

West Industrial Area – Industrial–Residential Interface Study

ISSUE

Historic industrial land uses in the West Industrial area have led to nuisance conditions for residents in surrounding residential neighbourhoods. This report outlines an approach for a comprehensive study, to determine whether there are ways to address existing nuisance conditions in areas of Saskatoon where historic industrial-residential interfaces exist, specifically in the West Industrial area.

BACKGROUND

The [West Industrial Local Area Plan](#) (LAP) was adopted by City Council on July 19, 2004, and included the following recommendation:

Recommendation 4.3 - Performance Standards (pages 14 and 128):
“That the Utility Services Department, Environmental Protection Branch, in conjunction with the Community Services Department, Development Services Branch and City Planning Branch, the Fire and Protective Services Department, and other partner organizations, prepare a terms of reference for a capital project to improve industry related standards for nuisance and/or noxious conditions, expanding on existing performance standards, with a view to incorporating these new standards in the development review and bylaw enforcement processes.”

The following motion was approved by City Council at its [July 27, 2020 meeting](#) (See page 14 and 15, 14.1):

“Whereas, land use adjacency between lands zoned Heavy Industrial and Residential are unique to the West Industrial area of Saskatoon;
Whereas, this land use adjacency naturally creates nuisance conflict; and
Whereas, residents of adjacent neighbourhoods and industrial operators are seeking support from the City of Saskatoon to determine options to mitigate land use conflicts;
Therefore, be it resolved that Administration report back at the earliest opportunity about options and estimated costs to complete a study to identify potential mitigating measures to reduce noise and other nuisance impacts between the West Industrial area and the adjacent residential areas, with particular attention to the adjacent areas of Pleasant Hill, King George and West Industrial and that the option consider partnership with willing industrial operators (e.g. access to land, willingness to contribute to study costs, etc.) and residential stakeholders to ensure a comprehensive study.”

The following motion was approved by the Standing Policy Committee on Planning, Development and Community Services, at its [meeting held on December 8, 2020](#) (8.1.3):

- “1. That the Administration report back to the Standing Policy Committee on Planning, Development and Community Services by second quarter 2021 with a plan for moving forward recommendation 4.3 in the West Industrial Local Area Plan, specifically through a terms of reference for a capital project to improve industry related standards for nuisance and/or noxious conditions, expanding on existing performance standards, with a view to incorporating these new standards in the development review and bylaw enforcement processes. That this report includes potential funding sources for this work and consideration of specific early focus on the nuisances and noxious conditions most impactful to residents in and around the West Industrial area such as noise, vibration, dust, and light. That it also includes opportunities to move forward some of this work in 2021 or as soon as possible; and
2. That the Administration report back on the Industrial Land Incentives policy’s application to industrial operators expanding in inner-city industrial areas and opportunities to embrace this application in support of neighbourhood planning objectives.”

CURRENT STATUS

West Industrial Local Area Plan

The LAP included 52 recommendations related to addressing land use incompatibility, surface deficiencies, site servicing, transportation concerns and economic development opportunities. Conflicts between land uses in the area were recognized and several recommendations and comments were made during the LAP process related to this aspect. Please refer to Appendix 1 for further overview of the LAP and its recommendations.

Nuisance Complaints in the West Industrial Area

Over the last 18 months, an increase in concerns have been raised by residents about nuisance conditions, specifically noise and air quality, from permitted heavy industrial uses in the West Industrial area. Administration has contacted the heavy industrial business operators to make them aware of the complaints. However, the IH - Heavy Industrial District allows for land uses which may generate nuisance conditions beyond the boundary of a site, including noise, dust and vibration. As such, the City does not have the legal ability under the City’s Zoning Bylaw to enforce existing IH land uses to halt operations which generate nuisance conditions or apply new standards to prevent nuisance conditions.

Actions to Date Related to Nuisance Complaints

Bylaw Compliance reviews all noise complaints it receives related to land use. Bylaw No. 8770, Zoning Bylaw, 2009 (Zoning Bylaw) does not prescribe maximum decibel levels and resolving noise-related issues relies on cooperation from the area businesses in addressing the source of the noise. In these situations, staff bring concerns to the attention of the business and encourage the business to consider how

impacts might be lessened. For example, residents in the community recently raised concerns about the noise levels, frequency and duration of alarms associated with the use of conveyor belts at an area business. The business was cooperative in adjusting the alarm noise levels and duration.

Air quality from large scale industrial emitters is regulated by the provincial *Environmental Management and Protection Act* (EMPA). Air quality in Saskatoon is measured by the National Air Pollution Surveillance Program. Specifically, nitrogen dioxide, sulphur dioxide, carbon monoxide, ozone and fine particulate levels are measured. The Province of Saskatchewan conducted an Air Quality Monitoring Study in Saskatoon in 2014/2015. The study included sampling near industrial as well as residential areas and concluded there were no significant air quality concerns in relation to these parameters at the time. Currently, the City does not have a policy tool to prompt investigation of air quality concerns which fall into the nuisance category.

DISCUSSION/ANALYSIS

Implementation of LAP Recommendation 4.3 - Performance Standards

Research work, including discussions with the City Solicitor's Office, to address LAP Recommendation 4.3 – Performance Standards, has determined that applying new performance standards to existing heavy industrial land uses would not improve land use conflicts due to the protection under the *Planning and Development Act, 2007* for non-conforming uses. The current industrial uses in question properly conform with the Zoning Bylaw in its current state. If new performance standards were created in the Zoning Bylaw, the operations would become non-conforming, but would be protected by the *Planning and Development Act, 2007*. Any new City-imposed standards to immediately address nuisances arising from currently lawful uses would therefore need to be imposed through means other than the Zoning Bylaw because of protection of non-conforming uses. However, more information is needed to determine the nature and scope of the nuisances in question and how industrial and residential interests could be properly balanced.

To address City Council's motion to improve industry related standards for nuisance and/or noxious conditions, Administration proposes a comprehensive Industrial-Residential Interface Study (Study) be initiated. Since there are several areas across the City where heavy industrial districts are near to residential areas, the Study would need to engage with residents and business owners in these interface areas to better understand the scale and nature of nuisance conditions. The Study would examine whether there are ways to address the land use conflicts where industrial-residential interfaces exist, including in the West Industrial area. Please refer to Appendix 2 for maps of heavy industrial and residential land use interfaces throughout the city.

Industrial-Residential Interface Study

A comprehensive City-Wide Study is proposed to determine whether there are ways to address the existing nuisance conditions in areas where heavy industrial-residential interfaces exist. A key deliverable of the Study will be to balance quality of life for

residents in proximity to heavy industrial areas and economic prosperity for existing heavy industrial land uses.

Initial research has identified further work is required to:

1. Determine if any new development standards or policy framework (external to the Zoning Bylaw) would improve nuisance conditions for residents.
2. Ensure any new development standard or policy implemented can be easily measured and effectively enforced.
3. Confirm if new development standards or policies would have negative implications on existing businesses across the entire city.

Administration is recommending a phased approach to funding which would require \$150,000 for the first year and \$150,000 for the second year to cover the total estimated costs of \$300,000 required for the development of this comprehensive Study. Consultants with expertise or specialized skills in monitoring and quantifying nuisance conditions will be required at various phases in the Study. In addition, several internal divisions will dedicate staff resources to the Study, and this work will need to be absorbed into existing work programs. Details of the Project and proposed phasing are included in Appendix 3.

Administration has submitted a capital budget request for \$300,000 as part of the 2022-2023 Business Plan and Budget deliberations. If approved, funding would support a dedicated project manager for two years, hiring of external consultants with experience with land use interface issues and to help facilitate engagement with stakeholders, as well as funding for required staff assistance from relevant Divisions. If the capital budget request is supported, Administration will dedicate existing resources to undertake Phase 1 - Baseline and Existing Conditions and would hire a consultant to undertake work from Phase 2 to Phase 4.

The work will include engagement with various levels of government which have jurisdiction over potential performance standards. Please refer to Appendix 4 for an overview of types of nuisance conditions, guiding legislation, act and/or bylaw, as well as the governing authority expected to implement and enforce compliance with the regulations.

The key deliverable of the comprehensive study would be a list of development standards or policy options that could be considered for implementation, along with a description of the anticipated impacts the option would have on the specific nuisance concern. However, if potential options are discovered early in the process, the Administration would be able to bring forward these individual options at any time.

Limited Scope Approach

Given the scale and cost of the full study, Administration could take a focused approach on specific issues such as noise or air quality. Any proposed policy or bylaw changes

would impact residents and businesses in all heavy industrial and residential interface areas of the City.

With respect to air quality, the response to complaints can be complex. There is a need to determine severity and root cause of the incident prior to taking appropriate action addressing the issue. For example, if issues are linked to an industrial emitter, studies may be needed to determine whether there are health risks. Administration estimates costs of such studies to range from \$20,000 to \$75,000, depending on what substance is being sampled, number and type of samples needed, whether the study is focused on short- or long-term health effects, and size of the area to be studied. If there is proof a health risk is present, the City may be able to enlist support from the province to regulate activities of the business. Alternatively, the City could use results of the study to help decide whether other tools, such as suspending a business license or negotiating a mutually beneficial change in location, would be a more effective approach.

In terms of noise mitigation, Administration outlined in a report to the Standing Policy Committee on Planning, Development and Community Services, at its meeting held on December 8, 2020, the estimated cost to complete the study ranged from \$15,000 to \$30,000. It was also noted that in the event any feasible noise reduction measures are identified through the proposed study, Administration would not have any mechanism to require a property owner or business to fund and undertake such improvements. As such, the Committee did not support a noise mitigation study since Administration was unable to identify any local businesses who were willing to partner with the City to fund any portion of the costs associated with a potential study.

Industrial Land Incentives Program

The Industrial Land Incentives Program, administered by Saskatoon Land, offers relocation and or expansion opportunities in new employment areas developed by the City. The program provides willing local businesses with the opportunity to defer the initial capital investment in land costs by offering to lease fully serviced land parcels for a 15-year period. Within the Lease Agreement, there is an option to purchase the land at the price which is fixed upon signing the Agreement. Further details on the program including the terms and conditions of a typical lease can be found at this link, [Industrial Land Incentives Program](#).

While the program typically only applies to industrial land parcels that are available in inventory, Saskatoon Land could entertain direct land lease or sale opportunities from willing West Industrial landowners, subject to approval of the Standing Policy Committee on Finance.

To ensure business and landowners in the West Industrial area are aware of the Industrial Land Incentives Program, a communications plan will be prepared to outline the best approach to sharing information and facilitating discussions about relocation support between Saskatoon Land and West Industrial area landowners.

FINANCIAL IMPLICATIONS

Administration estimates an Industrial-Residential Interface Study would cost up to \$300,000. Administration has submitted a capital budget request as part of the 2022-2023 Business Plan and Budget Options Report for consideration during budget deliberations. Additional funding may be further required to implement the action items and strategies of the Study.

A communications plan for the Industrial Land Incentives Program can be supported using existing operating budget and resources.

OTHER IMPLICATIONS

Depending on the key findings and recommendations of the Study, varying legal, social or environmental implications could be realized; however, further work would need to be completed to fully understand the implications.

NEXT STEPS

If the capital budget request is supported, Administration would begin gathering baseline conditions, undertake detailed research work and engage/consult with stakeholders in 2022.

APPENDICES

1. West Industrial Local Area Plan Overview
2. Industrial-Residential Interface Maps
3. Industrial-Residential Interface Study - Project Phasing Plan
4. Performance Standards Responsibility Chart
5. Confidential-Solicitor/Client Privilege

REPORT APPROVAL

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