

**STAFF REPORT:**

**Planning and Building Services Department**



**REPORT TO:** Planning & Building Committee  
**MEETING DATE:** May 3, 2010  
**REPORT NO.:** PL.10.34  
**SUBJECT:** Zoning By-law Review Project Update  
**PREPARED BY:** Cindy Welsh, MCIP, RPP  
Senior Policy Planner

**A. Recommendations**

**THAT Council does hereby receive Planning Staff Report PL.10.34, Zoning By-law Review Project Update.**

**B. Background**

The process to develop a new comprehensive Zoning By-law for the Town began in 2007. The objective of the Zoning By-law Update and Consolidation project is to produce a single, comprehensive Zoning By-law for the Town which is easy to use and understand. Meridian Planning Consultants have been retained by the Town to undertake this work. Staff have been advising Council of this process as it moves forward. The last update provided to Council was at the March 1, 2010, Planning and Building Committee Meeting.

**Issues Regarding Setback Buffers for Landfill Sites**

As previously reported to Council in December 2009 and March 2010, the Town's Official Plan contains explicit setback/buffer provisions related to existing or known landfill sites. In particular, the Official Plan stipulates that no development shall occur within 500 metres of an existing or known landfill without a study being completed in accordance with the provisions of the Ministry of Environment's Guideline D-4, "Land Use On or Near Landfills and Dumps". As a Zoning By-law must be consistent with the direction of the Official Plan, this provision is typically implemented by way of placing the lands within the 500 metre radius into a Holding "h" Zone. Given that the County of Grey is the approval authority as it relates to local Official Plans, Town Staff consulted with County Planning Staff as to the implementation of this provision.

County Planning Staff advised that the Municipality of Grey Highlands addressed a similar matter by undertaking studies of their former landfills with the result being that the studies concluded that the landfills were effectively inert and therefore their new Zoning By-law could be implemented without the utilization of the Holding "h" Zone provision and therefore a lot specific D-4 Study would not be required.

In March 2010, the Town's Manager, Solid Waste and Environmental Initiatives, determined details associated with similar work along with a cost estimate for The Blue Mountains. The information was presented to the Directors of Engineering and Planning and Building Services, who decided to move forward with a similar study as funds were allocated from the Landfill Site Reserve Fund and approved by the Deputy Treasurer.

Three engineering firms were invited to submit a proposal related to this work on two abandoned landfill sites within the municipality, being the Thornbury site and the Clarksburg site, as identified in the Town of The Blue Mountains Official Plan and the County of Grey Official Plan. R. J. Burnside and Associates Limited were selected as the firm to undertake this work by a selection committee comprised of the following staff members: Sherri Adams, Manager of Purchasing; Cindy Welsh, Senior Policy Planner; David Finbow, Director of Planning and Building Services; and Jeffery Fletcher, Manager of Solid Waste and Environmental Initiatives.

The initial start-up meeting with R. J. Burnside and Associates Limited was held on April 21, 2010, with a completion date of June 25, 2010. Until Burnside's work is completed and reviewed by the appropriate staff and agencies, Town Staff have directed Meridian to apply the Holding "h" provision to all lands located within 500 metres of existing or known abandoned landfill sites within the Town. What is unclear at this time is if Burnside's work will recommend a reduced area for the usage of the Holding "h" provision for lands within the 500 metre radius of the two abandoned landfill sites.

Council will continue to receive updates on this project, however, until there is clarity on this matter, Town Planning Staff will not formally engage the public unless directed to do so by Council.

### **Updated Work Plan for the Zoning By-law Project**

Given the issues regarding setback buffers from landfill sites, it will not be possible to meet the timelines that were outlined in Planning Staff Report PL.09.114 which were presented to the Planning & Building Committee on November 2, 2009. The previously reported timelines anticipated the final Draft Zoning By-law, including mapping, being completed in February 2010, for the public consultation process with a statutory public open house and public meeting being held. It was also anticipated the final version would be presented to Council for adoption in March 2010. Planning staff will not be directing Meridian to move forward with a third and final Draft Zoning By-law until such time as the issues regarding setback buffers from landfill sites have been resolved.

## **C. The Blue Mountains' Strategic Plan**

1. Managing growth to ensure the ongoing health and prosperity of the community.

## **D. Environmental Impacts**

In updating the new Comprehensive Zoning By-law, higher standards reflecting the Town's Official Plan and the *Provincial Policy Statement (PPS)*, 2005, will assist in improvements to the environment.

## **E. Budget Impact**

R. J. Burnside and Associates Limited have been retained at a cost of \$14,000.00 (exclusive of GST). Funds for this project have been allocated from the Landfill Site Reserve Fund, as approved by Elizabeth Thompson, Deputy Treasurer.

Meridian has been retained at a cost of \$88,687.50 (exclusive of GST). Funds for this project were originally approved as part of the 2008 Budget and are further reflected in the Draft 2009 Budget. It is noted that 90% of the cost of this project is to be funded by way of Development Charges.

## **F. Attachments**

Nil.

Submitted by:

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