



URBAN SOLUTIONS

PLANNING & LAND DEVELOPMENT



Land Use Compatibility Assessment

**Ontario Street and Greenlane Road, Beamsville ON
Zoning By-law Amendment
Project No. 364-20**

Prepared for Greenlane Joint Venture Inc. c/o Peter DeSantis Sr.
By UrbanSolutions Planning & Land Development Consultants Inc.

May 31, 2021

3 Studebaker Place, Unit 1, Hamilton ON L8L 0C8
(905)546-1087
contact@urbansolutions.info
urbansolutions.info

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1.0 Introduction

UrbanSolutions Planning & Land Development (UrbanSolutions) was retained by Greenlane Joint Venture Inc. (the Owner) to conduct a Land Use Compatibility Assessment at the North East corner of Ontario Street and Greenlane in the Town of Lincoln. The Assessment is a requirement of the Region of Niagara and was identified through the Pre-Consultation process with the Town of Lincoln and the Region. Compatibility is often defined and viewed as land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. Moreover, compatibility or compatible uses should not be narrowly interpreted to mean “the same” or even as “being similar to”.

The intent of the Land Use Compatibility Assessment is to assess the development in accordance with the Ministry of the Environment, Conservation and Parks (MECP) D-6 Guidelines which intends to address land use compatibility between the proposed sensitive land use and the nearby industrial uses. As required by the Region, the Assessment will classify nearby industries, identify appropriate setbacks, speak towards as of right permissions within the Zoning By-law and address potential deficiencies, if any.

The proposed development consists of three (3) ground floor commercial units and a 10 storey multiple dwelling with 370 residential units with a total of 104 surface parking spaces, and 300 underground parking spaces.

2.0 Applicable Provincial Policy

2.1 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides direction on matters of provincial interest and sets the policy framework for regulating land use planning and development in Ontario. An in-depth policy review for the balance of the Provincial Policy Statement is outlined within the Planning Justification Report (Section 4) which was also authored by UrbanSolutions. The PPS provides guidelines on land use compatibility, specifically, Section 1.2.6 *Land Use Compatibility* and is as follows:

- 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.
- 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:
 - a) there is an identified need for the proposed use;

- b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
- c) adverse effects to the proposed sensitive land use are minimized and mitigated; and
- d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

3.0 Identification & Categorization of Industries D-6 Guidelines

The identification and categorization of industries was done using the D-6-1 Industrial Categorization Criteria which is a guide for land use planning authorities on the appropriate distances between industrial areas and sensitive land uses. Figure 1 outlines the characteristics of Class I, II, and III industries and was taken from the Appendix A of the D-6 Compatibility between Industrial Facilities guidelines. Classes are defined underneath the D-6 Compatibility between Industrial Facilities guidelines and are as follows:

- 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.
- 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.
- 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 major annoyance and there is high probability of fugitive emissions.

D-6-1 Industrial Categorization Criteria Appendix A				
Category	Outputs	Scale	Process	Operation/Intensity
Class I	<ul style="list-style-type: none"> Noise: sound not audible off property Dust and/or odour: infrequent and not intense Vibration: no ground borne vibration on plant property 	<ul style="list-style-type: none"> No outside storage Small scale plant or scale is irrelevant in relation to all other criteria for this Class 	<ul style="list-style-type: none"> Self contained plant or building which produces/stores a packaged product. Low probability of fugitive emissions 	<ul style="list-style-type: none"> Daytime operations only Infrequent movement of products and/or heavy trucks
Class II	<ul style="list-style-type: none"> Noise: Sound occasionally audible off property Dust and/or odour: frequent and occasionally intense Vibration: possible ground borne vibration, but cannot be perceived off property 	<ul style="list-style-type: none"> Outside storage permitted Medium level of production allowed 	<ul style="list-style-type: none"> Open process Periodic outputs or minor annoyance Low probability of fugitive emissions 	<ul style="list-style-type: none"> Shift operations permitted Frequent movements of products and/or heavy trucks with the majority of movements during daytime hours
Class III	<ul style="list-style-type: none"> Noise: sound frequently audible off property Dust and/or intense Vibration: ground-borne 	<ul style="list-style-type: none"> Outside storage of raw and finished products Large production levels 	<ul style="list-style-type: none"> Open process Frequent outputs of major annoyances High probability of fugitive emissions 	<ul style="list-style-type: none"> Continuous movement of products and employees Daily shift operations permitted

Figure 1 – D-6-1 Industrial Categorization Criteria Appendix A

As shown on the Environmental Compliance Approval Map within Appendix A of this report, there are several industries within a 300 and 1,000 metre buffer area of the subject lands. These industries are represented by the green dots on the Environmental Compliance Approval Map. The dots were identified through the Ministry of the Environment, Access Environment map-based tool which allows for the search of registration on the Environmental Activity and Sector Registry, Renewable Energy Approvals and Environmental Compliance Approvals issued by the Ministry of the Environment and Climate Change from December 1999 and onward. The Environmental Compliance Approvals that have been identified in Appendix A are current as of May 2021.

3.1 Environmental Compliance Certificates

Chart 1 – Environmental Compliance Approvals identifies all of the industries within the map that has obtained and Environmental Compliance Approval from the Ministry of the Environment. Note, that the information regarding Environmental Compliance Approvals is only as accurate and up to date as they Ministry of Environment and Climate Change provides it. Any approval received beyond the date of this report being published was not taken into consideration.

Chart 1 -Environmental Compliance Approvals, also outlines the distance the industry is from the subject lands and the type of Environmental Compliance Approval they have received. The Environmental Compliance Approval received by the applicable industries also further require the industry to abide by certain terms and conditions to stay within compliance. Terms and conditions include may include but are not limited to the following provisions:

- Operation and Maintenance
 - Routine operating and maintenance procedures be put in place;
 - Record keeping;
 - Inspection and replacement of filter material in equipment certain equipment;
 - Procedures for recording and responding to environmental complaints; and
 - Appropriate measures to minimize odours emissions, noise pollutions, vibration, etc., from all potential sources.
- Performance
 - Restricting operation of equipment to daytime hours (i.e., 7:00 am to 7:00 pm); and,
 - Ensuring that emissions (odour, noise, vibration, etc.) from the specific facility comply with limits set out within in Ministry Publications.
- Mitigation measures
 - Specific to each compliance approval (I.e., Noise, Vibration, Odour, etc.) the industry may be required to adhere to specific "performance" requirements.
- Record Retention
 - Keep records of maintenance, repair and inspection of equipment; and,
 - Keep record of any environmental complaints.
- Notification of Complaints
 - The specific industry/company is required to notify the appropriate District Manager, in writing, of each environmental complaint within two (2) business days.

Each approval and industry have been reviewed and crossed referenced with the D-6-1 Industrial Categorization Criteria to determine the Class Type of the industry. Upon reviewal, all of the industries within the Environmental Compliance Approval Map, the Environmental Compliance Approval they received, and the applicable mitigation measures in place, it is UrbanSolutions’ opinion that all the applicable industries can be classified as Class Type I.

Environmental Compliance Approvals			
Municipal Address	Distance to Subject Lands	Type of Approval	Class Type (I, II, III)
5055 Green Lane	+/- 353 m	Municipal & Private Sewage Works	Class I
4708 Ontario Street	+/- 485 m	Air	Class I
4943 Union Road	+/- 370 m	Air	Class I
4914 Union Road	+/- 236 m	Air	Class I
4902 Union Road	+/- 122 m	Air	Class I
4860 Union Road	+/- 254 m	Air	Class I
4839 Union Road	+/-381 m	Air	Class I
4706 Christie Drive	+/- 449 m	Waste Management Systems	Class I
4697 Christie Drive	+/- 444 m	Air	Class I
4715 Christie Drive	+/- 537 m	Air	Class I
4669 Fretz Drive	+/- 517 m	Air	Class I
4696 Bartlett Road	+/- 585 m	Air	Class I
4710 Bartlett Road	+/- 679 m	Air	Class I
4754 Bartlett Road South	+/- 816 m	Air	Class I

Chart 1 – Environmental Compliance Approvals

As described in Section 4.1 (Influence area concept) of the D-6 Guidelines, the ministry has identified, through case studies and past experience, the following potential influence areas:

- Class I - 70 metres
- Class II - 300 metres
- Class III - 1000 metres

These potential influence areas are further illustrated on the Environmental Compliance Approval Map.

Furthermore, the Ministry of Environment has also identified in Section 4.3 (Recommended minimum separation distances) that no incompatible development other than identified in Section 4.10 (of the D-6 Guidelines), should occur in areas identified within Section 4.3 and illustrated in Appendix C (of the D-6

Guidelines), even if additional mitigation for adverse effects, as discussed in Section 4.2 of Procedure D-1-1, “Types of Buffers”, is provided:

- Class I - 20 metres minimum separation distance;
- Class II - 70 metres minimum separation distance; and,
- Class III - 300 metres minimum separation distance.

These minimums are based on Ministry studies and historical compliant data. They also make allowance for the fact that conventional zoning classifications usually permit a broad range of uses with varying potential to create land use conflicts.

4.0 As-of-Right Permissions Town of Lincoln Zoning By-law No.93-14-Z1

Zoning By-law No. 93-14-Z1 of the Town of Lincoln was passed by council on February 15, 1993 and as amended by the Ontario Municipal Board in an Order dated October, 1995 and consolidated in February, 2020. The Zoning By-law further implements the policies found within the Town’s and Region’s Official Plans, the By-law is used to regulate and restrict the use of land within the Town. If a use is permitted underneath the Town’s Zoning By-law it is considered to be permitted ‘as-of-right’.

Further, the purpose of the Town’s Zoning By-law is to confirm what land uses are permitted in the various zoning categories and provides detailed information such as what types and uses of buildings and structures are permitted on a parcel of land, where buildings may be located on a lot, and further provisions implements standards for lot size, yard requirements, lot coverage, building height, parking requirements, etc.

The Environmental Compliance Approval Map (Appendix A) overlays the Town of Lincoln Zoning By-law No. 93-14-Z1 to further illustrate what Zoning permissions are in proximity to the subject lands. Chart 2 – As-of-Right Permission – Schedule ‘A1’ below notes the ‘As-of-Right Permission’ of the Zones within proximity of the subject lands. These uses are all subject to Zone Provisions within the by-law which further regulate lot frontage, lot area (minimum and maximum), yard requirements, building height, outdoor storage, and parking. Zoning provisions are put in place to ensure development standards are maintained, and proposed developments are compatible with surrounding areas.

The highlighted ‘As-of-right Permissions’ in Chart 2 may be considered more intrusive/noxious/noisy than a typical as-of-right permission. Although this may be the case, these uses are still required to be in compliance with the Zoning By-law. In addition to meeting the regulations set out by the Zoning By-law, certain As-of-Right Permissions, depending on the operations and logistics of the business, may be required to apply for and obtain an Environmental Compliance Approval. This typically occurs for businesses with complex or unique operations. These businesses are then required by law to meet the specific conditions set out within the Environmental Compliance Approval (as described in Section 3.1 of this report). Moreover, the Zoning By-law sets out uses that are prohibited within the Town of Lincoln. This further aids land use compatibility as it restricts uses that have been deemed too obnoxious, noxious, or incompatible with the Township. The prohibited uses are further outlined in the Chart 2 below.

Zoning By-law No.93-14-Z1 As-of-Right Permission – Schedule ‘A1’

Zone	As-of-Right Permission	
Industrial Zone (IN)	<ul style="list-style-type: none"> • Adult entertainment parlour • Auction centre • Automotive use • Building supply and service • Commercial school • Contractor's yard • Equipment sales and rental establishment • Farm service and supply establishment • Flea market • Industrial repair garage • Manufacturing • Merchandise rental use • Office use 	<ul style="list-style-type: none"> • Printing and/or publishing establishment • Public transportation depot • Retail use accessory to a permitted use • Service or repair use • Special trade contractor • Swimming pool sales and service outlet • Truck transport terminal • Vehicle body shop • Parking lot • Veterinary Clinic • Wholesale use • Outside storage accessory to a permitted
Prestige Industrial Zone (PI)	<ul style="list-style-type: none"> • Auction centre • Automotive use • Banquet and/or convention centre • Commercial school • Eating establishment • Equipment sales and rental establishment • Farm service and rental establishment • Financial use • Household furnishing establishment • Manufacturing 	<ul style="list-style-type: none"> • Merchandise rental use • Motel/hotel • Office use • Personal service use • Place of entertainment • Research centre • Retail use accessory to a permitted use • Service repair use • Veterinary Clinic • Warehouse • Wholesale use
General Commercial Zone (GC)	<ul style="list-style-type: none"> • Ambulance service • Animal hospital excluding outside pens • Automotive use, except that new automotive uses are not permitted within the Central Business District Area • Bed and breakfast establishment • Clinic • Commercial or private club • Commercial school • Culinary school • Daycare centre • Eating establishment • Financial use • Firehall 	<ul style="list-style-type: none"> • Funeral home • Hotel/motel • Inn • Office use • Parking lot • Personal service use • Place of entertainment • Police station • Post office • Public Transportation depot • Retail use • Service or repair use • Accessory dwelling units in conjunction with one or more of the permitted uses • Accessory outside storage
Zoning By-law No.93-14-Z1 Section 6.38 Uses Prohibited in all Zones		
Uses Prohibited in all Zones	<ul style="list-style-type: none"> • Food carts, except in accordance with subsection 6.35(g) • Commercial manufacturing of fertilizers 	<ul style="list-style-type: none"> • Abattoir • The keeping or raising of any bull, ox, cow, sheep, goat, pig, poultry, horse, reptile or any wild animal including

	<ul style="list-style-type: none"> • Junk yard, salvage yard, vehicle wrecking yard or the collection, storage or sale of junk, salvage, partially or completely dismantled motor vehicles or trailers, or parts of motor vehicles or trailers or the stockpiling of used tires • Locating or storing on any land for any purpose any disused railroad car, street car body, truck body, bus body, or truck trailer without wheels, whether or not the same is situated on a foundation 	<p>any tamed or domesticated wild animal on any lot or in any building or structure in any Residential Zone, or any lot in the Agricultural Zone having a lot area less than 0.8 ha;</p> <ul style="list-style-type: none"> • Track for the racing of motor vehicles, motorcycles or motorized snow vehicles • Radio/TV/telecommunication towers or antennae except as an accessory use to a permitted use • Radio, television or cable television studio • Locating or storing of used concrete and/or asphalt products on any land for any purpose including crushing and sorting, except as follows: <ul style="list-style-type: none"> ○ In an Extractive Industrial (EI) Zone; and/or ○ As a temporary use associated with a public undertaking within the limits of the said undertaking or on land adjacent to said undertaking for the duration of such undertaking
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Chart 2 – As of Right Permission – Schedule ‘A1’ & Prohibited Uses

Using the permitted and prohibited land uses together in conjunction with the zone regulations the structure of the Zoning By-law provides appropriate controls to assist in assuring land use compatibility.

5.0 Conclusion

This Land Use Compatibility Assessment provides an overview of industries’ Environmental Compliance Approvals, and as-of-right permissions in the Town of Lincoln Zoning By-law No. 93-14-Z1 within proximity to the North East corner of Ontario Street and Greenlane in the Town of Lincoln. Industries identified within the Environmental Compliance Approval Map (Appendix A) in UrbanSolutions’ opinion can be classified as Class Type I industries under the D-6 Compatibility between Industrial Facilities guidelines, specifically under Appendix A D-6-1 Industrial Categorization Criteria.

The Ministry has identified, through case studies and past experiences, that Class I industries have a potential influence area of 70 metres and a recommended minimum 20 meter separation distance. As identified within this report and the Environmental Compliance Approval Map (Appendix A) the subject lands have appropriate separation between the industries in proximity.

Due to the classification of industries, distances between the subject lands and applicable industries, it is UrbanSolutions' opinion that the proposed development is compatible with the surrounding area as there are no adverse impacts that will affect the proposed development.

Based on a review of the subject lands, surrounding uses, and applicable planning and policy framework, the proposed development is an appropriate form of development and represents good planning.

Respectfully submitted this 31st day of May, 2021.

Regards,

UrbanSolutions Planning & Land Development Consultants Inc.

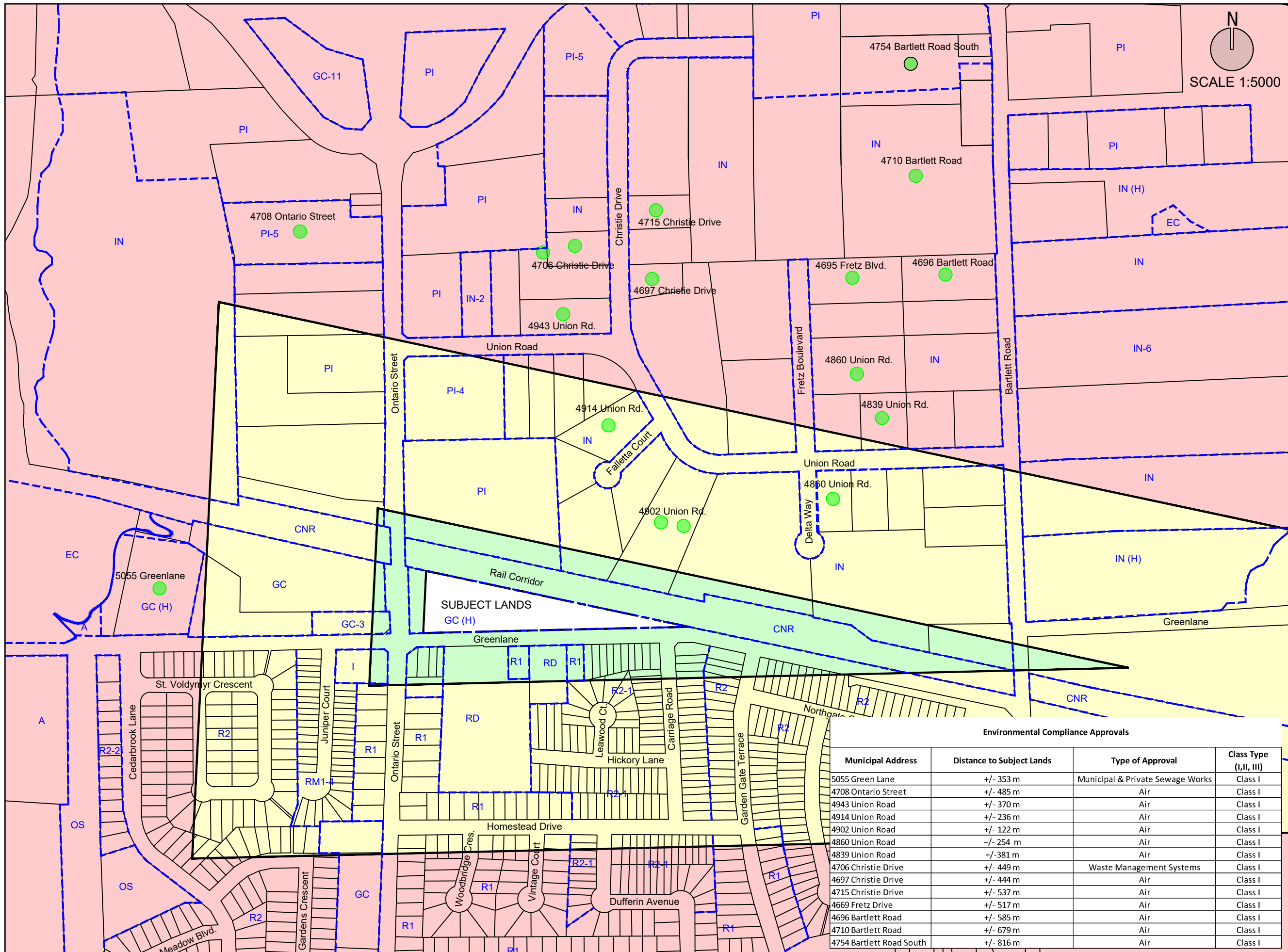

Matt Johnston, MCI, RPP
Principal



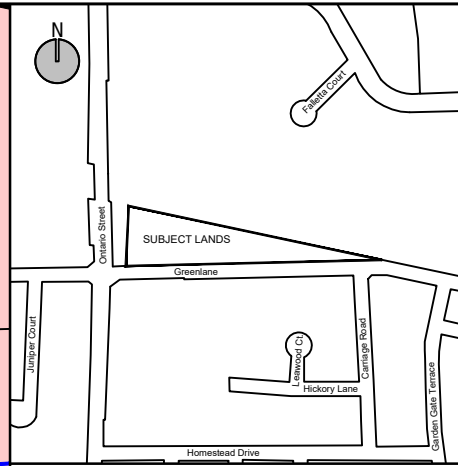

Brandon Petter, MPlan
Planner

Appendix A

Environmental Compliance Approval Map

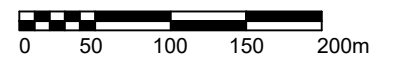


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SCALE 1:5000



KEY MAP - N.T.S.

SCALE 1:5000



LEGEND:

- SUBJECT LANDS
- CLASS I POTENTIAL INFLUENCE AREA (70 METRES)
- CLASS II POTENTIAL INFLUENCE AREA (300 METRES)
- CLASS III POTENTIAL INFLUENCE AREA (1,000 METRES)
- ENVIRONMENTAL COMPLIANCE APPROVALS

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: L. DRENNAN CHECKED BY: M. JOHNSTON
DRAWN BY: L. DRENNAN DATE: APRIL 28, 2021



3 Studebaker Place, Unit 1
Hamilton, ON L8L 0C8
905-546-1087 - urbansolutions.info

PROJECT:
GREENLANE & ONTARIO STREET
BEAMSVILLE, ONTARIO

OWNER:
GREENLANE JOINT VENTURE INC.

TITLE:
ENVIRONMENTAL COMPLIANCE APPROVAL MAP

U/C FILE NUMBER: 364-20 SHEET NUMBER: 1

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