



CLEARVIEW

REPORT TO COUNCIL

Report Number:	CS-022-2020
Department:	Community Services (Planning & Development)
Meeting Date:	August 10th, 2020
Subject:	Zoning By-law Amendment – Reduce the Waste Disposal Assessment Area (WDAA) in Stayner (2020-017-ZB)

RECOMMENDATION:

Be It Resolved, that Council of Township of Clearview hereby:

- 1) Receive report CS-022-2020 report for information; and
- 2) Pass a Zoning By-law amendment 20-41 for lands located within Stayner as it related to the Waste Disposal Assessment Area (WDAA).

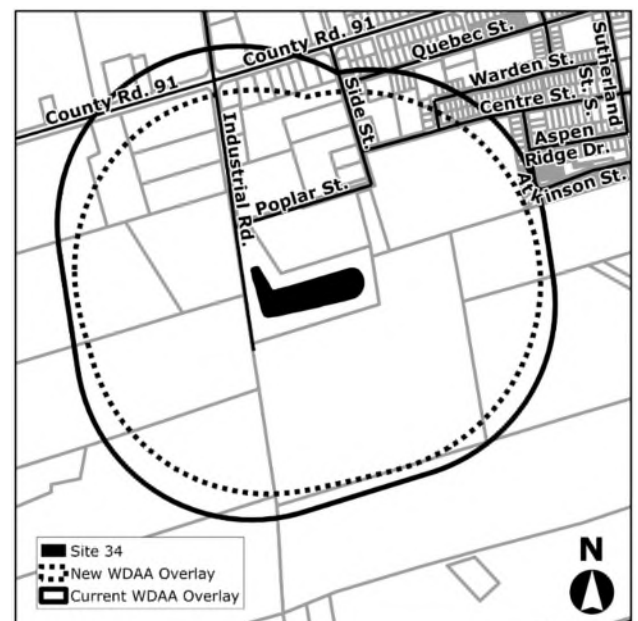
BACKGROUND:

Subject Lands

The lands subject to Zoning By-law Amendment 2020-0017-ZB are located in the southwest quadrant of the settlement of Stayner and over a number of properties as shown in the diagram on the left.

Waste Disposal Assessment Areas (WDAA) are applied to an area that is 500 metres from a landfill. In this case, the landfill is now closed and is owned by the County of Simcoe.

Prior to any development taking place in a WDAA, a D-4 Study, being a Study regulated by the Ministry of the Environment and Climate Change,



has to be conducted to ensure that there are no nuisance effects from the landfill that would impact the development, particularly in regard to health concerns.

The Township of Clearview has undertaken this Study, and the results have been positive such development within the WDAA area can proceed, provided that it is on municipal water. Further, the Study has resulted in a change to the WDAA area being smaller. Specifically, the lands are 500 metres from the actual waste site as opposed to the property boundary.

There are a number of monitoring wells located just beyond the County landfill. These wells will continue to be monitored by the County. The County advises that the D-4 Study is good for a period of 5 years at which time the Study can be revisited utilizing the well monitoring data. If the situation has not changed, then the Township can submit to the County to continue to rely on the existing D-4 Study. This does not affect the revised location of the WDAA.

Although concerns for development within the WDAA have been cleared, the County still requires that the WDAA area be shown as the D-4 Study has to be revisited in five years time. Further, the WDAA is shown for information purposes and as the County requires an agreement between developing land owners and the County within the area.

The Proposal

The Proposal is to reduce the Waste Disposal Assessment Area (WDAA) to more accurately reflect 500 metres from the actual landfill area, as opposed to 500 metres from the property, as per the D-4 Study approved by the County of Simcoe.

COMMENTS AND ANALYSIS:

In considering an amendment to the Township's Zoning By-law, a review of the Provincial Policy Statement, Growth Plan for the GGH, County and local Official Plan must be undertaken. The proposed amendment must be assessed for consistency, conformity and compliance.

Provincial Policy Statement (2020)

Waste management systems are considered to be 'major facilities' under the PPS. Section 1.2.6 "Land Use Compatibility" states that:

"Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and practices."

The closed land fill is historic along with the surrounding land use designations and predated the PPS. Although, the land uses are not newly planned, the requirements of the Province regarding D-4 Studies applies and as been undertaken in accordance

with the Province. The reduction of the WDAA complies with the PPS 2020 issued under the *Planning Act Section 3 (5), R.S.O. 1990*.

A Place to Grow, Growth Plan for the Greater Golden Horseshoe (May 2019)

There are no policies in A Place to Grow that deal with reducing the Waste Disposal Assessment Area. The section that addresses waste is Section 4.2.9.1(d) "A Culture of Conservation" which speaks to the need to reduce waste. As such, the proposal will conform with the A Place to Grow (May 2019) issued under the *Planning Act Section 3 (5), R.S.O. 1990*.

County of Simcoe Official Plan

Section 4.9 "Waste Management" deals with D-4 Studies for landfill sites in the County. Section 4.9.10 states that:

"The recognized best practise to regulate land use on or near waste disposal sites in the Ministry of the Environment Guideline D-4 which provides that generally an area within 500 metres of a waste disposal site is the area in which landfill-related impacts may be present. This area is known as the D-4 Assessment Area. Accordingly, the default D-4 Assessment Area is 500 metres calculated from the property line of the waste disposal site or from the Fill Area of the waste for a closed site where the Fill Area is known."

Section 4.9.11 states that:

"The Guideline D-4 allows for the D-4 Assessment Areas to be varied where the actual influence area of the waste disposal site has been determined to be less than 500 metres. The D-4 Assessment Area may be reduced to coincide with the actual influence area. Where significant impacts are encountered beyond 500 metres the D-4 Assessment Area may be extended beyond the 500 metres."

In this case, the D-4 Study has been submitted and peer reviewed by the County and approved development within the WDAA area provided the development is on municipal water. As part of the County's normal practise, landowners within the area that are proposing new development, will be required to sign an agreement with the County acknowledging the existence of the County landfill even though it is closed.

The proposed rezoning is in conformance with the policies of the County of Simcoe Official Plan.

Clearview Township Official Plan (2001)

Section 4.11.4 of the Official Plan addresses Waste Disposal Assessment Areas. This Section states:

“It is a policy of Council to protect the health, safety, convenience and welfare of residents of the Township from the adverse effects of waste disposal sites by restricting the use of land on and in the vicinity of such sites. The Waste Disposal Assessment Areas boundary classification identifies lands surrounding certain open and closed solid waste disposal sites where the environmental conditions caused by the landfill operation have the potential to negatively influence future land use activities. Within these areas development may be permitted in conformity with the underlying land use designations indicated on Schedules A through A14 and the following policies:

1. Written approval is received from the County of Simcoe that the proposed development satisfies the provisions of the Environmental Protection Act.”

The proposed reduction of the WDAA and clearance for development conforms to Township of Clearview Official Plan.

Clearview Zoning By-law (06-54, as amended)

The lands subject within the WDAA overlay area are of varying zones. The zones closest to the county’s closed landfill are zoned General and Restricted Industrial. Some lands furthest from the landfill are zoned Residential.

CLEARVIEW STRATEGIC PLAN:

This Strategic goal that best fits this proposal is to “Develop and implement policies that support the creation of housing and accommodation options for seniors”, since it reduces some barriers to this type of development.

COMMUNICATION PLAN:

The Notice of Decision regarding this application will be distributed in accordance with the requirements of the Planning Act.

FINANCIAL IMPACT:

This proposal has no financial impact on the municipality.

REPORT SCHEDULES:

- A. Location Map
- B. Draft By-law

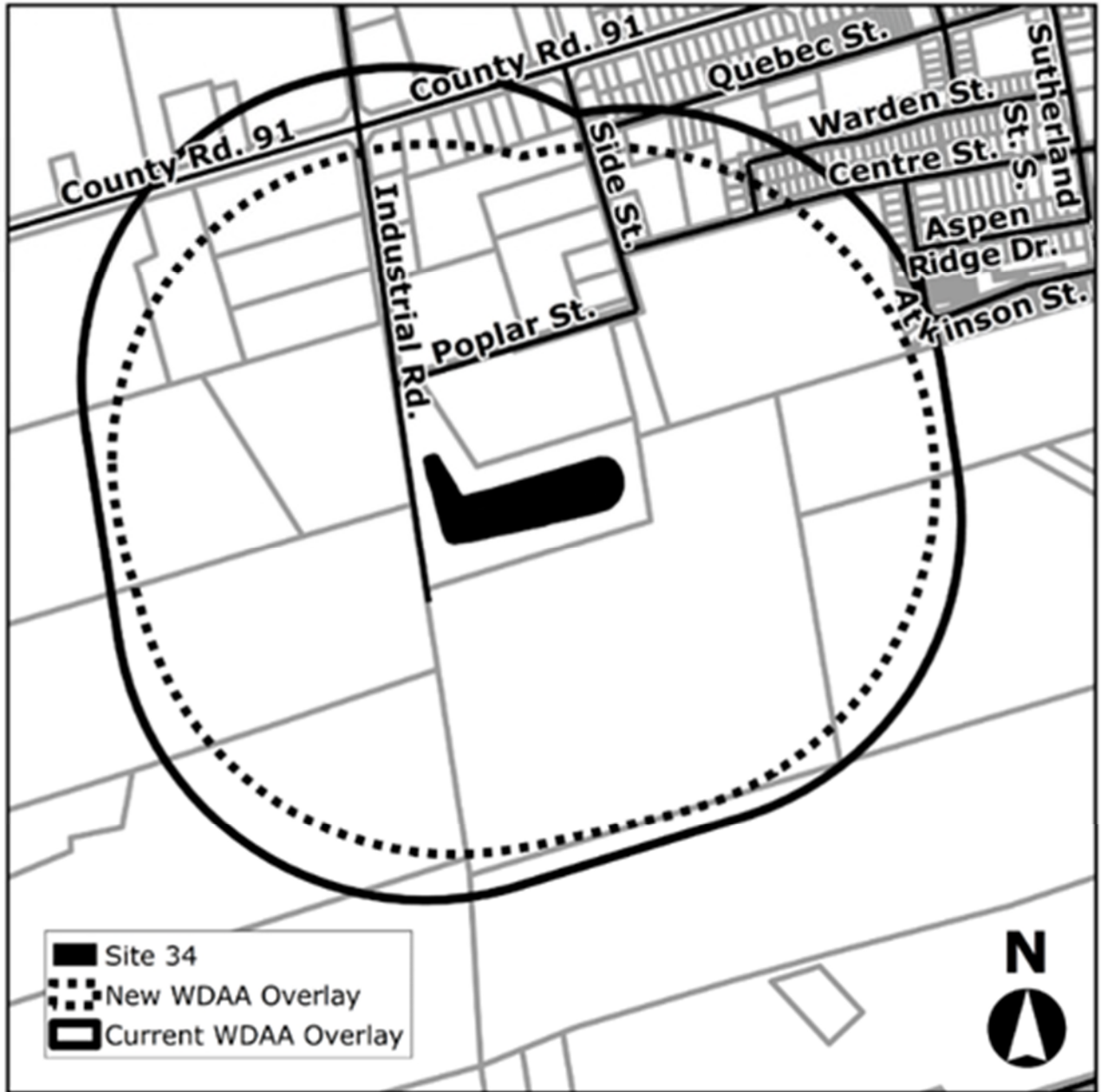
PREPARED BY:

Mara Burton, BAA, MCIP, RPP
Director of Community Services

REVIEWED BY:

Steve Sage, CAO

A. Location Map



BY-LAW NUMBER 20-41

OF

THE CORPORATION OF THE TOWNSHIP OF CLEARVIEW

A By-law to amend the Comprehensive Zoning By-law 06-54 that regulates the use of land and the character, location and use of buildings and structures, and specifically the Waste Disposal Assessment Area on lands within the settlement of Stayner in the Township of Clearview.

WHEREAS pursuant to Section 34 of the Planning Act R.S.O., 1990, c.P.13, as amended, the Council of the Township of Clearview has passed By-law 06-54 being the comprehensive Zoning By-law for the Township of Clearview;

AND WHEREAS pursuant to Section 34(17) of the Planning Act, R.S.O., 1990, c. P.13, as amended, Council determines that no further notice is required in respect of the proposed By-law;

AND WHEREAS the amendment is in conformity with the Township of Clearview Official Plan;

AND WHEREAS the Council of the Corporation of the Township of Clearview, wishes to amend By-law 06-54;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF CLEARVIEW HEREBY ENACTS AS FOLLOWS:

1. That Schedule 'B5' of Zoning By-law 06-54 is hereby amended by reducing the WDAA Waste Disposal Assessment Area overlay, in the Township of Clearview as shown on Schedule '1' attached hereto, and forming part of this By-law.
1. That all other provisions of By-law 06-54, as amended, which are not inconsistent with the provisions of this By-law, shall continue to apply when the By-law comes into effect.
2. This By-law shall come into force and take effect in accordance with the provisions of the Planning Act R.S.O, 1990 c.P.13, as amended.

By-law Number 20-41 read a first, second and third time and finally passed this ___ day of ___, 2020.

MAYOR

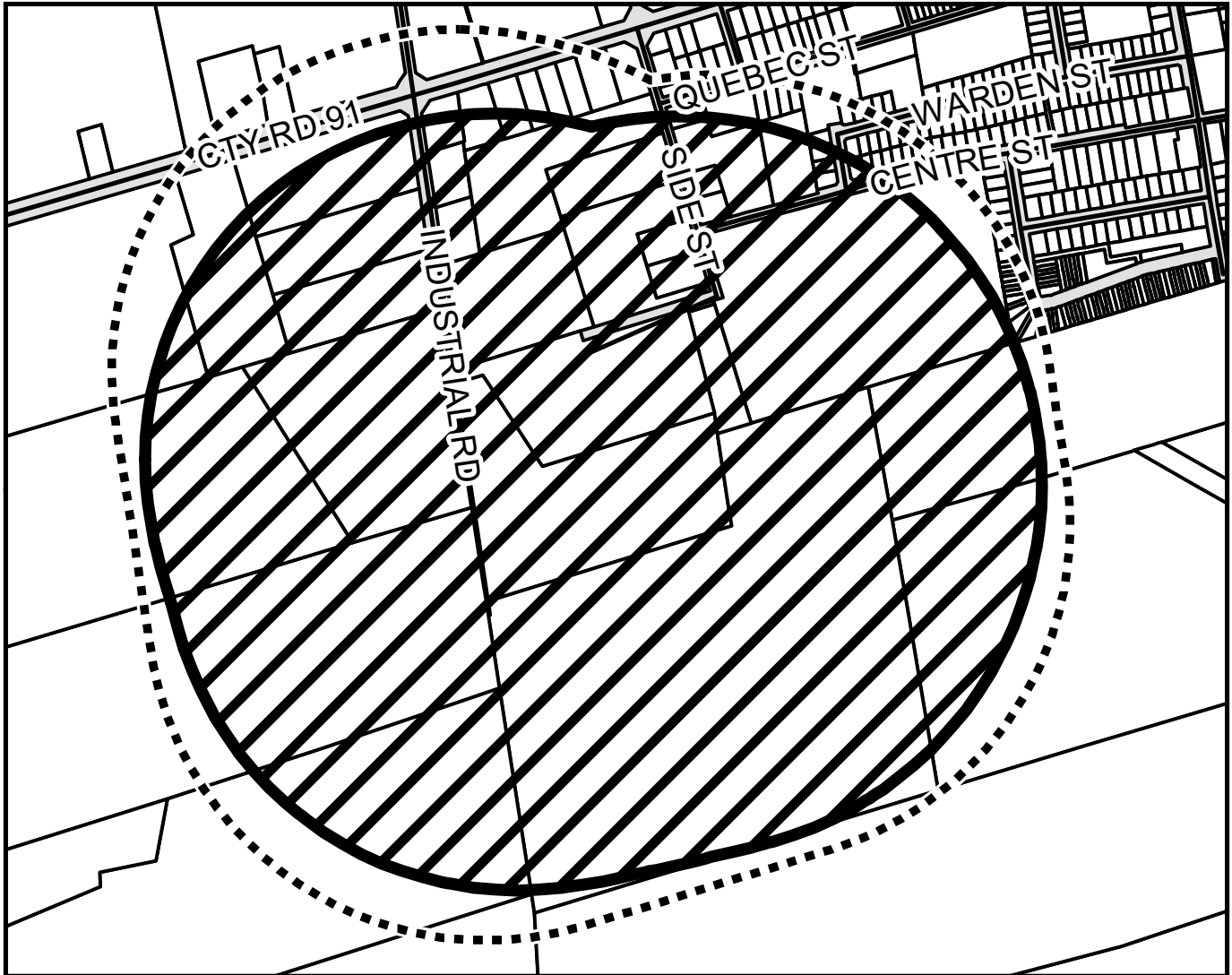
DIRECTOR OF LEGISLATIVE SERVICES/CLERK

Township of Clearview Schedule '1'

This is Schedule '1' to Zoning By-law No. 20-41,
passed this _____ day of _____, 2020.

Doug Measures,
Mayor

Pamela Fettes,
Director of Legislative Services/Clerk



Area to be added to WDAA Zoning Overlay

Area to be removed from WDAA Zoning Overlay



1:10,000



— Road Centerline

□ Assessment Parcels

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