

Chairman and Members of the
Planning & Development Committee

RE: NATIONAL SEWER PIPE LTD.
File No. 31-200

Application to Amend the Land Use Regulations
made under the Parkway Belt Planning and
Development Act to permit the establishment of
a 20.6 hectare sanitary landfill facility.

RECOMMENDATION:

THAT the application for amendment to Ontario Regulation 482/73 made under the Parkway Belt Planning and Development Act by Proctor and Redfern Ltd., #75 Eglinton Avenue East, Toronto, Ontario, M4P 1H3 on behalf of NATIONAL SEWER PIPE LTD., P.O. BOX 1800, OAKVILLE, ONTARIO, L6J 5C7, to permit the establishment of a 20.6 hectare sanitary landfill site on PART OF LOTS 2 AND 3, CONCESSION 1 AND PART OF LOT 3, CONCESSION 2, EAST FLAMBOROUGH, LOCATED ON THE NORTH SIDE OF THE NORTH SERVICE ROAD WEST OF KING ROAD, File No. 31-200, be refused on the basis that the requested amendment to the Regulations does not conform to the Parkway Belt West Plan as incorporated into the City of Burlington's Official Plan and the Regional Official Plan,

AND THAT the City Clerk advise the applicant, the Ministry of Municipal Affairs and Housing and the Region of Halton accordingly,

AND THAT in the event that Ministry of Municipal Affairs and Housing staff is not prepared to approve the precise recommendation as set out by City Council, they notify the City Clerk in writing before any amending regulation is considered by the Minister, thereby providing City Council with the opportunity to consider the revisions proposed by the Ministry and if necessary, to have the matter referred to the Ontario Municipal Board as provided for in the Parkway Planning and Development Act, 1973.

AND FURTHER THAT should the owner wish to amend the Parkway Belt West Plan, an application for such amendment should be made directly to the Ministry of Municipal Affairs and Housing.

REPORT:

PURPOSE

To recommend a refusal of a Parkway Belt Regulation amendment application because it does not conform to the policies of the Parkway Belt West Plan.

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SITE & LOCATION

The subject property consists of Part Lots 2 and 3, Concession 1 and Part Lot 3, Concession 2 in the former Township of East Flamborough. The property contains a total area of 70.23 hectares and is located on the north side of the North Service Road as shown on Sketch No. 1.

The owner, National Sewer Pipe Ltd., also owns other properties to the south and east of the subject property as shown on Sketch No. 1. Quarrying operations are undertaken on the subject lands and on the National Sewer Pipe lands immediately east of King Road.

The site consists of wooded and scrub areas and is traversed by deep ravines containing intermittent streams. Bayview Park is located to the east of the area to be landfilled. An active landfill site is located to the west of the subject property.

DETAILS OF APPLICATION

On July 3, 1981 the City received an application to amend the Parkway Belt Regulations to permit the establishment of a 28.5 hectare sanitary landfill site on a property having a total area of 70.2 hectares. The July 3, 1981 application is detailed on Sketch No. 2.

A second application was submitted to the City on January 25, 1982. The new application which is shown on Sketch No. 3, superseded the previous application. The area of the property to be landfilled has been reduced by 7.95 hectares to 20.6 hectares in order to preserve significant plant species.

National Sewer Pipe Ltd. proposes to develop the landfill site in five cells working generally from north to south. The proposed landfill facility represents an interim land use in a sequential land use program for the site whereby the applicant proposes to extract the underlying shale, fill the mined out areas by solid waste landfilling and then convert the site to a recreational or other final land use. The applicant is of the opinion that the final landforms will blend into the adjacent landscapes. National Sewer Pipe Ltd. stated that the proposed landfill facility will accept all non-hazardous, solid, residential, commercial and industrial and inert wastes. Access to the site is proposed from the North Service Road. A leachate collection system and a storm water management plan is proposed to be incorporated in the site design. The applicant proposes that the landfill facility will be privately owned and operated.

The letter of transmittal dated January 15, 1982 which accompanied the subject application recognizes that the Parkway Belt West Plan as well as the Regulations need amendment since it states that the application covers both an amendment to the Parkway Belt West Plan and the Parkway Belt Regulations.

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PLANNING CONSIDERATION

Planning staff recommend that the National Sewer Pipe Ltd. application to establish a sanitary landfill facility be refused on the basis that it does not conform to the terms or intent of the Parkway Belt West Plan or Amendment No.101 to the Burlington Official Plan or the Regional Official Plan.

The subject area contains two Parkway Belt designations: Special Complementary Use Area on the southerly portion, and General Complementary Use on the northerly portion (see Sketch No. 1). Throughout the Parkway Belt West Plan, the Special Complementary Use Areas make special provision for specific uses in specific areas. The Special Complementary designation on the subject land makes no provision for a landfill facility, and envisages only light industrial type uses which do not detract from the open space character of the area and which preserve the natural landscape. It is our opinion that the Plan does not permit a landfill facility on the lands designated Special Complementary Use.

The "General Complementary Use Area" policies permit existing land uses, low density and low intensity agricultural uses, recreational uses, public uses and limited residential uses. Section 5.5.1(g) of the plan permits the establishment of other uses of land except residential or industrial providing that the new uses secure the open space character of the area and that major features such as streams, valleys and tree stands are preserved to the maximum possible degree.

The "General Complementary Use Area" designation also provides for changes of uses providing that the new uses are more compatible with the provisions of the Parkway Belt West Plan as existing uses and providing that all natural features are preserved to the maximum possible degree.

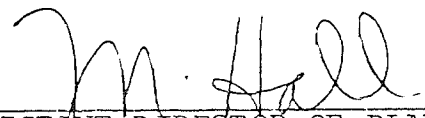
Staff are of the opinion that the proposed landfill facility does not conform to the Parkway Belt West Plan goals and policies relating to the preservation of existing natural features. Significant impacts upon existing landforms, vegetation, sight lines, ravines and watercourses can be expected should the subject lands be developed for sanitary landfill purposes. Given the significant environmental impacts that would be generated by the proposed facility, staff is of the opinion that it could not be defined as an "Other Use" as defined in Section 5.5.1(g), nor could it be considered to be a "Change of Use" as stated in Section 5.5.1(j) of the Plan.

In addition, it does not conform to the Plan in that, landfill site is not a permitted use in the Special Complimentary Use area in which National Sewer Pipe lands are partly situated.

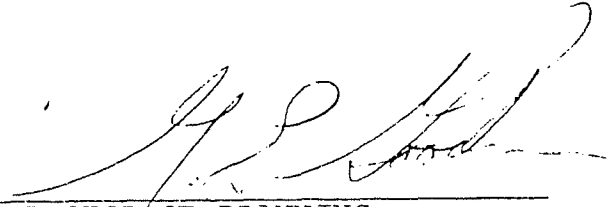
In conclusion, it is our opinion that the City cannot support any application to amend the Parkway Belt Regulations when the proposed use does not conform to the policies of the Plan.

Amending the Parkway Belt Regulations is a relatively straightforward process which, nonetheless, requires significant City input. As a result, the City has had an arrangement with the Ministry of Municipal Affairs and Housing to accept and process Parkway Belt applications before their submission to the Ministry. Amending the Parkway Belt Plan, on the other hand, is a more complex Ministry-oriented process (see Appendix I). Therefore, it is our opinion that the applicant should apply directly to the Province with an application to amend the Plan. Rather than defer action on the related application to amend the Regulations, staff prefer to see that file closed. Should the applicant be successful in obtaining the required amendment to the Parkway Belt Plan, an updated application to amend the Regulations would then be in order.

Respectfully Submitted,

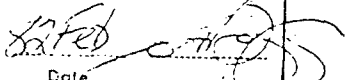


ASSISTANT DIRECTOR OF PLANNING
- DEVELOPMENT



DIRECTOR OF PLANNING

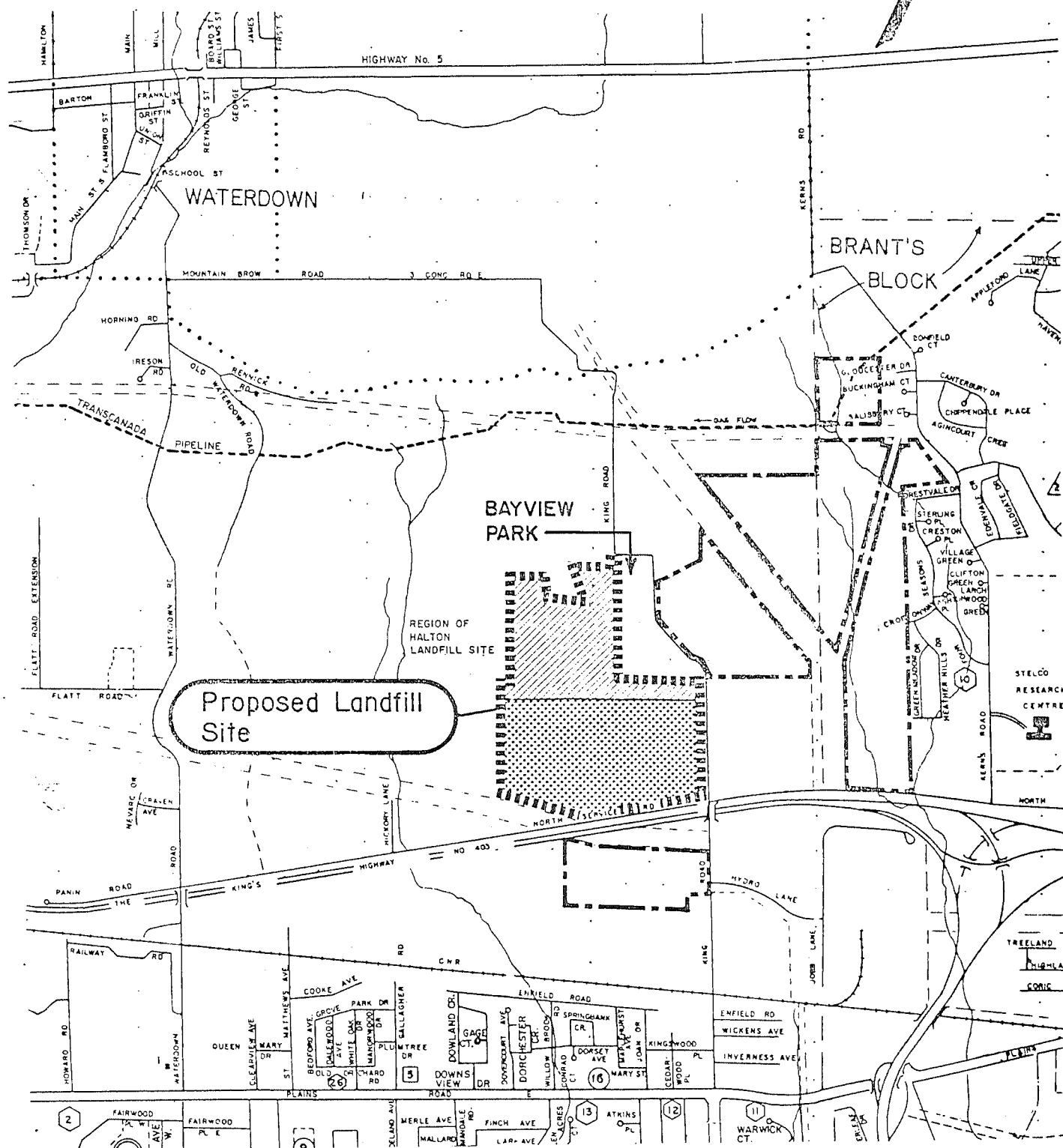
LD/dc/
Attachments/

APPROVED BY C.A.O.  MANAGEMENT COMMITTEE  Date _____
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Sketch No. 1

LOCATION SKETCH SHOWING LAND AFFECTED BY NATIONAL SEWER PIPE LIMITED APPLICATIONS FOR AMENDMENT TO THE LAND USE REGULATIONS MADE UNDER THE PARKWAY BELT PLANNING AND DEVELOPMENT ACT

DATE: July 14, 1981 SCALE: 1:25,000 FILE: 31-200



Legend

-  LIMITS OF NATIONAL SEWER PIPE SITE
-  AREA OF PROPOSED LANDFILL
-  OTHER NATIONAL SEWER PIPE HOLDINGS IN AREA
-  GENERAL COMPLEMENTARY USE AREA DESIGNATION
-  SPECIAL COMPLEMENTARY USE AREA DESIGNATION

Sketch No. 2

APPLICATION BY NATIONAL SEWER
PIPE LIMITEDFOR AMENDMENT TO THE LAND USE REGULATIONS
MADE UNDER THE PARKWAY BELT PLANNING AND
DEVELOPMENT ACT

DATE: July 14, 1981

SCALE: 1:7,500

FILE: 31-200

ONTARIO HYDRO

JULY 3, 1981 SUBMISSION

TOTAL AREA TO BE
LANDFILLED- 28.56 haProposed Landfill
SiteHORSE BACK
RIDING FACILITIES

SITE PLAN

BAYVIEW PARK

REGION OF HALTON
LANDFILL SITE

QUARRY

PROPOSED WEIGH SCALES

PROPOSED SCALE HOUSE

SITE COMPOUND

ALTERNATIVE SITE ACCESS ROUTE

M.T.C.

NORTH SERVICE ROAD

HIGHWAY No. 403

APPLICATION BY NATIONAL SEWER PIPE LIMITED

FOR AMENDMENT TO THE LAND USE REGULATIONS
MADE UNDER THE PARKWAY BELT PLANNING AND
DEVELOPMENT ACT

Date: FEBRUARY 12, 1982

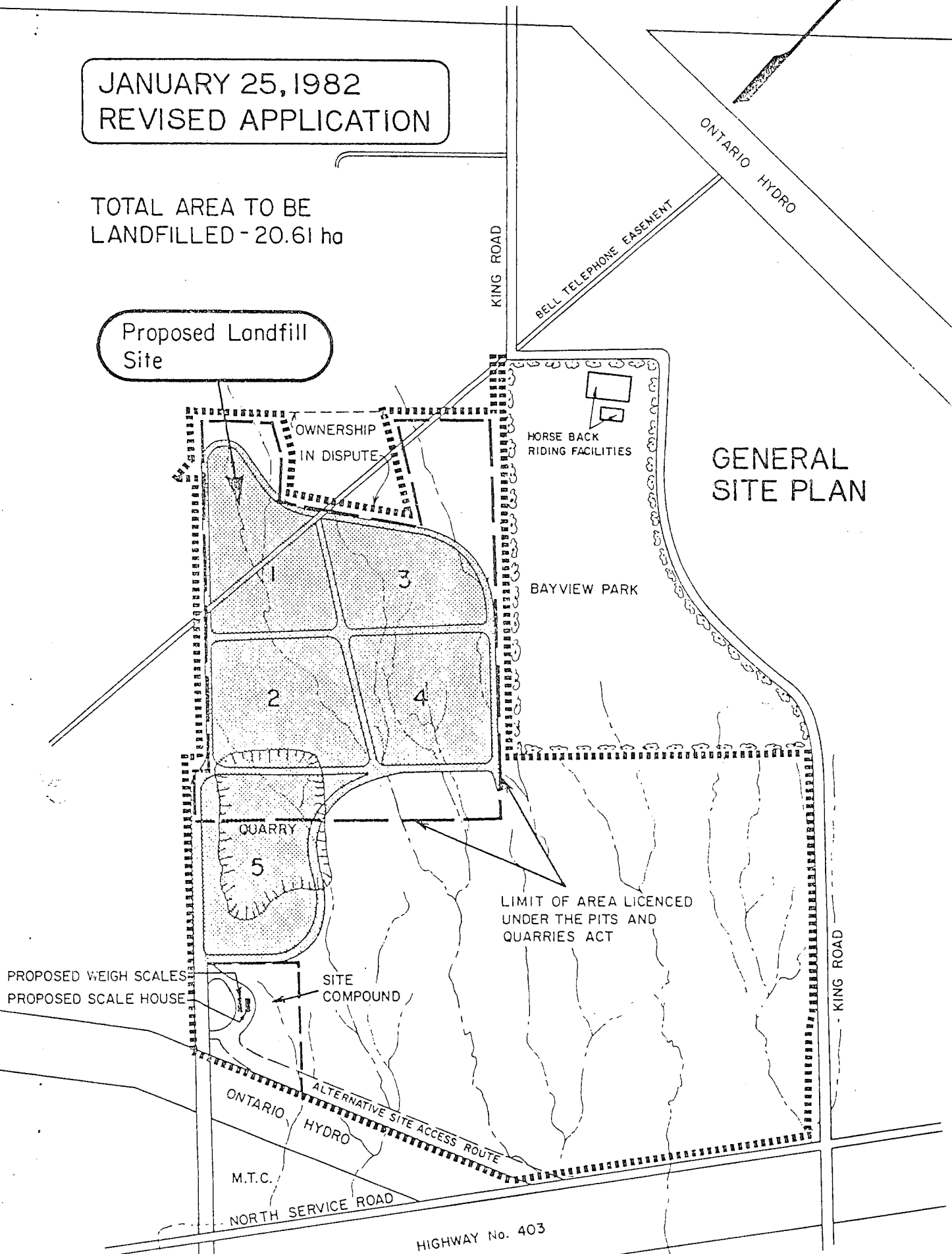
Scale: 1:7500

File: 31-200

JANUARY 25, 1982
REVISED APPLICATION

TOTAL AREA TO BE
LANDFILLED - 20.61 ha

Proposed Landfill
Site



APPENDIX I - THE PARKWAY BELT WEST PLAN AMENDMENT PROCESS

The Planning and Development Act sets out the procedure for amending a plan prepared under the Act. The Minister may initiate an amendment and an application may be made for an amendment by any person, Ministry or municipality.

Once the minister has decided to initiate an amendment the following steps have to be undertaken by the Minister:

1. To advise him on the preparation and implementation of the amendment, the Minister appoints two committees:
 - i) one representing the municipality or municipalities affected by the amendment
 - ii) one which is broadly representative of the people in the area affected by the amendment.

2. The Minister consults each municipality having jurisdiction over the affected lands and any municipality abutting these lands regarding the proposed contents of the amendment.

3. The Minister circulates the amendment to:

- i) the two advisory committees
 - ii) the municipalities having jurisdiction

The Minister provides a minimum of 3 months for comments and recommendations from the advisory committees and municipalities.

4. A notice is published in one or more local newspapers notifying the public about the amendment and inviting submissions and comments.

A minimum period of 3 months after the publication of notice is provided for public submissions.

5. A Hearing Officer is appointed and a notice of hearing is published. Hearings can begin no sooner than three weeks after the notice is published.

6. The Hearing Officer reports to the Minister, no later than 3 months after the conclusion of the hearing.

7. The Minister considers the hearing officer's report and submits his recommendations to the Cabinet. If his recommendation is other than the Hearing Officer's, the Minister shall give public notice and allow 21 days for submissions to Cabinet.

8. The Cabinet makes its decision on the amendment.