



Staff Report PL2021-056

Title of Report: PL2021-056- Proposed new Provincial D series Guidelines
Department: Clerks
Branch: Planning Services
Council Date: June 16, 2021

Recommendation:

Be it resolved that Council receive Staff Report PL2021-056 for information; and
That Council direct staff to forward the comment on to the province for consideration.

Background

The Province of Ontario has put out three documents on the Environmental Registry for a 60 day comment period which will end as of July 3rd.

The first document is regarding environmental compliance (attachment #1), The second is involving an update to the D series landuse compatibility guidelines(attachment#2) and the last are proposed odour guidelines (attachment#3).

Staff Comments:

This staff report will only address attachments #2 and #3. If Council wishes to provide feed back regarding Environmental Compliance measures then please forward them on for inclusion.

The Provincial Policy Statement states:

"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."

The use of shall means that this policy must be considered and addressed in some manner for all development applications.

The Province in the mid 90's put out the "D series guidelines" which became a tool which planners and municipalities could use to evaluate land use compatibility conflicts based between industry and sensitive land uses. These guidelines generally

had a minimum setback and then an area of influence where mitigation measures may be required. These Guidelines are used to evaluate development proposals against the Provincial Policy directive noted above.

The province has updated these guidelines and in most cases these distances have increased depending on the tier or class that the industry falls within. The chart below is a comparison of the existing and proposed distances.

Comparison of AOIs and MSDs

Class	Existing AOIs	New AOIs	Existing MSDs	New MSDs
1	70m	500m	20m	200m
2	300m	750m	70m	300m
3	1000m	1000m	300m	500m
4		1500m		500m
5		2000m		500m

Looking at these distances it may be difficult for Council to interpret how these changes will impact development. Below is an example to show various distances.



The example above is showing distances from out existing lagoon system. At the present time the separation distance for this facility is 300m. These means that an sensitive land use (i.e. Residential Development) within 300m of the facility would

not be permitted on the basis that it was not compatible and therefore not in compliance with the PPS. If for example there is an expansion to the waste treatment facility then the minimum setback would be pushed out further.

The reverse of this idea is also true, in that if a residential development was permitted 301m away from the treatment plant it may be fine today and meet policy but to expand the sewage treatment facility and move the facility closure would no longer meet policy and the facility may not be able to expand in the desired location. The enlargement of this setback only compounds the problem for any industry trying to locate in the urban and rural areas.

I have chosen an example of the Township Sewage Lagoons but the guidelines also apply to any landuse that has the potential to cause noise or odour emissions. For example waste transfer stations and land fills as well as meat and poultry processing plants and slaughter plants or metal and plastics manufacturing.

With the list of uses above, it is easy to see how these distances could impact the sighting of new wastewater facilities as well as new industry coming to Southgate. This is not an urban issue either as Rural shops that are often located in the Country side can be impacted as well.

So aside from sighting of industry how does this impact Southgate? One might argue that these are just guidelines and don't need to be followed. This is a dangerous position to take as this is the primary tool Planners use to evaluate development and land use compatibility. As an example, if a Council chooses to ignore the guidelines and approve a development, it becomes next to impossible to demonstrate that the proposal addresses the PPS land use compatibility requirement. If the development application were ever taken to the LPAT then the Township would have no way of demonstrating how it met the PPS which would result in the Township potentially losing the case.

There is also the possibility that with the increased setback requirements expansion plans for the waste water treatment facility could be impacted. Without the waste water treatment facility expansion, the tremendous growth in Southgate will largely stop.

The new guidelines require that for new uses being proposed within an Area of influence(AOI) or the expanding of facilities will require a compatibility study. As part of this study a demonstration of need is required for:

- A sensitive land use proposed within a major facility's AOI and mitigation measures would be needed to ensure no adverse effects or potential impacts; or
- A sensitive land use proposed within a major facility's MSD (regardless of whether mitigation measures are assessed to be needed or not).

This need analysis will require the examining of alternative sites. The requirement for this compatibility study and demonstration of need will most definitely slow approval processes down for new business and development.

If nothing else by trying to clear the way for Industry and business to thrive in Ontario the province is attempting to put in place restrictions that will do the exact opposite. The increased setbacks will make it more difficult for businesses to find land and locate in an area and it will make it difficult for municipalities to provide and expand services efficiently.

Odour Guidelines

With respect to the proposed odour guidelines the Province is hoping to provide guidance for municipalities to site odour causing industries and add Support to Land Use Planning.

The odour guidance and tools will support and link to the Land Use Compatibility (LUC) Guideline to assist planning approval authorities. The ministry's LUC Guideline states that if required, a compatibility study for odour must follow the procedure listed in the Odour Guideline.

Odour compatibility studies will use odour Tiers and odour setback distances (different from AOIs), with increasing requirements based on increasing odour concerns.

The land use proponent is responsible for the compatibility study, as well as any required odour minimization or mitigation.

The biggest issue with the odour guidelines is again increased setbacks. For a municipal sewage waste facility up to 100 000m³ per day the required setback is 500m. This process will severely limit a municipalities ability to expand existing facilities in an efficient manner. Given the number of rural severances and fringe development in Grey County it is difficult for a municipality to find an appropriate place for new development that does not impact at least one sensitive landuse.

For both the Odour guidelines and the Land Use Compatibility Guidelines staff recommend the following:

1. That the guideline should have clear descriptions of the types of mitigation measures that can be used to reduce setback distances.
2. For the expansion of existing municipal infrastructure there should be some sort of exemption or reduction to the setback requirement.

3. There should be a clearly defined process for reducing the required setbacks if it can be demonstrated that through mitigation measures the impacts of a facility can be reduced.

Financial Implications

IF the province implements this prior to the Township expanding our sewage treatment facility it could have consequences on its approval process.

Conclusions:

Based on the above Township Staff recommend that the concerns surrounding the proposed new policies should be forwarded on to the Province for consideration.

Respectfully Submitted,

Municipal Planner: Original Signed By
Clinton Stredwick, BES, MCIP, RPP



CAO Approval: Original Signed By
Dave Milliner, CAO

Attachments:

- 1. Environmental Compliance
- 2. Landuse guidelines (D- Series)
- 3. Odour guidelines