceprotection-niagara.ca/) are available at: (<http://www.sourceprotection-niagara.ca/>)

- 3.3.1.4 Any planning or building application made for a land use other than Residential in the DeCew Falls *Intake Protection Zone 1* may require a Section 59 notice from the *Risk Management Official*. The requirements of the notice will be determined through the application screening process.

Application Screening Process for Section 59 Notice from Risk Management Official

The application screening process will look at whether an application may relate to the application of agriculture source material, the storage of *agriculture source material*, livestock grazing/pasturing and farm animal outdoor confinement areas in DeCew Falls *IPZ 1* or; the storage of pesticides in Port Colborne *IPZ 1* or for the application of pesticides in the Port Colborne *IPZ 1* and *IPZ 2*.

3.3.2 To protect the water source for the Port Colborne Water Treatment Plant to ensure activities identified as significant threats cease to be significant threats.

- 3.3.2.1 The placement of untreated septage to land is considered a *significant drinking water threat* in the Port Colborne *Intake Protection Zone 1* and *Intake Protection Zone 2*. New *waste disposal sites* for the application of untreated septage to land shall not be permitted within the Port Colborne *Intake Protection Zone 1* and *Intake Protection Zone 2*.
- 3.3.2.2 Any planning or building application made for a land use other than Residential in the Port Colborne *Intake Protection Zone 1* and *2* may require a Section 59 notice from the *Risk Management Official*. The requirements of the notice will be determined through the application screening process.

- 3.3.2.3 The storage of road salt is considered a *significant threat* in the Port Colborne *Intake Protection Zone 1*, if stored outside with no cover, in amounts greater than 5,000 tonnes. Future open storage of road salt greater than 5,000 tonnes is not permitted within the Port Colborne *Intake Protection Zone 1*.
- 3.3.2.4 The storage of snow, and the contaminants associated with it, is considered a *significant threat* in the Port Colborne *Intake Protection Zone 1* if stored in quantities greater than 1 hectare in area. Future storage of snow greater than 1 hectare in area is not permitted within the Port Colborne *Intake Protection Zone 1*.
- 3.3.2.5 The discharge from *wastewater treatment plants* or combined sewer overflows, or discharge of industrial effluent is considered a *significant threat* as defined under the applicable circumstances as outlined by the Ministry of Environment in Table 20, Table 21, Table 46, and in Table 47 in Appendix C of the Assessment Report (2013). New *combined sewers, wastewater treatment facilities, and industrial effluent systems* are not permitted where they would be a *significant threat* within the Port Colborne *Intake Protection Zone 1* and *Intake Protection Zone 2*.
- 3.3.2.6 The discharge from *stormwater management facilities* is a *significant threat* where the storm sewer drainage area is at least 10 ha in size with the predominant land use being commercial or industrial. An application for commercial or industrial *development* or the expansion, extension, or alteration of existing *stormwater management facilities* or the expansion of an existing commercial or industrial *development*, in instances where the *Risk Management Official* and the Region's Chief Planning Official deem such an expansion may pose a *significant threat* to municipal drinking water, within the Port Colborne *Intake Protection Zone 1* and *Intake Protection Zone 2*, shall be accompanied by a stormwater management plan that demonstrates and implements best management practices related to managing stormwater runoff to the satisfaction of the Region's Chief Planning Official and City of Port Colborne, in consultation with the *Risk Management Official*, such that the development does not pose a *significant threat* to municipal drinking water.

- 3.3.2.7 The storage, and application to land of *agricultural source material*, and the lands used for livestock grazing/pasturing, farm animal yards and outdoor confinement areas, are considered *significant threats* in the Port Colborne *Intake Protection Zone 1 and Intake Protection Zone 2*. New agricultural land uses are not permitted within the Port Colborne *Intake Protection Zone 1 and Intake Protection Zone 2*.

3.3.3 To protect the water source for the Niagara Falls Water Treatment Plant to ensure activities identified as significant threats cease to be significant threats.

- 3.3.3.1 The application of untreated septage to land is considered a *significant drinking water threat* in the Niagara Falls *Intake Protection Zone 1*. New *waste disposal sites* for the application of untreated septage to land shall not be permitted within the Niagara Falls *Intake Protection Zone 1*.

- 3.3.3.2 The discharge from new *stormwater management facilities* is considered a *significant threat* where the storm sewer drainage area is at least 100 ha in size with the predominant land use being commercial or industrial. New *stormwater management facilities*, which meet these criteria, are not permitted to discharge within the Niagara Falls *Intake Protection Zone 1*. New industrial or commercial land uses which meet the 100 ha storm sewer drainage criteria are not permitted within the Niagara Falls *Intake Protection Zone 1*. For the purposes of this policy, new industrial or commercial land uses only includes industrial or commercial uses which are not currently designated as such in the local municipal Official Plan.
- 3.3.3.3 The discharge from wastewater treatment plants or combined sewer overflows, or discharge of industrial effluent is considered a *significant threat* as defined under the applicable circumstances as outlined by the Ministry of Environment in Table 22 and Table 48 in Appendix C of the Assessment Report (2013). New combined sewers, *wastewater treatment facilities*, and *industrial effluent systems* are not permitted where they would be a *significant threat* within the Niagara Falls *Intake Protection Zone 1*.
- 3.3.3.4 The storage, handling, and application to land of *agricultural source material*, and the lands used for livestock grazing/pasturing, farm animal yards and outdoor confinement areas, are considered *significant threats* in the Niagara Falls *Intake Protection Zone 1*. New agricultural land uses are not permitted within the Niagara Falls *Intake Protection Zone 1*.

3.3.4 To provide direction to local municipalities and monitor significant threats

- 3.3.4.1 Local municipal Official Plans and Zoning By-laws shall conform to the policies of Section 3.3 of this Plan in accordance with the Niagara Peninsula *Source Protection Plan*.
- 3.3.4.2 The Region will monitor and report on the measures taken to implement the significant threat policies annually in accordance with the Niagara Peninsula *Source Protection Plan*, which shall address the following:

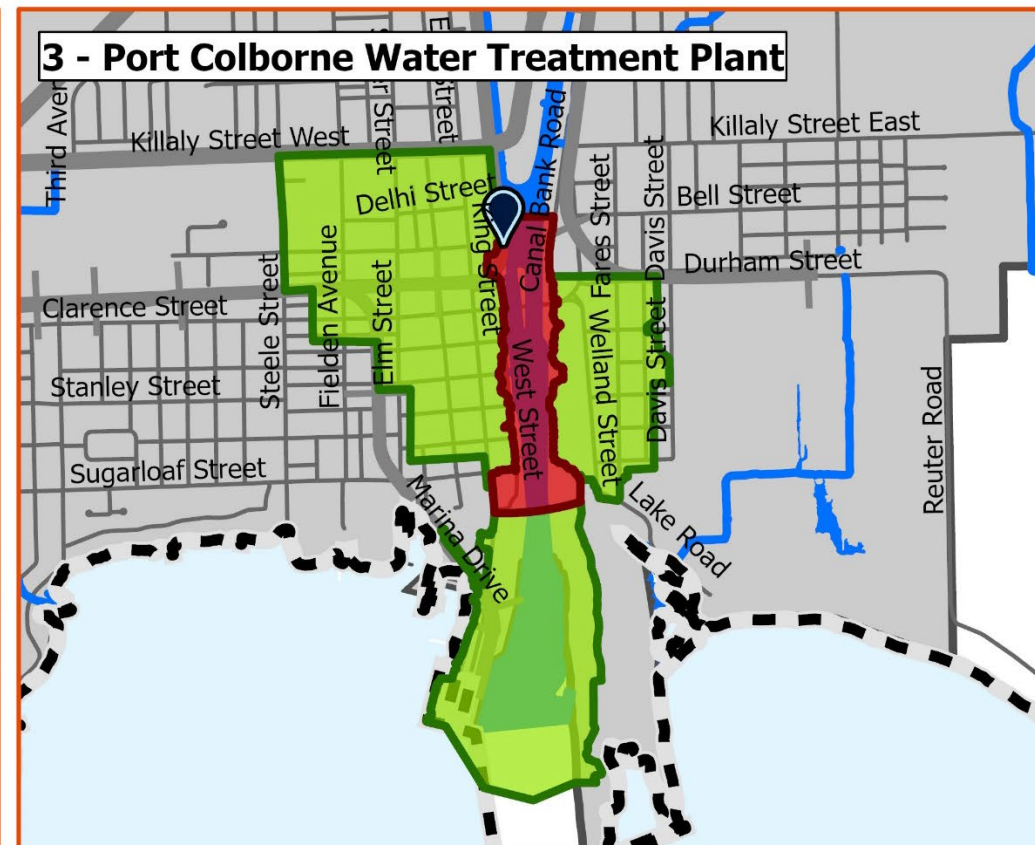
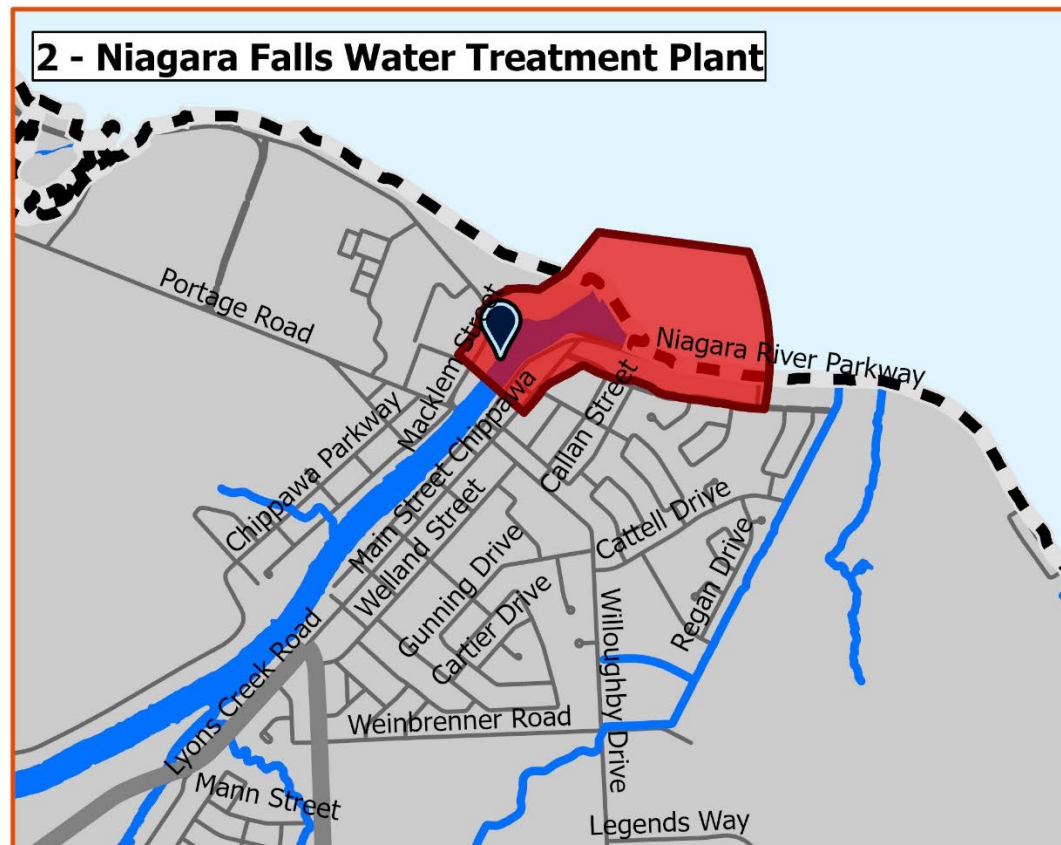
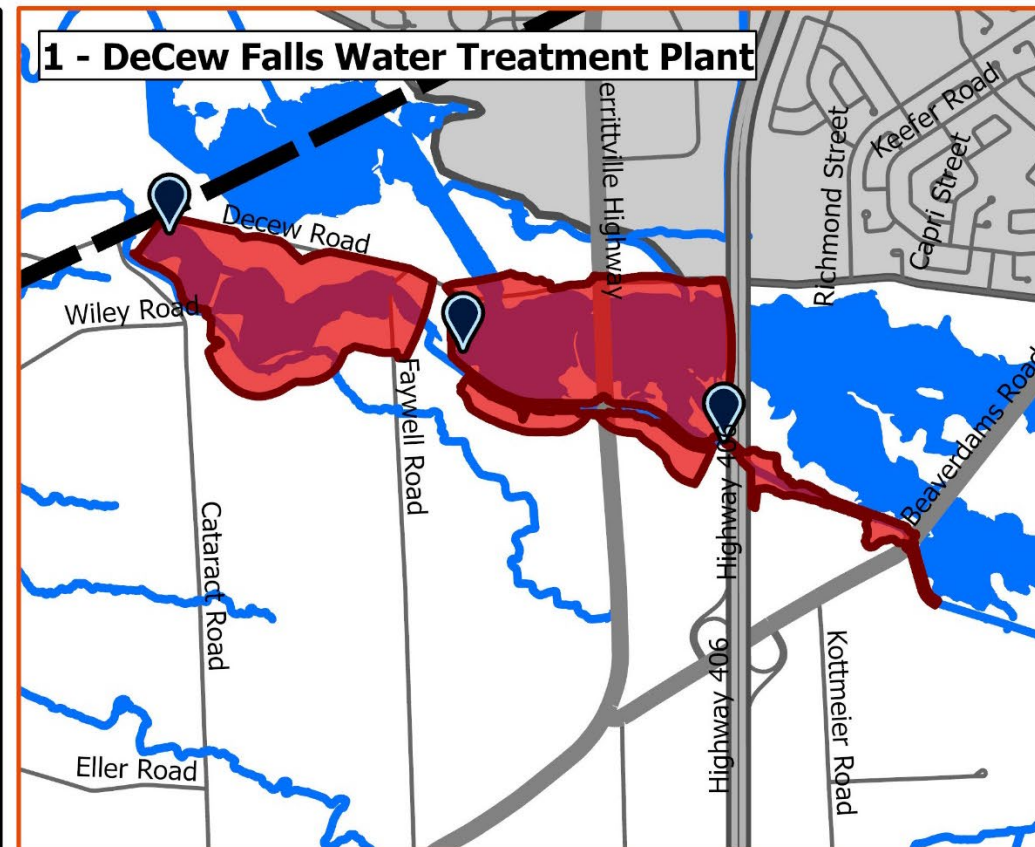
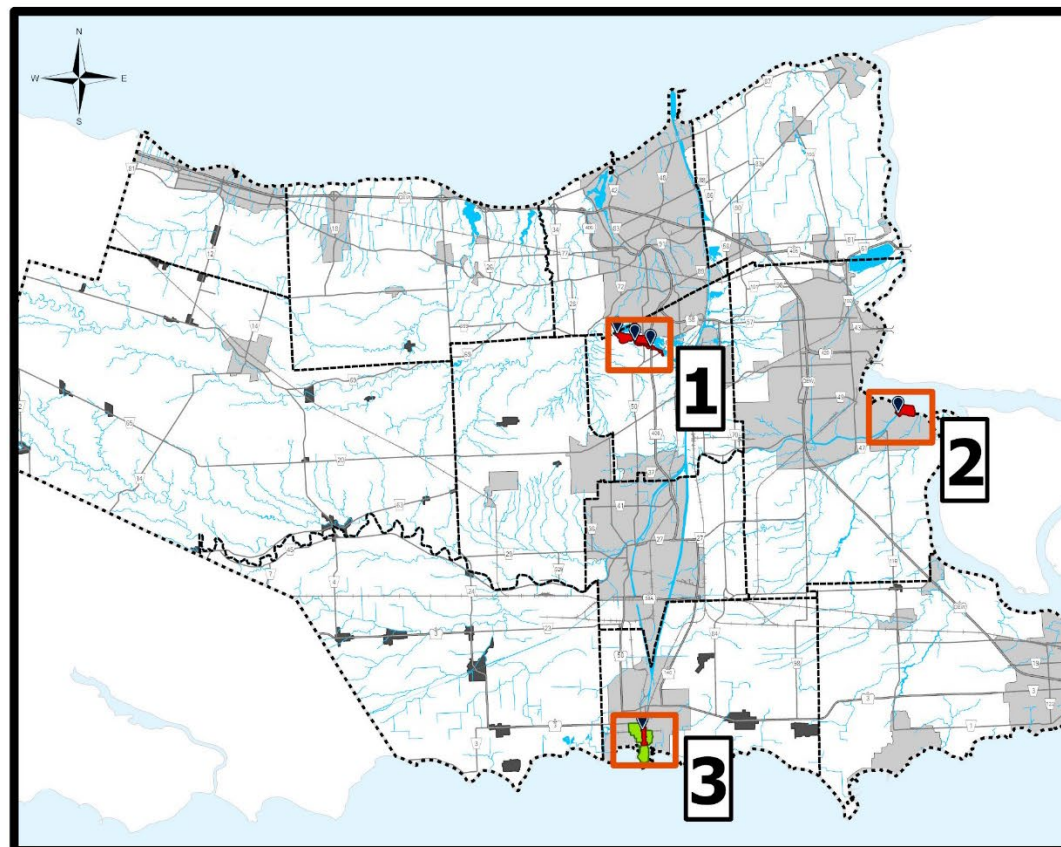
- a) Total number and type of *development* applications in *Intake Protection Zones*;
- b) Pre-consultation meetings related to the Niagara Peninsula *Source Protection Plan*;
- c) Number of *Risk Management Plans* reviewed and approved;
- d) The number and type of development applications in *Intake Protection Zones* with the potential for the creation or modification of a *transport pathway*; and
- e) Steps taken to improve education and research.

Monitoring development applications with potential for creation or modification of a transport pathway

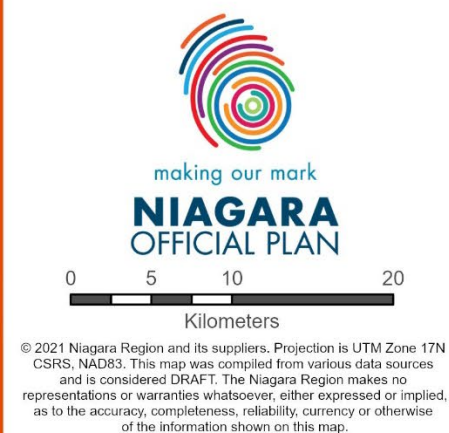
Transport pathways are a change in land caused by human activity that increases the vulnerability of a drinking water source.

Examples include storm sewers, discharge pipes, utility trenches, ditches, swales, drainage works or any other types of drain.

Transport pathways are captured in the delineation of *IPZs*, however if any have been added to areas around *IPZs*, there is the possibility of contamination to the intake.



- INTAKE PROTECTION ZONE TYPE**
- IPZ-1
 - IPZ-2
 - SURFACE WATER INTAKE
 - NIAGARA REGION
 - MUNICIPAL BOUNDARY
 - PROVINCIAL ROAD
 - REGIONAL ROAD
 - LOCAL ROAD
 - RAILWAY
 - URBAN AREAS
 - RURAL SETTLEMENTS



EXECUTIVE OVERVIEW

CHAPTER 3 – 3.7 Excess Soil Management

SUMMARY

The management of *excess soil* is critical to protect human health and the environment as our communities grow. *Excess soil* is soil that is not required at a construction or development site and must be moved to a new, off-site location. In some cases, *excess soil* may be temporarily stored at another location before being brought to a receiving site.

Provincial direction encourages on-site and local reuse of *excess soil* and requires best management practices for *excess soil*. Provincial direction for *excess soil* is new and has not been previously addressed in the Regional Official Plan.

- Excess soil is a multidisciplinary issue with implications for growth and development, agricultural land, the natural environment system, and transportation.
- The Provincial Excess Soil Management Policy Framework (2016) proposed a number of policy changes to create a life-cycle management approach to *excess soil* management. This includes placing greater responsibility on source sites, where soil is excavated and recognizing opportunities for *excess soil* re-use.
- Ontario Regulation 406/19: On-Site and Excess Soil Management established rules for when excess soil is not a waste and outlines soil quality standards for beneficial reuse. The implementation of this regulation is staggered beginning in January 2021.
- The policies in the Niagara Official Plan for excess soil management implement best management practices as outlined in the Province's Management of Excess Soil- A Guide for Best Management Practices (BMP).
- Policy direction for this chapter includes reusing excess soil on-site or locally where possible during development or site alteration and direction to local municipalities to implement best management practices and update site alteration and fill by-laws in accordance with the Municipal Act.

A Draft Policy set is provided with this sub-section document.

Integration Guide for Sub-sections Reported in PDS 32-2021			
<input checked="" type="checkbox"/>	Regional Structure	<input type="checkbox"/>	Archaeology
<input type="checkbox"/>	Housing	<input type="checkbox"/>	Employment
<input type="checkbox"/>	Land Needs	<input checked="" type="checkbox"/>	Agriculture
<input type="checkbox"/>	SABR	<input checked="" type="checkbox"/>	Aggregates
<input checked="" type="checkbox"/>	Transportation	<input type="checkbox"/>	Natural Heritage incl.
<input checked="" type="checkbox"/>	Infrastructure	<input type="checkbox"/>	Water Systems Options
<input type="checkbox"/>	District/Secondary Plans	<input type="checkbox"/>	Watershed Planning
<input type="checkbox"/>	Urban Design	<input checked="" type="checkbox"/>	Climate Change



OVERVIEW

Excess soil is defined as soil, or soil mixed with rock, that has been excavated as part of a project and removed from the project area for the project (O.Reg 406/19). The need to properly manage excess soil has arisen due to the large quantities of soil being generated through site alteration and construction activities in Ontario.

Excess soil is a growing concern for rural municipalities as there have been cases of illegal dumping, impacts to ground or surface water quality, and impacts to natural and agricultural land. Other issues arising from excess soil include contaminated soil when not properly managed, transportation of excess soil causing damage to roads and increased greenhouse gas emissions, and the introduction and spread of invasive species.

The Excess Soil Management Policy Framework document was prepared by the Ministry of the Environment, Conservation and Parks (MOECP) in 2016. This document identifies the need for a revised policy framework to manage excess soil with 22 key actions identified. Important to the updated policy framework is to provide for better life-cycle management, placing greater responsibility on the source sites, where soil is excavated.

Since the Excess Soil Management Policy Framework was published in 2016, there has been the introduction of excess soil re-use policies in Provincial planning documents, changes to the *Municipal Act*, a new regulation introduced under the *Environmental Protection Act (EPA)*.

Provincial land use policy direction emphasizes the need to incorporate best management practices into Official Plans for excess soil management. The Province prepared Management of Excess Soil- A Guide for Best Management Practices to provide guidance for handling excess soil when it is excavated, transported, received at a new site and where soil can be reused for a beneficial purpose.

Section 142 of the *Municipal Act, 2001* provides authority to local municipalities to establish by-laws to regulate the placement and dumping of fill. There are certain exemptions for sites licenced under the Aggregate Resources Act, normal farm practices, etc. However, changes have been made with respect to municipal site-alteration by-laws and conservation authority regulated areas. Municipal site-alteration by-laws now apply in conservation authority regulated areas, with repeal of section 142(8).

The policies of this chapter encourage local municipalities to create or update their site-alteration and fill by-laws in order to address the Best Management Practices on Excess Soil developed by the Province, changes to the *Municipal Act* in relation to conservation

authority regulated land, and the new excess soil management regulation under the *EPA*.

The attached Draft Policy, **Appendix 2.2** illustrates the direction the Niagara Official Plan is taking as it continues towards a completed final draft status.

CHAPTER 3- SUSTAINABLE REGION

Section 3.7 Excess Soil Management

The proper management of *excess soil* is critical to protect human health and the environment as our communities continue to grow. *Excess soil* is soil that is not required at a construction or development site and must be moved to a new location. In some cases, *excess soil* may be temporarily stored at another location before being brought to a final receiving site. Recent changes to Provincial legislation, beginning with the Excess Soil Management Policy Framework (2016) proposed a number of policy changes to create a life-cycle management approach to *excess soil* management. This includes placing greater responsibility on source sites, where soil is excavated and recognizing opportunities for *excess soil* re-use.

The manner for which *excess soil* is managed and disposed of has implications for greenhouse gas emissions, with trucks moving *excess soil* across communities. Other issues include the quality of *excess soil*, and the need to protect the environment, water, and agriculture. The beneficial re-use of *excess soil* locally can contribute to climate change mitigation goals and overall sustainability of soil.

The policies of Chapter 3.7 are intended to implement best management practices of *excess soil* for a beneficial re-use purpose where appropriate.

Best Management Practices for Excess Soil

Management of Excess Soil – A Guide for Best Management Practices (BMP) was prepared by the Province to provide guidance for handling excess soil when it is excavated, transported, received at a new site and where soil can be reused for a beneficial purpose.

The BMP is for municipalities, conservation authorities, and project site owners/operators.

3.7.1 Recognize and manage excess soil for new development, site alteration and infrastructure

- 3.7.1.1 *Excess soil* shall be managed in accordance with Ontario Regulation 406/19 under the *Environmental Protection Act*.
- 3.7.1.2 Best management practices for *excess soil* generated and fill received during *development, site alteration*, including *infrastructure development*, shall be implemented to ensure that:
 - a) *Excess soil* generated is to be reused on-site or locally to the maximum extent possible;
 - b) *Temporary storage sites* are encouraged to be permitted close to soil reuse sites to reduce transportation and environmental impacts such as greenhouse gas emissions; and
 - c) *Excess soil* placement at receiving sites are required to demonstrate that the activity will not have a negative impact on

existing land uses, the natural environment, surrounding land uses and cultural heritage resources.

- 3.7.1.3 *A soil management plan, meeting Provincial best practices is to be prepared as part of the Planning Act application process for new development.*

3.7.2 Provide direction to local municipalities managing excess soil

- 3.7.2.1 Local municipalities are encouraged to develop or update site alteration and fill by-laws in accordance with the *Municipal Act*.
- 3.7.2.2 Local municipalities shall incorporate best management practices for the management of *excess soil* generated and fill received during *development* or *site alteration*, including *infrastructure* development, to ensure that:
- a) Any *excess soil* is reused on-site or locally to the maximum extent possible;
 - b) Local official plans and zoning by-laws identify appropriate sites for *excess soil* storage and processing; and
 - c) Site plan approval is utilized for new or expanding soil storage or processing sites.

Soil Management Plans

Soil management plans are outlined in the Provincial BMPs for Excess Soil. A Soil Management Plan outlines the condition of the soil at the source site, to ensure soil suitability during construction projects and recommends the following:

- Detailed sampling and analysis plan for all excavated soil
- Estimated volume of excess soil to be managed off-site
- Site plan identifying areas to be excavated
- List of potential receiving sites for *excess soil*

EXECUTIVE OVERVIEW

Chapter 4 – Section 4.4 Petroleum and Mineral Resources

SUMMARY

Petroleum and mineral resources are non-renewable and finite across Niagara Region. These resources are protected for potential extraction and long-term use, but are not the same as mineral aggregate resources.

- The Province provides mapping of petroleum wells and petroleum pools for within the Niagara region. Petroleum pools will be depicted on Draft Schedule H.
- The Ministry of Northern Development, Mines, Natural Resources and Forestry regulates petroleum resources through the Oil, Gas and Salt Resources Act and provincial operating standards. This includes licensing of new wells, and overseeing decommissioning of existing wells.
- Proper and regulated decommissioning of wells is integral to ensuring potential hazards are avoided. Rehabilitation must be conducted according to the Oil, Gas and Salt Resources Act and its regulations and standards.
- Policy direction for this section is primarily focused on ensuring Petroleum resource operations in Niagara and any future possible mineral mining operations, will be protected from incompatible land uses, and the establishment of new operations as well as access to resources should not be hindered by development or activities on the resources or adjacent lands.

A Draft Policy set is provided with this sub-section document.

Integration Guide for Sub-sections Reported in PDS 32-2021			
<input checked="" type="checkbox"/>	Regional Structure	<input type="checkbox"/>	Archaeology
<input checked="" type="checkbox"/>	Housing	<input type="checkbox"/>	Employment
<input type="checkbox"/>	Land Needs	<input checked="" type="checkbox"/>	Agriculture
<input type="checkbox"/>	SABR	<input type="checkbox"/>	Aggregates
<input type="checkbox"/>	Transportation	<input checked="" type="checkbox"/>	Natural Heritage incl.
<input type="checkbox"/>	Infrastructure	<input type="checkbox"/>	Water Systems Options
<input type="checkbox"/>	District/Secondary Plans	<input type="checkbox"/>	Watershed Planning
<input type="checkbox"/>	Urban Design	<input type="checkbox"/>	Climate Change

OVERVIEW

Petroleum and mineral resources are finite non-renewable resources and must be protected from incompatible land uses or uses that would limit their extraction in the future.

Petroleum resources include oil, gas, and salt resources. These resources can be found trapped underground in layers of ancient sedimentary rock which underlie all of southern Ontario. Ontario's oil, natural gas and salt resources are extracted by the



drilling of wells. Petroleum Resource Operations is the term used for these wells, and associated facilities and other drilling operations. The Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNRF) regulates petroleum resources through the Oil, Gas and Salt Resources Act (OGSRA) and provincial operating standards. This includes all licensing of new wells, and overseeing decommissioning of existing wells.

Wells may be privately owned or corporately owned, but are all required to be licensed and issued a licensing number accordingly through the MNDMNRF. When wells of all types are no longer needed for the purpose for which they were drilled, they are plugged according to standards in Oil, Gas and Salt Resources of Ontario Operating Standards. Proper and regulated decommissioning of wells, is integral to ensuring potential hazards are avoided.

All wells, whether active, suspended, or plugged and abandoned (i.e., rendered safe as part of site rehabilitation following cessation of production) should be respected in any decisions regarding new development. Namely, in accordance with the OGSRA, a restriction on new developments within 75m of a petroleum resource operation.

The province maps well locations as point features, where a well has been drilled into geological formations for purposes such as; production of oil and gas; injection, storage and withdrawal of oil, gas, brine or other hydrocarbons; or geological evaluation or testing of underground bedrock formations that may contain oil or gas. The province also provides mapping for petroleum pools; where there is a subsurface accumulation of oil and/or natural gas in porous and permeable rock whose presence has been proven by the drilling of petroleum wells and from which hydrocarbons have been or are being produced, or are capable of being produced in economic quantities. Petroleum pools will be mapped on Schedule H of this Plan.

Mineral resources, include metallic minerals; those minerals from which metals (e.g. copper, nickel, gold) are derived, and non-metallic minerals; those minerals that are of value for intrinsic properties of the minerals themselves and not as a source of metal (e.g. graphite, gypsum, mica). Mineral deposits in the Niagara Region are not as readily mapped or identified, although some mineral occurrences data is available from the MNDMNRF. However, mineral resources are protected in a similar fashion to petroleum resources, to ensure future resource extraction possibilities exist. The closest mineral mining operation is currently a Gypsum mine located in Haldimand County.

The attached draft policy and mapping, **Appendix 3.2** and **Appendix 3.3** respectively, illustrates the direction the Niagara Official Plan is taking as it continues towards completed final draft status.

CHAPTER 4 – COMPETITIVE REGION

Section 4.4 Petroleum and Mineral Resources

Known *Petroleum Resources* and *Petroleum Resource Operations*, including wells, are located across areas of the Niagara Region, and are protected for long-term use. Mineral Resources are both metallic and non-metallic *minerals*, but are different from *mineral aggregate resources* identified in Section 4.3 of this Plan. *Mineral deposits* may occur in Niagara region and must be protected for potential extraction. There are no known *Mineral Mining Operations* in Niagara.

4.4.1 Protect the Region's Mineral Deposits and Petroleum Resources

- 4.4.1.1 Schedule H of this Plan, identifies where petroleum pools are located in Niagara region, according to Provincial mapping.
- 4.4.1.2 *Petroleum resource operations* and any future *Mineral Mining Operations* shall be protected from *development* and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.
- 4.4.1.3 No development shall occur within 75m of a *petroleum resource operation* unless the *petroleum resource operation* has been decommissioned and rehabilitated in accordance with applicable Provincial regulations and standards.
- 4.4.1.4 Development and activities in known *mineral deposits* or known *petroleum resources* or on adjacent lands which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:
 - a) resource use would not be feasible; or

Petroleum Resource Operations

Petroleum Resource Operations is a term that encompasses wells, facilities, and other drilling operations associated with oil, gas, and salt resources.

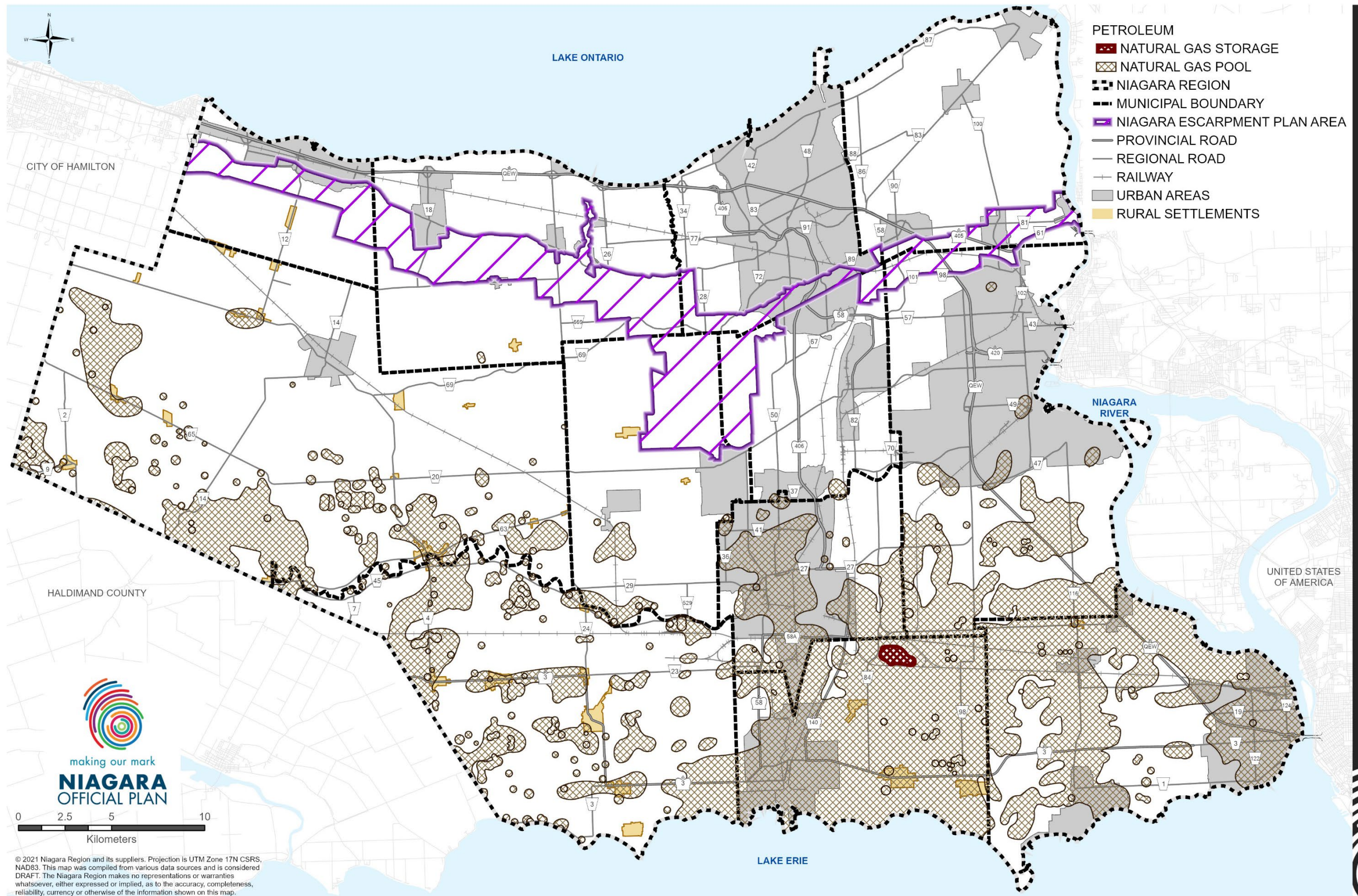
Over 2000 wells are identified in Niagara Region through provincial mapping. These wells are classified by types, including natural gas wells, storage wells, and dry exploratory holes.

- b) the proposed land use or development serves a greater long-term public interest; and
- c) issues of public health, public safety and environmental impact are addressed.

- 4.4.1.5 Petroleum and mineral resource extraction activities shall be conducted in accordance with the Oil, Gas and Salt Resources Act and its regulations and standards, as well as a licence from the Ministry of Northern Development, Mines, Natural Resources and Forestry.
- 4.4.1.6 Any proposal for a new *mineral mining operation* will require an amendment to this Plan.

Oil, Gas, and Salt Resources Act (OGSRA)

The Ministry of Northern Development, Mines, Natural Resources and Forestry regulates *petroleum resources* through the OGSRA and provincial operating standards. This includes all licensing of new wells, and overseeing decommissioning of existing wells.



June, 2021

PETROLEUM POOLS - DRAFT



EXECUTIVE OVERVIEW

CHAPTER 7 – Implementation

SUMMARY

The Implementation Chapter is very important to ensure the policy directions in the Niagara Official Plan are carried out efficiently and successfully. There are numerous important components for the implementation of NOP policy direction, namely:

- **7.1 Plan Interpretation**
 - How to read the Plan
- **7.2 Region and Local Roles**
 - Coordinating planning applications
 - Memorandum of Understandings- ensuring this process stays in effect and up to date
 - Exemptions to Regional approvals. An example would be the Region exempting Secondary Plans from Regional approval under certain conditions.
 - Guidance documents
- **7.3 Performance Indicators and Monitoring**
 - Monitor intensification and density targets
 - Land developed
 - Natural environment mapping updates
 - Archaeological Management Plan (AMP) potential mapping updates
- **7.4 Phasing**
 - Local municipalities phasing growth
 - Excess lands
- **7.5 Health Impact Assessment**
 - Establish criteria in Secondary Plans
- **7.6 Asset Management Plan**
 - Assessing the full life cycle costs of infrastructure. The financial sustainability of infrastructure is a Growth Plan objective.
- **7.7 Complete Applications**
 - Identifies the studies required to be submitted with various applications
- **7.8 Review / Updates /Amendments to OP**



- Incorporation and carry over of existing site-specific policy areas.
- **7.9 Consultation and engagement- outline approach for:**
 - Public consultation
 - Consulting with other governments
 - Engaging local municipalities
 - Engaging Indigenous partners

Integration Guide for Sub-sections Reported in PDS 32-2021	
<input checked="" type="checkbox"/> Regional Structure	<input checked="" type="checkbox"/> Archaeology
<input checked="" type="checkbox"/> Housing	<input checked="" type="checkbox"/> Employment
<input checked="" type="checkbox"/> Land Needs	<input checked="" type="checkbox"/> Agriculture
<input checked="" type="checkbox"/> SABR	<input checked="" type="checkbox"/> Aggregates
<input checked="" type="checkbox"/> Transportation	<input checked="" type="checkbox"/> Natural Heritage incl.
<input checked="" type="checkbox"/> Infrastructure	<input checked="" type="checkbox"/> Water Systems Options
<input checked="" type="checkbox"/> District/Secondary Plans	<input checked="" type="checkbox"/> Watershed Planning
<input checked="" type="checkbox"/> Urban Design	<input checked="" type="checkbox"/> Climate Change

OVERVIEW

Policies for this Chapter are more easily developed as the draft policies associated with other Chapters come to fruition. Most policies for this section will be similar to the policy direction in the existing Regional Official Plan with the exception of new policy direction for performance indicator and monitoring, phasing, health impact assessment, asset management and certain consultation elements such as consultation with Indigenous communities.

One section for the Implementation Chapter that has been drafted is the Performance Indicators and Monitoring (Section 7.3). Draft policies have been developed on performance indicators and monitoring early to assist with, and compliment the policy direction within Chapter 2: Growing Region.

Monitoring the implementation of this Plan is critical to:

- a) analyze the effectiveness of the policies in this Plan in meeting its overall goals and objectives;
- b) confirm targets are being met;
- c) respond to trends; and
- d) identify and confirm if the direction of the Plan remains constant or if updates are required.

The policies identify the topic areas that will require monitoring, as well as Regional and Local municipal roles in the monitoring process.

Planning staff have initiated work on other Sections of the Implementation Chapter. For example Regional Planning staff are discussing with all local planning staff which existing site specific policy areas can be removed as they are no longer necessary and which should be carried over into the Niagara Official Plan.

The Draft policies on Performance Indicators and Monitoring are attached as **Appendix 4.2**.

CHAPTER 7- IMPLEMENTATION

Section 7.3 Performance Indicators and Monitoring

7.3.1 Ensure objectives are met and targets achieved

- 7.3.1.1 The Region, in collaboration with local municipalities, the Niagara Peninsula Conservation Authority and any other identified stakeholders, as appropriate, will comprehensively monitor and measure the performance of the policies of this Plan.
- 7.3.1.2 Monitoring the implementation of this Plan is critical to:
- a) analyze the effectiveness of the policies in this Plan in meeting its overall goals and objectives;
 - b) confirming targets are being met;
 - c) responding to trends; and
 - d) Identifying and confirming if the direction of the Plan remains constant or if updates are required.
- 7.3.1.3 The Region shall:
- a) Establish a program to monitor, measure, and evaluate performance of this Plan;
 - b) Identify a series of both qualitative and quantitative indicators;
 - c) Prepare regular monitoring reports as set out in Policy XX that measures the success of this Plan; and
 - d) Work in cooperation with local municipalities to establish common measuring and reporting tools to monitor:
 - i) The Growing Region through:
 - Distribution of population and employment allocations to local municipalities as set out in Table 1, Section 2.1;
 - Density targets for *designated greenfield area*, *strategic growth areas*, and *employment areas*;
 - Implementation of local intensification rates as set in Table 2, policy 2.2.6.1; and

- Mix, range, and affordability of housing units, including achievement of the Region's affordable housing target stated in Policy 2.3.2.3;
- ii) The Sustainable Region through:
 - Health of the Natural Heritage System and Water Resource System; and
 - Progress towards climate change mitigation and adaptation measures.
- iii) The Competitive Region through:
 - State of aggregates;
 - Protection of agricultural areas; and
 - Economic development.
- iv) The Connected Region through:
 - Performance of Regional infrastructure; and
 - Performance of Regional transportation facilities.
- v) The Vibrant Region through:
 - The creation of Secondary Plans;
 - Excellence in Urban Design; and
 - The recognition and protection of cultural and archaeological resources.
- vi) Other policies identified through the monitoring program, which requires regular monitoring.

7.3.2 Provide clear direction for local municipalities to coordinate monitoring efforts

7.3.2.1 Local municipalities shall:

- a) Establish indicators to monitor local implementation of Provincial, Region, and local policy;
- b) Provide data to support the Region's monitoring program, as required; and
- c) Work with the Region to establish common measuring and reporting tools to monitor.

7.3.2.2 Local municipalities shall prepare local monitoring programs and regularly provide updates to the Region at intervals determined through the program.

Glossary of Terms

Active Transportation

Any form of self-propelled transportation that relies on the use of human energy such as walking, cycling, inline skating, jogging, or travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices at a comparable speed.

(*Growth Plan*, 2020)

Affordable

1. in the case of ownership housing, the least expensive of:
 - a) housing for which the purchase price results in annual accommodation costs which do not exceed 30 per cent of gross annual household income for low and moderate income households; or
 - b) housing for which the purchase price is at least 10 per cent below the average purchase price of a resale unit in the regional market area;
2. in the case of rental housing, the least expensive of:
 - a) a unit for which the rent does not exceed 30 per cent of gross annual household income for low and moderate income households; or
 - b) a unit for which the rent is at or below the average market rent of a unit in the regional market area. (*Growth Plan*, 2020)

Agricultural Impact Assessment

A study that evaluates the potential impacts of non-agricultural development on agricultural operations and the Agriculture System and recommends ways to avoid, or, if avoidance is not possible, minimize and mitigate adverse impacts. (*Greenbelt Plan*, 2017)

Agriculture-Related Uses

Those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity (*PPS*, 2020).

Agricultural Source Material

Treated or untreated materials, as defined by the Nutrient Management Act, other than compost that meets the Compost Guidelines, or a commercial fertilizer, if they are capable of being applied to land as nutrients.

Agricultural System

The system mapped and issued by the Province, comprised of a group of inter-connected elements that collectively create a viable, thriving agricultural sector. It has two components:

- a) an agricultural land base comprised of prime agricultural areas, including specialty crop areas, and *rural lands* that together create a continuous, productive land base for agriculture; and
- b) an *agri-food network*, which includes infrastructure, services and assets important to the viability of the agri-food sector. (*Greenbelt Plan*, 2017)

Agricultural Uses

Growing of crops or raising of animals; includes associated on-farm buildings and structures; all types, sizes and intensities; normal farm practices are promoted and protected (e.g. cropland, pastureland, barns and other associated buildings and structures).

Agri-food Network

Within the agricultural system, a network that includes elements important to the viability of the agri-food sector such as regional infrastructure and transportation networks; on-farm buildings and infrastructure; agricultural services, farm markets, distributors, and primary processing; and vibrant, agriculture-supportive communities. (*PPS*, 2020)

Agri-Tourism Uses

Those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation (*PPS*, 2020).

Airports

All Ontario *airports*, including designated lands for future *airports*, with Noise Exposure Forecast (NEF)/Noise Exposure Projection (NEP) mapping. (*PPS*, 2020)

Archaeological Resources

Includes artifacts, archaeological sites, marine archaeological sites, as defined under the *Ontario Heritage Act*. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

Areas of Archaeological Potential

Areas with the likelihood to contain archaeological resources. Criteria to identify archaeological potential are established by the Province. The *Ontario Heritage Act* requires archaeological potential to be confirmed by a licensed archaeologist.

Brownfields

Undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant. (*PPS*, 2020)

Built Form

The function, shape, and configuration of buildings, as well as their relationship to streets and open spaces.

Built-Up Areas

The limits of the developed *urban areas* as defined by the Minister in consultation with affected municipalities for the purpose of measuring the minimum intensification target in this Plan. Built-up areas are delineated in **Schedule B**.

Climate Change

Changes in weather patterns at local and regional levels, including extreme weather events and increased climate variability. (Based on the *PPS*, 2020 and modified for this Plan)

Combined Sewers

A sewer designed to convey both sanitary sewage and storm water through a single pipe to a sewage treatment plant.

Community Infrastructure

Lands, buildings, and structures that support the quality of life for people and communities by providing public services for health, education, recreation, socio-cultural activities, security and safety, and affordable housing.

Compact Built Form

A land-use pattern that encourages the efficient use of land, walkable neighbourhoods, mixed land uses (residential, retail, workplace and institutional) all within one neighbourhood, active transportation, proximity to transit and reduced need for infrastructure. Compact built form can include detached and semi-detached houses on small lots as well as townhouses and walk-up apartments, multistorey commercial developments, and apartments or offices above retail. Walkable neighbourhoods can be

characterized by roads laid out in a well-connected network, destinations that are easily accessible by transit and active transportation, sidewalks with minimal interruptions for vehicle access, and a pedestrian-friendly environment along roads to encourage active transportation.

Compatible

A development, building and/or land use that can co-exist or occur without conflict with surrounding land uses and activities in terms of its uses, scale, height, massing and relative location.

Complete Communities

Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts. (*Growth Plan*, 2020)

Complete Streets

Streets that are planned to balance the needs of all road users, including pedestrians, cyclists, transit-users, and motorists, and are designed for the safety of people of all ages and abilities (Based on *Growth Plan*, 2020 and modified for this Plan)

Complete Streets Design Manual

Guidelines developed as part of the Niagara Region's Transportation Master Plan which define Regional Road typologies and provide guidance on the implementation of complete streets elements that fall within the public right-of-way.

Community Housing

Housing owned and operated by non-profit housing corporations, housing co-operatives and municipal governments, or district social services administration boards. Community housing providers offer subsidized or low-end-of market rents.

Community Hubs

Public service facilities that offer co-located or integrated services such as education, health care and social services.

Conservation Authority

Refers to the Niagara Peninsula Conservation Authority

Conserved

The identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

Cultural Heritage Resources

Built heritage resources, cultural heritage landscapes and archaeological resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people. While some cultural heritage resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation. (*Greenbelt Plan*, 2017)

Designated Greenfield Areas

Lands within *urban areas* but outside of built-up areas that have been designated in an official plan for development and are required to accommodate forecasted growth to the horizon of this Plan. Designated greenfield areas do not include excess lands, and are identified in **Schedule B**.

Development

The creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the *Ontario Planning Act*, but does not include:

- a) activities that create or maintain *infrastructure* authorized under an environmental assessment process; or
- b) works subject to the *Drainage Act*.

(Based on *PPS*, 2020 and modified for the *Growth Plan*)

Employment Areas

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. (*PPS*, 2020)

Employment Land

Lands that are designated in local official plans or zoning by-laws for employment uses. Employment lands may be within and outside of employment areas.

Excess Lands

Vacant, unbuilt but developable lands within settlement areas but outside of built-up areas that have been designated in an Official Plan for development but are in excess of what is needed to accommodate forecasted growth to the horizon of this Plan. (*Growth Plan*, 2020)

Excess Soil

Soil, or soil mixed with rock that has been excavated as part of a project and removed from the project area for the project as defined under O.Reg 406/19 under the *Environmental Protection Act*.

Freight-Supportive

In regard to land use patterns, means transportation systems and facilities that facilitate the movement of goods. This includes policies or programs intended to support efficient freight movement through the planning, design and operation of land use and transportation systems. Approaches may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives. (*PPS*, 2020)

Frequent Transit

A public transit service that runs at least every 15 minutes in both directions throughout the day and into the evening every day of the week.

Fringe Lands

Fringe land is the area between the agricultural/rural countryside and the built-up city/suburbs. It can further be described as the edge of the urban region where patterns of building development and non-development interweave. The urban fringe is often an area with contrasting land uses and compatibility conflicts. Urban design can play a role in mitigating conflicts and transitioning land uses in these fringe areas.

Green Infrastructure

Natural and human-made elements that provide ecological and hydrologic functions and processes. Green infrastructure can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs. (*PPS*, 2020)

Greyfield Sites

Previously developed properties that are not contaminated. They are usually, but not exclusively, former commercial properties that may be underutilized, derelict, or vacant. (*Growth Plan*, 2020 Consolidation)

Hamlets

Small, *rural settlements* that are long-established and identified in official plans. These communities are serviced by individual private on-site water and/or private wastewater services, contain a limited amount of undeveloped lands that are designated for development and are subject to official plan policies that limit growth.

Higher Order Transit

Transit that generally operates in partially or completely dedicated rights-of-way, outside of mixed traffic, and therefore can achieve levels of speed and reliability greater than mixed-traffic transit. Higher order transit can include heavy rail (such as subways and inter-city rail), light rail, and buses in dedicated rights-of-way. (*Growth Plan*, 2020)

Individual On-Site Sewage Service

A sewage disposal system, other than a holding tank, that is designed and constructed in accordance with applicable Provincial requirements and owned, operated, and managed by the owner of the property upon which the system is located.

Individual on-site water service

An individual, autonomous water supply system that is designed and constructed in accordance with the Ministry of the Environment Guidelines or other guidelines approved by the municipality and owned, operated, and managed by the owner of the property upon which the system is located.

Industrial Effluent System

Systems which convey and discharge the by-product from an industrial process that can contain contaminants from non-domestic wastes.

Infrastructure

Physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: municipal services, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities. (*PPS*, 2020)

Intake Protection Zone

Plan for the Niagara Peninsula Source Protection Area that surrounds a municipal surface water intake and within which it is desirable to regulate or monitor drinking water threats. Where a conflict in mapping arises, the Source Protection Plan shall prevail.

Intensification

The development of a property, site or area at a higher density than currently exists through:

- a) redevelopment, including the reuse of brownfields;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; and
- d) the expansion or conversion of existing buildings. (*PPS*, 2020)

Interface

The physical relationship between two or more uses, such as, a building and street. It is the intent of urban design to reinforce this relationship and increase its impacts positively on the public realm.

Lateral Connection

The point at which a sewer or water line coming out from homes and businesses connects to the municipal sewer or water line.

Legal or Technical Reasons

Severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot (*PPS*, 2020).

Low and Moderate Income Households

In the case of ownership housing, households with incomes in the lowest 60 per cent of the income distribution for the regional market area; or in the case of rental housing, households with incomes in the lowest 60 per cent of the income distribution for renter households for the regional market area. (*Growth Plan*, 2020)

Low Impact Development

An approach to stormwater management that seeks to manage rain and other precipitation as close as possible to where it falls to mitigate the impacts of increased runoff and stormwater pollution. It typically includes a set of site design strategies and

distributed, small-scale structural practices to mimic the natural hydrology to the greatest extent possible through infiltration, evapotranspiration, harvesting, filtration, and detention of stormwater. Low impact development can include, for example: bio-swales, vegetated areas at the edge of paved surfaces, permeable pavement, rain gardens, green roofs, and exfiltration systems. Low impact development often employs vegetation and soil in its design, however, that does not always have to be the case and the specific form may vary considering local conditions and community character. (*Growth Plan*, 2020)

Major Facilities

Facilities which may require separation from sensitive land uses, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities. (*PPS*, 2020)

Major Goods Movement Facilities and Corridors

Transportation facilities and corridors associated with the inter- and intra-provincial movement of goods. Examples include: inter-modal facilities, ports, airports, rail facilities, truck terminals, freight corridors, freight facilities, and haul routes and primary transportation corridors used for the movement of goods. Approaches that are freight-supportive may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives. (*PPS*, 2020)

Major Institutional Uses

Major trip generators that provide essential services for every stage of life and benefit from being close to urban services and amenities. Generally, major institutional uses are considered post-secondary institutions (i.e., colleges, universities, and trade schools), health care facilities and research centres (i.e., hospitals); and corporate government headquarters.

Major Office Use

Freestanding office buildings of approximately 4,000 square metres of floor space or greater, or with 200 jobs or more. (*Growth Plan*, 2020 Consolidation)

Major Retail / Major Commercial Uses

Large-scale or large-format stand-alone retail stores or retail centres that have the primary purpose of commercial activities. (based on *Growth Plan*, 2020 Consolidation)

Major Transit Station Areas

The area including and around any existing or planned higher order transit station or stop within a settlement area; or the area including and around a major bus depot in an urban core. Major transit station areas generally are defined as the area within an approximate 500 to 800 metre radius of a transit station, representing about a 10-minute walk. (PPS, 2020)

Major Trip Generators

Origins and destinations with high population densities or concentrated activities which generate many trips (e.g., urban growth centres and other downtowns, *major office* and *office parks*, *major retail / major commercial*, *employment areas*, community hubs, large parks and recreational destinations, post-secondary institutions and other *public service facilities*, and other mixed-use areas). (based on *Growth Plan*, 2020 Consolidation)

Marine Facilities

Ferries, harbours, ports, ferry terminals, canals and associated uses, including designated lands for future *marine facilities*. (PPS, 2020)

Minerals

Metallic minerals and non-metallic minerals as herin defined, but does not include *mineral aggregate resources* or *petroleum resources*.

Metallic minerals means those minerals from which metals (e.g. copper, nickel, gold) are derived.

Non-metallic minerals means those minerals that are of value for intrinsic properties of the minerals themselves and not as a source of metal. They are generally synonymous with industrial minerals (e.g. asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, and wollastonite) (PPS, 2020).

Mineral Aggregate Operation

- a) lands under license or permit, other than for wayside pits and quarries, issued in accordance with the *Aggregate Resources Act*;
- b) for lands not designated under the *Aggregate Resources Act*, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
- c) associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products. (PPS, 2020)

Mineral Deposits

Areas of identified *minerals* that have sufficient quantity and quality based on specific geological evidence to warrant present or future extraction (*PPS*, 2020).

Mineral Mining Operation

Mining operations and associated facilities, or, past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use (*PPS*, 2020).

Minimum Distance Separation Formulae

The formulae and guidelines developed by the *Province*, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities. (*PPS*, 2020)

Multimodal Transportation System

A transportation system which may include several forms of transportation such as automobiles, walking, trucks, cycling, buses, rapid transit, rail (such as commuter and freight), air and marine. (*PPS*, 2020)

Municipal Comprehensive Review

A new official plan, or an official plan amendment, initiated by an upper-or single-tier municipality under section 26 of the *Ontario Planning Act* that comprehensively applies the policies and schedules of this Plan. (*Growth Plan*, 2020 Consolidation)

Municipal Water and Wastewater Systems/Services

Municipal water systems/services are all or part of a drinking-water system:

- a) that is owned by a municipality or by a municipal service board established under section 195 of the *Municipal Act*, 2001;
- b) that is owned by a corporation established under section 203 of the *Municipal Act*, 2001;
- c) from which a municipality obtains or will obtain water under the terms of a contract between the municipality and the owner of the system; or
- d) that is in a prescribed class of municipal drinking-water systems as defined in regulation under the *Safe Drinking Water Act*, 2002.

And, municipal wastewater systems/services are any sewage works owned or operated by a municipality. (*Growth Plan*, 2020 Consolidation and modified for this Plan)

Natural Heritage Features and Areas

Features and areas, including significant wetlands, significant coastal wetlands, other coastal wetlands, fish habitat, significant woodlands and significant valleylands, habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

Natural Heritage System

A system made up of natural heritage features and areas, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. The system can include key natural heritage features, key hydrologic features, federal and provincial parks and conservation reserves, other natural heritage features and areas, lands that have been restored or have the potential to be restored to a natural state, associated areas that support hydrologic functions, and working landscapes that enable ecological functions to continue. (*Growth Plan*, 2020)

Niagara Economic Gateway

The total geographic area of the local municipalities a part of the Gateway Economic Centre or Gateway Economic Zone.

Normal Farm Practices

A practice, as defined in the *Farming and Food Production Protection Act*, 1998, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with *the Nutrient Management Act*, 2002 and regulations made under that Act (*PPS*, 2020).

Office Parks

Employment areas or areas where there are significant concentrations of offices with high employment densities. (*Growth Plan*, 2020 Consolidation)

On-Farm Diversified Uses

On a farm; secondary use; limited in area; includes, but is not limited to, home occupations, home industries, agri-tourism uses and value-added uses; compatible with surrounding agricultural operations.

Petroleum Resources

Oil, gas, and salt (extracted by solution mining method) and formation water resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation. This may include sites of former operations where resources are still present or former sites that may be converted to underground storage for natural gas or other hydrocarbons (PPS, 2020).

Petroleum Resource Operation

Oil, gas and salt wells and associated facilities and other drilling operations, oil field fluid disposal wells and associated facilities, and wells and facilities for the underground storage of natural gas and other hydrocarbons (PPS, 2020).

Place-Making

The purposeful planning, and design of buildings, public realm, and transportation systems to achieve attachment to a place.

Planned Corridors

Corridors or future corridors which are required to meet projected needs, and are identified through this Plan, preferred alignment(s) determined through the Environmental Assessment Act process, or identified through planning studies where the Ministry of Transportation, Ministry of Energy, Northern Development and Mines, Metrolinx, or Independent Electricity System Operator (IESO) or any successor to those Ministries or entities, is actively pursuing the identification of a corridor. Approaches for the protection of planned corridors may be recommended in guidelines developed by the *Province*. (*Growth Plan*, 2020 Consolidation)

Prime Agricultural Area

Areas where prime agricultural lands predominate. This includes areas of prime agricultural lands and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas may be identified by the Ontario Ministry of Agriculture and Food using guidelines developed by the Province as amended from time to time. A prime agricultural area may also be identified through an alternative agricultural land evaluation system approved by the Province (PPS, 2020).

Prime Agricultural Land

Means *specialty crop areas* and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection (PPS, 2020).

Province

The Province of Ontario or the relevant Minister of the Provincial government.

Provincially Significant Employment Zones (PSEZs)

Areas defined by the Minister in consultation with affected municipalities for the purpose of long-term planning for job creation and economic development. *Provincially significant employment zones* can consist of *employment areas* as well as mixed-use areas that contain a significant number of jobs. (*Growth Plan*, 2020 Consolidation)

Public Realm

The publicly owned places and spaces that are accessible by everyone. These can include municipal streets, lanes, squares, plazas, sidewalks, trails, parks, open spaces, waterfronts, public transit systems, conservation areas, and civic buildings and institutions.

Public Service Facilities

Lands, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, long-term care services, and cultural services. Public service facilities do not include infrastructure. (*PPS*, 2020)

Public Works Projects

Construction projects, such as roads, highways or dams, bridges and waterworks financed by public funds and constructed by or under contract with the Region or local municipality for the benefit or use of the public.

Rail Facilities

Rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses, including designated lands for future rail facilities. (*PPS*, 2020).

Redevelopment

The creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.

Regional Market Area

An area that has a high degree of social and economic interaction. The boundaries of the Niagara Region will serve as the regional market area for the purposes of assessing housing market conditions. (*PPS*, 2020 and modified for this Plan)

Residence Surplus to a Farming Operation

An existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation). (*PPS*, 2020).

Resilience

Definition to be added.

Risk Management Official

A person appointed under Part IV of the Clean Water Act, 2006, by the Council of a municipality that has authority to pass by-laws respecting water production, treatment, and storage under the Municipal Act, 2001 (Source Protection Plan for the Niagara Source Protection Area).

Rural Areas

A system of lands within local municipalities that may include rural settlements, rural lands, prime agricultural areas, natural heritage features and areas, and resource areas. (*PPS*, 2020)

Rural Lands

Lands which are located outside settlement areas and which are outside prime agricultural areas. (*PPS*, 2020)

Rural Settlements

Existing hamlets that are delineated in Schedule B of the Niagara Official Plan. These communities are serviced by individual private on-site water and/or private wastewater systems, contain a limited amount of undeveloped lands that are designated for development and are subject to Official Plan policies that limit growth. All settlement areas that are identified as hamlets in the Greenbelt Plan, or as minor urban centres in the Niagara Escarpment Plan are considered rural settlement areas for the purposes of this Plan, including those that would not otherwise meet this definition. (*Growth Plan*, 2020 Consolidation and modified for this Plan)

Sense of Place

The emotional attachments, meanings and identities people develop or experience in particular locations and environments. It is also used to describe the distinctiveness or unique character of a place.

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. (*PPS*, 2020)

Settlement Areas

Urban areas and *rural settlements* within *local municipalities* (such as cities, towns, villages and hamlets) that are:

- a) built up areas where development is concentrated and which have a mix of land uses; and
- b) lands which have been designated in an Official Plan for development in accordance with the policies of this Plan. Where there are no lands that have been designated for development, the settlement area may be no larger than the area where development is concentrated.

(*Growth Plan*, 2020 Consolidation and modified for this Plan)

Sewage Works

Any works for the collection, transmission, treatment and disposal of sewage or any part of such works but does not include plumbing to which the *Building Code Act*, 1992 applies. For the purposes of this definition: Sewage includes, but is not limited to drainage, storm water, residential wastes, commercial wastes and industrial wastes.

Significant

In regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.

Significant drinking water treats or significant threat

A threat that, according to a risk assessment, poses or has the potential to pose a significant risk to the quality of municipal drinking water (Based on the Source Protection Plan for the Niagara Source Protection Area).

Site Alteration

The removal of topsoil and activities such as filling, grading and excavation that would change the landform, grade of the land and natural vegetative

characteristics of the land. This does not include the reconstruction, repair or maintenance of a drain approved under the Drainage Act.

Smart City

Definition to be added.

Soil Management Plan

A plan completed by a professional engineer or geoscientist that outlines the condition of soil at a source site where soil is excavated. (Best Management Practices for Excess Soil and modified for this Plan)

Source Protection Plan

A drinking water source protection plan prepared under of the Clean Water Act, 2006 (Source Protection Plan for the Niagara Source Protection Area).

Source Water

Water in its natural or raw state, prior to being drawn into a municipal drinking water system (Source Protection Plan for the Niagara Source Protection Area).

Specialized Housing Needs

Any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples include, but are not limited to, long-term care homes, adaptable and accessible housing, and housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons. (Based on the *PPS*, 2020 and modified for this Plan)

Specialty Crop Area

Areas designated using guidelines developed by the Province, as amended from time to time. In these areas, specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil, usually resulting from:

- a) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;
 - b) farmers skilled in the production of specialty crops; and
 - c) a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store, or process specialty crops.
- (*PPS*, 2020).

Specialty Crop Guidelines

Guidelines developed by the Region or Province, as amended from time to time
(Developed from the *PPS* definition of specialty crop area and modified for this Plan).

Stormwater management facility

A facility for the treatment, retention, infiltration or control of stormwater.

Stormwater master plan

A long-range plan that assesses existing and planned stormwater facilities and systems and outlines stormwater infrastructure requirements for new and existing development within a settlement area. Stormwater master plans are informed by watershed planning and are completed in accordance with the environmental assessment processes under the *Environmental Assessment Act* 1990, as amended.

Strategic Growth Areas

Within settlement areas, nodes, corridors, and other areas that have been identified in Schedule B to be the focus for accommodating intensification and higher-density mixed uses in a more compact built form. Strategic growth areas include urban growth centres, major transit station areas, and other major opportunities that may include infill, redevelopment, brownfield sites, the expansion or conversion of existing buildings, or greyfields. Lands along major roads, arterials, or other areas with existing or planned frequent transit service or higher order transit corridors may also be identified as strategic growth areas. (*Growth Plan*, 2020)

Subwatershed

An area that is drained by a tributary or some defined portion of a stream.

Sustainable

Definition to be added.

Sustainable Design

The design of the urban environment that is resilient to the impacts of climate change, (achieves complete communities, low impact development, active transportation, and complete streets, reduces consumption of non-renewable resources, minimizes waste, supports energy conservation and efficiency, reduces greenhouse gas emissions, and improves air quality), and reduces or eliminates other negative environmental impacts.

Temporary Storage Site

Sites owned or controlled by the owner/operator of a source site or receiving site, at which excess soil is temporarily stored for 2 years or less. Includes sites to

treat, remediate and transfer excess soil to other sites for final placement or disposal (Best Management Practices for Excess Soil and modified for this Plan).

Transit-supportive

Relating to development that makes transit viable and improves the quality of the experience of using transit. It often refers to compact, mixed-use development that has a high level of employment and residential densities. Transit-supportive development will be consistent with Ontario's Transit Supportive Guidelines. (*Growth Plan*, 2020)

Transport pathway

In respect of an *intake protection zone*, means works or any other thing that reduces the time it takes for a contaminant to reach a surface water intake and may include storm sewers, discharge pipes, utility trenches, ditches, swales, drainage works or any other types of drain (2017 Technical Rules under the Clean Water Act).

Transportation System

A system consisting of corridors and rights-of-way for the movement of people and goods, and associated transportation facilities including transit stops and stations, cycle lanes, bus lanes, high occupancy vehicle lanes, rail facilities, park-and-ride lots, service centres, rest stops, vehicle inspection stations, inter-modal terminals, harbours, and associated facilities such as storage and maintenance.

Urban Agriculture

Within *urban areas*, agricultural production of food and non-food products accessory to the principle use of a property. Examples of urban agriculture include community, school, and rooftop gardens, ground-based outdoor community and urban market gardens, urban livestock, and hydroponic farms.

Urban Areas

Lands located within a defined boundary as identified in Schedule B. Urban areas are made up of built-up areas, designated greenfield areas and excess lands and does not include *hamlets*.

Utility

Any system, works, plant, pipeline, or equipment providing a service necessary to the public interest including but not limited to electric power generation and transmission, stormwater management, water supply, sewage treatment and disposal, waste management, communications and telecommunications, and oil and gas pipelines and associated facilities.

Waste Disposal Sites

The application of untreated septage, the storage, treatment, and discharge of tailings from mines and waste disposal sites as defined under Part V of the *Ontario Environmental Protection Act*, 1990 with respect to Source Water Protection.

Waste Management

Waste management includes the activities and actions required to manage waste from its inception to its final disposal. This includes the collection, transport, treatment, and disposal of waste, together with monitoring and regulation of the waste management process.

Wastewater Treatment Plant/Facility

The part of a sewage works that treats or disposes of sewage but does not include the part of the sewage works that collects or transmits sewage.

Wastewater Services

Any works provided by the municipality for the collection, lateral connection, transmission, and treatment of sewage that are connected to a centralized wastewater treatment facility.

Water Budget

An accounting of the inflow to, outflow from, and storage changes of water in a hydrologic unit.

Water Services

Any works provided by the municipality for the distribution, lateral connection, transmission, and treatment of drinking water.

Watershed Planning

Planning that provides a framework for establishing goals, objectives, and direction for the protection of water resources, the management of human activities, land, water, aquatic life, and resources within a watershed and for the assessment of cumulative, cross-jurisdictional, and cross-watershed impacts. Watershed planning typically includes: watershed characterization, a water budget, and conservation plan; nutrient loading assessments; consideration of the impacts of a changing climate and severe weather events; land and water use management objectives and strategies; scenario modelling to evaluate the impacts of forecasted growth and servicing options, and mitigation measures; an environmental monitoring plan; requirements for the use of environmental best management practices, programs, and performance measures; criteria for evaluating the protection of quality and quantity of water; the identification

and protection of hydrologic features, areas, and functions and the inter-relationships between or among them; and targets for the protection and restoration of riparian areas.

Subject: Economic Development Quarterly Update

Report to: Planning and Economic Development Committee

Report date: Wednesday, August 11, 2021

Recommendations

1. That Report ED15-2021 **BE RECEIVED** for information.

Key Facts

- Economic Development provided monthly COVID-19 Response and Business Continuity reports to Planning and Economic Development Committee (PEDC) from June 2020 until May 2021.
- Going forward we will revert to providing quarterly updates. The purpose of this report is to provide PEDC with an update on the Division's activities for the second quarter (Q2) of 2021.
- Economic Development activities continue to implement the Economic Recovery Plan and support the Economic Development Strategy and Action Plan approved by PEDC in March 2019.
- Economic Development functional activities include: Trade and Investment; Expedited Services for Business; Strategic Economic Initiatives and Strategic Marketing.

Financial Considerations

The activities described in this report have are within the Council approved 2021 Economic Development operating budget.

Analysis

Niagara Economic Development in collaboration with local businesses, industry associations, community stakeholders and post-secondary education institutions developed a five-year Strategic Action Plan 2019-2024. The Action Plan priorities are a result of extensive stakeholder engagement conducted throughout 2018. The success of Niagara Economic Development Strategic Action Plan is dependent upon meaningful partnerships and collaboration with our partners across Niagara.

Seven themes emerged from the development of the Economic Development Strategic Action Plan:

- Economic Development: Supporting Business Growth and Diversification across Niagara Region
- Employment Land Strategy: Identifying and Creating a Provincially Significant Employment Zone
- Marketing Niagara Region: Raising the Profile of Niagara as a Place to Live and Do Business
- Streamline Planning Processes: Expediting Approvals Process
- Increase Niagara's Competitiveness: Addressing Unnecessary Regulatory Burdens on Businesses
- Workforce: Meeting Current and Future Talent, Professional, Skilled Trades and Labour Needs
- Advocacy: Improving Transportation Infrastructure Ensuring Niagara Remains Competitive in Global Economy

Economic Development: Supporting Business Growth and Diversification across Niagara Region.

Niagara Economic Development provides on-going assistance to the local municipalities to support their economic development functions. This includes: the services of the Niagara Foreign Trade Zone Manager to engage companies in federal programs and encourage export activity; economic and business research and analysis; expedited development services; strategic economic initiatives; support to the local area municipalities without economic development offices on regionally significant projects; and sector support to tourism and agribusiness.

Economic Development Officer (Support for 4 (plus temporary support to Grimsby) Local Area Municipalities (LAM's) and sector support for tourism and agri-business.)

Stakeholder meetings: 15 meetings with stakeholders including:

Local Economic Development offices, OMAFRA, Venture Niagara, Niagara College, Brock University, and local entrepreneurship service providers.

Agribusiness: 21 meetings with stakeholders including:

- Direct outreach support to food processing businesses during Phase 1 Vaccine Implementation to schedule employees for first dose vaccinations.
- Stakeholder meetings to research and develop potential food processing education series to address issues.
- Attendance at Local Food Conference (virtually) addressing issues and examples of success, challenges and resilience in agri-business and agri-tourism.
- Engagement with viticulture stakeholders including Wine Growers Association, Ontario Craft Wineries (sponsorship at annual conference).
- Partnership with Grape Growers of Ontario in their Sustainability Project to allow local wineries to access a new and emerging market and educate consumers of the value of certified sustainable wines.
- Attendance at the OMAFRA Community Economic Development sessions to inform work of the rural Local Area Municipalities on programs and services.
- Engagement with Brock Research to support Research on Agri-Innovation and dissemination of resulting report.
- Golden Horseshoe Food and Farming Alliance (GHFFA) project advancement: working group meetings and strategic planning sessions with consultants to set future work plan.

Tourism: 47 meetings with multiple stakeholders including:

- Support, evaluation and outreach to facilitate the administration of the Tourism Adaptation and Recovery Fund and ongoing support to Project Management in working with funding recipients to ensure accuracy of reporting to the funder.
- Presentation to Niagara Circle Route and Transportation Committee to support tourism attraction of the cycling community.
- Niagara Gateway Information Centre reporting January – December 2020: traffic to the kiosk for the full year totaled 6,024 visitors. The Centre was closed from May 19, 2020 to August 3, 2020 and again after December 18, 2020 due to COVID restrictions. Volunteers donated more than 520 hours of time to the operations of the kiosk and more than 15,571 brochures were distributed. From April 1 to June 30, 2021, 29,708 total views on Google search have been documented;
- Additional meetings include: Niagara-on-the-Lake Tourism Task Force, Niagara Tourism Network, facilitation of West Niagara municipalities to support collaborative tourism development, and Tourism Industry Association of Ontario (TIAO) stakeholder meetings.

Local Area Municipality Economic Development: 51 meetings touching 10 local area municipalities:

- On-going support to 7 site selection opportunities and engagement with municipal planning applications.
- Ongoing advisory support to LAM staff on economic development initiatives;
- Strategic Advisory Council team meetings.
- Economic Response and Recovery calls (ERRT).
- Additional work includes Rural Economic Development grant writing and submission, moderation of West Niagara Town Hall, business retention and expansion support, West Lincoln Chamber Business Awards Committee, information sharing and outreach to Chambers, BIA's and DMO's, administration of Local Area Municipality fund application for economic development projects/initiatives, interview and onboarding assistance, support for Shop Local campaigns, outreach to businesses for COVID support.

Information requests, referrals, and stakeholder engagement: 190 inquiries and requests from businesses and stakeholders. Examples include support to business applications and reporting for Tourism Recovery and Adaptation Fund, grant programs and business support programs related to COVID, sector based programs, stakeholder introductions, sector research and referrals, as per Appendix 1.

Manager, Economic Research & Analysis (support to LAMs through research undertaken, support to Niagara Economic Development investment, trade and sector activities).

Research Projects:

- Niagara COVID-19 Business Impact Survey – Part 3 (completed)
- Niagara Active Economic Research Report with Brock University (in progress)
- Niagara Economic Update 2020 (completed)
- Niagara Trade and FDI Research Report (in progress)
- Niagara Economic Base Analysis for Economic Development Strategy (in progress)

Research Inquiries:

- Total: 66
- Brock University: 3
- Niagara College: 2

- Internal (Niagara Region): 28
- Businesses: 12
- Stakeholders (ex. Greater Niagara Chamber of Commerce, Niagara Industrial Association, Hamilton-Oshawa Port Authority, media, government, etc.): 9
- Local Area Municipalities: 12 (St. Catharines: 1, Grimsby: 3, Welland: 2, Thorold: 3, Fort Erie: 2, Niagara Falls: 1)

Public Engagement Presentations:

- GNCC Government Affairs Council (Economic Update presentation)
- Niagara Industrial Association (Economic Update presentation)
- South Niagara Chambers of Commerce (Economic Update presentation)
- Mastermind Business Group (Economic Update presentation)
- ERRT Task Force (Niagara COVID-19 Business Impact Survey presentation)
- GNCC Espresso Live (Niagara COVID-19 Business Impact Survey presentation)
- GNCC Women In Niagara Hackathon (labour force characteristics presentation)
- Niagara College Research & Innovation (Niagara COVID-19 Business Impact survey presentation)

Niagara Foreign Trade Zone Coordinator (export diversification for Niagara companies, outreach, marketing, implementation of the NFTZ strategy).

- Participation in the Trade Accelerator Program (TAP) regional session planning and promotion. Attended and facilitated 10 meetings to inform and recruit Niagara businesses for the program. Secured 3 participants for the regional session.
- 31 Foreign Trade Zone Inquiries focused on expedited processes for the importation of goods into Niagara, exportation of good and services from the Region including 21 follow up meetings with Trade related stakeholders to resolve inquiry and/or connect the client to available resources.
- Attended and participated in 6 Market Development & Research Opportunities Webinars
- 1 Three day trade conference – LATAM Start Ups w/ 37 One on One Client Meetings and three follow up business relocation / development opportunities.
- Business Development & Stakeholder meetings: 15 meetings with 9 different stakeholders including: Export Development Canada, Global Affairs Canada, Canada Revenue Agency, Ministry of Economic Development, Job Creation & Trade, Hamilton Oshawa Port Authority, local entrepreneurship service providers, area economic development departments, and consultants.

- The EDO completed a two month redeployment as an essential services emergency support worker in Linhaven Long Term Care home.
- The EDO participated in a temporary secondment as a Spanish translator to support the vaccination efforts at the Seymour Hannah location to help vaccinate over 3000 temporary migrant workers against the spread of Covid-19.

Manager, Trade and Investment:

Throughout the second quarter of 2021 the position of Manager, Trade and Investment has remained vacant. However, Eric Chou has now been appointed to this position and will start on August 3rd. Eric joins us from the Scotiabank Convention Centre (SBCC) in Niagara Falls, where he was the International Accounts Director. His sales experience in bringing new business to Niagara will be valuable in his new role, as well as the relationships he has with local industry and academic staff in the Region. Representing the SBCC internationally he has developed an understanding of Niagara's assets and competitive advantage.

In the meantime the Manager, Business Development and Expedited Services has assumed the responsibilities. Over the second half of Q2 2021 the Economic Development Officer, Trade and Investment has played an integral role in ensuring the on-going activities of the Trade and Investment portfolio.

- On Wednesday, May 19, 2021 in partnership with the Hamilton Niagara Partnership a RFP was issued for: An Investigation of Potential Foreign Direct Investment [FDI] Markets in 6 Countries in the Americas – with Qualified Lead Generation. The submission deadline closed on Thursday, June 10, 2021 and attracted five bidders. The successful proponent will be selected in Q3 2021 and it is expected that the contract will be completed by Q4 2021.
- Over much of Q2 2021, the EDO-Trade & Investment updated the status of all of the leads listed on the CRM system and continued the FDI re-engagement strategy contacting over 75 previous established clients.
- Q2 2021 was dedicated to closing a Q3 & Q4 2020 FDI Qualified Leads contract with Research on Investment International (ROI). Ten qualified lead meetings were completed with the majority of the meetings coming from the Manufacturing and Agri-business sectors based in the Pacific Northwest U.S. (Washington and Oregon); the Pacific Southwest (California, Arizona, New Mexico and Texas); and the Southeast U.S. States of North & South Carolina, Georgia and Florida.
- Independent of the FDI lead generation contract, the Division received 10 additional investment leads that led to 17 follow up meetings examples include: program

information, financial assistance options, grant programs, stakeholder introductions, sector research and referrals.

Manager, Business Development and Expedited Services:

- In Q2 2021 the Manager, Business Development and Expedited Services has received seven site selection requests by businesses and site selectors considering Niagara as a potential destination for investment. This resulted in scheduling a site tour of Niagara in Q3 2021 when pandemic restrictions have eased.
- As a result of these inquiries one referral to the Ontario Ministry of Economic Development, Job Creation, and Trade was made for more information on the South Western Ontario Development Fund.
- A gateway application for Abatement Technologies expansion in the Town of Fort Erie was approved. This will result in an estimated 190 jobs being either created or retained and a financial investment in excess of \$27 million. This is expected to be a phased project over 15 years that will result in the creation of 110,000 new square feet of manufacturing space.
- Beginning in Q2 2021 support has been provided in advisory services to the Town of Grimsby's Economic Development Strategy Advisory Council on the development of the Town's new Economic Development Strategy.
- To ensure that the Niagara Region is competitive in attracting new investment KPMG was retained to complete an assessment on specific Niagara Region Incentive programs. The findings helped inform the larger and on-going Grants and Incentives Review to assess the effectiveness of programs to meet Council's Strategic Priorities.
- Participated in two panel discussions to promote the Niagara Region.

Associate Director:

Economic Recovery Plan

Work continues on the implementation of the Economic Recovery Plan. The actions not addressed to date are longer term and will be incorporated into the 10 Year Economic Development Strategy. Biweekly calls continue to the broad ERRT stakeholder group in collaboration with our colleagues in Public Health to ensure that businesses have the latest information on public health protocols, as per Appendix 1.

10 Year Economic Development Strategy

Work has started on the longer-term economic development strategy under the guidance of the Strategy Advisory Council. The Council has representation from all the municipalities. A complete update on the strategy's progress will be provided in a separate report to PEDC in September.

Tourism Adaption and Recovery Fund

Led by the project manager and supported by the EDO, work is ongoing to distribute federal funding grants to tourism dependant businesses in Niagara. At the time of writing this report, 160 purchase orders had been issued, 6 projects were completed and full payment made and 119 businesses have received partial payment pending the completion of their projects and final reports received. The administration also includes reporting to Fed Dev on the project's progress.

Canada Summer Games

The development and coordination of the Niagara Region's 13 for 13 cultural event to be held on August 14th 2022 during the Canada Summer Games, working with the event organizer and in partnership with Destination Ontario.

Promotion of Canada Summer Games RFPs to local businesses.

Employment Land Strategy: Identifying and Creating Regionally Significant Employment Lands.

Existing employment lands in Niagara, which are located throughout the Region, are generally smaller sites, which has limited the ability to create a truly regional employment area. Niagara Region Planning and Development, with support from Niagara Region Economic Development, is reviewing the opportunity to create a large provincially significant regional employment zone.

Manager, Business Development and Expedited Services:

- In collaboration with Planning and Development Services the Manager, Business Development and Expedited participated in four meetings related to the identification

and creation of a Provincially Significant Employment Zone in Niagara. This resulted in a briefing note being drafted for a meeting with the Minister of Economic Development, Job Creation, and Trade at the Association of Municipalities of Ontario Conference and AGM.

Marketing Niagara Region: Raising the Profile of Niagara as a Place to Live and Do Business

The success of the Niagara Region, in terms of economic and population growth, is dependent on successfully marketing the Region to target audiences. There are two distinct marketing initiatives. The first initiative is aimed at foreign and domestic companies and promotes Niagara as a competitive location in which to do business. The second initiative is focused on attracting new and recent immigrants to Ontario, to the Region to increase the population and workforce and achieve long-term sustainable growth.

Manager, Strategic Marketing:

- In collaboration with Innovate Niagara and the Local Area Municipalities, a comprehensive digital and print marketing campaign was launched in the National Post to support and encourage residents to visit downtown storefronts.
- Updated Regional photography and videography are underway to create new assets to support FDI efforts and showcase Niagara's strategic advantages.
- Working in collaboration with Niagara Health, and Niagara Region Planning, Economic Development's Business Directory will be used to prepare for South Niagara Project's upcoming RFP process to encourage as much Niagara-based resourcing as possible.
- Together with Niagara Region Transportation and Communications divisions, Economic Development is aiding in the promotion of the new Niagara Regional Transit routes. This is in effort to support local businesses to attract consumers and also provide options for potential employees by offering consistent and reliable public transportation options to remote municipalities.

Streamline Planning Processes: Expediting Approvals Process

Niagara Region has been proactive in supporting business growth and economic prosperity. Niagara Economic Development will continue to identify and reduce barriers to facilitate new investment opportunities.

Manager, Business Development and Expedited Services:

- In collaboration with Real Estate Services and the City of St. Catharines the Niagara Region has continued to receive inquiries about the surplus lands at 401A Lakeshore.
- The Manager, Business Development and Expedited Services was contacted by the City of Thorold to help resolve an issue resulting in delayed approvals regarding signage permits.

Increase Niagara's Competitiveness: Addressing Unnecessary Regulatory Burdens on Businesses

Niagara Economic Development supports the Province's initiative to reduce the regulatory burden on business. In Niagara, the development approval process is two-tiered and the complexity of planning policies can be challenging depending on the project. This may have the effect of increasing the difficulty of manufacturers and agribusiness to do business that affects Niagara's competitiveness.

Manager, Business Development and Expedited Services:

- Over the course of Q2 2021 three requests were received from manufacturers in the Niagara Region looking for clarification and insight into COVID-19 restrictions and COVID-19 vaccination protocols. These requests were conveyed to Public Health for more information and the available information was conveyed to both businesses and the Niagara Industrial Association.
- To assist in the redevelopment of the former Police HQ on 68 Church Street, St. Catharines the Manager has worked closely with Corporate Services and Planning and Development Services. This has included participating in a Design Charrette to estimate potential development options and building massing. This support will result in fewer delays and expedited future planning approvals.

Workforce: Meeting Current and Future Talent, Professional, Skilled Trades and Labour Needs

Access to a talented, professional, skilled and educated workforce is increasingly a concern for businesses and essential to ensure the continued growth of the regional economy.

Niagara Economic Development recently convened a meeting with Niagara Workforce Planning Board, Niagara Industrial Association, Employment Agencies and Academia to discuss labour issues in Region.

Economic Development Officer:

Participation in the OTEC Tourism Skillsnet Regional Working Group. The group objectives are: I. Identify tourism workforce development priorities, challenges and opportunities in Niagara; II. Review a new industry-recognized, locally-customized, employment training for job seekers; III. Support planning of a regional coordination model that enables employers to: *a. Adapt and deploy available HR technology solution to access “right fit” talent b. Access training opportunities available for incumbent workers* and IV. Share best practices, resources, tools and research to inform tourism workforce development strategy and implementation in Niagara.

Alternatives Reviewed

None applicable.

Relationship to Council Strategic Priorities

Economic development activities described in this report directly support three of Council's 2019-2022 Strategic Priorities:

- Supporting Businesses and Economic Growth
- Responsible Growth and Infrastructure Planning
- Sustainable and Engaging Government

Other Pertinent Reports

ED 11-2020 COVID-19 Response and Business Continuity in Economic Development
ED 12-2021 Economic Recovery Plan Update 4

Prepared by:

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Recommended by:

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Director
Economic Development

Submitted by:

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Acting Chief Administrative Officer

This report was prepared in consultation with all regional economic development staff.

Appendices

Appendix 1 Economic Development and Business Engagement

ECONOMIC DEVELOPMENT AND BUSINESS ENGAGEMENT

Niagara Region Economic Development supports local businesses through regionally significant projects. As laid out in the current MOU with the Local Area Municipalities, those offices have responsibility for Business Retention and Expansion and are the point of contact for businesses in their individual municipalities. Our core mandate is investment attraction, external marketing, business development and expedited services and strategic economic initiatives.

However, throughout COVID-19, work has pivoted to be focused more on support to businesses locally where there was a need and it was appropriate for the work to be done at the regional level.

ECONOMIC RAPID RESPONSE TEAM (ERRT)

The ERRT was announced by the Chair and the Mayors in March 2020. It is a collaboration between the Region and the Municipal Economic Development Offices but the work is carried out by the Regional Team on behalf of the group.

- Biweekly calls to a group of over 90 stakeholders, including economic development offices, chambers, industry associations, BIAs, DMOs, Small Business Enterprise Centres, Brock University, Niagara College, Niagara Workforce Planning Board and Employment groups. The regular attendance is 25-30 but the information is disseminated to the whole group. Working with Public Health, the objective is to inform businesses about COVID-19 protocols and provide an update on the Economic Recovery Plan.
- Support for municipal 'Buy Local' campaigns through marketing initiatives.
- Development of an online Business Directory to expand the local supply chain and opportunities for local businesses. It is currently being used by Niagara Health to source suppliers for the South Niagara Hospital. Also used to promote Canada Summer Games RFPs to local businesses.
- Niagara Canada website provides a portal for federal and provincial government information on funding and support for business.
- Together with Niagara Region Transportation and Communications Divisions, Economic Development is helping to promote the new Niagara Regional Transit routes. This is in effort to support local businesses not only to bring consumers but also provide options for potential employees by offering consistent and reliable public transportation options to our more remote municipalities.
- In collaboration with Innovate Niagara and the Local Area Municipalities, a comprehensive digital and print marketing campaign was launched in the National Post to support and encourage residents to visit downtown storefronts in the region.

TOURISM ADAPTION AND RECOVERY FUND

The ERRT, led by Niagara Economic Development, stepped in at the request of the federal government to administer funding support to tourism-dependant businesses in Niagara. The fund of \$2 million is being distributed through an application and evaluation process with reporting mechanisms in place, to over 160 businesses. This is providing much needed support to the tourism sector, helping to keep businesses open and able to conform to public health protocols through the pandemic.

RESEARCH AND ANALYSIS

Economic updates are provided semi-annually, in the spring and the fall. They coincide with regional data becoming available.

Reports:

- Niagara COVID-19 Business Impact Survey - Part 1 (April 14, 2020)
- Niagara COVID-19 Business Impact Survey - Part 2 (June 22, 2020)
- Niagara COVID-19 Business Impact Survey - Part 3 (June 16, 2021)
- Niagara Economic Update (May 13, 2020)
- COVID-19 Impact on Investment and Development in Niagara (October 14, 2020)
- Niagara Economic Update (November 9, 2020)
- Niagara Economic Update (April 14, 2021)

Presentations/Engagements:

- Interview: Niagara Business Impact Survey results with Tim Denis on 610am (April 15, 2020)
- Interview: Business Impact Survey with Gord Howard, Niagara Dailies (April 15, 2020)
- Presentation: Transport Canada/McMaster Institute of Transportation and Logistics on COVID-19 impacts on trade and logistics sector in Niagara (June 17, 2021)
- Interview: Niagara COVID-19 Business Impact Survey – Part 2 with Matt Holmes on 610am (June 24, 2020)
- Presentation: Brock University/Niagara Community Observatory Policy Brief regarding Transportation and Logistics Sector in Niagara (July 7, 2020)
- Interview: COVID-19 Impacts on Investment and Development in Niagara with Tim Denis (October 15, 2021)

- Presentation: Manufacturing update for Hamil Group of Companies (Dec. 3, 2021)
- Presentation: Niagara Economic and Manufacturing Update for Niagara Industrial Association (March 18, 2021)
- Presentation: Niagara Economic Update for South Niagara Chambers of Commerce (March 30, 2021)
- Presentation: Niagara Economic Update for GNCC Government Affairs Council (April 16, 2021)
- Presentation: COVID-19 Business Impact Survey – Part 3 results for South Niagara Chambers of Commerce podcast (May 14, 2021)
- Presentation: Niagara Economic Update for Mastermind Business Group (May 19, 2021)
- Presentation: COVID-19 Business Impact Survey results for ERRT Task Force (Niagara COVID-19 Business Impact Survey – Part 3 presentation (May 19, 2021)
- Presentation: COVID-19 Business Impact Survey – Part 3 for GNCC Espresso Live webinar (June 9, 2021)
- Presentation: COVID-19 Impacts on Women Employment in Niagara for GNCC Women In Niagara Hackathon (June 15, 2021)
- Presentation: COVID-19 Business Impact Survey for Niagara College Research & Innovation division (June 9, 2021)
- Economic Development Overview presentations to Brock University Senior Management and Niagara College focussed on partnerships and collaboration.
- Workshop on supporting local businesses with the South Niagara Chamber of Commerce.
- Supporting Grimsby on a new Economic Development Strategy

SECTOR SUPPORT (AGRIBUSINESS AND TOURISM)

Sector support is ongoing, below are some examples of recent outreach.

- Direct outreach to food processing businesses during Phase 1 of the Vaccine Implementation program to arrange appointments.
- Tourism Adaption and Recovery Fund (described above).

EXPORTING SUPPORT THROUGH THE NIAGARA FOREIGN TRADE ZONE (NFTZ)

- Providing direct outreach to the Regional trade community by connecting Niagara's businesses to Trade Incentives and Programs offered by the Regional, Provincial & Federal Governments including: Trade Accelerator Program, Export Development's Global Connections Program, Global Affairs Canada Trade

Commissioners Service, Ontario Ministry of Economic Development, and Job Creation and Trade's Foreign Service Program.

NIAGARA'S WORK FORCE

Working with employment groups, Niagara Economic Development is aware of labour market issues and supports programs and funding applications to address them.

- Niagara Economic Development recently convened a meeting with Niagara Workforce Planning Board, Niagara Industrial Association, Employment Agencies and Academia to better understand labour issues in Region.