

Purpose

The purpose of the Terms of Reference (ToR) is to assist developers and their consultants in scoping and preparing a Land Use Compatibility Assessment Report (Report), in support of a development planning application submission proposing *sensitive land uses* within, adjacent to or near Employment Areas, or within the area of influence of *major facilities*. Any resulting study may be subject to an independent peer review at the discretion of the City of Mississauga (City), and at the cost of the developer.

The objective of the Report is to identify land use compatibility impacts associated primarily with introducing new land uses, including *sensitive land uses*, currently not permitted, and any associated existing and potential land use compatibility issues.

The Report will further identify and evaluate options to achieve appropriate design, buffering and/or separation distances should new land uses, including *sensitive land uses* such as residential, be permitted recommended measures intended to eliminate or mitigate negative impacts and *adverse effect* must also be identified. The findings from the Report will be used to assist City Staff and Council in making its decision regarding the suitability of allowing for new proposed land uses.

The land use compatibility study must clearly answer the following questions in the conclusion of the report:

1. Is the proposed use compatible with the surrounding uses without the need for mitigation at source emitters?
2. If there are adverse effects to the proposed use and/or negative impacts to industry, can they be mitigated to acceptable levels? Have any third-party agreements (e.g. source emitter) been secured to address the mitigation measures?
3. Is the proposed mitigation reasonable and are there examples where it has been used before?

Applicability

A Report may be required for any one of the following development planning applications, depending on site specific circumstances and context:

- Official Plan Amendment
- Zoning By-law Amendment
- Plan of Subdivision
- Site Plan
- Minor Variance

It is recommended that applicants of all proposed developments participate in pre-application consultation meetings with City staff. During the pre-application meeting, Staff will work with the proponent and proponent's consultants to confirm the requirement for a Report based on the nature of the proposed application and the context of the study area.

Upon completion, City staff will assign an independent peer reviewer through pre-authorized consultants, as required.

Report Requirements

The required Report will provide a written description of the land use compatibility impacts associated with introducing new land uses, including *sensitive land uses* such as residential, for the subject site. There will be a clear description of the existing context for the site and area, including identifying *major facilities* and classification of existing industrial uses whose areas of influence include any portion of applicant's property.

1. The Report is to be prepared by a consultant(s) that is fully accredited, qualified and/or certified in the relevant matters being evaluated and recommended (i.e. licensed Professional Engineer).
2. The Report will provide a written description and assessment of:
 - a) potential land use compatibility impacts by type (i.e. noise, vibration, and emissions, including dust and odour) and the severity, frequency and duration of such impacts that may cause an *adverse effect* on new *sensitive land uses*;
 - b) using provincial policies and guidelines (i.e. D-6 Compatibility between Industrial Facilities, Environmental Noise Guidelines DPC – 300, etc.), identify the industrial categorization of properties, businesses or uses within 1000 metres of the applicant's property and the area of influence that includes any portion of the applicant's property. If a proposed development is located within the potential area of influence, complete technical studies are required to determine the potential adverse impacts on nearby sensitive land uses with respect to air quality, noise, and vibration;
 - c) existing approval or other authorization from the Ministry of the Environment, Conservation and Parks (MECP), such as an Environmental Compliance Approval or a registration in the Environmental Activity and Sector Registry, for existing employment uses and/or *major facilities* whose areas of influence include any portion of and the applicant's property and the extent to which new *sensitive land uses* may affect the *major facilities'* compliance with applicable environmental policy, regulations, approvals, authorizations and guidelines, of the Province and/or the City;
 - d) potential intensification, operational changes and expansion plans for existing *major facilities* and the potential for new employment uses to be established in the Employment Area, and the potential impacts of such changes;
 - e) complaints received by the City and MECP within the immediate area of the proposed development;
 - f) if required by the analysis, any Air Dispersion Modelling to be completed in accordance with Provincial Guideline A-11: Air Dispersion Modelling Guideline for Ontario, as amended;
 - g) potential land use compatibility issues with the introduction of *sensitive land uses* on lands within the subject site that may create or could have a negative impact on the long-term operations or viability of adjacent or nearby *major facilities* and the remaining Employment Area;

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- h) For lands within 300 metres of *employment areas*, *development* shall avoid, or where avoidance is not possible, provide an assessment on how to minimize and mitigate potential impacts on the long-term economic viability of employment uses within existing or planned *employment areas*, in accordance with provincial guidelines.
- i) impacts on the viability of the Employment Area and adjacent or nearby *major facilities* shall be considered based on:
- the effects on *major facilities'* compliance with applicable environmental policy, regulations, approvals, authorizations and guidelines, including the noise provisions of the City;
 - the increased risk of complaint and nuisance claims;
 - operational constraints for *major facilities*;
 - constraints on *major facilities* to reasonably expand, intensify or introduce changes to their operations;
 - constraints for new *major facilities* based on the applicable zoning by-law to reasonably be established in the Employment Area; and,
 - the extent of non-compliance with land use separation requirements for existing employment uses in the vicinity, including outdoor and propane storage and distribution facilities, if applicable;
 - the extent to which relevant information, has been exchanged between the applicant of the proposed development and businesses within the Employment Area or operators of *major facilities*, where appropriate; and,
- j) The report shall also include an executive summary highlighting key findings and recommendations
3. Should *sensitive land uses* be permitted, the Report will also identify and evaluate options to achieve appropriate design, buffering and/or separation distances to prevent or mitigate potential *adverse effects* from traffic, noise, vibration, and emissions. This would include details on the following:
- a) At-Source Mitigation: Technology that businesses in Employment Areas and/or *major facilities* may consider implementing to mitigate *adverse effects*, with confirmation of agreement provided by the owner of the at-source facility or structure included in the report
 - b) Buffers: Physical structures, design elements or building distance separation that could be incorporated into the site design of the proposed *sensitive land uses* to mitigate *adverse effects* and negative impacts, with examples where similar buffers and mitigation measures have been used provided in the Report;
 - c) At-Receptor Mitigation: Technologies, building materials, design features etc. that could be incorporated both on-site and within the built structure of proposed *sensitive land uses* to mitigate negative impacts and *adverse effects*;

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- d) Building Design – The appropriate building heights and location of outdoor amenity areas, appropriateness of balconies, air intakes and other elements required to mitigate *adverse effects*.
- e) Supporting Studies/Analysis: Identify any other additional studies and/or specific analysis that would be required to support a future development application; and
- f) Other: Any other potential techniques, strategies and approaches not identified above, including but not limited to, warning clauses, environmental easements, agreements with *major facilities* to secure at-source and at-receptor mitigation and classifying lands as a Class 4 Area in accordance with the requirements of the MECP “Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning Publication NPC-300” and the Mississauga Official Plan Section 6.10.1.6. The applicable documents that address these matters should be provided as an appendix to the Report.

Further Information

- While a Land Use Compatibility Assessment Report is a requirement of a complete application, in some instances, the City may waive the requirement at its discretion.
- If the technical Provincial requirements for a land use compatibility assessment should change, the new applicable requirements would supersede those noted in this ToR.
There may be additional area-specific land use compatibility criteria that should be addressed (such as the Dundas Corridor).
- Italicized text in this ToR is as defined in the Provincial Planning Statement
- A rail assessment study may be required as part of the overall Land Use Compatibility Assessment; more details are available in the City’s Rail Assessment Study ToR.
- There may be other applicable development application terms of reference (e.g., Air Quality Study, Traffic, Noise Study) that will need to be consulted for additional details on technical study requirements. Please consult City staff to confirm the applicable requirements to your application.