



July 2, 2021

Sanjay Coelho  
Environmental Policy Branch  
Ministry of the Environment, Conservation and Parks  
40 St. Clair Ave. West - Floor 10  
Toronto, ON M4V 1M2

Dear Mr. Coelho,

**Re: Municipality of Clarington Comments  
Proposed Land Use Compatibility Guidelines (ERO Number 019-2785)**

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Please accept this letter in response to the proposed updated Land Use Compatibility Guidelines (draft LUC Guideline) issued by the Ministry of the Environment, Conservation and Parks (MECP) on the Environmental Registry of Ontario (ERO) website for public comment. The purpose of the draft LUC Guideline is to assist municipalities in achieving and maintaining land use compatibility between major facilities and sensitive land uses(s) 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 draft LUC Guideline represents a proposed update, consolidation and replacement of a number of existing “D-series guidelines” for municipalities to use when making land use planning decisions to help avoid or minimize and mitigate potential adverse effects from odour, noise, dust and other contaminants. It is intended to support policies in the *Provincial Policy Statement, 2020*, and provincial plans such as *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*.

The draft LUC Guideline was issued on May 4, 2021 for a 60-day comment period. The proposal was one of four proposals of relevance to municipalities issued by the MECP concurrently. The 60-day window for this review was, in Staff’s opinion, too short given the complexities of the draft LUC Guideline, the scope of materials to review, and its concurrent release with other MECP consultations.

Notwithstanding the short comment timeline, the Municipality submits the following general comments on the proposed draft LUC Guideline:

- Given the increased separation distances proposed in the draft LUC Guideline, more technical studies will be required as part of a *Planning Act* application, more often, potentially adding time to the development review process.

The Corporation of the Municipality of Clarington, 40 Temperance Street, Bowmanville, ON L1C 3A6  
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- Considerations should be given to the minor expansion of existing uses without the need for significant study. i.e. adding a deck to an existing house which triggers a minor variance should not trigger the need for a compatibility study.
- The draft LUC Guidelines are clear that they do not apply to agricultural uses. While Appendix K briefly mentions certain ancillary activities as being exempt, greater clarification is needed with respect to the application of the guidelines to agricultural-related uses and on-farm diversified uses.
- The draft LUC Guideline applies to indoor cannabis production facilities in areas zoned for industrial uses within settlement areas. Clarification on how to address the potential compatibility issues between sensitive uses and outdoor cannabis production in agricultural and rural areas is needed.
- Table 3 provides a matrix of criteria that Planning authorities may use to classify a major facility. The criteria for *outside storage* are unclear, specifically what is intended by the criterion “outside storage permitted.” In addition, there appears to be overlap with the criteria for *process*, which also include measures relating to outdoor storage.
- The demonstration of need requirement stipulates that such an assessment would only be required for proponents of sensitive land use developments proposed near Major Facilities. It is unclear why such assessments would not be required in cases where a Major Facility is proposed near a sensitive land use. In addition, the demonstration of need study requirements duplicates information typically found in a Planning Rationale Report.
- The guidance provided to Planning authorities to assist in reviewing proposals for development adjacent to historical, closed landfill sites is minimal. Further technical guidance on appropriate types and scope of studies is needed. In addition, flexibility is also needed to increase or decrease the separation distances based on technical assessments and/or consultation with the MECP.
- While the Municipality appreciates the discretion afforded to Planning authorities to be able to require broader studies outside of a site-specific study, such as regional or cumulative impact modelling, leaving these requirements for such studies to municipalities is not appropriate particularly where it relates to air emissions. The Province is responsible for air emissions standards and monitoring overall air quality, and municipalities rely on the Province for technical expertise to review and approve cumulative emissions studies.

In addition to the above comments, we kindly submit the following requests for your consideration:

- The information available for review does not provide details about the next steps in the review, timing, or future consultation opportunities. Considering our earlier comment respecting the lack of time provided for a detailed review of the proposal, additional opportunity to comment on a revised draft is requested.
- In addition to condensing and replacing various components of the existing D-series guidelines the draft LUC Guideline includes some notable changes from these documents. To support implementation and a smooth transition to the new

- approach and final changes, the coordination of information sessions by the MECP for municipal planning staff and other affected stakeholders on the final LUC Guideline would be of benefit.

In closing, thank you for the opportunity to provide comments on the proposed updated Land Use Compatibility Guideline. Should you have any questions on the contents of this letter, please contact Amy Burke, Senior Planner – Special Projects Branch at 905-623-3379 Ext. 2423 or [aburke@clarington.net](mailto:aburke@clarington.net).

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan Windle". The signature is fluid and cursive, with a large initial "R" and "W".

Ryan Windle, Director  
Planning and Development Services  
Municipality of Clarington  
/jp

Cc: Mayor and Members of Council  
Andy Allison, CAO  
Faye Langmaid, Manager of Special Projects  
Amy Burke, Senior Planner