SUBJECT: City Initiative CI-09-D to Repeal Interim Control By-law Nos. 08-104, 08-117, 09-061 Respecting Waste Management Facilities (PED08064(d)) (Wards 3, 4, 5 and 6)

RECOMMENDATION:

(a) That City Initiative CI-09-D, to repeal Interim Control By-law Nos. 08-104, 08-117 and 09-061, respecting Waste Management Facilities affecting the former City of Hamilton, be approved.

(b) That the draft By-law, attached as Appendix “A” to Report PED08064(d), be passed and enacted by Council.

EXECUTIVE SUMMARY:

On April 23, 2008 and May 14, 2008, Council passed Interim Control By-law 08-104 and amendment 08-117 respectively, to prohibit private waste disposal sites on all industrially-zoned lands within each of the former municipal Zoning By-laws. The Interim Control By-law was extended for a period of one year on April 1, 2009 through By-law 09-061, applicable only to the industrial zone districts within the former City of Hamilton. New Official Plan policies and Zoning By-law regulations respecting Waste Management Facilities were approved by Council on June 10, 2009, and having no appeals received, are now in effect. With the new regulations in effect, the Interim Control By-laws respecting Waste Management Facilities can now be repealed.
BACKGROUND:

In February 2008, Jacques Whitford Limited was retained to initiate a study on Private Waste Disposal Sites within the City of Hamilton. At its meeting of March 15, 2008, Economic Development and Planning Committee considered Information Report PED08064 which outlined the intent and deliverables of the planning study. At that meeting, Committee also directed staff to prepare an Interim Control By-law to prohibit all Private Waste Disposal Facilities within the City, pending completion of the study. Interim Control By-law 08-104 was passed by Council on April 23, 2008. In order to provide further clarification, a second By-law, 08-117, was passed by Council on May 14, 2008 which excluded concrete processing done on-site for construction purposes from the definition of Private Waste Disposal Site.

At its meeting of March 9, 2009, the Committee of the Whole received Report PED08064(b) – Planning Study of Private Waste Disposal Sites and directed staff to implement the recommendation of the report, including an Official Plan Amendment and amendments to the municipal Zoning By-laws to permit and regulate Waste Management Facilities. Interim Control By-law 09-061 was passed by Council on April 1, 2009, the purpose of which was to extend the prohibition on Private Waste Disposal Facilities for a period of one year while Official Plan policies and Zoning By-law regulations were developed and brought forward for approval. At its June 2, 2009 meeting, the Economic Development and Planning Committee approved Report PED08064(c) which contained new Official Plan policies and Zoning By-law regulations respecting Waste Management Facilities. Council subsequently approved the new policies and zoning regulations on June 10, 2009.

ANALYSIS/RATIONALE:

With the new Official Plan policies and Zoning By-law regulations in effect, the Interim Control By-law respecting Private Waste Disposal Sites can now be repealed.

ALTERNATIVES FOR CONSIDERATION:

1. **Status Quo – Wait Until Interim Control By-law 09-061 Expires**

   Council can decide to take no further action and not repeal the existing Interim Control By-law and wait until it expires in April 2010. This alternative is not recommended, as Council has recently passed new Official Plan policies and Zoning By-law regulations that regulate Waste Management Facilities. These policies and regulations are applicable City wide and provide a consistent approach to managing this use within each of the existing Employment Areas. If Interim Control By-law 09-061 is not repealed, there will be two By-laws in effect, with the Interim Control By-law taking precedence over the new Zoning regulations until such time as the Interim Control By-law expires.
2. **Repeal Interim Control By-law Nos. 09-061, 08-117 and 08-104**

Council can choose to repeal the existing Interim Control By-laws respecting Private Waste Disposal Sites, thereby giving effect to the new Official Plan policies and Zoning By-law regulations throughout the City of Hamilton.

The above option (Point 2) is being recommended by staff.

### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

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<th>Category</th>
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### POLICIES AFFECTING PROPOSAL:

**City of Hamilton Corporate Strategic Plan**

The City of Hamilton recently adopted a new Corporate Strategic Plan. This Plan establishes a common vision for staff and stakeholders and seeks to focus both energy and resources towards common goals across all Divisions and provides a measure of the City’s success as we strive to achieve the goal of making Hamilton the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

**Financial Sustainability**

The current planning framework for Waste Management Facilities encourages and promotes the City’s Employment Areas for new investment and contributes to increasing the City’s non-residential assessment.

**Growing Our Economy**

The City has a number of different Employment Areas that can service the needs of a wide variety of industrial users. By permitting Waste Management Facilities throughout the City’s defined Employment Areas, the City has created opportunities for increased investment in Hamilton, which will contribute to growing the local economy.

**Environmental Stewardship**

The City of Hamilton, through its Solid Waste Management Master Plan, has established a goal of 65% waste diversion from the landfill by 2011. The new Official Plan policies and Zoning By-law regulations for Waste Management Facilities facilitate the management and disposition of Industrial, Commercial and Institutional (ICI) waste, a service which is not currently provided by the City. Waste Management Facilities contribute to the reduction of materials sent to landfills and encourages the recycling of a variety of materials into new products or more environmentally friendly materials.
RELEVANT CONSULTATION:

The following Department was consulted regarding process for the repeal of an Interim Control By-law:

Corporate Services Department, Legal Services Division, Commercial / Development / Policy Section, recommended that a report be brought forward as a Consent Item to Economic Development and Planning Committee outlining the history respecting the Interim Control By-law.

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

Waste Management Facilities are required to be separated from sensitive land uses, thus ensuring compatibility between existing neighbourhoods and new economic investment.

Environmental Well-Being is enhanced. ☑ Yes ☐ No

Human health and safety are protected.

Economic Well-Being is enhanced. ☑ Yes ☐ No

The economic base is diversified.

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

JS:dkm
Attach. (1)
CITY OF HAMILTON

BY-LAW NO. 09-XXX

A By-law to Repeal Interim Control By-law Nos. 08-104, 08-117, 09-061
Respecting Waste Management Facilities

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That By-law No. 08-104, By-law No. 08-117 and By-law No. 09-061 are hereby repealed.

2. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law in accordance with the Planning Act.

PASSED and ENACTED this XXth day of MONTH, 2009.

__________________________  __________________________
Fred Eisenberger      Kevin C. Christenson
MAYOR                  CITY CLERK

CI-09-D