SUBJECT: Planning Study of Land Use Controls Adjacent to the Glanbrook Landfill Site (PW09079) (Ward 11)

RECOMMENDATION:
(a) That report PW09079 be received;
(b) That the General Manager of Planning and Economic Development be respectfully requested to include an appendix in the new City of Hamilton rural area Zoning By-law showing the Area of Potential Influence shown on Appendix A to report PW09079 and to consider this appendix in their review of planning applications and zoning verifications;
(c) That the County of Haldimand Planning and Economic Department be respectfully requested to initiate an amendment to the County Zoning By-law showing the Area of Potential Influence shown on Appendix A to report PW09079 and to consider this appendix in their review of planning applications and zoning verifications.

EXECUTIVE SUMMARY:
As waste diversion increases, the life of the Glanbrook Landfill is extended. The longer the site remains open, the more potential there is for land use conflicts as development lands around the Landfill site occurs. Although there are provincial and municipal policies that limit new development in rural areas, there are still some opportunities for rural residential lot creation.
This is a staff report on a study entitled Planning Study of Land Use Controls Adjacent to the Glanbrook Landfill Site undertaken by a consultant. The Study is intended to address a balance between protecting the City’s asset in the Landfill and public awareness of the existence of the Landfill, particularly for purchasers of property near the site. The Study is not attached to this report but can be made available to Councillors on request.

The Study provided a number of options with the preferred option being the inclusion of an appendix in the Zoning By-law showing an Area of Potential Influence around the Glanbrook Landfill site (See Appendix A to this report). Since the Landfill abuts Haldimand County, there are potential impacts for properties in Haldimand County as well. The Area of Potential Influence is based on a review of land uses in the study area and technical monitoring information for the landfill site.

Operations and Waste Management staff has worked with the Planning and Development staff at the City and in Haldimand County to develop this approach.

It is recommended that amendments to the Zoning By-laws be initiated by the City through the new rural Zoning By-law and by Haldimand County through a general amendment that is currently underway.

**BACKGROUND:**

The information provided in this report affects Ward 11.

The Solid Waste Management Master Plan (SWMMP) recognizes the Glanbrook Landfill as a valuable asset to the City in Guiding Principle No. 2:

“The Glanbrook landfill is a valuable resource, and the City of Hamilton must optimize the use of its disposal capacity to ensure that there is a disposal site for Hamilton’s residual materials that cannot be otherwise diverted.”

When the SWMMP was approved in December 2001, it was estimated that the Glanbrook Landfill had a remaining capacity of approximately 15 years which would have lasted to about 2016. However, since that time waste diversion has increased from 18% in 2001 to 39% in 2008, extending the life of the landfill to about 25 years. As waste diversion continues to increase the lifespan of landfill is also extended and could reach 45 years should we achieve our diversion target of 65% by 2011.

Living near a landfill can have its issues and over time, more and more sporadic residential development has occurred, resulting in increased potential conflicts. The City is diligent in operating the site, but occasionally residents have concerns about odours, noise and litter. The more residents that live in the area the more potential there is for concern. The Glanbrook Landfill Coordinating Committee (GLCC) was formed to assist the City in addressing and minimizing impacts of the landfill. The GLCC was consulted in the preparation of this report and supports the recommendations.

Although recent provincial and municipal planning policies have taken steps to reduce the creation of residential lots in rural areas, some opportunities still remain.

As a result earlier this year the Operations and Waste Management Division undertook a study of land use controls around the protection of the City’s valuable asset and
residents’ right to enjoy their property and be informed. The Study by Stantec can be made available to Councillors on request.

The purpose of this staff report is to provide an overview of the study process, key considerations and recommended actions.

**ANALYSIS/RATIONALE:**

The preferred approach to public awareness about the existence of the Glanbrook Landfill site is to include an appendix in the Hamilton and Haldimand County Zoning By-laws (see Appendix A to this report) showing an Area of Potential Influence. Operations and Waste Management staff has consulted with the Planning staff in Hamilton and Haldimand to determine the method of achieving the desired outcome. The Area of Potential Influence is based on a review of land uses in the study area and technical monitoring information for the landfill site.

City Planning staff has indicated that the appendix can be incorporated into the upcoming new draft Rural Area Zoning By-law before it is completed.

Haldimand County Planning staff has advised that they will be processing some amendments to their Zoning By-law and that staff could recommend inclusion of the Appendix to County Council later this year.

The respective Planning staffs would be requested to consider the area of Potential Influence when considering planning applications and zoning verifications.

Recognizing that there will be public processes in conjunction with these Zoning By-law changes, it is recommended that Public Works Committee respectfully request that these changes be processed.

**ALTERNATIVES FOR CONSIDERATION:**

The Study established a ‘Study Area’ of three (3) kilometres from the landfill site which is consistent with the guidelines of the Ministry of the Environment. This results in a Study Area that transcends the Haldimand County boundary of Haldibrook Road. Although the Study Area is near to the Township of West Lincoln in the Region of Niagara, it does not transcend the boundary. A review was undertaken of the existing and proposed land uses, provincial and municipal planning policies and zoning regulations in Hamilton and Haldimand County. Relevant policies and development control practices from other municipalities were reviewed. From this information, the following options were presented:

1. Status Quo
2. Area-Specific Policies in the Hamilton and Haldimand Official Plans
3. Definition of an Area around the Landfill site in the Hamilton and Haldimand Official Plans
4. Area-Specific Provisions in the Hamilton and Haldimand Zoning By-laws
5. Illustration of an “Area of Influence” as an Appendix to the Hamilton and Haldimand Zoning By-laws
6. Registration on Title of the Existence of the Landfill for New Lots Created within a Defined Area (area of influence)
7. Acquire Land in the Vicinity of the Landfill

An evaluation of the options was undertaken using the following criteria:

- Ease of implementation (considering involvement of another municipality)
- Understanding of and compliance with the option
- Effectiveness of the option in addressing the problem
- Cost of implementation

On April 22, 2009 Stantec held a technical workshop with several members of the Planning and Economic Development staff, a representative of the Haldimand County Planning staff, Ward 11 Councillor David Mitchell and several Operations and Waste Management staff.

Implementation of options involving comprehensive Official Plan amendments is costly and time-consuming. Registration on title is generally not allowed by the Land Registry office as environmental warnings or notices are not considered to be title related. Acquisition provides the most secure protection of the landfill asset, but would be financially prohibitive.

It was determined that Option 5 appeared to be the preferred option in that it is relatively easy to implement, lawyers for purchasers of property could diligently find the information, it would effectively make purchasers aware of the existence of the landfill and the cost of implementation is low as the appendix could be part of the next Zoning By-law review. A similar approach has been taken by the City for lands around the airport. The Area of Potential Influence was determined based on the study area and technical monitoring information for the landfill and is shown on Appendix A to this report.

The Study results were presented to the Glanbrook Landfill Co-ordinating Committee (GLCC) on May 22, 2009 and subsequently the Area of Potential Influence map was presented to this Committee on August 31, 2009. The GLCC supports the proposed approach.

The study results were also presented to the Waste Reduction Task Force on June 17, 2009. The task force did not pass a motion but positive comments were received on the approach recommended.

The details of the preferred option and implementation recommendations are contained in the Analysis/Rationale section of this report.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

There are no financial implications as the implementation of the recommended option can be included in regular reviews of the Zoning By-laws in Hamilton and Haldimand County.

There are no staffing or legal implications associated with the recommended option.
POLICIES AFFECTING PROPOSAL:

Corporate Strategic Plan
This process contributes to Focus Area 3, Effective Intergovernmental Relations, not through the provincial or federal government but through the relationship with Haldimand County as a neighbouring municipality.

Public Works Business Plan - Innovate Now!
The recommendations of this report will create public awareness as open and mutually beneficial communication, contributing to trust in a specific area of the community.

Solid Waste Management Master Plan (SWMMP)
The recommendations of this report support Guiding Principle 2 of the SWMMP:
“The Glanbrook landfill is a valuable resource, and the City of Hamilton must optimize the use of its disposal capacity to ensure that there is a disposal site for Hamilton’s residual materials that cannot be otherwise diverted.”

RELEVANT CONSULTATION:

As noted in the report a technical workshop was held in April 2009 and subsequent input was received from the Planning staff in Hamilton and also Haldimand County. Both are supportive of the recommended approach.

Consultation was also undertaken with the Glanbrook Landfill Co-ordinating Committee and the Waste Reduction Task Force with positive responses.

The report content and recommendations were presented to the Solid Waste Management Master Plan (SWMMP) Steering Committee on September 9, 2009. The committee asked staff to request a legal comment on the feasibility of registering an awareness clause on title.

Consultation with the Legal Services staff indicated that the Land Titles Registry office considers environmental warnings and restrictions to be unrelated to land title so they do not allow awareness clauses to be registered on title.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
The public are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Waste is reduced and recycled.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Hamilton’s high-quality environmental amenities are maintained and enhanced.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☑ No