



# 530, 550, 580 Kerr Street and 131, 171 Speers Road

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## Land Use Compatibility Study

February 2, 2022

**URBAN  
STRATEGIES  
INC .**

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**RE: Land Use Compatibility Study**

**Upper Kerr Village - 530, 550, 588 Kerr Street, 131, 171 Speers Road, Oakville**

Urban Strategies Inc. and SLR Consulting (Canada) Ltd. (SLR) have jointly prepared this Land Use Compatibility Study (the “Study”) on behalf of April Investments Limited (owner of 588 Kerr Street), 527079 Ontario Limited (owner of 530 Kerr Street), Trans County Development Corporation Limited (owner of 131 Speers Road), and Oakville Developments (2010) Inc (owner of 550 Kerr Street) (together known as the “landowners”). This study has been completed to support a phased Official Plan Amendment application to permit the redevelopment of lands known municipally as 530, 550, 588 Kerr Street and 131, 171 Speers Road in the Town of Oakville, as required by the Regional Municipality of Halton (the “Halton Region”). As part of this two-stage submission, studies and reports will also be submitted to the Town of Oakville updating the Official Plan Amendment materials (File No.: OPA1616.56).

## **Background and Methodology**

On December 8, 2021, Halton Region requested that the proponent complete a Land Use Compatibility Study as part of the Official Plan Amendment application and undertake necessary mitigating actions, in accordance with the Region’s Land Use Compatibility Guidelines, Air Quality Impact Assessment Guidelines, and any applicable Ministry of the Environment guidelines. This Land Use Compatibility Study meets the Terms of Reference set out by Halton Region.

The purpose of the Study is to satisfy the requirements outlined above and the applicable policies of Halton Region. SLR Consulting (Canada) Ltd. has prepared a Compatibility & Mitigation Study, Air Quality, Dust, Odour, Noise & Vibration study which is submitted under separate cover. These reports assess the potential impact of adjacent and nearby properties that may be a source of pollutants, dust and/or odour, and noise on the Proposal.

For convenience, this Land Use Compatibility Study summarizes the findings of the SLR Consulting Compatibility Study and the relevant planning policies, under the following categories:

1. The Site and Surrounding Context
2. The Proposal
3. Applicable Acts, Regulations, Code, Policies and Guidelines
4. Potential Impact
5. Conclusions







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**1.0**

**THE SITE AND  
SURROUNDING  
CONTEXT**



# 1.0 SITE AND SURROUNDING CONTEXT

## 1.1. The Subject Site

The subject site, known municipally as 530, 550, 588 Kerr Street and 131, 171 Speers Road, is comprised of a 4.8-hectare block located on the northwest quadrant of the Kerr Street and Speers Road intersection within the Town of Oakville's Kerr Village and is bounded by Speers Road to the south, Kerr Street to the east, a CN rail corridor to the north, and a single storey heritage building to the west. The subject site currently contains a range of commercial buildings, including a grocery store, department store, cinema, and their associated parking areas.

The subject site and surrounding properties to the east and south are located within the Halton Region Urban Area as per Map 1 of the Halton Region Official Plan (see Figure 3). Lands within the Urban Area are intended to support a form of growth that is compact and transit-supportive. Lands to the west and north of the subject site are designated Employment Areas as per Map 1 in the Region Official Plan and as illustrated in Figure 3.

The site and surrounding properties are also located within the Kerr Village Growth Area, an area that is planned for mixed-use and higher density development. The subject site is designated as a Growth Area as per Schedule G in the Liveable Oakville Plan ("the Plan") (see Figure 4) and is further designated Urban Core in Schedule



Figure 1. Subject Site and Surrounding Context



O1 of the Kerr Village Land Use Plan (see Figure 5).

Generally, the land uses, and building typologies in immediate proximity to the subject site are characterized by a mix of low-scale residential, commercial, business, and employment uses with higher-density residential uses along the main arterial roads. To the immediate north of the subject site is a CN rail corridor that also functions as a rail line for Metrolinx GO train services.

Further west and north of the subject site are lands designated Business Employment as per Schedule G of the Liveable Oakville Plan (see Figure 4). These lands include existing uses such as offices, warehousing, packaging, and manufacturing facilities. To the northeast of the subject site across Kerr Street are lands designated Natural Area

as per Schedule G, which are occupied by the 16 Mile Creek and naturalized green space.

The lands east of the subject site across Kerr Street are designated as Growth Area as per Schedule G, and Urban Core and Urban Centre as per Schedule O1 (see Figures 4 and 5 respectively).

These lands include commercial buildings such as a fitness club, a fast food restaurant and a mixed-used development with a convenience store and hair studio at-



Figure 2. Aerial of the Subject Site and Surrounding Context



grade. The lands southeast of the subject site across Kerr Street are designated Growth Area as per Schedule G and High Density Residential as per Schedule O1, which house multi-storey residential uses.

To the south of the subject site are lands designated Low Density Residential and Growth Area as per Schedule G (see Figure 4), and Main Street 2 and Urban Centre as per Schedule O1 (see Figure 5). These lands include low-rise residential and light industrial uses, including single-detached homes, motor vehicle related uses, and small-scale retail outlets. In addition, several development applications promoting intensification in the area are currently under review. For a more detailed overview of the surrounding context, including other active development applications, refer to the Planning Justification Report dated November 12, 2021.

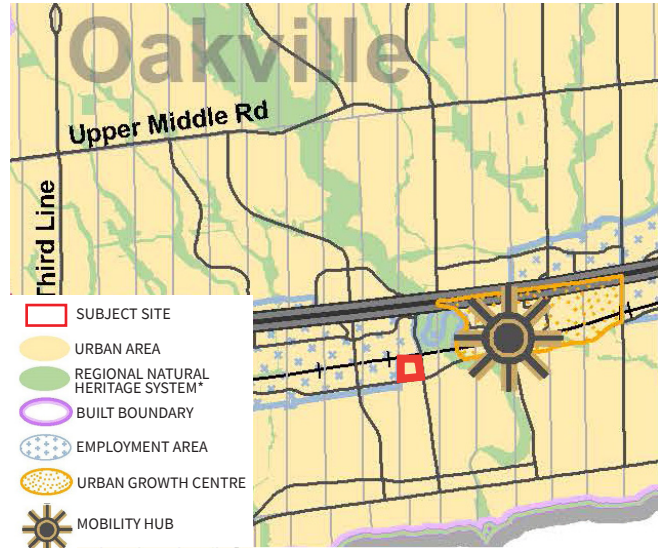


Figure 3. Map 1 - Urban Structure, Halton Region Official Plan

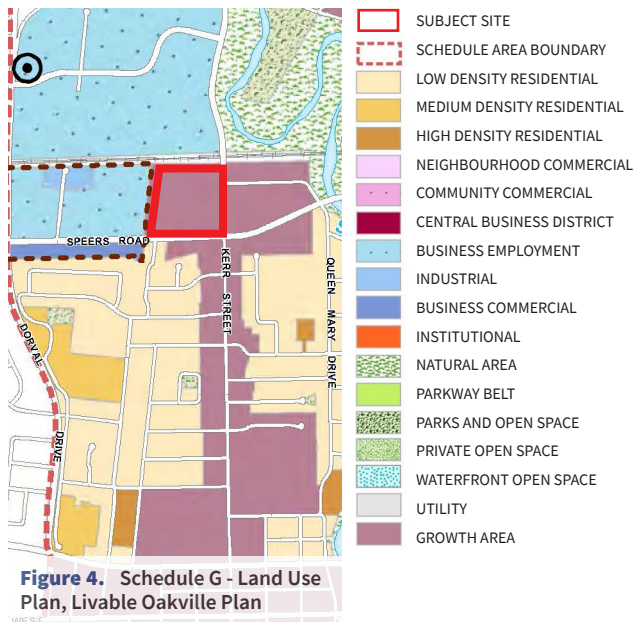


Figure 4. Schedule G - Land Use Plan, Livable Oakville Plan

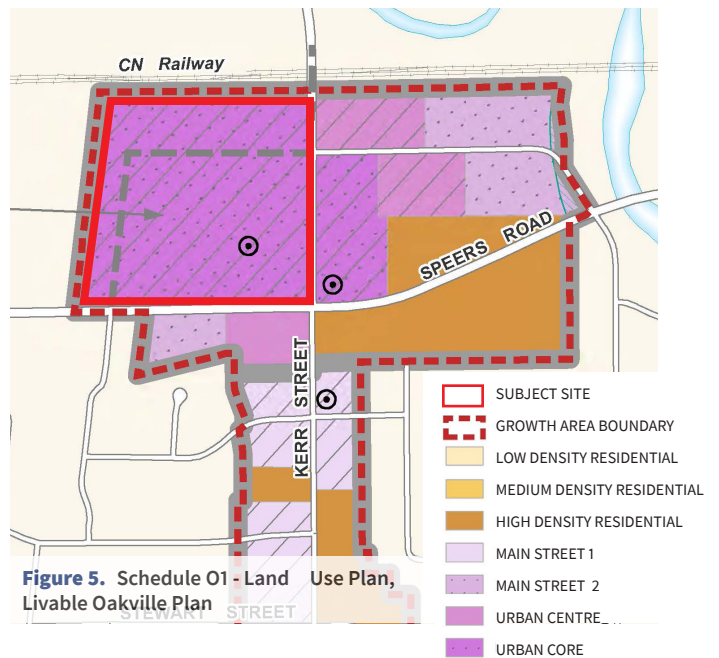


Figure 5. Schedule O1 - Land Use Plan, Livable Oakville Plan

**2.0**

## **THE PROPOSAL**

# 2.0 THE PROPOSAL

## 2.1. The Proposal

The Comprehensive Development Plan defines seven development blocks, which will accommodate a density of 3.4 FSI and approximately a total GFA of 194,200m<sup>2</sup> of mixed use, transit-oriented intensification in a compact, urban built form. Each block will have public street frontage and vehicular access from the internal street network. The blocks and building sites are coordinated with the existing property lines to maximize the flexibility for phased development.

The Plan proposes a vertically integrated mix of uses which includes a series of new buildings with higher densities and varying building heights ranging from 8 to 28 storeys, approximately 1,847 residential units, the provision of a grocery store, central public park, urban square, and network of pedestrian-oriented mid-block connections. The Comprehensive Development Plan and Demonstration Plan are conceptual and, with the exception of 550 Kerr Street lands, do not represent a site-specific proposed development concept or development application for the site.



Figure 6. Demonstration Plan



The comprehensive redevelopment of the subject site will require substantial coordination among different property owners, the City and the Region. Approaches to phasing may vary, and will be contemplated upon submission of future site-specific development applications.

The realignment of Kerr Street and the grade separation project is anticipated to occur in the early stages of the project. The Block Plan is structured to accommodate the land expropriation while maximizing the flexibility for a phased redevelopment of the remaining lands.

All the building sites are located separately within each of the existing property boundaries. The shared infrastructure including roads and the public park are located across different properties. This infrastructure can also be delivered in phases through collaboration between property owners and flexible interim solutions including the creation of temporary road access and privately-owned publicly accessible spaces (POPS).



**Figure 7.** Comprehensive Development Plan

## **3.0** APPLICABLE ACTS, REGULATIONS, CODES, AND GUIDELINES

# 3.0 APPLICABLE ACTS, REGULATIONS, CODES, AND GUIDELINES

Land use planning plays a secondary role in managing air quality and noise effects in Ontario. For example, this can be achieved by creating a land use buffer between industry and a sensitive land use, such as residences, schools, seniors' facilities, daycares, hospitals, churches and campgrounds. There are several guidelines, acts, regulations and other requirements to manage the interaction between sensitive land uses and non-sensitive land uses.

## 3.1. Environmental Protection Act

Section 9 of Ontario's Environmental Protection Act (EPA) requires industrial facilities to obtain an ECA or register on the EASR before constructing, altering or operating a source. To obtain an ECA or register on the EASR, the facility must demonstrate compliance with applicable regulations, standards and guidelines, which includes dispersion model predictions, dust management plans and, in some cases, monitoring before issuing an ECA or registration. Section 14 of the EPA generally prohibits anyone from causing an adverse effect, such that industries can be and are prosecuted when problems occur.

## 3.2. Ontario Regulation 419/05: Local Air Quality

Ontario Regulation 419/05: Local Air Quality sets out emission estimation, dispersion modelling and reporting requirements for a facility to demonstrate compliance with the air quality Standards listed in the regulation. This regulation also reaffirms the prohibition under the EPA from causing an adverse effect. Industries that are unable to demonstrate compliance with the O. Reg. 419/05 Standards based on the requirements within the regulation may be prosecuted for failing to demonstrate compliance.

## 3.3. The MECP Guideline D-6: Compatibility between Industrial Facilities

In addition to the EPA and O. Reg. 419/05, the MECP also has land use compatibility guidelines (D-1 to D-6), providing guidance on the concept of separation distance and land use buffers. This guideline is an additional tool to help protect against adverse effects in Ontario, however these guidelines are currently considered to be unsupported, as the MECP has not reviewed or updated these guidelines since 1995. The MECP guideline D-6: Compatibility between Industrial Facilities [1] is intended to assist planners in establishing adequate buffers.

The D-series guidelines, and specifically Guideline D-6, are intended to minimize encroachment of sensitive land uses on industrial facilities and vice versa. They address potential incompatibilities due to emissions such as noise, odour, and dust. Guideline D-6 states that studies for noise, dust, and odour should be provided by the proponent to the approving authority. It also provides a classification scheme for industries, based on their potential for emissions that could cause adverse effects. For each class of industry, the guideline provides an estimate of potential influence area and states that this influence area shall be used in the absence of the recommended technical studies. Guideline D-6 also recommends a minimum separation distance between each class of industry and sensitive land uses (see Table 1 of SLR's Compatibility Study dated January 31, 2022).

Section 4.10 of Guideline D-6 identifies exceptional circumstances with respect to redevelopment, infill, and mixed-use areas. In these cases, the guideline suggests that separation distances at or less than the recommended minimum separation distance may be acceptable if a justifying impact assessment is provided. Guideline D-6 provides criteria for classifying industrial land uses, based on their outputs, scale of operations, processes, schedule, and intensity of operations.



## 3.4. Odour Performance Requirements

Ontario Regulation 419/05 accounts for compound specific odours but does not address odours resulting from a mixture of gaseous compounds. With respect to odours from gaseous mixtures, Section 14 of the EPA prohibits “adverse effects” and Section 1 of the EPA defines an “adverse effect” qualitatively but no Provincial Regulation or MECP Guideline or Technical Bulletin establishes a quantitative odour performance guideline or standard.

The MECP Technical Bulletin titled “Methodology for Modelling Assessments of Contaminants with 10- minute Average Standards and Guidelines under O. Reg. 419/05” does define odour performance guidelines but applies only to the Schedule 3 Standards for total reduced sulphur (TRS) and hydrogen sulphide (H<sub>2</sub>S) only. Individual facility ECAs should have odour specific performance terms written into them if the regulator and/or facility owner/operator believes that the facility has the potential to emit odours that could cause an adverse effect under Section 14 of the EPA.

## 3.5. MECP Publication NPC-300 Guidelines for Stationary Noise

The sound levels modelled for the transportation noise and stationary sources were assessed by SLR Consulting using the Ministry of the Environment, Conservation and Parks (MECP) Publication NPC-300 guidelines.

Under the NPC-300 noise guidelines, noise sensitive receptors are defined using area classifications which include:

- Class 1 - Urban Areas
- Class 2 - Suburban/Semi-Rural Areas
- Class 3 - Rural Areas
- Class 4 - Infill Areas

The Class 1 and Class 4 limits were examined for the purposes of this study, with the Class 4 limits only assessed against the developable area on the subject site.

Transportation sources considered in the assessment includes road traffic noise from existing roads, Speers Road, Kerr Street, and the Queen Elizabeth Way (QEW) highway; future roads, through the development; as well as rail traffic noise from the CN rail corridor. The sound level generated by the QEW has been deemed to be insignificant at the subject site due to the large separation distance between the site and the QEW.

## 3.6. Halton Region Official Plan

The Halton Regional Official Plan (“the ROP”) outlines the long-term vision for Halton’s physical form and community character. To pursue that vision, it sets forth goals, objectives, and land use planning directions to guide growth and development to the year 2031, supportive of the building of mixed-use, compact, transit-supportive, walkable communities.

Map 1 – Urban Structure in the ROP designates the subject site as an Urban Area. Lands designated Urban Area are intended to accommodate existing and future urban development within Halton that promote the Region’s desire to create complete and sustainable communities, facilitate and promote intensification and increased densities through compact, mixed-use, pedestrian-oriented and transit-supportive forms of development and achieve complete communities.

Section 143 of the ROP requires that sensitive land uses in proximity to industrial, transportation and utility uses (i.e., railway lines) be planned to ensure they are appropriately designed, buffered and/or separated from Employment Areas and major facilities.

Halton Region Official Plan Section 143 (Policies 9 to 12) requires that a Land Use Compatibility Study be prepared as part of a complete development application to determine land use compatibility, appropriate mitigation measures, appropriate design, and minimum separation distances between employment uses and sensitive land uses. Therefore, the Land Use Compatibility Study has been prepared under separate cover instead of embedded within the Planning Justification Report prepared by Urban Strategies, dated November 12, 2021.

Section 4 and 5 of this Study assesses the appropriateness of the development in response to Section 143 of the Halton Region Official Plan.

## 3.7. Town of Oakville Official Plan

The Town of Oakville Official Plan - also referred to as “the Livable Oakville Plan” or “the Plan” - came into force in 2009 and is the primary planning tool used to sustainably guide growth and development in the Town over the long term. The current consolidation in force and effect includes modifications, subsequent approvals and amendments to August 31, 2021. The direction for managing growth articulated in the PPS, Growth Plan and Halton Region is implemented through the Livable Oakville Plan. It recognizes that most future development and redevelopment in the Town of Oakville will be through residential intensification within the existing built boundary and primarily within the defined Growth Areas as defined in Part E (Midtown Oakville, the Uptown Core, Palermo Village, Kerr Village, Bronte Village and Downtown Oakville) and lays out policies to ensure that this respects the surrounding context and advances the Town’s objectives to provide for intensification opportunities.

Schedule G – South East Land Use in the Plan identifies the subject site within a designated Growth Area (Kerr Village) and Schedule O1 – Kerr Village Land Use designates the subject site as Urban Core within the Upper Kerr Village District. Lands designated Urban Core are envisioned to have a strong urban focus and incorporate a mix of retail and service commercial uses, offices, and residential uses in a compact built form at higher development intensities that are pedestrian-oriented and transit-supportive.

The lands to the north and west of the subject site are designated Business Employment on Schedule G. Lands designated Business Employment are intended to be predominantly within enclosed buildings and provide for offices and light industrial uses with minimal impacts on the surrounding areas, including manufacturing, assembling, fabricating, repairing, warehousing and wholesaling, as well as motor vehicle related uses.

The Livable Oakville Plan provides requirements only for sensitive land uses within Employment Areas. Policy 14.1.9 states that where proposed within Employment Areas, sensitive land uses (i.e., residential) should be planned to ensure they are appropriately designed, buffered and/or separated from Employment Areas to minimize and mitigate any adverse impacts.

The subject site does not fall within an Employment Area. As such, Policy 14.1.9 does not apply.

## 3.8. Halton Region Land Use Compatibility Guidelines

The purpose of Land Use Compatibility Guidelines development by the Region (LUCG) is to “identify how land use compatibility issues may be addressed by municipalities during a development proposal...”

The LUCG were developed by the Region in consideration of the Provincial D-Series of Guidelines, prepared by the Ontario Ministry of the Environment, Conservation and Parks (MECP) in 1995 for planning guidance in evaluating land use compatibility. The LUCG identifies the relevant provincial guidelines and regulations which are to be considered:

- MOEs Environmental Noise Guidelines (NPC-300)
- Ministry of Environment’s O.Reg 419/05
- MOEs D-Series Guidelines

The LUCG also flag MTO’s Public Transportation and Highway Improvement Act which identifies regulated ‘control areas’ of developing new buildings and structures near Provincial highways. An MTO permit is required for ‘changing the land use in a way that will generate large amounts of traffic’ within an 800 metre limit of the highway.

## 3.9. Halton Region Air Quality Guidelines

The Region’s Air Quality Guidelines (AQG) were developed along with a number of other guidelines for land use planning which came out of the Regional Official Plan Amendment (ROPA 38). In general terms, the AQG recommends consideration of local industrial sources and transportation features when evaluating the siting of a residential land use.





# 4.0 ASSESSMENT

# 4.0 ASSESSMENT

## 4.1. Assessment

SLR Consulting has been retained to complete an environmental compatibility (noise, vibration and air quality) study in support of a phased Official Plan Amendment submission to the Town of Oakville for the proposed Comprehensive Development Plan of the subject site. As part of this Official Plan Amendment application, SLR Consulting prepared a Compatibility & Mitigation Study, Air Quality, Dust, Odour, Noise and Vibration report dated January 31, 2022, which is provided under separate cover, and has considered:

- Industrial air quality, odour, and dust emissions
- Transportation-related air pollution
- Industrial/commercial noise; and,
- Transportation-related noise and vibration

This Land Use Compatibility Study summarizes the assessment and conclusions of the above noted report. Those technical analysis, assessment and conclusions found in the report should be relied upon.

The scope of this study was to provide a preliminary, qualitative screening level assessment of the anticipated impact of adjacent and nearby properties that may be a source of pollutants, dust and/or odour on the Proposal. Their assessment is an initial screening from an air quality, odour, dust, noise, and vibration perspective of industrial uses in the surrounding area of the subject lands. This involves the use of experience and professional judgment, with the classification system and potential influence areas of Guideline D-6 serving as a useful guide. Based on Guideline D-6, the screening of industries focused on the area within 1000 meters of the Proposal. The following tasks were undertaken:

- Site visits were conducted on December 27, 2021 and January 20, 2022 by SLR personnel to identify significant sources of noise, air quality emissions and to identify any significant sources of odour or dust in the surrounding area;
- Surface wind data was obtained to generate a wind rose from data collected at the Pearson International Airport in Toronto from 1986 through 2015;

- Contact the applicable MECP District Office to determine if there are any air quality concerns within the area;
- Review of Guideline D-6 from the MECP;
- Review of active MECP ECA documents and EASR registrations within 1000 meters of the subject lands to gather information on the existing industrial activities and their potential air emissions; and,
- Review of Environment and Climate Change Canada's (ECCC) National Pollutant Release Inventory (NPRI) data for any potentially significant industries within 1000 meters of the subject lands to determine the primary contaminants of interest that may be emitted from these facilities.
- Worst-case scenario noise levels from the surrounding Commercial/ industrial operations were modelled using Cadna/A, a computerized version of the internationally recognized ISO 9613-2 noise propagation algorithms.

**The results of these tasks indicate that the Proposal is anticipated to be compatible with the surrounding land uses from an air quality perspective.** Emissions of dust, and/or odour at the subject site are not anticipated, as the surrounding industries are of a commercial, office, or light industrial nature and do not emit significant odour, dust, noise, and vibration impacts. The subject site is also not anticipated to limit surrounding existing, or future industries and their ability to obtain/maintain their required Ministry of the Environment, Conservation & Parks (MECP) permits and/or approvals.

**The findings indicate that the requirements of MECP Guideline D-6, and Publication NPC-300 are met.** The subject site and its Proposal are unlikely to result in increased risk of complaint and nuisance claims and likely do not pose a risk for creating operational constraints for nearby major facilities, which include the ability for these facilities to reasonably expand, intensify or introduce changes to their operations.



# **5.0** CONCLUSIONS

# 5.0 CONCLUSIONS

## AIR QUALITY, DUST AND ODOUR

The potential for air quality emissions at the subject site, including dust and odour, have been assessed.

Based on the review completed, the Proposal is anticipated to be compatible with the surrounding land uses from an air quality perspective. Emissions of dust and odour at the subject site are not anticipated. The subject site is not anticipated to limit operations of surrounding existing or future industries and the ability to obtain or maintain required MECP permits or approvals.

## NOISE AND VIBRATION

The potential for noise impacts on the Proposal have been reviewed. Stationary noise impacts have been calculated and shown to exceed the Class 1 limits, but pass the Class 4 limits. The Proposal will also not experience adverse impacts from the nearby rail corridor and QEW highway due to appropriate separation distances from these sources.

The Proposal meets the definitions and requirements for a Class 4 zone, and will require further approval from the Town and Region. Noise mitigation measures to meet Class 1 limits would require direct contact and should be made with both facilities to acquire proper sound levels and facility operations before detailed mitigation measures can be specified. Warning clauses should be required on title and within

## CONCLUDING STATEMENT

The Proposal is anticipated to be compatible with the surrounding land uses from an air quality, dust and odour, noise, and vibration perspective. In particular, appropriate separation distances from the Employment Areas located to the north and west, the CN rail corridor, and QEW limit adverse impacts from the surrounding industries onto the proposed sensitive uses on the subject site, and vice versa.

SLR Consulting's findings also indicate the existing uses surrounding the site do not pose adverse impacts on the Proposal, as they range from commercial, office, and light industrial uses to the north and west, along with residential and small-scale retail to the south and east. The presence of established residential communities located directly adjacent to the south and east of the site suggests that the existing nearby industries have been able to successfully operate within proximity to sensitive uses with little to no adverse impacts on these neighbourhoods. The presence of these established residential neighbourhoods also indicates that the possibility for large-scale industrial uses to commence operations in the Employment Areas to the north and west are unlikely, since such heavy industrial uses are typically better suited and compatible in Employment Areas that are more isolated and remote.

The current land use designations for the site and surrounding area in the Livable Oakville Plan also limit the possibility of a heavy industrial use commencing operations in the Employment Area located to the west and north. More specifically, the adjacent Employment designation is a Business Employment Area which permits employment uses within enclosed structures, predominantly in the form of office, commercial, and light industrial uses. The land use designations for the site and surrounding area promote the long-term development and intensification of transit-oriented communities with a mix of residential and retail uses. The current land use designations encourage the delivery of established residential neighbourhoods which will complement the existing residential communities of the Kerr Village area and contribute to the urban growth of the area well into the future.

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