

PROCEDURE D-1-3
(formerly referenced by 07-03)

LAND USE COMPATIBILITY: DEFINITIONS

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DEFINITIONS

Adverse Effect

Means one or more of:

- (i) impairment of the quality of the natural environment for any use that can be made of it,
- (ii) injury or damage to property or to plant or animal life,
- (iii) harm or material discomfort to any person,
- (iv) an adverse effect on the health of any person,
- (v) impairment of the safety of any person,
- (vi) rendering any property or plant or animal life unfit for use by man,
- (vii) loss of enjoyment of normal use of property, and
- (viii) interference with the normal conduct of business.

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.

Buffer

A method of control used to prevent or minimize the adverse effects of incompatible land uses and may be in the form of:

1. a land area or intervening space sufficient to provide the necessary distance separation; or
2. a natural or man-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, an active or passive gas venting system); or
3. a land use different from the 2 conflicting ones but

compatible with each; or

4. any combination of the above, interposed between conflicting land uses.

Buffer Area

The air, land and/or water between a 'facility' and nearby 'sensitive land use', where land use controls are used to prevent or minimize 'adverse effects'. It can be of variable size, shape and composition to produce the desired results and apply to all or part of an 'influence area'. A 'buffer area', depending upon the circumstances, may be on or off site, or both.

Class I Industrial Facility

A place of business for a small scale, self-contained plant or building which produces/stores a product which is contained in a package and has low probability of fugitive emissions. Outputs are infrequent, and could be point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration. There are daytime operations only, with infrequent movement of products and/or heavy trucks and no outside storage. See Guideline D-6, "Compatibility Between Industrial Facilities and Sensitive Land Uses" for classification criteria and examples to categorize a specific industry.

Class II Industrial Facility

A place of business for medium scale processing and manufacturing with outdoor storage of wastes or materials (i.e. it has an open process) and/or there are periodic outputs of minor annoyance.

There are occasional outputs of either point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration, and low probability of fugitive emissions. Shift operations are permitted and there is frequent movement of products and/or heavy trucks during daytime hours. See Guideline D-6, "Compatibility Between Industrial Facilities and Sensitive Land Uses" for classification criteria and examples to categorize a specific industry.

Class III Industrial Facility

A place of business for large scale manufacturing or processing, characterized by: large physical size, outside storage of raw and finished products, large production volumes and continuous movement of products and employees during daily shift operations. It has frequent outputs of point source and fugitive emissions of significant impact and there is high probability of fugitive emissions. See Guideline D-6, "Compatibility Between Industrial Facilities and Sensitive Land Uses" for classification criteria and examples to categorize a specific industry.

Committed Land Use

A land use in accordance with federal, provincial or municipal plans, by-laws and/or zoning orders, which has been approved by the regulatory authority, but is not yet existing.

Compatible Land Use

An existing or committed land use or activity that can co-exist with a neighbouring use/activity or uses/activities, without either creating or experiencing 1 or more off-site 'adverse effect(s)'.

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 may cause an adverse effect.

Discharge

When used as a noun, includes addition, deposit, emission or leak.

Facility

A transportational, commercial, industrial, agricultural, intensive recreational or utilities/services building or structure and/or associated lands (e.g. abattoir, airport, railway, sewage treatment plant, landfill, manufacturing plant, generation stations, sports/concerts stadium, etc.) which produce(s) one or more 'adverse effect(s)' on a neighbouring property or properties. For specific details on some of these facilities, see Procedure D-1-2.

Fugitive Emissions

Reasonably expected/predictable contaminant occurrences associated with normal operational practices and procedures (e.g. materials handling or outdoor storage) of industrial facilities, which are generally difficult to practically control at the source or on-site. These emissions are not point sources (i.e. not from stacks or vents). Fugitive emissions¹ are from all other sources. These emissions may include odour, noise, vibration and **particulate such as dust.** Emissions from a breakdown are also not considered "fugitive". Breakdown emissions would be covered under a C of A contingency plan, or are considered to be a "spill".

Industry, Industrial Land Use or Industrial Facility

A facility or activity relating to: the assemblage and storage of substances/goods/raw materials; their processing and manufacturing; and/or the packaging and shipping of finished products.

Infilling

Development on vacant lots or underdeveloped lots within a built-up area.

Influence Area/Potential Influence Area

The area(s) at, above or below grade, associated with a 'facility' that is subject to one or more 'adverse effect(s)' which may be of varying duration, frequency and distance of dispersal. This is an actual 'influence area'. A 'potential influence area' identifies where adverse effects are generally expected to occur. An 'influence area' or 'potential influence area' acts as a potential constraint for 'sensitive land use', or conversely on the establishment of a 'facility', unless evidence is provided that 'adverse effects' are not a problem, or can be satisfactorily mitigated to the level of 'trivial impact'.

Land Use Proposal

This may be a guideline, procedure, program or a general or site-specific plan that is being brought forward by a proponent for consideration by plan review agencies and the approving authority.

Land Use Compatibility

A recognized factor and principle of good land use planning, whereby land uses which are known or expected to cause environmental problems for one another, when in proximity, are deemed incompatible and are protected from one another by separation and/or other means.

Proposed Land Use

A land use which is being put forward for consideration for an official plan amendment, a zoning by-law amendment or a zoning amendment on a site-specific basis.

Redevelopment

Where existing land uses are being phased out and replaced by another type of designated land use as part of a land use plan or proposal which has been substantiated by studies and is in accordance with a municipal official plan guideline or other formally approved plan.

Sensitive Land Use

A building, 'amenity area' or outdoor space where routine or normal activities occurring at reasonably expected times would experience 1 or more 'adverse effect(s)' from contaminant discharges generated by a nearby 'facility'. The 'sensitive land use' may be a part of the natural or built environment. Depending upon the particular 'facility' involved, a sensitive land use and associated activities may include one or a combination of:

- (i) **residences** or facilities where people sleep (e.g. single and multi-unit dwellings, nursing homes, hospitals, trailer parks, camping grounds, etc.). These uses are considered to be sensitive 24 hours/day.
- (ii) a permanent structure for non-facility related use, particularly of an institutional nature (e.g. schools, churches, community centres, day care centres).
- (iii) certain outdoor recreational uses deemed by a municipality or other level of government to be

sensitive (e.g. trailer park, picnic area, etc.).

- (iv) certain agricultural operations (e.g. cattle raising, mink farming, cash crops and orchards).
- (v) bird/wildlife habitats or sanctuaries.

Separation Distance

The linear measurement between a 'facility' property/properties and a 'sensitive land use/uses'. The distance should be adequate to minimize or prevent the 'adverse effects' of one land use upon the other, so that at most there would only be a 'trivial impact'.

Significant Impact

Where contaminant discharges cause or are likely to cause an 'adverse effect' under the *Environmental Protection Act*, R.S.O. 1990, Section 14.

In determining whether an 'adverse effect' will occur, the timing and magnitude of contaminant discharges should be related to the 'sensitive land uses' normal use period(s).

Trivial Impact

Present or predictable contaminant discharges which are or are likely to be so minor that there would not be an 'adverse effect'.

In determining whether an impact will be "trivial", the timing and magnitude of contaminant discharges should be related to the 'sensitive land uses' normal use period(s).