

---

**SS WILSON ASSOCIATES**

*Consulting Engineers*

---

**REPORT NO. WA23-006**

**LAND USE COMPATIBILITY ASSESSMENT  
FOR LAND USE PLANNING APPROVAL  
PROPOSED RESIDENTIAL DEVELOPMENT  
ELM STREET, PORT COLBORNE**

**SUBMITTED TO:  
EPRIME CONSTRUCTION MANAGEMENT  
10 WILFRID LAURIER CRESCENT  
ST. CATHERINES, ON  
L2P 0A1**

**C/O STEPHANIE FISCHER**

**[stephanie@eprime.ca](mailto:stephanie@eprime.ca)**

**PREPARED BY:**

**AMIRA RAHAL, BCom  
ASSOCIATE PRINCIPAL**

**REVIEWED BY:**

**NEIL MCCANN, B.A.SC., P.ENG.  
PROJECT ENGINEER**

**APRIL 28, 2023**



---

**SSWA INC. 15 Wertheim Court, Suite 211, Richmond Hill, Ontario, L4B 3H7**

**Tel: (905) 707-5800 e-mail: [engineering@sswilsonassociates.com](mailto:engineering@sswilsonassociates.com)**

**[www.sswilsonassociates.com](http://www.sswilsonassociates.com) & [www.noisetraining.com](http://www.noisetraining.com)**

**LAND USE COMPATIBILITY ASSESSMENT  
FOR LAND USE PLANNING APPROVAL  
PROPOSED RESIDENTIAL DEVELOPMENT  
ELM STREET, PORT COLBORNE**

<u>INDEX</u>	<u>PAGE</u>
EXECUTIVE SUMMARY	
1.0 INTRODUCTION	1
2.0 DESCRIPTION OF PROPOSED DEVELOPMENT AND SURROUNDING AREA	2
3.0 ASSESMENT CRITERIA AND METHODOLOGY	4
4.0 SURVEY OF SURROUNDING INDUSTRIES	9
5.0 CONCLUSIONS	17
FIGURES	
APPENDIX A: APPLICABLE ZONING BY-LAW SECTIONS, CITY OF PORT COLBORNE COMPREHENSIVE ZONING BY-LAW	
APPENDIX B: WIND ROSE DIAGRAM	

## EXECUTIVE SUMMARY

SS Wilson Associates (SSWA) was retained by ePrime Construction Management to prepare a Land Use Compatibility Study for the proposed residential development planned to be located on the vacant property near 950 Elm Street in the City of Port Colborne. This compatibility study considers all possible contaminants from neighboring industries specified by the applicable Government of Ontario document D-6: "*Compatibility between Industrial Facilities*", including air quality, odour, dust, noise, and vibration emissions, for the potential to impact the subject property and produce adverse effects that would render the subject property unfit for the intended use.

The results of the survey and review of surrounding land uses suggest that the proposed development is expected to be compatible with the neighboring industries without any adverse impacts. This is to say that no disruptive impacts as a result of air quality, odour, dust emissions, noise, and vibration are anticipated, and the proposed development should be considered compatible with all existing uses in the surrounding area.

## **1.0 INTRODUCTION**

- 1.1** SS Wilson Associates (SSWA) was retained by ePrime Construction Management to prepare a Land Use Compatibility Study as outlined in the Ministry of the Environment, Conservation and Parks (MECP) D-1 and D-6 Guidelines for a proposed residential development located near 950 Elm Street in the City of Port Colborne (the City).
- 1.2** The objective of this report is to review the surrounding land uses for the potential to cause adverse effects in terms of noise, dust, odour, vibration and other contaminants to support the planning applications for the proposed residential development to be located on the subject site. It is to be noted that a quantitative assessment of adverse effects has not been undertaken as part of this land use compatibility assessment, which has been performed based on the MECP D-6 Guideline distance setbacks and industrial classifications; in any case where a potential incompatibility has been identified by this study which warrants the need for additional analysis and studies, such detailed studies will undertake the necessary quantitative analyses in the form of measurements, predictions, calculations, etc.
- 1.3** A Noise Impact Study has been prepared by dBA Acoustical Consultants Inc. (dBA Acoustical) for the subject site, File No. 23-4017, report dated March 2023, to assess the surrounding transportation and stationary sources of noise in accordance with the MECP guideline NPC-300. Reference should be made to that study for specific analyses and conclusions with respect to noise, however reference will be made herein to some of the specific conclusions of that report when assessing the potential noise impacts from such sources.
- 1.4** The proposed residential development is located on a presently vacant parcel of land near 950 Elm Street and is surrounded to the north, west, and south sides by residential dwellings. Furthermore, the site is bounded by Elm Street to the east, as well as residential, commercial, and industrial land uses at various distance setbacks.

The major transportation source of concern to the development is vehicular traffic noise from Elm Street. The location of the site is shown in Figure 1.
- 1.5** This report is based on the Development Concept sketch prepared by ePrime Construction Management, as illustrated in Figure 2 which shows the extent of the proposed development lands.

## 2.0 DESCRIPTION OF PROPOSED DEVELOPMENT AND SURROUNDING AREA

### 2.1 Proposed Development Concept

The subdivision will be residential (single family, semi-detached, towns, and apartments), with the possibility of one mixed-use apartment with a commercial use on the main floor.

The final layout of the site is subject to change as the design and planning stages progress, however the image below (provided again at the end of this report as Figure 2) illustrates the potential extent of the developed lands. At present, the green area is owned by the proponent and planned for the development. The portion in red is planned to be acquired from the City, and the portion in purple is also a City-owned parcel which may be acquired by the proponent. The areas shown in orange and blue are presently part of the privately-owned residential parcels in the area, which the proponent may be investigating for future acquisition. As all of these areas may be subject to future development, this land use compatibility assessment has considered the full extent of the area, including areas not yet acquired, as the subject site.



### 2.2 Surrounding Area Description

The proposed site is located on the west side of Elm Street, south of Barrick Road. The area surrounding the site is primarily comprised of residential dwellings, as

well as various existing commercial and industrial uses. The Key Plan and aerial figure of the proposed site and the surrounding area is included in Figure 1.

The primary source of concern to the subject property is Thurston Machine Co. Ltd. (Thurston Machine) located directly across Elm Street, as identified by the City and staff at the Regional Municipality of Niagara (the Region). The proximity of Thurston Machine to the subject site is what has triggered the requirement for a land use compatibility and the noise impact study prepared by dBA Acoustical. This Land Use Compatibility Study has considered Thurston Machine as well as any and all other land uses located within the D-6 distance setbacks.

## **2.3 Zoning By-law Review**

The zoning information for the City of Port Colborne is contained in the current Comprehensive Zoning By-law 6575/30/18, dated April 23, 2018. The subject property and virtually all of the surrounding land uses within 1,000m are located within Schedule A8 of the Zoning By-law. The relevant sections from the Zoning By-law are included at the end of this report in Appendix A.

### **2.3.1 Zoning Information for Proposed Site**

The parcel owned by the proponent, and the surrounding privately-owned lands to the north and west which may be acquired for the subject project, are currently zoned as Zone RD representing “residential development” and for which the permitted uses include detached dwellings and the accessory buildings and structures thereto.

The remaining portion of the subject site, namely the City-owned lands immediately adjacent to Elm Street, are zoned as Zone R4, representing “fourth density residential” and for which the permitted uses include many different types of residential dwellings.

Based on a review of the applicable zoning details for the proposed development site, the project is consistent and compatible with the permitted uses. Additionally, any of the existing industrial uses which are registered with the MECP with an Environmental Compliance Approval (ECA) or the previous Certificate of Approval (C of A) would be required to demonstrate compliance with all applicable criteria for environmental contaminants at any existing or future residential/sensitive uses.

### **2.3.2 Zoning Information for Surrounding Land Uses**

The lands to the north, west, and south of the subject site are composed of a mixture of residential zoning, including R1, R2, R3, and R4, and are not expected to produce any adverse impacts. The impacts in these directions will be discussed in greater detail during the impact assessment.

The land uses across Elm Street to the east are classified as Zone LI, representing “light industrial” uses, which permit a range of uses. Most importantly for the subject area, such land uses may contain contractor’s yard, light industrial operations, and motor vehicle repair garage. Importantly, residential uses are not specifically mentioned as permitted use within Zone LI, however residential dwellings were observed on the parcels of land immediately south of Thurston Machine on Elm Street, as well as to the east along Barrick Road. These residential uses upon Zone LI lands will be considered further in the impact assessment.

Far to the east of the proposed development, next to the Welland Canal, the lands also include Zone HI, “heavy industrial”, for which the permitted uses include many of the same types of operations as Zone LI, with the addition of bulk fuel storage, heavy equipment sales and service, and heavy industrial. However, much of these lands north of Barrick Road are presently vacant and do not appear to be planned for any development.

## 3.0 ASSESSMENT CRITERIA AND METHODOLOGY

### 3.1 General Information

The intent of this study is to survey the area surrounding the proposed site to identify whether any of the existing land uses present a potential concern with regard to incompatibility between the proposed and existing uses. In the case where the potential for compatibility concerns exists, additional investigation will be warranted to determine the severity of potential impacts and to identify control measures to eliminate or mitigate adverse effects. The assessment has been based on SSWA's experience with industrial facility emissions within the MECP frameworks in the context of land use planning and applications for Environmental Compliance Approvals (ECAs).

### 3.2 D-Series Guidelines

The D-series guidelines were developed in 1995 by the MECP with the intent to provide a methodology for reviewing cases where non-sensitive land uses are proposed to be located in proximity to sensitive land uses, or vice versa, to identify the potential for adverse effects related to environmental contaminants. Several D-series guidelines exist for likely sources of potential incompatibility, such as sewage treatments plants (D-2), oil & gas pipelines (D-3), landfills (D-4), and water service (D-5), with the overarching methodology being described in D-1 "*Land Use and Compatibility*".

The specific document which will apply in the subject case is that for industrial land uses, i.e., D-6 "*Compatibility between Industrial Facilities*," which will be the primary reference for this assessment. The D-6 guideline is concerned with adverse effects as a result of "*point source and/or fugitive air emissions such as **noise, vibration, odour, dust** and others, either through normal operations, procedures, maintenance or storage activities, and/or from associated traffic/transportation.*"

The definition of "adverse effects" is included in the Environmental Protection Act (EPA), and can include one or more of the following:

- Impairment of the quality of the natural environment for any use that can be made of it
- Injury or damage to property or to plant or animal life
- Harm or material discomfort to any person
- An adverse effect on the health of any person
- Impairment of the safety of any person
- Rendering any property or plant or animal life unfit for human use
- Loss of enjoyment of normal use of property; and
- Interference with the normal conduct of business



### 3.2.1 D-6 Guideline Classifications and Setback Distances

The primary mechanism used within D-6 to identify and to limit the potential for adverse effects is the use of distance setbacks based on the classification of an industry within certain criteria.

A given property or land use may be characterized as light, medium, or heavy industrial referred to as Class I to Class III, respectively. The table below illustrates the industrial categorization criteria as identified in Appendix A of D-6, referred to as D-6-1 “*Industrial Categorization Criteria.*”

Industrial Categorization Criteria (per D-6-1)					
Category	Outputs	Scale	Process	Operation /Intensity	Possible examples
<b>Class I – Small Scale Industrial</b>	<ul style="list-style-type: none"> <li>Noise: Sound not audible off property</li> <li>Dust and/or Odour: Infrequent and not intense</li> <li>Vibration: No ground borne vibration on plant property</li> </ul>	<ul style="list-style-type: none"> <li>No outside storage</li> <li>Small scale plant or scale is irrelevant in relation to all other criteria for this Class</li> </ul>	<ul style="list-style-type: none"> <li>Self-contained plant or building which produces/stores a packaged product. Low probability of fugitive emissions</li> </ul>	<ul style="list-style-type: none"> <li>Daytime operations only</li> <li>Infrequent movement of products and/or heavy trucks</li> </ul>	<ul style="list-style-type: none"> <li>Electronics manufacturing and repair</li> <li>Furniture repair and refinishing</li> <li>Beverages bottling</li> <li>Auto parts supply</li> <li>Packaging and crafting services</li> <li>Distribution of dairy products</li> <li>Laundry and linen supply</li> </ul>
<b>Class II – Medium Scale Industrial</b>	<ul style="list-style-type: none"> <li>Noise: Sound occasionally audible off property</li> <li>Dust and/or Odour: Frequent and occasionally intense</li> <li>Vibration: Possible groundborne vibration, but cannot be perceived off property</li> </ul>	<ul style="list-style-type: none"> <li>Outside storage permitted</li> <li>Medium level of production allowed</li> </ul>	<ul style="list-style-type: none"> <li>Open process</li> <li>Periodic outputs of minor annoyance</li> <li>Low probability of fugitive emissions</li> </ul>	<ul style="list-style-type: none"> <li>Shift operations permitted</li> <li>Frequent movement of products and/or heavy trucks with the majority of movements during daytime hours</li> </ul>	<ul style="list-style-type: none"> <li>Magazine printing</li> <li>Paint spray booths</li> <li>Metal command</li> <li>Electrical production manufacturing</li> <li>Manufacturing of dairy products</li> <li>Dry cleaning services</li> <li>Feed packing plant</li> </ul>
<b>Class III – Large Scale Industrial</b>	<ul style="list-style-type: none"> <li>Noise: sound frequently audible off property</li> <li>Dust and/or Odour: Persistent and/or intense</li> <li>Vibration: Ground-borne vibration can frequently be perceived off property</li> </ul>	<ul style="list-style-type: none"> <li>Outside storage of raw and finished products</li> <li>Large production levels</li> </ul>	<ul style="list-style-type: none"> <li>Open process</li> <li>Frequent outputs of major annoyances</li> <li>High probability of fugitive emissions</li> </ul>	<ul style="list-style-type: none"> <li>Continuous movement of products and employees</li> <li>Daily shift operations permitted</li> </ul>	<ul style="list-style-type: none"> <li>Manufacturing of paint and varnish</li> <li>Organic chemicals manufacturing</li> <li>Breweries</li> <li>Solvent recovery plants</li> <li>Soaps and detergent manufacturing</li> <li>Manufacturing of resins and costing</li> <li>Metal manufacturing</li> </ul>

The notes on the subject table indicate that the categorization of a particular industry can vary with respect to the specific site conditions. It is noted that some of the uses listed in the ‘Possible examples’ column might otherwise be considered a commercial use (i.e., auto parts supply, dry cleaning, etc.) however in the context of D-6, these uses are considered as industrial uses.

The D-6 guideline identifies specific distance setback criteria for Class I to Class III industries to identify the potential for incompatibilities, and to mitigate such adverse effects. The guideline defines “influence areas” for the various classes of industries to identify the potential area of influence within which adverse effects may be experienced, outlined in D6-4.1.1 “*Potential influence areas for industrial land uses.*” Further to this, the guideline also defines “minimum separation distance” between industrial and sensitive uses to provide buffer space between the uses to mitigate adverse effects, as outlined in D6-4.3. The guideline recommends that “*no incompatible development [...] should occur [within the minimum separation distances] even if additional mitigation for adverse effects [...] is provided.*” However, the guideline also states that such development may be permitted to proceed in the case of redevelopment, infilling, and mixed-use areas, as defined in D6-4.10. The table below illustrates the area of influence and minimum separation distance setbacks for each of the industrial classifications.

Industry Classification	Influence Area (D6-4.1.1)	Minimum Separation Distance (D6-4.3)
Class I – Light Industrial	70 m	20 m
Class II – Medium Industrial	300 m	70 m
Class III – Heavy Industrial	1,000 m	300 m

The distance setbacks above are measured from the property lines of the source and receiver land uses, to guarantee full use of the property area upon each site.

The guideline in Section 4.1.3 also indicates that the influence area may be reduced through the use of industrial controls applied at the industrial source, which may enable an industry to be categorized as a lesser Class, thereby reducing the necessary minimum separation distance requirements set out above.

In cases where the distance setback between a sensitive land use is within the influence area for a given industry, additional studies should be conducted to assess impacts.

As part of this land use compatibility, SSWA prepared a diagram outlining the various distance setbacks with respect to the property line of the proposed residential site, and identified Class I, II, and III industries within the relevant setbacks based on aerial photography. These classifications were then considered based on a site visit to the subject site in April 2023.

Figure 3 illustrates the distance setbacks surrounding the proposed property and all of the potential industrial sites which were considered in this assessment.

### 3.3 MECP Environmental Compliance Approvals

In addition to the review of all facilities within the distance setbacks identified in D-6, this land use compatibility assessment included a review of any existing Environmental Compliance Approvals (ECAs) held by the surrounding properties.

The MECP requires that industrial facilities obtain and maintain an ECA to ensure compliance with all applicable limits for any potential off-site adverse effects. The presence of an ECA for a subject facility represents an undertaking to measure, monitor, and control emissions and adverse effects at offsite points of reception to avoid or mitigate impacts.

SSWA utilized the MECP's online Access Environment tool in order to collect any and all ECA documentation in the areas of influence surrounding the subject site. Where a property was subject to an ECA, reference is made in the analysis.

### **3.4 Noise Guideline Criteria NPC-300**

With respect to noise studies, the applicable guideline for all sources of transportation and stationary noise is the MECP guideline document NPC-300, "*Environmental Noise Guideline Stationary and Transportation Sources – Approval and Planning.*" This document is normally applied by acoustical consultants in the course of completing noise studies to support development applications. As mentioned previously, a Noise Impact Study has been prepared by dBA Acoustical, dated March 2023, for the subject site. The criteria used in the study was that of NPC-300.

### **3.5 Air Quality Regulation O.Reg. 419/05: Air Pollution – Local Air Quality**

With respect to air quality, the applicable legislative standard in Ontario is O.Reg. 419/05 issued under the Environmental Protection Act, R.S.O. 1990. The standard requires that an industrial source meet specified standards for air quality contaminants including dust and odour at the property boundary, and by extension any further offsite locations. Compliance with these standards may be impacted by prevailing wind directions and speeds. In addition, considering the fact that the proposed property is not subject to any changes with respect to zoning, the air quality impacts from any surrounding industries would be subject to MECP standards to avoid creating adverse impacts on the proposed site. This will be discussed in further detail in the analysis sections to follow.

As wind direction and intensity can impact the propagation of adverse contaminants, particularly dust, odour, and noise, the wind rose diagram for Port Colborne is included in Appendix B<sup>1</sup>.

---

<sup>1</sup> Source: meteoblue.com weather modelling data, [https://www.meteoblue.com/en/weather/historyclimate/climatemodelled/port-colborne\\_canada\\_6111704](https://www.meteoblue.com/en/weather/historyclimate/climatemodelled/port-colborne_canada_6111704)

## 4.0 SURVEY OF SURROUNDING INDUSTRIES

4.1 The distance setbacks for this project as set out in the D-6 Environmental Guideline are illustrated in Figure 3. SSWA utilized these figures to identify potential sites for observation, and later conducted a site investigation in April 2023, where local industries were visited, inventoried, and examined.

At the time of the site visit, there was no noticeable dust, odour, air quality or vibration impacts observed from any of the surrounding industries near the proposed site. The noise environment around the proposed site was reasonably quiet, dominated by noise from intermittent traffic upon Elm Street. The potential impacts from each individual site are discussed in detail in the following sections.

4.2 It should be noted that the subject property is bounded on the north, west, and south sides by established residential development. For this reason, industries located in these directions have not been considered in detail in this study, as such industries would be required to be compliant and compatible with the existing residential development and would necessarily be compliant with any applicable criteria at the proposed development.

4.3 The following is a summary and analysis of all neighboring industries of concern as per their respective D-6-1 industrial categorization criteria classification, as well as a determination regarding additional assessment.

### 4.4 Class III – Large Scale Industrial

As per the D-6 Guideline, Class III industries have a potential influence area of 1,000m from the subject site. As illustrated in Figure 3, there is only 1 Class III industry within 1,000m of the subject site as follows:

#### 4.4.1 London Agricultural Commodities (LAC)

Company Name	London Agricultural Commodities (LAC)
Address	2 Sherwood Forest Ln, Port Colborne
Approx. Distance to Subject Site	610 m
ECA / C of A No.	N/A
Figure 3 Reference Number	1

This site is the location of the previous Robin Hood Flour facility. The present facility is owned by London Agricultural Commodities (LAC), after being sold by Ceres Global in February 2023.

The facility is located within the HI Heavy Industrial zoning area east of the proposed development, along the Welland Canal. The facility is primarily used to store agricultural commodities and contains grain elevator machinery.

Based on the governing parameters of the facility, LAC is considered a Class III Industry under MECP Guideline D-6-1, based on its potentially large scale of production. There is no outdoor processing or storage. It should be noted that most of the actual operations take place within the building to mitigate external impacts.

LAC falls inside the 1,000m area of influence from the subject site yet is situated farther than the 300m recommended minimum separation distance from the subject site, the setbacks specified by the D-6 guideline, indicating that any adverse effects would be reasonably expected to be substantially reduced at the point of reception.

During SSWA's site inspection, no fugitive emissions, in the form of dust, odour, noise or vibration were observed upon the proposed development site which appeared to originate from the above facility. The facility does not appear to have any perceptible impact upon the proposed development.

At the time of the site inspection, SSWA staff also visited the outdoor parking area on the south side of the LAC facility to identify any possible emissions. No dust, odour, or vibration was present, and the only perceptible noise was a nearby idling truck and trailer being loaded for shipment, for which the sound level would be considerably reduced at the proposed development due to the large distance setback. As such, no significant sources were observed which would produce any adverse impacts upon the proposed development site.

Additionally, there are existing residential dwellings located within the intervening lands or at similar distance setbacks to the proposed development which would be similarly impacted by any LAC emissions, if present. These residential uses are located on the east and west sides of Elm Street, the south side of Barrick Road, and in the residential subdivision south of the proposed site, such as on Elmvale Crescent. No adverse impacts appear to be present upon these uses at a reduced distance setback, and none are expected upon the proposed development site.

As such, given the site conditions, no adverse impacts are expected upon the proposed site, and additional assessment is **not warranted**.

#### 4.4.2 Future Heavy Industrial Land Uses in the HI Zone

Future industrial land uses not yet developed which may be established in the HI Zone would be required to meet the applicable environmental criteria at all residential points of reception, existing and proposed, and therefore are not expected to produce incompatibility.

## 4.5 Class II – Medium Scale Industrial

As per the D-6 Guideline, Class II industries have a potential influence area of 300m from the subject site. As illustrated in Figure 3, there are five Class II industries within 300m of the subject site as follows:

### 4.5.1 Thurston Machine Co. Ltd. (Thurston Machine)

Company Name	Thurston Machine Co. Ltd.
Address	995 Elm St, Port Colborne
Approx. Distance to Subject Site	30m
ECA / C of A No.	8349-5W3RYP
Figure 3 Reference Number	2

Thurston Machine specializes in fabrication, welding, machining, blast and paint, assembly and testing services, which are conducted on site.

Based on the governing parameters of the facility, Thurston Machine would be considered a Class II Industry under MECP Guideline D-6-1, as they have outdoor storage on site and evident truck movements. Thurston Machine is located inside the 300m area of influence from the subject site as specified by the D-6 guideline. In addition, the company is situated closer than the 70m recommended minimum separation distance from the subject site as specified by the D-6 guideline.

During SSWA's site inspection, no emissions of any kind were observed. In communications with a staff member from Thurston Machine, there are no sources of vibration within the plant facility, and it was confirmed that the facility undertakes efforts to control environmental emissions from the facility to mitigate impacts on the surrounding uses including using water to spray the rear outdoor lot to control dust emissions. Furthermore, the company has worked with the MECP previously to conduct sound level monitoring to meet the Ministry criteria at the surrounding property limits. The facility currently maintains and operates under a Certificate of Approval # 8349-5W3RYP, dated February 12, 2004

The facility has also been the subject of a Noise Impact Study prepared by dBA Acoustical, dated March 2023, which considered the outdoor and rooftop sources of noise within Thurston Machine, which concluded that there will be no adverse impacts within the proposed development.

It should also be noted that the Thurston Machine site is also surrounded with residential dwellings on the east and south sides which have a shorter distance setback and increased exposure to the rear yard area which would be expected to have the greatest impact.

Considering the Thurston Machine facility has been operating without issue in proximity to the residential neighbours, has undertaken the mitigation efforts

described above, and is not expected to produce any noticeable noise impacts upon the proposed development site, there are no adverse impacts of any kind expected upon the proposed residential development, and additional assessment is **not warranted**.

4.5.2 Barber Hymac Hydro Inc. (BHH)

Company Name	Barber Hymac Hydro Inc
Address	239 Barrick Rd, Port Colborne
Approx. Distance to Subject Site	35m
ECA / C of A No.	8446-ACNK5R
Figure 3 Reference Number	3

Barber Hymac Hydro Inc. (BHH) is a ‘build-to-spec’ machine shop specializing in large machining and fabricating in the mining, mineral process, oil, gas, and power generating industries for domestic and export markets. Processes that are conducted onsite include machining of large cylinders, open gears, sheave heads and castings, though all of this takes place indoors and only material storage and equipment movements take place outdoors.

Based on the governing parameters of the facility, BHH would be considered a Class II Industry under MECP Guideline D-6-1, as they have outdoor storage on site and evident truck movements. BHH is located inside the 300m area of influence from the subject site as specified by the D-6 guideline. In addition, a portion of the facility is situated closer than the 70m recommended minimum separation distance from the subject site as specified by the D-6 guideline.

During SSWA’s site inspection, no fugitive dust, vibration, or odour emissions were observed to originate from the facility. However, a noise resembling exhaust fan noise was very faintly audible from the industry while standing on the northernmost limit of the proposed development site, on the parcel presently owned by the City at the intersection of Elm Street and Barrick Road. However, this noise was masked by traffic noise when vehicles were present.

The facility currently maintains and operates under an Environmental Compliance Approval # 8446-ACNK5R, dated September 29, 2016. As such, the facility is required to meet the applicable environmental criteria at all surrounding sensitive development.

Any impact from BHH upon the proposed development site would be expected to be reasonably similar to the impact upon the surrounding residential which are located at similar distance setbacks and directions, namely the existing residential development upon Barrick Road (both east and west of Elm Street) as well as the dwellings upon Saturn Road and Saturn Crescent.

Based upon the observations of the subject site, adverse impacts are not expected upon the proposed residential development, and additional assessment is **not warranted**.

#### 4.5.3 DBR Transport (DBR)

Company Name	DBR Transport
Address	953 Elm St, Port Colborne
Approx. Distance to Subject Site	225m
ECA / C of A No.	3447-6YDSN3, 1206-54WM4S
Figure 3 Reference Number	4

DBR Transport (DBR) is a logistics/trucking company located on the east side of Elm Street south of the proposed development. The facility contains an outdoor rear yard area for parking and storing trucks and trailers.

Based on the presence of outdoor storage and the potential for reasonably frequent truck movements upon the site, DBR has been considered as a Class II Industry under MECP Guideline D-6-1. A portion of the facility, including some of the rear yard, is located within the 300m influence area but is outside of the 70m minimum separation distance, which are defined by D-6. As such, most impacts would be expected to be mitigated upon the proposed development site.

DBR maintains a Certificate of Approval with the MECP, initially issued in January 2002 and amended May 1, 2007. As such, DBR is required to comply with all environmental emission criteria at all surrounding land uses, which include residential dwellings across Elm Street at a greatly reduced distance setback compared with the proposed development site. Compliance with the acceptable limits at the nearby dwellings will result in compliant levels at the proposed development site.

No observable impacts of any kind were perceived from DBR upon the proposed development site at any time during the April 2023 site visit.

Based upon the observations of the subject site, adverse impacts are not expected upon the proposed residential development, and additional assessment is **not warranted**.

#### 4.5.4 Seaway Water Pollution Control Plant

Company Name	Seaway Water Pollution Control Plant
Address	1815 Sir Isaac Brock Way
Approx. Distance to Subject Site	370m
ECA / C of A No.	8325-AWPRYR
Figure 3 Reference Number	5



The Seaway Water Pollution Control Plant is a sewage treatment plant, owned and operated by the Regional Municipality of Niagara. The facility receives waste from underground forcemains and truck deliveries. The site includes outdoor processing and storage tanks.

Based on the presence of outdoor storage, the potential for reasonably frequent truck movements upon the site, and the possibility of frequent and occasionally intense odour emissions from the site, the sewage treatment facility has been considered as a Class II Industry under MECP Guideline D-6-1. A portion of the facility, including some of the rear yard, is located within the 300m influence area but is outside of the 70m minimum separation distance, which are defined by D-6. As such, most impacts would be expected to be mitigated upon the proposed development site.

The facility maintains and operates under an amended Environmental Compliance Approval, dated June 13, 2018, and as such is expected to comply with all necessary environment criteria at the nearby sensitive land uses.

There are numerous existing residential dwellings and developments located in the intervening lands between the facility and the proposed development site, or located at similar distance setbacks, including residential dwellings on east and west sides of Elm Street, the south side of Barrick Road, and the large residential development west of Elm Street, the closest of which are upon Elmvale Crescent. Compliance with the applicable environmental criteria these existing dwellings will produce compliant levels at the proposed development site.

No observable impacts of any kind were perceived from the facility upon the proposed development site at any time during the April 2023 site visit.

Based upon the observations of the subject site, adverse impacts are not expected upon the proposed residential development, and additional assessment is **not warranted**.

#### 4.5.5 CSN Collision Centre/Simmons Auto Body

Company Name	CSN Collision Centre/Simmons Auto Body Limited
Address	947 Elm St., Port Colborne
Approx. Distance to Subject Site	265m
ECA / C of A No.	7154-65ZRC7
Figure 3 Reference Number	6

CSN Collision Centre/Simmons Auto Body Limited (CSN) is an automotive repair and body shop, providing repairs, body work and other automotive service. The facility is located on the east side of Elm Street south of the proposed development.

The facility contains a significant outdoor rear yard area for storage of cars and parts.

Based on the presence of outdoor storage and the potential for reasonably frequent vehicular movements upon the site, CSN has been considered as a Class II Industry under MECP Guideline D-6-1. A portion of the facility, including some of the rear yard, is located within the 300m influence area but is outside of the 70m minimum separation distance, which are defined by D-6. As such, most impacts would be expected to be mitigated upon the proposed development site.

CSN maintains an amended Certificate of Approval with the MECP # 7154-65ZRC7, dated October 26, 2004. As such, CSN is required to comply with all environmental emission criteria at all surrounding land uses, which include residential dwellings across Elm Street at a greatly reduced distance setback compared with the proposed development site. Compliance with the acceptable limits at the nearby dwellings will result in compliant levels at the proposed development site.

No observable impacts of any kind were perceived from CSN upon the proposed development site at any time during the April 2023 site visit.

Based upon the observations of the subject site, adverse impacts are not expected upon the proposed residential development, and additional assessment is **not warranted**.

#### 4.6 Class I – Small Scale Industrial

As per the D-6 Guideline, Class I industries have a potential impact area of 70m from the proposed site. As illustrated in Figure 3, there is one Class I industry within 70m of the subject site as follows:

##### 4.6.1 Brand Name Show Warehouse

Company Name	Brand Name Show Warehouse
Address	58 Prosperity Ave, Port Colborne
ECA / C of A No.	4358-58LQS6 (Emerson Electric)
Approx. Distance to Subject Site	60m
Figure 3 Reference Number	7

The Brand Name Shoe Warehouse facility is located south-east of the proposed development across Elm Street. The facility is a distribution store for footwear, with a delivery door on the rear side of the building.

Based on the daytime operations, relatively infrequent truck movements expected, and lack of outdoor storage and operations, the facility has been considered as a Class I Industry under MECP Guideline D-6-1. A portion of the facility, including

some of the rear yard, is located within the 60m influence area but is outside of the 20m minimum separation distance, which are defined by D-6. As such, most impacts would be expected to be mitigated upon the proposed development site.

The building was previously occupied by Emerson Electric Canada Limited, which was subject to a Certificate of Approval # 4358-58LQS6. As such, it is expected that any building equipment noise has been controlled to ensure acceptable sound levels at the nearest points of reception.

No observable impacts of any kind were perceived from CSN upon the proposed development site at any time during the April 2023 site visit.

Based upon the observations of the subject site, adverse impacts are not expected upon the proposed residential development, and additional assessment is **not warranted**.

## **5.0 CONCLUSIONS**

A Land Use Compatibility assessment has been conducted in order to assess the potential for adverse impacts in terms air quality, dust, odour, noise, and vibration as perceived on the subject site (i.e., the vacant lands located at or near 950 Elm Street, Port Colborne) as a result of activities conducted at nearby industries.

A site investigation was conducted in order to assess the actual perceived effects of fugitive dust, odour, and noise emissions on the subject site. Neighboring industries were also researched in order to gain a comprehensive understanding of the processes taking place at each industry. Further, MECP Environmental Compliance Approvals for these neighboring industries were examined in order to assess the mitigation measures already put into place, as well as to gain further knowledge of the industries.

All of the above investigations cumulatively conclude that the neighboring industries are not expected to have any adverse effects on the proposed development as it pertains to dust, odour, vibration, and noise, and that the proposed development is anticipated to be compatible with the surrounding land uses.

As such, the proposed development should be considered compatible with all existing and proposed uses with respect to the MECP D-Series guidelines, specifically D-6.

## **FIGURES**



**FIGURE 1  
KEY PLAN**



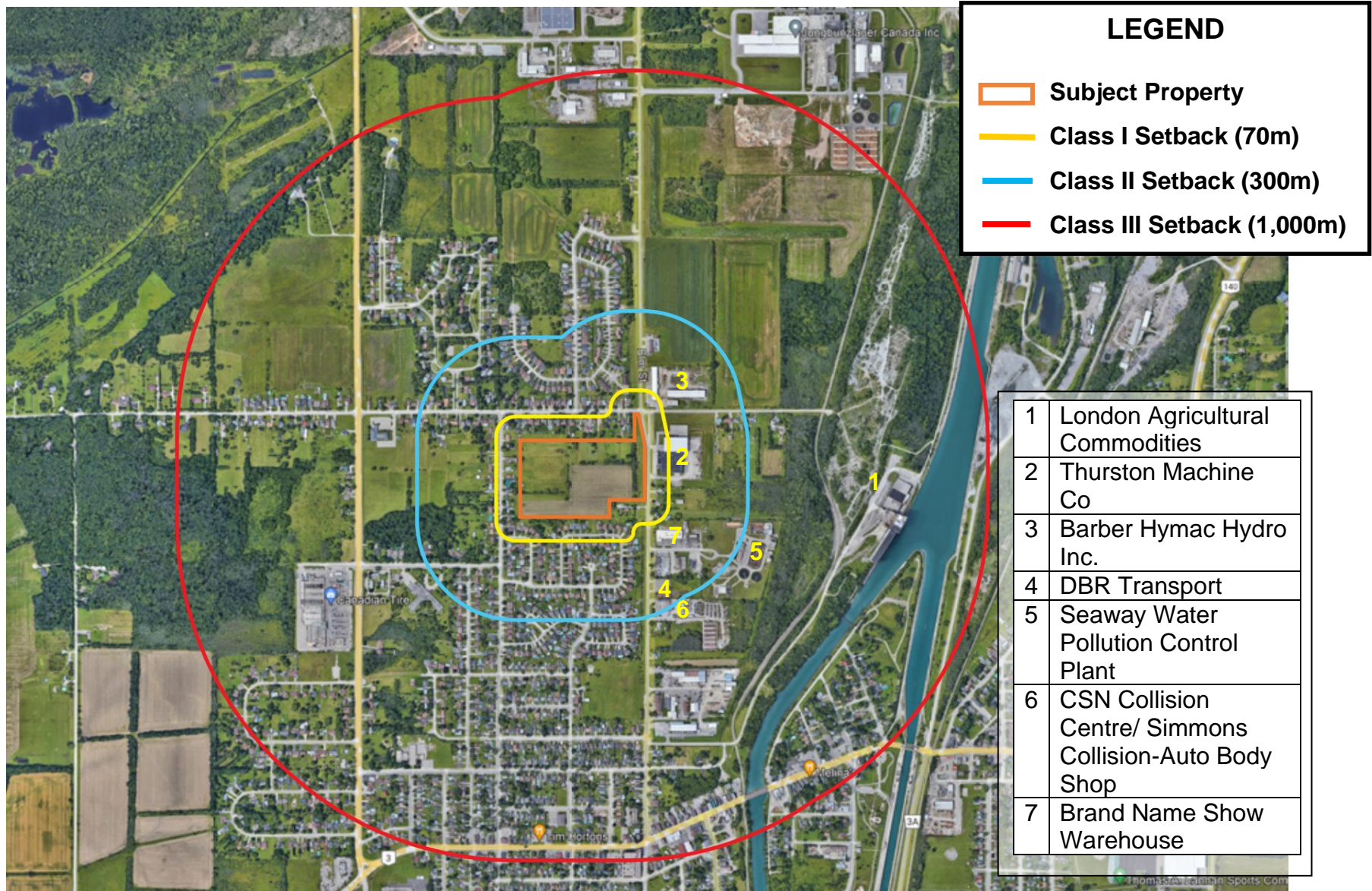


**LEGEND**

- Proposed Property
- City-Owned Parcel, may be acquired
- City-Owned Parcel, to be acquired
- /  Privately-Owned Parcel, may be acquired

**FIGURE 2  
SITE PLAN**





**FIGURE 3  
D-6 DISTANCE SETBACKS**



**APPENDIX A**

**APPLICABLE ZONING BY-LAW SECTIONS**

***CITY OF PORT COLBORNE COMPREHENSIVE ZONING BY-  
LAW 6575/30/18  
DATED APRIL 23, 2018***

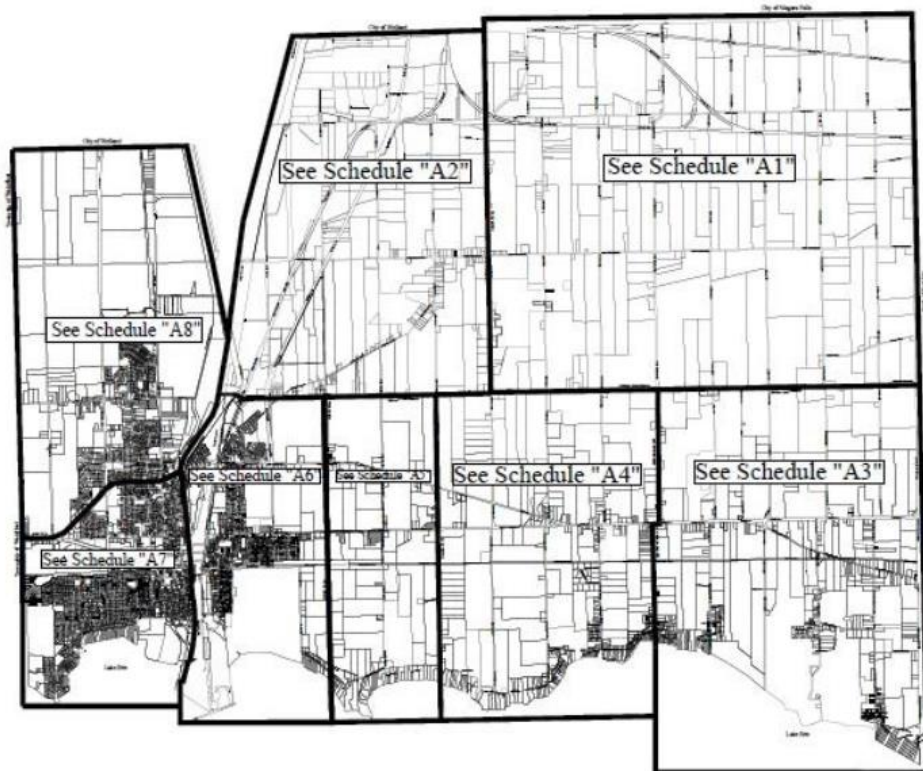


PORT COLBORNE

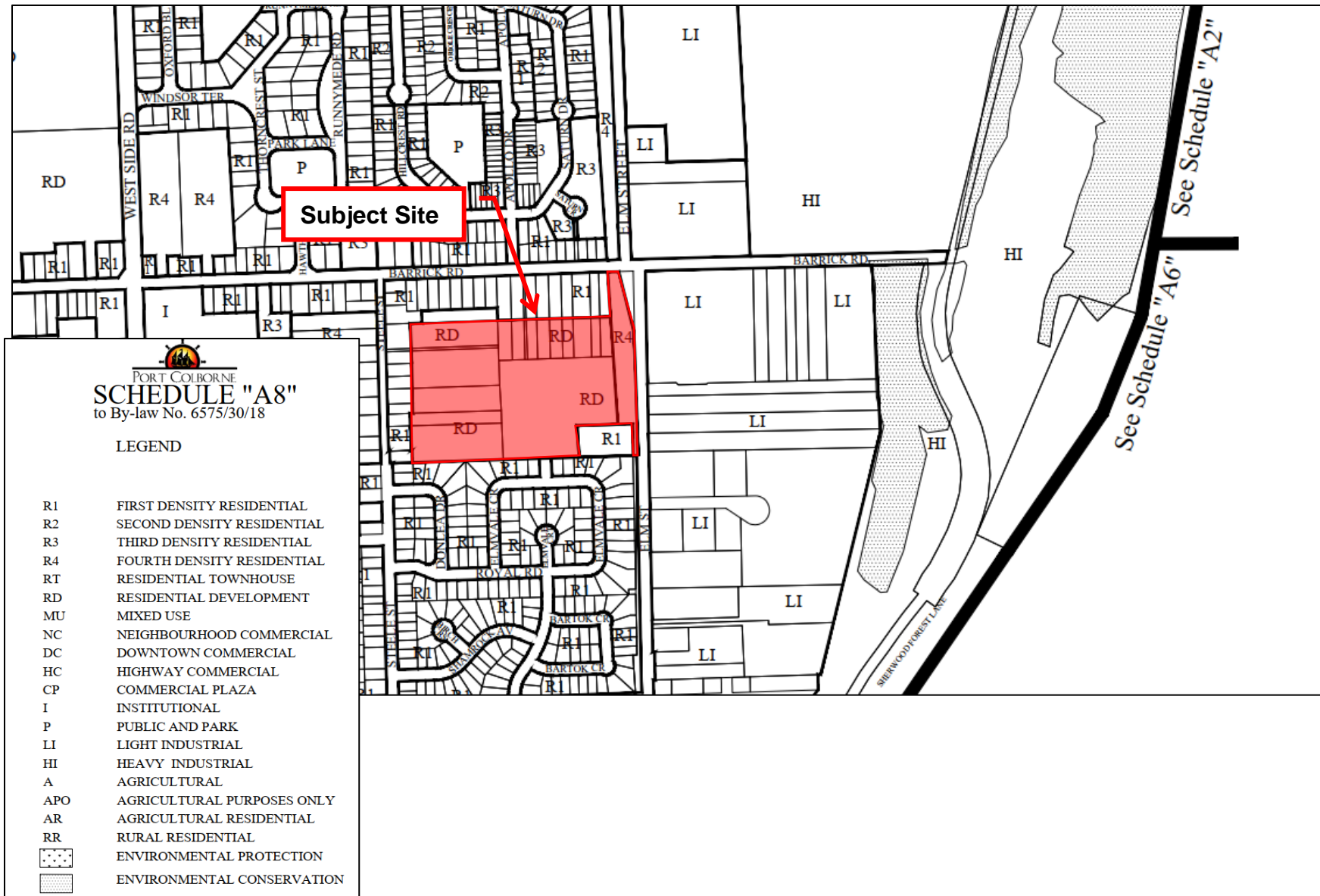
## City of Port Colborne

### Comprehensive Zoning By-law 6575/30/18

April 23, 2018







## **Section 13: Residential Development Zone (RD)**

---

### **13.1 General**

- a) No person shall use any lot or erect, alter or use any building or structure in any Residential Development (RD) Zone except in accordance with the applicable provisions of Sections 2, 3 and 13.
- b) In addition to Section 13.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### **13.2 Permitted Uses**

- a) Dwelling, Detached
- b) Uses, structures and buildings accessory thereto

### **13.3 Zone Requirements – Dwelling Detached**

- |    |                            |             |
|----|----------------------------|-------------|
| a) | Minimum Lot Frontage       | 30m         |
| b) | Minimum Lot Area           | as existing |
| c) | Minimum Front Yard         | 8m          |
| d) | Minimum Interior Side Yard | 5m          |
| e) | Minimum Corner Side Yard   | 8m          |
| f) | Minimum Rear Yard          | 8m          |
| g) | Maximum Lot Coverage       | 10 percent  |
| h) | Maximum Height             | 11m         |

## **Section 8: Fourth Density Residential Zone (R4)**

---

### **8.1 General**

- a) No person shall use any lot or erect, alter or use any building or structure in any Fourth Density Residential (R4) Zone except in accordance with the applicable provisions of Sections 2, 3 and 8.
- b) In addition to Section 8.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### **8.2 Permitted Uses**

- a) Dwelling, Detached
- b) Dwelling, Semi-Detached
- c) Dwelling, Duplex
- c) Dwelling, Triplex;
- d) Dwelling, Fourplex;
- e) Dwelling, Townhouse Block;
- f) Dwelling, Townhouse Street;
- g) Apartment Buildings;
- h) Apartment Buildings, Public;
- i) Boarding or Lodging House; and
- j) Uses, structures and buildings accessory thereto

### **8.3 Zone Requirements – Dwelling, Triplex**

- |                               |                   |
|-------------------------------|-------------------|
| a) Minimum Lot Frontage       | 18 metres         |
| b) Minimum Lot Area per Unit  | 125 square metres |
| c) Minimum Front Yard         | 9 metres          |
| d) Minimum Interior Side Yard | 1.2 metres        |
| e) Minimum Corner Side Yard   | 3 metres          |
| f) Minimum Rear Yard          | 6 metres          |
| g) Maximum Lot Coverage       | 40 percent        |
| h) Maximum Height             | 11 metres         |

## **Section 26: Light Industrial Zone (LI)**

---

### **26.1 General**

- a) No person shall use any lot or erect, alter or use any building or structure in any Light Industrial (LI) Zone except in accordance with the applicable provisions of Sections 2, 3 and 26.
- b) In addition to Section 26.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### **26.2 Permitted Uses - Principal**

- a) Adult Oriented Entertainment Establishment;
- b) Cannabis Production Facility;
- c) Car wash;
- d) Contractor's Yard;
- e) Crematorium;
- f) Education Facility;
- g) Industry, Light;
- h) Motor Vehicle Repair Garage;
- i) Public Use;
- j) Research Facility;
- k) Transportation Depot; and
- l) Uses, structures and buildings accessory thereto and does not include obnoxious, dangerous or offensive trades

### **26.3 Permitted Uses – Accessory**

- a) Food Vehicle;
- b) Office;
- c) Retail Store;
- d) Restaurant, Fast-Food;
- e) Restaurant, Full-Service; and
- f) Restaurant, Take-Out

## **Section 27: Heavy Industrial Zone (HI)**

---

### **27.1 General**

- a) No person shall use any lot or erect, alter or use any building or structure in any Heavy Industrial (HI) Zone except in accordance with the applicable provisions of Sections 2, 3 and 27.
- b) In addition to Section 27.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### **27.2 Permitted Uses - Principal**

- a) Adult Entertainment Establishment;
- b) Bulk Fuel Depot;
- c) Cannabis Production Facility;
- d) Car Wash;
- e) Contractor's Yard;
- f) Crematorium;
- g) Education Facility;
- h) Heavy Equipment Sales and Service;
- i) Industry, Heavy;
- j) Industry, Light;
- k) Motor Vehicle Repair Garage;
- l) Public Uses;
- m) Research Facility;
- n) Transportation Depot; and
- o) Uses, structures and buildings accessory thereto and does not include obnoxious, dangerous or offensive trades

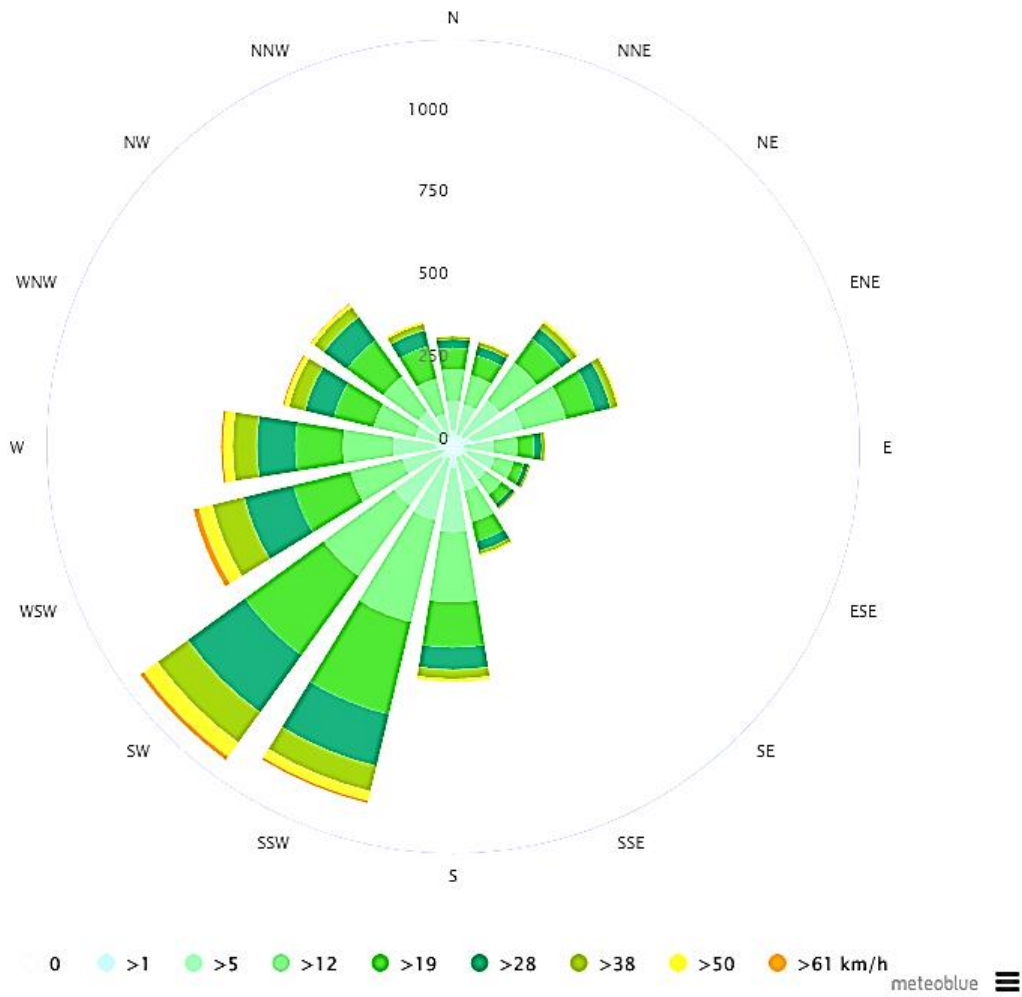
### **27.3 Permitted Uses – Accessory**

- a) Food Vehicle;
- b) Office;
- c) Retail Store;



**APPENDIX B**  
**WIND ROSE DIAGRAM**

# Wind rose



Source: [https://www.meteoblue.com/en/weather/historyclimate/climatemodelled/port-colborne\\_canada\\_6111704](https://www.meteoblue.com/en/weather/historyclimate/climatemodelled/port-colborne_canada_6111704)