

COMMITTEE OF THE WHOLE APRIL 22, 2002

ZONING BY-LAW AMENDMENT FILE Z.01.079 CITY OF TORONTO REPORT #P.2002.1

Recommendation

The Commissioner of Planning recommends:

THAT Zoning By-law Amendment Application Z.01.079 (The City of Toronto), BE APPROVED, subject to the following:

- a) THAT the proposed amendment conforms to the final Oak Ridges Moraine Conservation Plan.
- b) THAT the implementing by-law not be enacted until after the release of the Oak Ridges Moraine Conservation Plan, and be reviewed for conformity with the Plan.
- c) THAT the implementing by-law permit the continued accessory waste management uses in the Primary Buffer Area at the Keele Valley Landfill Site and yard waste composting at the Avondale Clay Extraction Site for a temporary period of 1½ years from June 1, 2002 to December 31, 2003.

Purpose

On November 23, 2001, the City of Toronto submitted an application to amend the Zoning By-law to permit the continued accessory waste management uses in the Primary Buffer Area at the Keele Valley Landfill Site and yard waste composting at the Avondale Clay Extraction Site, for a period of 1-1/2 years from June 1, 2002 to December 31, 2003. The current temporary zoning expires on May 31, 2002.

Background - Analysis and Options

Site Description

The 376 ha Keele Valley Landfill Site and 66 ha Avondale Clay Extraction Site are located on the south and north sides of Teston Road respectively, in Part of Lots 21 to 28 inclusive, Concession 3, City of Vaughan. The surrounding land uses are:

- North - vacant residential, valley lands (RM2-H Residential Multiple Zone, OS1 Open Space Zone)
- South - residential, agricultural (A Agricultural Zone)
- East - residential, agricultural, valley lands (OS1 and OS2 Open Space Zones, C1-H Restricted Commercial Zone)
- West - employment area, railway (M1-H Restricted, M2-H General and M3 Transportation Industrial Zones, OS2-H Open Space Zone)

Public Hearing

On December 14, 2001, a notice of public hearing was circulated to all property owners within 120m of the subject lands. A letter of objection dated February 21, 2002 has been received from the property owner to the north of the Avondale Site, given that OPA #332 prohibits residential development within 250m of the north property line of the Avondale Site while the composting operation is active. The January 7, 2002, recommendation of the Committee of the Whole, to

receive the public hearing and forward a comprehensive report to a future Committee of the Whole meeting, was ratified by Council on January 14, 2002.

History

In September 1995, the subject lands were part of an Ontario Municipal Board (OMB) hearing for OPA #332 and By-law 364-91, for lands generally bounded by Major Mackenzie Drive, Keele Street, Dufferin Street and Kirby Road.

By-law 364-91 provided that yard waste composting cease by May 31, 1996. Amendments to the Zoning By-law would be required if the composting was to continue until the completion of the rehabilitation of the Landfill Site, so that composted soil could be used as cover for the lands. In 1996, the OMB established that the date for ceasing accessory waste management uses and yard waste composting would be three years from the date of the issuance of the OMB's order, i.e., May 31, 1999.

On August 18, 1998, the Owner submitted an application for a temporary use by-law to extend the waste management and composting for a further three-year period to May 31, 2002.

On September 14, 1998, Council reconfirmed that the Keele Valley Landfill Site should be filled and closed at the earliest date, notwithstanding the City of Toronto Staff recommendation to implement a "slow fill approach". On October 1 and 2, 1998, Toronto Council adopted Slow Fill Approach (B) that extends the closing date of Keele Valley to December 2002.

On March 22, 1999, Council resolved to consent to the OMB approving the temporary zoning to permit continued waste management and composting uses for 1 year, to May 31, 2000, subject to the conditions in the Minutes of Settlement, (i.e., extension of the temporary zoning for 1 year to May 31, 2000, development of a tree planting program, creation of a reserve fund for vegetation amelioration). On April 27, 1999, the OMB approved the temporary zoning to May 31, 2000.

On January 25, 2000, the Owner submitted an application for a temporary use by-law to extend the waste management and composting for a further three-year period to May 31, 2003. On April 3, 2000, Council approved the temporary zoning for 1 year to May 31, 2001.

In July 2000, Council adopted the Maple Valley Plan which provides policies to allow future park, open space, commercial and industrial uses for lands which include the Keele Valley Landfill Site, Buffer Areas and Avondale Clay Extraction Site, upon the cessation of the landfill and its related activities. The Keele Valley Landfill operation is expected to close by December 31, 2002, with the continued waste management uses at the Landfill Site and composting uses at the Avondale Site terminating by December 2003.

OPA #332

a) Keele Valley - Primary Buffer Area

The Keele Valley - Primary Buffer Area lands are designated "Open Space - Special Policy Area 2" by OPA #332, as amended by OPA #535. The permitted uses include monitoring and mitigating the effects of waste disposal, and the activities required for completing, remediating, and rehabilitating the Keele Valley Landfill Site in accordance with the Environmental Protection Act and Waste Management Act. Section 3.3(e)(vi) requires the uses within the Primary Buffer Area, except for uses associated with monitoring and mitigating the effects of waste disposal (i.e., leachate and methane gas), and the electrical power generating plant, to cease when the Keele Valley Landfill Site reaches a volumetric capacity of waste, daily cover and interim cover of 33,125,254 cubic metres, or the end of a 12 month period where less than 500,000 tonnes of waste have been deposited.

b) Avondale Clay Extraction Site

The Avondale Clay Extraction Site is designated "Open Space" by OPA #332, as amended by OPA #535. The permitted uses include the composting of leaf and yard waste (excluding grasses) as a temporary use without permanent buildings or structures. Section 3.3(c)(viii) requires the uses within the Avondale Site, except for uses associated with monitoring and mitigating the effects of waste disposal, to cease no later than 12 months after the Keele Valley operation ceases.

ORM Conservation Plan

The subject lands are designated "Settlement Area" by Bill 122, "An Act to Conserve the Oak Ridges Moraine", which received Royal Assent on December 14, 2001, and the Draft Oak Ridges Moraine (ORM) Conservation Plan.

Section 15(1) of the Act provides that Section 7 of the Act, which requires that decisions made under the Planning Act shall conform to the ORM Conservation Plan, applies to an application, matter or proceeding commenced on or after November 17, 2001. The zoning by-law amendment application was submitted on November 23, 2001.

The subject lands are located within the area defined as "Settlement Area" in the November 2001 draft of the ORM Conservation Plan. Section 5.2 of the Plan states that all applications in Settlement Areas that were commenced on or after the Plan takes effect, are subject to the Plan. As the proposal is subject to the ORM Conservation Act and is required to conform to the ORM Conservation Plan, approval of the proposal or enactment of the by-law may only be given on the provision that the proposal conform to the ORM Conservation Plan.

Certificates of Approval - MOE

Zoning

The subject lands are both zoned OS1 Open Space Conservation Zone by By-law 1-88, subject to Exception 9(756) and By-law 162-2001. The City of Toronto advises that the Landfill Site has not reached its final capacity of 33,125,254 cu. m and is not expected to reach this until December 2002, based on current estimates. The flow of waste is not expected to be 500,000 tonnes or less a year before December 2002.

Permitting accessory waste management uses and yard waste composting to continue for a further 1½ year period, to December 31, 2003, allows the City the opportunity to monitor the impact of Slow Fill Approach (B) for the Landfill. It would also allow the implementation of the 1999 Minutes of Settlement, including the City of Toronto's efforts to seek alternative waste management options to enable the permanent closure of the Keele Valley Landfill Site.

Certificate of Approval

The City of Toronto has agreed to request an amendment to the Certificate of Approval under the Environmental Protection Act for yard waste composting to expire within the same time frame as the zoning, on December 31, 2003. The current application to the Ministry of Environment to amend Certificate of Approval A230610 under the Environmental Protection Act for yard waste composting expires on May 31, 2002.

Conclusion

Staff has reviewed the application to amend the Zoning By-law to permit the continued accessory waste management uses in the Primary Buffer Area at the Keele Valley Landfill Site and yard waste composting at the Avondale Clay Extraction Site, for 1-1/2 years. An extension for this

period is considered too lengthy, given the use proposed and its relationship to the Keele Valley Landfill site and outstanding issues related to the Landfill operations. A final term of zoning permission will provide the City with the opportunity to monitor the impact of Slow Fill Approach (B) on the Landfill, the implementation of the 1999 Minutes of Settlement and the closure plans for the Keele Valley Landfill operation.

The draft ORM Conservation Plan has not been finalized and therefore, the application can only be approved subject to conforming with the final ORM Conservation Plan when it is released. It is necessary to ensure that there are no further policy changes that may affect the subject lands. Similarly, the implementing by-law cannot be enacted until the ORM Conservation Plan is finalized.

Therefore, Staff recommends that the application to extend the accessory waste management uses in the Primary Buffer Area at the Keele Valley Landfill Site and yard waste composting at the Avondale Clay Extraction Site, be approved, for a 1½ year period to December 31, 2003. Should the Committee concur, Zoning By-law Amendment Application Z.01.079 (The City of Toronto) can be approved, with the adoption of the "Recommendation" of this report.

Attachments

1. Location Map
2. Site Plan - Keele Valley Landfill Site
3. Site Plan - Avondale Composting Site

Report prepared by:

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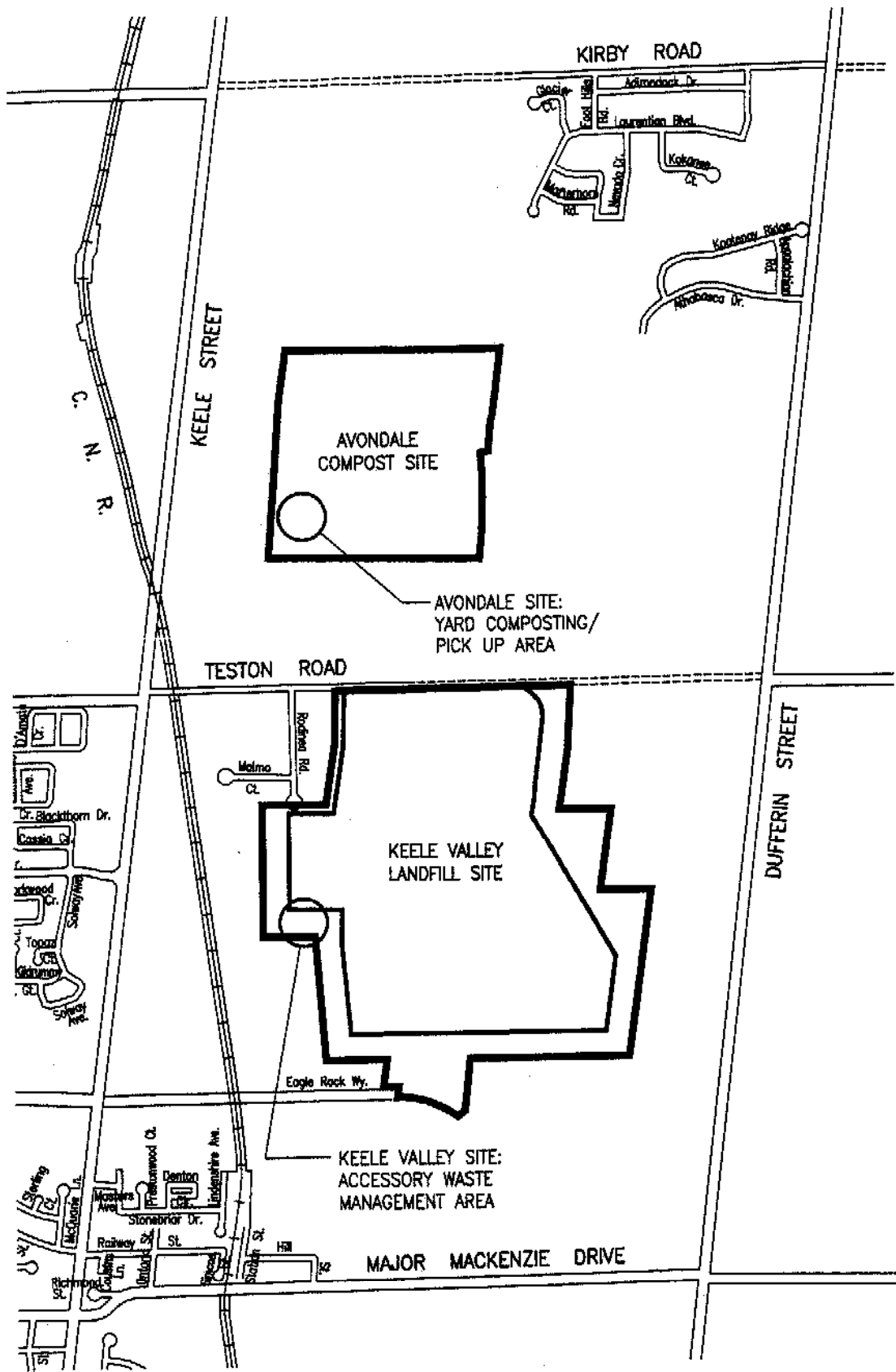
Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning

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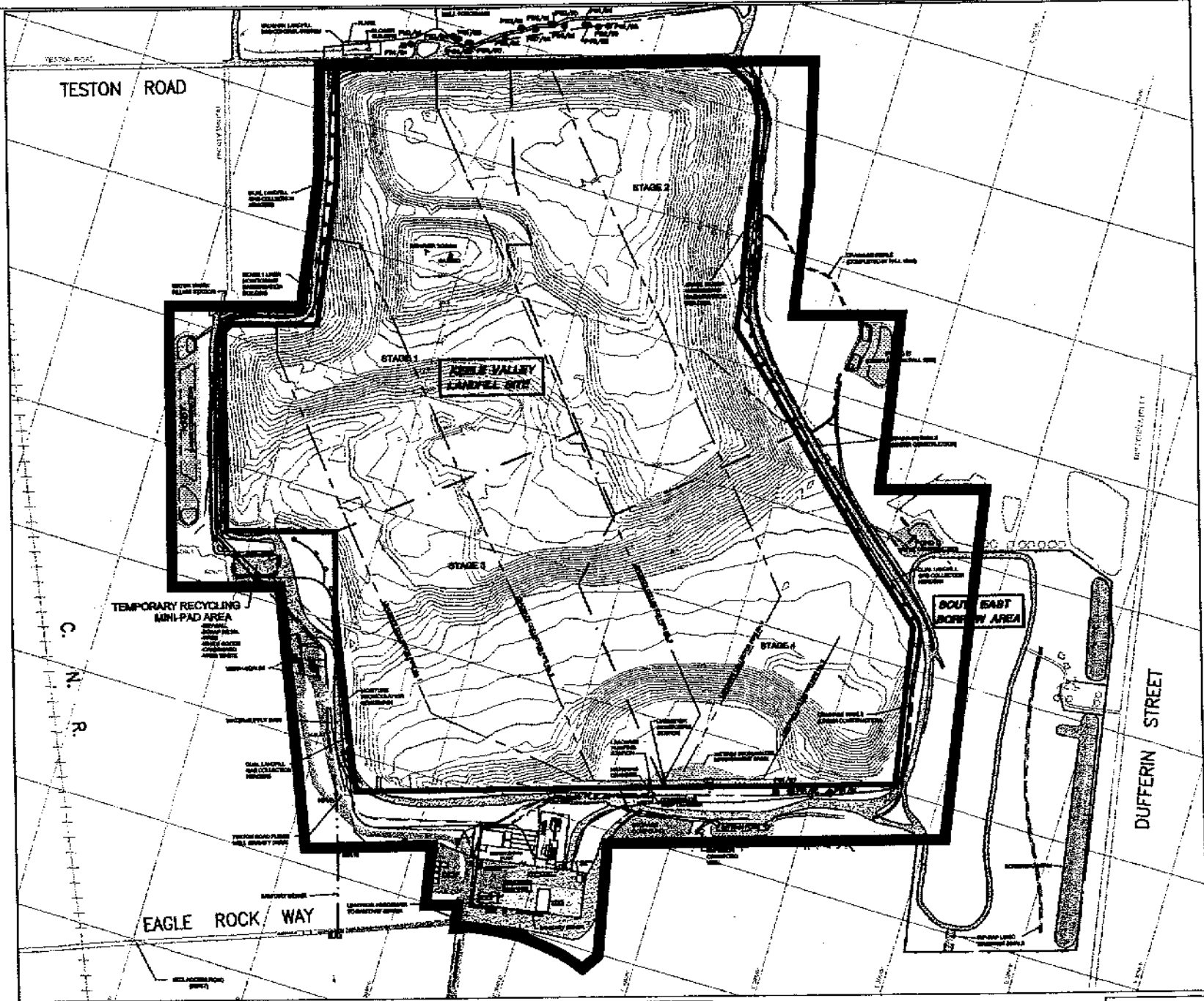
ATTACHMENT '1'
LOCATION MAP

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| FILE #: | REPORT #: |
| Z.01.079 | LOCATION: PT. LTS. 21-28, CON.3 |

 SUBJECT LANDS

CITY OF VAUGHAN
PLANNING DEPARTMENT

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|------------|-----------------|
| DATE: | 11/29/2001 |
| SCALE: | NOT TO SCALE |
| APPLICANT: | CITY OF TORONTO |



ATTACHMENT '2'

FILE #:

Z.01.079

REPORT #:

LOCATION:
PT.LTS.21-28, CON.3



SUBJECT LANDS

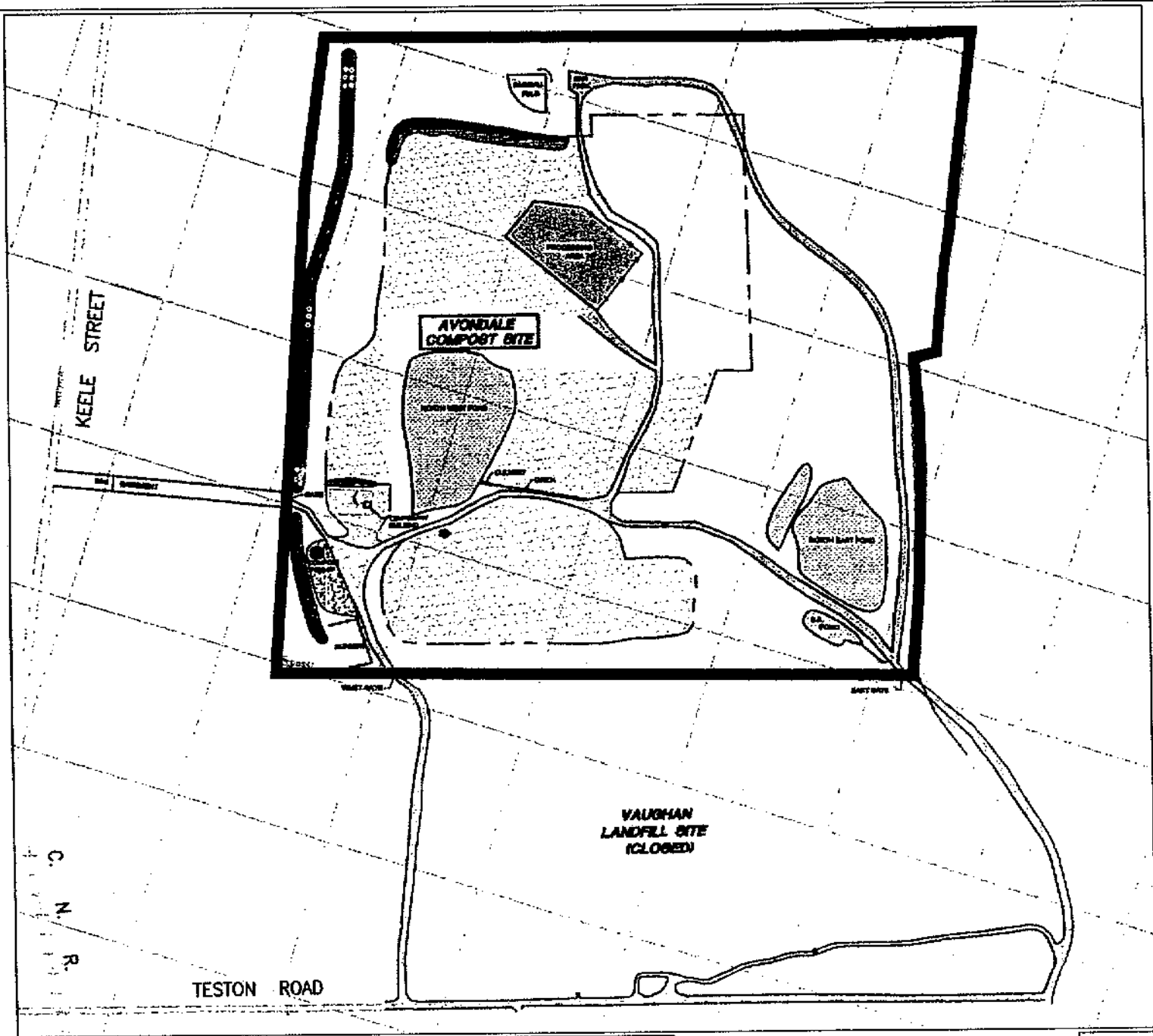
CITY OF VAUGHAN
PLANNING DEPARTMENT

DATE: 11/29/2001


SCALE: NOT TO SCALE

APPLICANT:

CITY OF TORONTO



ATTACHMENT '3'

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| FILE #: 2.01.079 | REPORT #: |  SUBJECT LANDS CITY OF VAUGHAN PLANNING DEPARTMENT | DATE: 11/29/2001 |
| | LOCATION: PT.LTS.21-2B, CON.3 | | APPLICANT: CITY OF TORONTO |
| | | | SCALE: NOT TO SCALE |