

DATE April 24, 1984

MOVED _____

SECONDED _____

CITY OF BURLINGTON

SWM-27-84

CITY OF BURLINGTON'S PREFERRED ALTERNATIVE FOR
THE DISPOSAL OF SOLID WASTE BY LANDFILL IN THE
SHORT TERM

THAT the City of Burlington adopt as its preferred alternative for the disposal of solid waste by landfill in the City of Burlington in the short term the Region of Halton's proposed interim expansion of the Burlington site, on the conditions:

- (1) That the expansion be redesigned to provide 20 m setbacks from the top of banks, and that the contingency leachate collection plan for Falcon Creek be reconsidered accordingly;
- (2) That the after-use planting proposal be redesigned in consultation with the City of Burlington and its consultants, with the objective of enhancing the quality, range, size and layout of plantings;
- (3) That the Region's consultants prepare a biophysical survey satisfactory to the City of Burlington's consultants;
- (4) That the City of Burlington be consulted on the detailed engineering of the site; and
- (5) That the Region agree to assist the City materially with the works required to remedy the leachate problems at Bayview Park;

and that staff, together with the necessary consultants to the City, be authorized to hold a preliminary meeting or meetings, with staff and consulting representatives of the Region of Halton, to determine the prospect of a negotiated agreement between the two parties that is satisfactory to the City of Burlington, if such negotiations are unsuccessful, the City apply for a two week adjournment of the E.P.A. Hearing scheduled for May 7, 1984 in order to allow its consultants time to prepare the City's presentation;

and that staff be authorized to participate with the Region in the development of an after-use plan for the site.

File: 75.01-1

CARRIED _____

SCHEDULE "A"
LANDFILL APPROVALS TARGET AGENDA

MAY	JUNE	JULY	
- Complete consultation With Government agencies on Government Review of Halton EA - Preparation of EPA Reports - Minister of Municipal Affairs and Housing decision re: Parkway Belt Declaration - Request for regulation to add unlisted approvals to Consolidated Hearing on Undertaking	- OPA 12a and 12b approved by Council and forwarded to Minister for approval - Public response to Halton EA reviewed - Approval to issue Notice to Hearings Registrar (if appropriate) - Preparation of EPA Reports - Possible agreement with Milton and Burlington re: site plan requirements - EFW Target Agenda	- Halton Response to Government Review of EA approved - Halton EA amendment approved (if appropriate) - Hearing Budget Approved - Section 64 Debt Financing Application submitted - EPA application approved - EPA technical reports approved - Meetings with Government agencies to review EA Response and Amendment - Milton OPA and Rezoning Application approved or denied (referred/appealed if required)	
AUGUST	SEPTEMBER	OCTOBER	NOVEMBER
- Regulation adding unlisted legislation for Consolidated Hearing Purposes proclaimed - Government Review of EA amendment published (if appropriate) - Notice of Consolidated Hearing Issued - Comparative Analysis Site F and Site D based on EPA reports approved - Negotiations with Opposing Parties to Identify Hearing Issues - Hearing Preparation	- Negotiations to Identify Hearing Issues - Hearing Preparation - Preliminary Hearing before Joint Board	- Negotiation and Mediation - Hearing Preparation	- Commencement of Consolidated Hearing

RECEIVED 1988

EM- 57-86



The Corporation of the
City of Burlington

May 1, 1986

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Telephone: 335-7608
File No.: 760-04B and
550-02-200

The Hon. B. Grandmaitre, MPP
Minister of Municipal Affairs
17th Floor, 777 Bay Street
Toronto, Ontario
M5G 2E5

Dear Mr. Minister:

Re: Region of Halton Landfill Proposal
Parkway Belt West Plan Conformity

In a letter dated March 27, 1986 staff of your Ministry advised that prior to your consideration of the Regional Municipality of Halton's request for a Declaration of Non-Conflict under Section 9(2) of the Ontario Planning and Development Act, the City of Burlington would be afforded the opportunity to make a submission.

It is the position of the City of Burlington that the proposal to establish and operate a Regional landfill site at Escarpment Site F, in the City of Burlington, does not conform to the goals, objectives and policies of the Parkway Belt West Plan. Should the Region continue with its proposal the City of Burlington submits that an amendment to the Plan is required. The rationale for this position is outlined in the attached Schedule I.

I am also enclosing for your consideration a copy of City of Burlington Council Resolution - Motion # 71 addressing this matter.

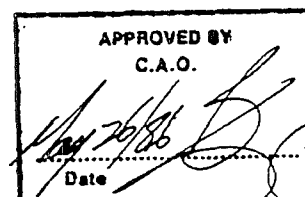
Yours truly,

Original Signed by Michael H. Boggs

Michael H. Boggs
Chief Administrative Officer

MHB:sb
encl.
4105u

c.c. Mr. M. McQuaid, Weir & Foulds
Mr. R. Mohammed, Region of Halton



EM-57-86

SUBMISSION TO THE HON. B. GRAND-
MAITRE, MPP MINISTER OF MUNICIPAL
AFFAIRS

ON BEHALF OF THE CORPORATION OF THE
CITY OF BURLINGTON

IN THE MATTER OF A request by the
Regional Municipality of Halton for a
declaration of non-conflict under
Section 9(2) of the Ontario Planning
and Development Act with respect to
the Region's proposal to establish
and operate a landfill site at
Escarpment Site F, in the City of
Burlington.

1.0 RELEVANT PARKWAY BELT WEST PLAN POLICIES AND DESIGNATIONS

- (i) Escarpment Site F is located north of the Service Road and west of King Road and Park. Map No. 2 "Escarpment Link" designates site under two land use policy designations: northerly portion of the site is designated Complementary Use Area, while the southerly portion of the site is designated Special Complementary Use Area.
- (ii) A "Utility" designation bisects the northern portion of the site and provides for a future 10 foot wide above ground telephone cable.
- (iii) Section 5.5.1 sets out policies and permitted uses affecting lands designated General Complementary Use. Section 5.5.2 sets out policies and permitted uses affecting lands designated Special Complementary Use.
- (iv) Paragraph (e) of Section 5.5.1 states "... uses, such as roads, utilities and their access facilities and other public uses of a low density and low intensity character ... " are permitted in the General Complementary Use Area. Low density is defined in Section 1.1 of the Plan to mean a use of land that has only a small part of the site covered by structures or equipment of limited height and a mass appearance. Low intensity is defined in Section 1.1 to mean a use of land that has an average low level of activity e.g. small number of employees, small visitors per acre, low traffic generation.

- (v) Paragraph (j) of Section 5.5.1 states "... changes of uses of land, buildings and structures ..." are permitted subject to the following conditions:
 - (i) New uses are as compatible with the provisions of the Plan as existing uses, or more compatible;
 - (ii) All natural features are preserved to the maximum possible degree;
 - (iii) Any other conditions required to secure the provisions of this Plan are satisfied.
- (vi) Paragraph (b) of Section 5.5.2 states "... public uses such as roads and utilities and their accessory facilities ..." are permitted.
- (vii) Paragraph (d) of Section 5.5.2 states "... changes of uses of the land, building and structures are permitted ..." subject to the following conditions:
 - (i) New uses are as compatible with the provisions of the Plan as existing uses, or more compatible;
 - (ii) All nature features are preserved to the maximum possible degree;
 - (iii) Any other conditions required to secure the provisions of this Plan are satisfied.

2.0 POLICY INTERPRETATION

- (i) The Region of Halton has indicated that paragraph 5.5.1(e) permits a Regional landfill site at Escarpment Site F as an other public use. The City of Burlington does not support this position since a landfill site does not satisfy the condition of a low intensity use as defined in the Plan. Based upon data contained in the Region's Environmental Assessment submission, traffic generation at Escarpment Site F is expected to exceed a yearly average of 936 trips per day in 1988 and 1106 trips per day in 1996. Traffic generation of this magnitude is, in our opinion, not in keeping with the intent of the Plan and particularly Section 1.1.
- (ii) The Region of Halton has indicated that paragraph 5.5.1(j) and paragraph 5.5.2(d) permits a Regional landfill site at Escarpment Site F as a change in use. The City of Burlington does not support this position since a landfill site does not satisfy conditions (i) and (ii). According to condition (i) new uses are required to be as compatible with the

provisions of the Plan as existing uses compatible. A Regional Landfill Site is no more compatible with the Plan than the existing use of the Site. The Site is currently in an open condition with some limited agriculture occurring on the northerly portion of the Site. Although a quarry license has been issued for approximately 1/3 of the 89 hectare site, operations have been inactive for a number of years. A landfill operation would not be compatible with the open space intent of the Plan more than the existing uses of the site.

With respect to condition (ii), a Regional Landfill site clearly does not preserve all natural features to a maximum possible degree. The establishment of a landfill site will result in the removal of vegetation from the site (except within 100m buffer zones) and the elimination of all natural watercourses crossing the site. The Regional Environmental Assessment submission has documented the presence of various rare and significant plant and tree species and the existence of several riparian and valley systems. The Halton Region Conservation Authority has recommended the designation of a hickory wood lot on the site as an Environmental Sensitive Area.

- (iii) The Region of Halton has indicated that paragraph 5.5.1(e) and paragraph 5.5.2(b) permits a Regional Landfill site at Escarpment Site F as a public utilities use. The City of Burlington does not support this position as, in both of these sections the utilities use of land refers only to linear facilities such as transportation, communication and other transmission corridors and right-of-way. Burlington's position is further substantiated in Section 5.5.4 which appears to limit the type of public works permitted in Complementary Use Areas to linear facilities and trail uses only.

In addition, a review of Map No. 2-8 confirms the position that the utilities use and the 'Utility' designation is intended for linear facilities. The lands identified as 'Utility' on Map No. 2-8 represent existing or future corridors and right-of-ways.

- (iv) Section 5.5 indicates that the Complementary Use Area comprises areas that will be predominantly reserved for private uses that are compatible with and as required in the attainment of the provisions of the Plan. Section 5.4 states that the Public Use

comprises areas that are presently used or to be predominantly used for public uses. When read together, these sections clearly indicate that public uses requiring significant land areas, such as landfill sites, are to be located on lands designated as Public Use Area.

- (v) The Region of Halton has indicated that Section 9 of Ontario Land Use Regulation Number 482/73 permits Halton to use land or erect any building for the purpose of providing a public service. The City of Burlington submits this section does not permit Halton to use land or erect any building in a manner contrary to the provisions of the Plan. The Land Use regulations were enacted to control uses during the process of Plan preparation, approval and implementation (Section 5.1.1). However, the Plan provides that no municipality shall carry out any undertaking that conflicts with the Plan (Section 5.1.3) and further requires municipalities to make every effort to attain the goals and objectives of the Plan (Section 5.1.5).

3.0 ADDITIONAL COMMENTS

- (i) In conjunction with a proposal to establish and operate a private landfill site on a portion of the subject property, National Sewer Pipe Company Limited requested the initiation of an amendment to the Parkway Belt West Plan (Proposed Amendment No. 6). The City of Burlington submits that any proposal, either public or private, to establish and operate a landfill site in the Parkway Belt West Planning Area (unless specifically listed as a permitted use) should be the subject of an application to amend to the Plan. The policies of the Plan represent the major land use planning directions for the area and any change to the intent of the Plan should be the subject of a public review.
- (ii) Section 6.5.3 of the Plan pertaining to the Markham & Woodbridge area originally provided that a "solid waste management scheme" is permitted in a certain part of a Special Complementary Use Area. Since there is no similar provision in the text dealing with the Special Complementary Use Area at Escarpment Site F, the City of Burlington submits that a solid waste management scheme or landfill is not permitted at Escarpment Site F.

4.0 CONCLUSION

- (i) It is the position of the City of Burlington that the proposal to establish and operate a Region landfill facility at Escarpment Site F, in the City of Burlington, does not conform to the goal objectives and policies of the Parkway Belt Waste Plan.
- (ii) The Region of Halton's proposal should be subject to an application for an amendment to the Plan.

DATE Monday, March 11, 1936MOVED Alderman WhitworthSECONDED Alderman Little

CITY OF BURLINGTON

WHEREAS the Region of Halton is proposing to locate and operate a sanitary landfill site at Escarpment Site "F" in the City of Burlington;

AND WHEREAS Escarpment Site "F" is located in the Parkway Belt West Planning Area on lands designated "Special Complementary Use Area", and "General Complementary Use Area";

AND WHEREAS City staff have advised the Regional Municipality of Halton that the landfill proposal does not conform with the Parkway Belt West Plan and that an amendment to the Parkway Belt West Plan is required;

AND WHEREAS the Region of Halton has requested the Minister of Municipal Affairs to issue a Declaration under Section 9(2) of The Ontario Planning and Development Act deeming the landfill proposal not to be in conflict with the Parkway Belt West Plan;

THEREFORE BE IT RESOLVED THAT it is the position of the Council of the City of Burlington that the proposed regional landfill site at Escarpment Site F in Burlington does not conform with the Parkway Belt West Plan;

and that the Regional Municipality of Halton be requested to take the steps necessary to initiate an amendment to the Parkway Belt West Plan;

and that City staff be instructed to prepare a submission to be presented to the Minister of Municipal Affairs, explaining the City of Burlington's position;

and that a copy of this resolution be forwarded to the Regional Municipality of Halton and to the Minister of Municipal Affairs.

CERTIFIED A TRUE COPY

2/1/11

CLERK