



County of Brant – Planning and Development Report

To: To the Chair and Members of the Planning and Development Committee
From: Jessica Kitchen, Planner
Date: May 3, 2022
Subject: RPT-22-108
 Zoning By-Law Amendment ZBA10/22/JK
 108 -128 Biggars Lane
Purpose: **Recommendation Report for Approval**

That Application **ZBA10/22/JK** initiated by the Corporation of the County of Brant, Owner/Operator of lands legally known as Range 2 East of Mount Pleasant Part Lots 1 and 2 and 2R2679 Part 1, Registrar General 2 East of Mount Pleasant Part Lot 1 Registered Plan 2R6384 Parts 1 and 2, and Concession 2 Part Lot 13 Part Lot 14 Part of Road Allowance on Registered Plan 2R2486 Parts 1 to 4, municipally known as 108-128 Biggars Lane, Geographic Township of Brantford, County of Brant, proposing to rezone the subject lands from Special Exception Agricultural (A-9) to Energy and Waste Industrial (M4) and Natural Heritage (NH) to rezone the lands and permit the use of a waste disposal site to facilitate an expansion of Biggars Lane landfill in accordance with the Environmental Assessment Act (EAA) submitted to the Ministry of Environment, Conservation and Parks (MECP), **BE APPROVED.**

THAT the reason(s) for approval are as follows:

- The application is in conformity with the policies of the *Growth Plan for the Greater Golden Horseshoe* and consistent with the policies of *Provincial Policy Statement*.
- The application is in conformity with the general intent of the policies of the County of Brant Official Plan (2012) and Zoning By-Law 61-16.
- An Environmental Assessment (EA) was undertaken for the proposed new landfill expansion footprint and the public consultation period has closed waiting Ministerial approval. The EA confirmed the need for a waste disposal expansion on the current landfill property.

Key Strategic Priority

Sustainable and managed growth.

Financial Considerations

No application fees have been applied as this application has been initiated by the Corporation. As a note estimated costs for this project have been outlined in the reports and

studies forming part of the submission to the Ministry of Environment, Conservation and Parks (MECP) for further reference.

Executive Summary / Proposal

The purpose of this report is to provide Council and the Public with an overview of the application initiated by the Corporation of the County of Brant to amend the County of Brant Zoning By-Law 61-16 and facilitate an Environmental Assessment (EA) process with the Ministry of Environment, Conservation and Parks (MECP). This rezoning application reflects the landfill expansion location determined through the EA.

This planning rationale is to assess how the proposed development achieves and conforms to the objectives of the applicable municipal and provincial land use planning policy and regulatory framework. This application seeks to align the zoning of the subject lands with the intended waste disposal use. With all technical studies and reports completed, consultation with stakeholders, government agencies, the public, and Indigenous communities closed, and Ministry approval of the EA pending, this application is proceeding directly to recommendation. As outlined in this report, the proposal conforms with current policy criteria and framework, therefore staff recommend approval of the application.

The Biggars Lane Landfill is approaching its approved capacity of 732,225 cubic metres, which is anticipated to be reached in 2024. A Solid Waste Disposal Future Needs Study was undertaken in 2010 to explore waste disposal options for the County. A Terms of Reference was approved by the Minister of Environment and Climate Change on May 15, 2015, which established the framework for the preparation of the EA. The County submitted the EA to MECP for review and decision on February 15, 2021, which proposed four options for increasing capacity at Biggars Lane landfill. The preferred option presented through the EA proposes a 1.13 million cubic metres expansion to Biggars Lane Landfill to continue providing domestic, industrial, commercial, and institutional waste disposal services throughout the County of Brant for a 30 year period,(Attachment 4).

Location

Lands subject to this application are Owned by the County and combined form part of an approximate 89.74-hectare (221.77 acre) land reserve to accommodate the communities future waste disposal needs. This reserve consists of three properties known as 108-128 Biggars Lane, 292000901016000 Biggars Lane, and 292000403041200 Biggars Lane, located on the north side of Biggars Lane, east of Elliot and Hagan Road (Attachment 3). The existing Biggars Lane landfill utilizes approximately 11.1 hectares (27.4 acres) of these land holdings.

Surrounding lands consist of 11 agricultural operations (farms), a golf course (Fescue's Edge Golf Club), and 5 residences (some of which are located on the 11 farms). The closest residence is approximately 173 metres from the proposed expansion area. Review of land use compatibility and D-6 Guidelines form part of the EA process.

The existing barn and silo located at 108-128 Biggars Lane will be demolished as part of this application (Attachment 4). Demolition will not occur until such time that the planned phased expansion requires. The eastern parcel will remain unaffected by this application at this time (Attachment 4). Portions of the lands will remain undeveloped to provide buffering from surrounding land uses and assist with land use compatibility measures.

Report

The planning analysis focuses on literature review of applicable policy (i.e. *Planning Act*, *Provincial Policy Statement (2020)*, *Growth Plan for the Greater Golden Horseshoe (2020)*, *Brant County Official Plan (2012)* and *Zoning By-Law 61-16*), consultation with departments and discussions with external agencies and the public.

Planning Act R.S.O (1990)

Section 34(10) of the *Planning Act* provides policy direction to be considered when reviewing Zoning By-Law Amendment applications.

Provincial Policy Statement (2020)

The *Provincial Policy Statement (PPS)* provides policy direction on matters of Provincial interest regarding land use planning and development and sets the policy foundation for regulating land use and development of land. All decisions affecting planning matters shall be 'consistent with' policy statements issued under the *Planning Act*.

As part of achieving complete communities Sections 1.1, 1.1.2, and 1.1.3 of the *PPS* require municipalities to ensure that necessary infrastructure is available or planned to meet community needs. This includes ensuring expansions to infrastructure are financially justified, make efficient use of land, and avoid environmental or public health and safety concerns.

Waste management systems are considered as infrastructure and major facilities within Section 6.0 of the PPS. Several reports and studies were submitted as part of the EA to address environmental impacts, land use compatibility, and climate change. A detailed list is provided within this report for ease of reference.

Section 1.2.6 of the *PPS* speaks to planning and developing major facilities to avoid potential land use compatibility issues (e.g. odour, noise, other contaminants) with sensitive uses, such as residential. Where avoidance of potential land use conflicts is not possible policy 1.2.6.2 of the *PPS* sets out criteria to ensure the long-term protection and viability of major facilities by only permit sensitive land uses adjacent to major facilities if specific criteria can be met.

Section 1.6 of the *PPS* requires municipalities to take an integrated approach to planning for infrastructure by coordinating with land use planning and growth management to ensure current and projected needs are met, impacts of climate change are considered, strategic location, and infrastructure remains financially viable throughout the lifecycle.

The County of Brant's draft New Official Plan takes an integrated approach by coordinating with ongoing and planned capital projects to ensure infrastructure is available to meet the needs of forecasted growth over the next 30 years, looking to 2051.

Section 1.6.10 of the *PPS* speaks to the provision of waste management facilities designed in accordance with provincial standards to meet present and future needs and encourage, facilitate, and promote waste reduction and reuse and recycling objectives.

Programs to incentivize diversion of waste from the Biggars Lane landfill formed part of the EA submission to the Ministry. Recycling and composting programs run throughout the County currently, which have assisted in diversion of waste from the landfill over recent years. The EA submission outlines other additional programs which could be implemented to further assist in waste diversion in years to come.

The *PPS* permits limited non- agricultural uses in prime agricultural areas through Section 2.3.6 if the use is not within a specialty crop area, complies with Minimum Distance Setback (MDS) formulae, a need is identified, and alternative locations have been considered. Non-agricultural

uses expanding within an agricultural area are also required to mitigate impacts on surrounding agricultural operations where feasible.

A Land Use / Agricultural Study Report formed part of the EA submission to the Ministry. This report considers impacts of the expansion of a non-agricultural use within the agricultural area, as well as MDS.

Section 3.1 of the *PPS* speaks to natural hazards and directing development away from hazardous lands adjacent to natural features such as rivers, streams, and in land water courses which outlet to larger water systems. This section also prohibits development to locate in or adjacent to uses associated with the disposal of hazardous substances.

As part of the proposed landfill expansion all development is to occur outside of natural features and areas designated and zoned Natural Heritage within municipal land use planning documents (Attachment 4). Development on site will not extend to the property boundaries of all land holdings to maintain a buffer area from existing surrounding sensitive land uses, neighbouring farming operations, and natural features in accordance with provincial policies.

In review of the noted policies, I am of the opinion that the proposed Zoning By-Law Amendment is consistent with the policies of the *Provincial Policy Statement*.

Growth Plan for the Greater Golden Horseshoe (2020)

The *Growth Plan* is a provincial framework that provides policy direction to implement strong and prosperous communities and how to manage growth in Ontario to 2051. The *Planning Act* requires that all decisions that affect a planning matter shall 'conform with' Provincial plans, including but not limited to the *Growth Plan*.

When planning complete communities, policies 1.2.1, 2.2.1.3, 2.2.2.3, and 2.2.5.9 of the *Growth Plan* encourage protection and enhancement of natural heritage features and systems, prime agricultural areas and the agri-food network, as well as the well-being of all communities, including First Nations and Metis communities. These policies also require municipalities to plan for infrastructure that is resilient to climate change, environmentally sustainable, fiscally responsible, reduces greenhouse gas emissions, and will accommodate managed and planned growth over the next 30 years.

Waste management systems are considered infrastructure within Section 7 of the *Growth Plan*. Several reports and studies were submitted as part of the EA to address environmental impacts, land use compatibility, and climate change. A detailed list is provided within this report for ease of reference.

Sections 3.1 and 3.2 of the *Growth Plan* set out policies for infrastructure that supports growth and encourages a coordinated approach to infrastructure planning, investment, environmental protection, and cost-effective options for sustainably accommodating forecasted growth and achievement of complete communities.

These policies apply to all forms of infrastructure and place emphasis on the location and optimization of existing infrastructure, specifically when expanding to meet long-range land use planning scenarios. The County's draft New Official Plan continues to

coordinate with capital projects to address infrastructure needs to meet forecasted growth to the year 2051.

Sections 4.1 and 4.2 of the Growth Plan provide policies for the protection of natural heritage systems, agricultural areas, and non-renewable resources essential for long-term quality of life, environmental health and integrity, and wise resource management. Any new development must demonstrate that there are no negative impacts to natural heritage systems in accordance with these policies. Policy 4.2.3.1 (c) provides consideration for activities to occur which seek to maintain infrastructure, authorized under an EA process.

As part of the proposed landfill expansion all development is to occur outside of natural features and areas designated and zoned Natural Heritage within municipal land use planning documents (Attachment 4). Development on site will not extend to the property boundaries of all land holdings to maintain a buffer area from existing surrounding sensitive land uses, neighbouring farming operations, and natural features in accordance with provincial policies.

Policy 4.2.6.3 speaks to avoidance of land use compatibility issues where non-agricultural uses exist or are proposed within agricultural areas. Where avoidance is not possible, impacts on the agricultural system must be minimized and mitigated through an Agricultural Impact Assessment (AIA).

A Land Use / Agricultural Study Report formed part of the EA submission to the Ministry. This report considers impacts of the expansion of a non-agricultural use within the agricultural area, as well as MDS.

Policy 4.2.7 of the Growth Plan encourages municipalities to prepare an archaeological management plan and municipal cultural plan to be considered when making decisions and in consultation with First Nations and Metis Communities.

In the absence of an Archaeological Management Plan (AMP) and Indigenous Cultural Heritage Plan a Cultural Heritage Resource Assessment Memorandum, Stage 1 and 2 Archaeological Reports, and a Climate Change Considerations Report formed part of the EA submission.

Policies 4.2.9 of the *Growth Plan* require municipalities to develop and implement integrated waste management practices through an Official Plan to enhance waste reduction, including composting and recycling, identify energy from waste opportunities, source reduction, reuse, and diversion initiatives.

Planning for Infrastructure and How We Green form integral components of the County's Draft New Official Plan project. Policies which seek to provide waste management initiatives and consider green infrastructure have been proposed for further implementation throughout the County in future. While further programs to assist in reducing waste generation throughout the County will be considered for implementation in future, the proposed expansion of the landfill is an immediate solution to meet capacity issues and forecasted community needs.

In review of the noted Growth Plan policies, I am of the opinion that the proposed Zoning By-Law Amendment is in conformity to the policies of the Growth Plan for the Greater Golden Horseshoe.

County of Brant Official Plan (2012)

The County of Brant Official Plan sets out the goals, objectives, and policies to guide development within the municipality. The *Planning Act* requires that all decisions that affect a planning matter shall 'conform to' the local Municipal Policies, including but not limited to the County of Brant Official Plan (2012).

The subject lands are designated Agricultural and Natural Heritage within the current County of Brant Official Plan (2012). The County's current agricultural policies (Section 3.3) seek to preserve agricultural areas and prime agricultural land, while also allowing development of non-agricultural uses if compatibility with existing agricultural uses can be demonstrated. The Land Use / Agricultural Study Report, submitted as part of the EA, reviews potential impacts and land use compatibility relating to the proposal.

Section 2.3.6.1 of the current Official Plan contains policies for new or expanding waste disposal sites. These policies discourage new or expanding waste disposal sites by using waste diversion initiatives. Should new or expanding waste disposal sites be required to meet community needs than land use compatibility (mitigation of adverse effects) must be reviewed and considered, in addition to applicable requirements of the *Environmental Assessment Act* (EAA).

Review of land use compatibility, D-6 Guidelines, and requirements of the EAA form part of the EA process. Sections 5.0 and 5.6 of the current Official Plan provide policies for County infrastructure (including waste disposal sites).

In review of the noted policies, I am of the opinion that the proposed Zoning By-Law Amendment is in conformity to the policies of the *County of Brant Official Plan*.

County of Brant Zoning By-Law 61-16

The County of Brant Zoning By-Law sets out the specific permitted land-uses and development standards that apply to properties throughout the Municipality. The subject lands are zoned Special Exception Agricultural (A-9), Energy and Waste Industrial (M4), and Natural Heritage (NH) within the County of Brant Zoning By-Law 61-16 (Attachment 2).

While there are some provisions within the Zoning By-Law to allow for public facilities and uses by right within any zone category, Section 4.41 *Uses Prohibited in all Zones* specifically prohibits waste disposal sites on any lands within the County, unless expressly permitted. Currently only the Energy and Waste Industrial (M4) Zone permits waste disposal sites by right. Given the agricultural zoning of the portion of the property proposed to accommodate the landfill expansion a Zoning Amendment is required. Pertinent Sections of the By-Law were reviewed and compliance verified as part of this application.

Interdepartmental Considerations

Fire Department

- No Comments.

Environmental Planning:

- The following recommendations were made:
 - Provided that there are no changes to the Natural Heritage Zone, Environmental Planning has no concerns with the proposed rezoning.
 - The definition of Natural Heritage in the Zoning By-Law includes lands that contain key hydrologic and key natural heritage features, which would include many features identified through the Natural Environment Report. Accordingly, staff recommend that the Natural Heritage Zone be expanded to include a 30-metre buffer to the wetlands, woodlands, endangered bat habitat, and significant wildlife habitat (e.g., snake hibernaculum with 30 metre protection zone, overwintering/basking habitat for turtles).

Finance Division

- No Comments.

Staff will review internal comments received through circulation of this application and make amendments as needed.

External Considerations

Long Point Regulatory Conservation Authority (LPRCA):

- No comments. Property located outside of jurisdiction.

The following agencies, departments, and Indigenous Communities did not provide any comments regarding this application:

- Grand River Conservation Authority
- Ministry of Environment, Conservation and Parks (MECP)
- Building Division
- Development Engineering Division
- Hydro 1
- Energy plus
- Union Gas
- Bell Canada
- Rogers Canada
- Enbridge Gas
- Six Nations of the Grand River
- Mississauga's of the Credit First Nation

Public Considerations

Notice of the application was posted on the property on Thursday, April 14th, 2022, in accordance with the *Planning Act*. 8 notices were mailed on April 14th, 2022 to neighbouring and surrounding property owners, within a 125-metre radius, from all three parcels, advising of the proposed changes to be made through this application.

Conclusions and Recommendations

The EA submission required several studies to be undertaken as part of a complete application to MECP. The following list details all reports and studies which formed part of the EA submission:

- [Final Environmental Assessment Report](#)
- [Executive Summary](#)
- [Geology and Hydrology Considerations Report](#)
- [Cultural Heritage Resource Assessment Memorandum](#)
- [Stage 1 Archaeological Assessment Report](#)
- [Stage 2 Archaeological Assessment Report](#)
- [Solid Waste Disposal Future Needs Study](#)
- [Environmental Assessment Terms of Reference](#)
- [Noise Impact Assessment Report](#)
- [Transportation Impact Study Report](#)
- [Land Use / Agricultural Study Report](#)
- [Natural Environment Report](#)
- [Air Quality Impact Assessment Report](#)
- [Visibility Impact Analysis Report](#)
- [Economic Assessment Report](#)
- [Technical and Operational Considerations Report](#)
- [Leachate Treatment and Disposal Study Report](#)
- [Climate Change Considerations Report](#)
- [Compliance Monitoring Plan](#)
- [Report on Phase 2 Activities](#)
- [Record of Consultation](#)
- [Stormwater Management Assessment](#)

All studies and reports listed above are available on the County's website at www.brant.ca/BiggarsLaneLandfillExpansionEA

Currently the County is awaiting Ministry of Environment, Conservation and Parks approval of the EA. If approved by the Ministry the next step in the process will be submission of an Environmental Compliance Approval (ECA) application to the Ministry for approval of the detailed design and operation plan for the expansion. Anticipated timeline for submission of the ECA is within four months of receiving EA approval. A requirement of the ECA is that the subject lands are zoned correctly to permit the proposed use. Preparation of detailed design plans are underway as part of the anticipated ECA submission. As part of next steps, the proposal will be subject to Site Plan Control as part of the development process.

Based on the current zoning of the subject lands a Zoning Amendment is required. This application seeks to align the zoning of the subject lands with the intended use of a waste disposal site, maintain environmental features, and facilitate an expansion of the Biggars

Lane landfill. As outlined within this report I am of the opinion that the proposal is consistent with the *Provincial Policy Statement*, in conformity with the *Growth Plan for the Greater Golden Horseshoe*, conforms to the current County of Brant Official Plan and meets the intent of the County of Brant Zoning By-Law 61-16, and is therefore recommended for approval.

Attachments

- 1. Official Plan Figure
- 2. Zoning Figure
- 3. Aerial Figure
- 4. Proposed Expansion – Biggars Lane Landfill
- 5. Draft By-Law

Copy to

- 1. Pam Duesling, General Manager of Development Services
- 2. Rob Walton, General Manager - Operations
- 3. Alysha Dyjach, Clerk/Director of Council Services
- 4. Alyssa Seitz, Planning Administrative Assistant

File # ZBA10/22/JK

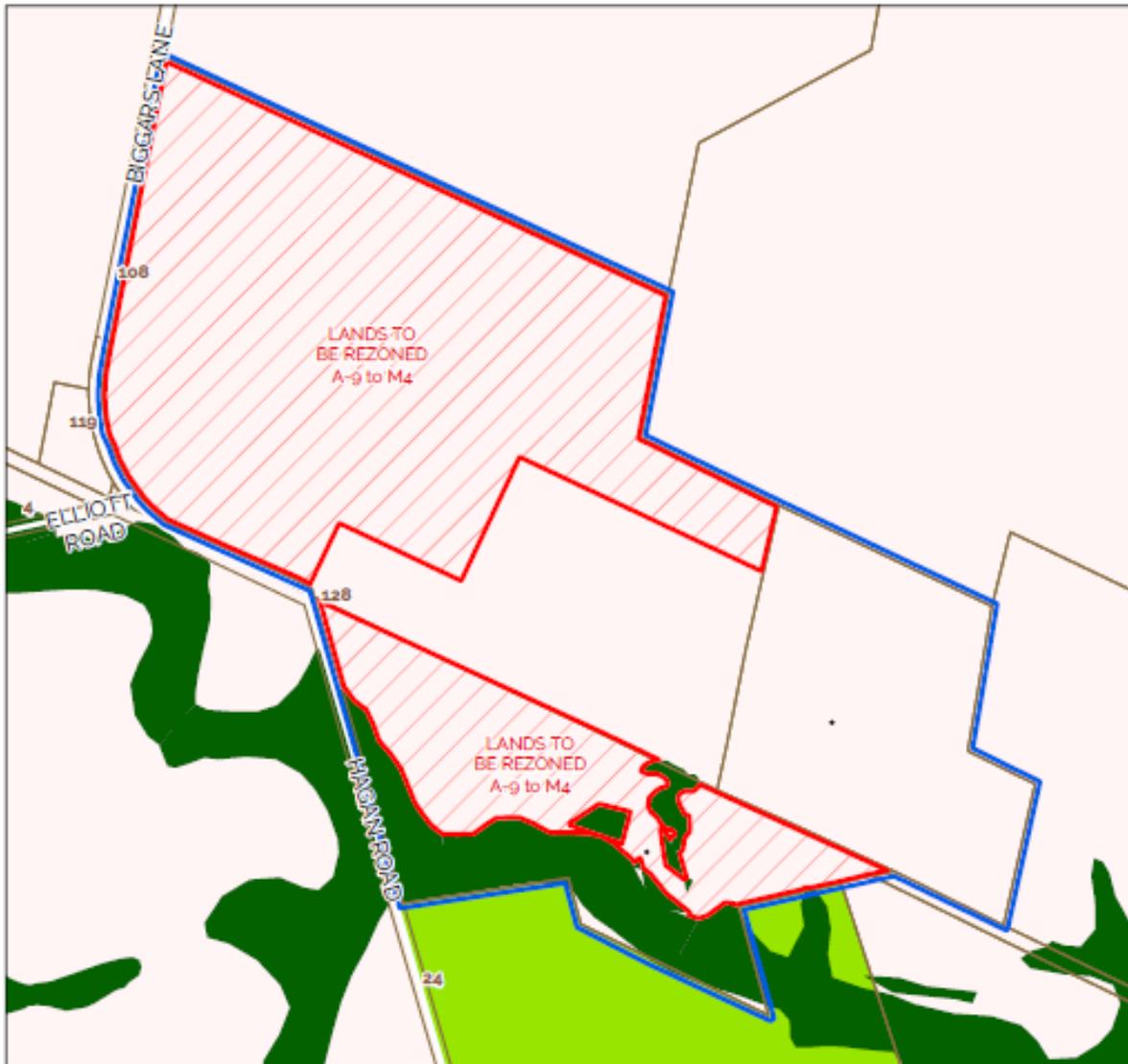
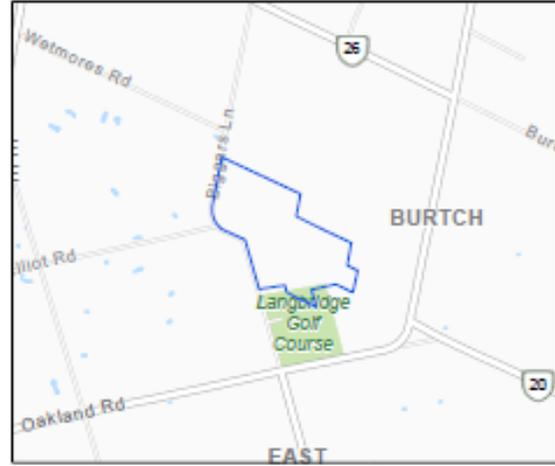
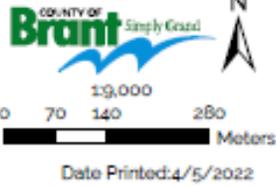
In adopting this report, is a bylaw or agreement required?

If so, it should be referenced in the recommendation section.

- By-Law required (Yes)
- Agreement(s) or other documents to be signed by Mayor and /or Clerk (No)
- Is the necessary By-Law or agreement being sent concurrently to Council? (Yes)

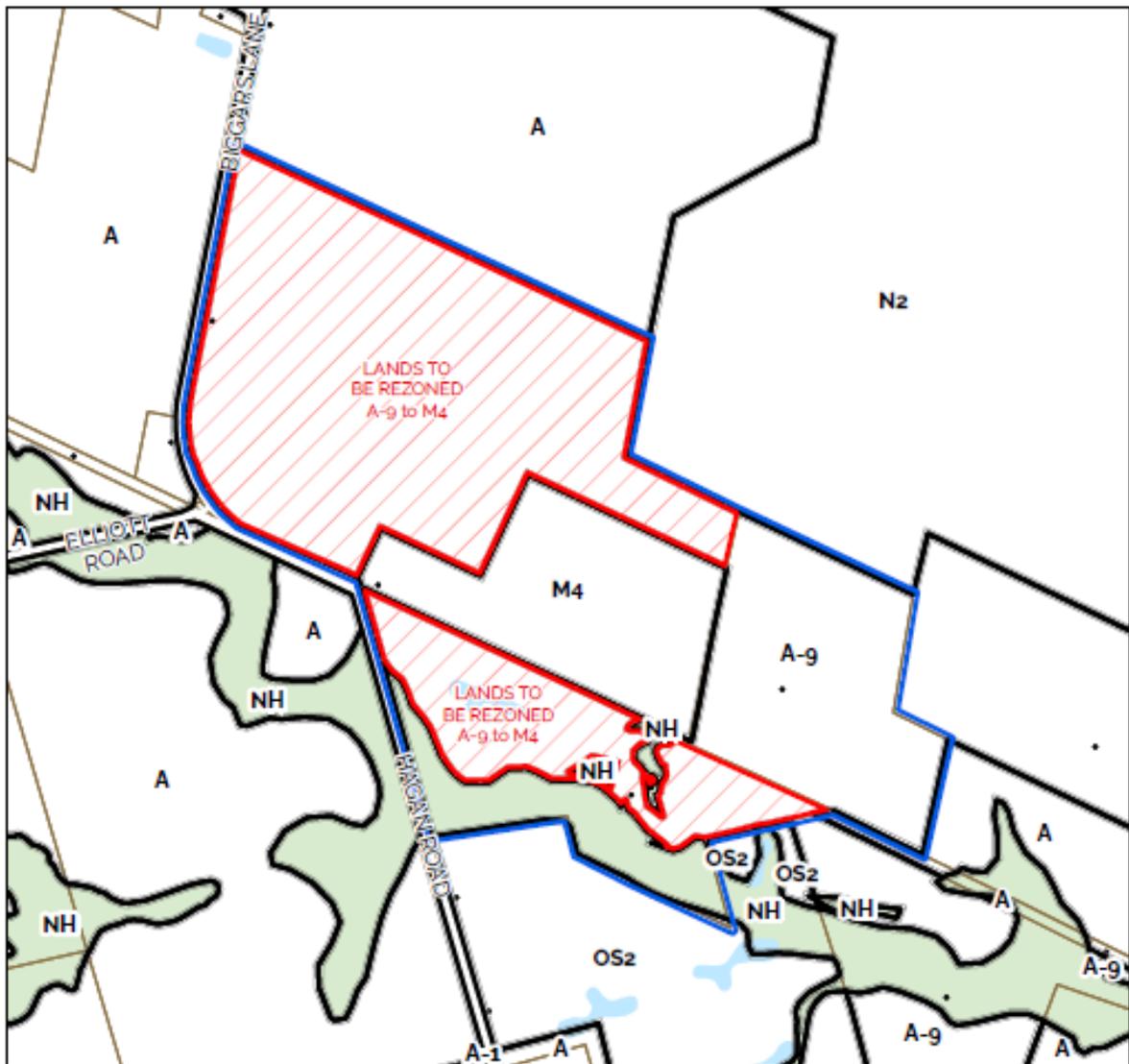
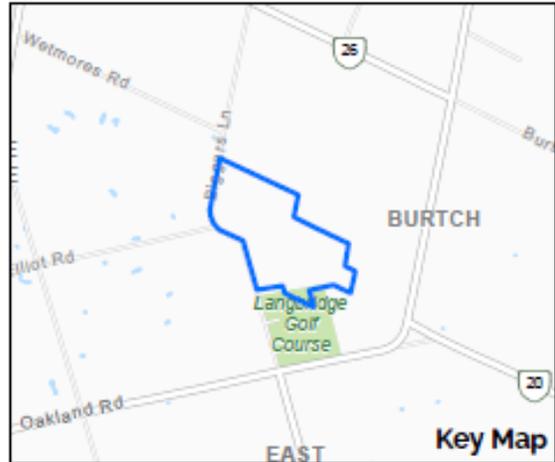
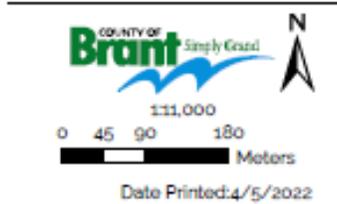
**MAP 2: OFFICIAL PLAN
FILE NUMBER
ZBA10-22-JK**

128 BIGGARS LANE
County of Brant
Ontario



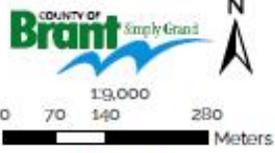
**MAP 1: ZONING
FILE NUMBER
ZBA10-22-JK**

128 BIGGARS LANE
County of Brant
Ontario

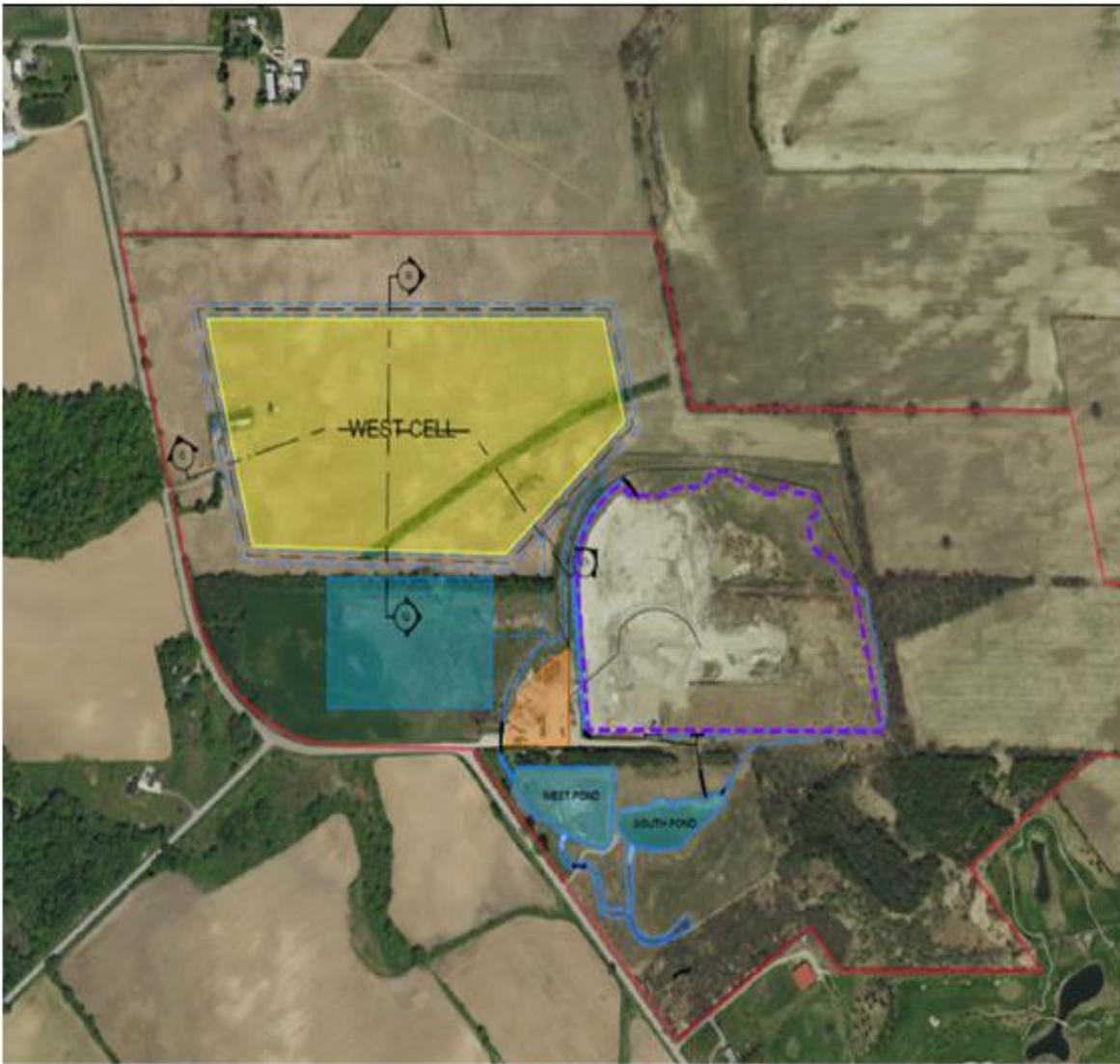


**Map 4: Proposed
Expansion
File Number
ZBA10-22-JK**

128 BIGGARS LANE
County of Brant
Ontario

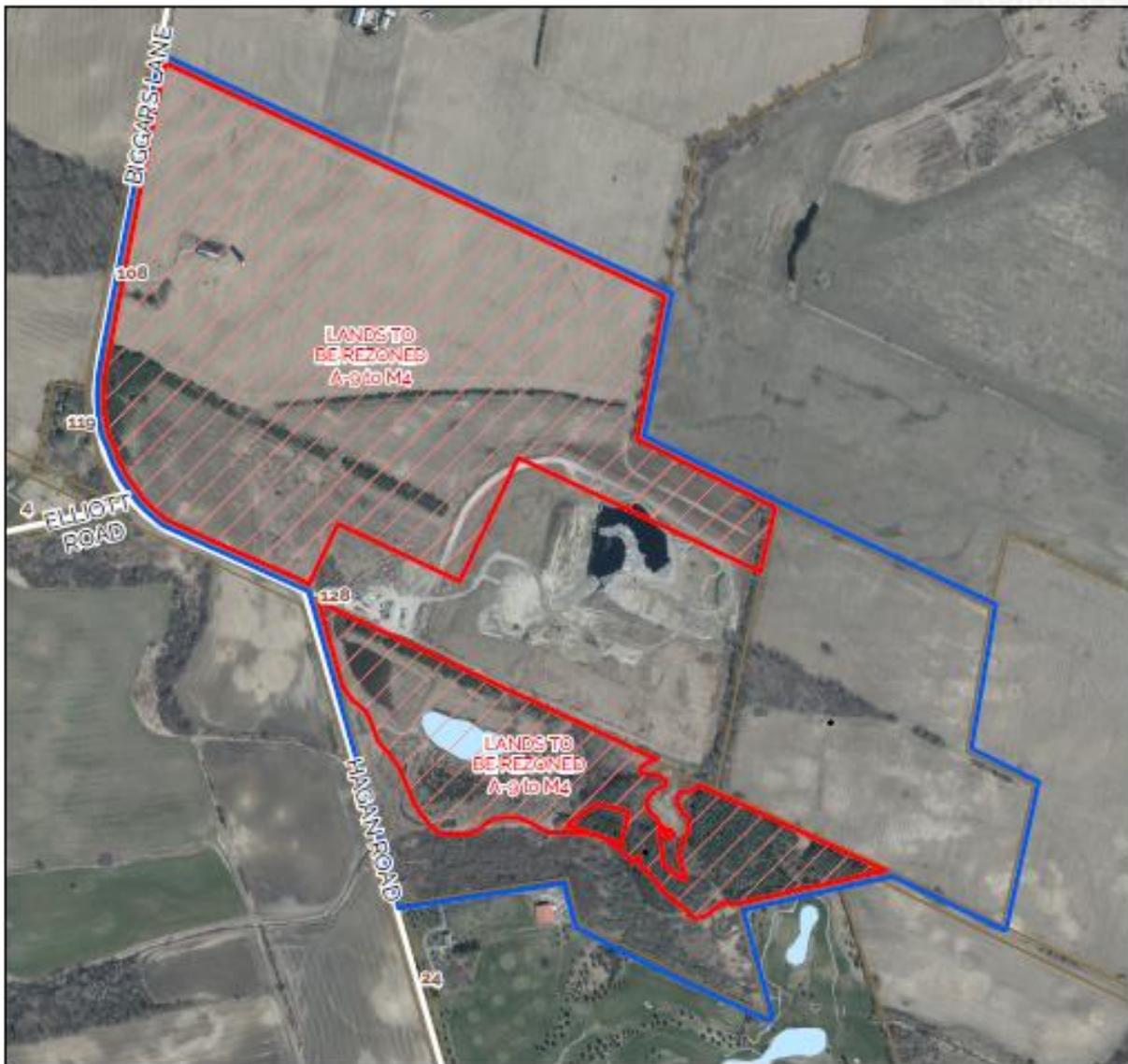
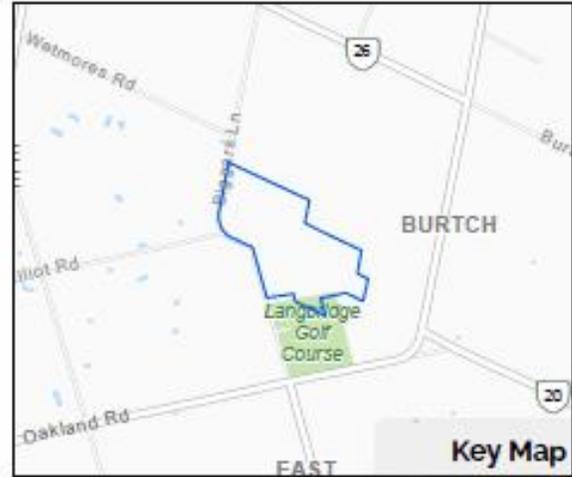
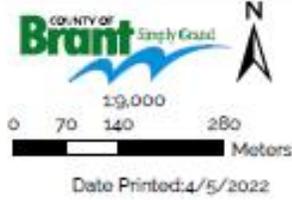


Date Printed: 4/5/2022



MAP 3: AERIAL IMAGERY 2020
FILE NUMBER
ZBA10-22-JK

128 BIGGARS LANE
County of Brant
Ontario



BY-LAW NUMBER xxx-22 –

- of -

THE CORPORATION OF THE COUNTY OF BRANT

To amend By-Law Number 61-16, the Zoning By-Law for the County of Brant, as amended, Corporation of the County of Brant, 108-128 Biggars Lane, 292000901016000 Biggars Lane, and 292000403041200 Biggars Lane, Geographic Township of Brantford, County of Brant.

WHEREAS an application was initiated by the Corporation of the County of Brant, Owners and Operators of lands legally described as RANGE 2 EMP PT LOTS 1 AND 2 AND 2R2679 PART 1, RG 2 EMP PT LOT 1 RP 2R6384 PARTS 1 AND 2, and CON 2 PT LOT 13 PT LOT 14 PT RD ALLOWANCE RP 2R2486 PARTS 1 TO 4, in the Geographic Township of Brantford, municipally known as 108-128 Biggars Lane, 292000901016000 Biggars Lane, and 292000403041200 Biggars Lane, County of Brant, proposing to rezone the retained lands from Special Exception Agricultural (A-9) to Energy and Waste Industrial (M4) and Natural Heritage (NH) to permit the use of a waste disposal site, maintain environmental features, and facilitate an expansion of Biggars Lane landfill.

AND WHEREAS the *Planning Act* empowers a municipality to pass By-Laws prohibiting the use of land and the erection, location and use of buildings or structures, except as set out in the By-Law;

AND WHEREAS this By-Law is in conformity with the Official Plan for the County of Brant (2012);

AND WHEREAS the Planning and Development Committee of the Corporation of the County of Brant has recommended approval of this By-Law;

AND WHEREAS the Council of the Corporation of the County of Brant deems it to be desirable for the future development and use of the lands described above;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT HEREBY ENACTS as follows:

1. **THAT** Schedule 'A' of By-Law Number 61-16, Key Maps 150, 151, and 162, are hereby amended by changing the zoning on the subject lands from Special Exception Agricultural (A-9) to Energy and Waste Industrial (M4) and Natural Heritage (NH) to permit the use of a waste disposal site, maintain environmental features, and facilitate an expansion of Biggars Lane landfill, as shown on the Schedule attached to this By-Law.
2. **THAT** this By-Law shall come into force on the day it is passed by the Council of the Corporation of the County of Brant.

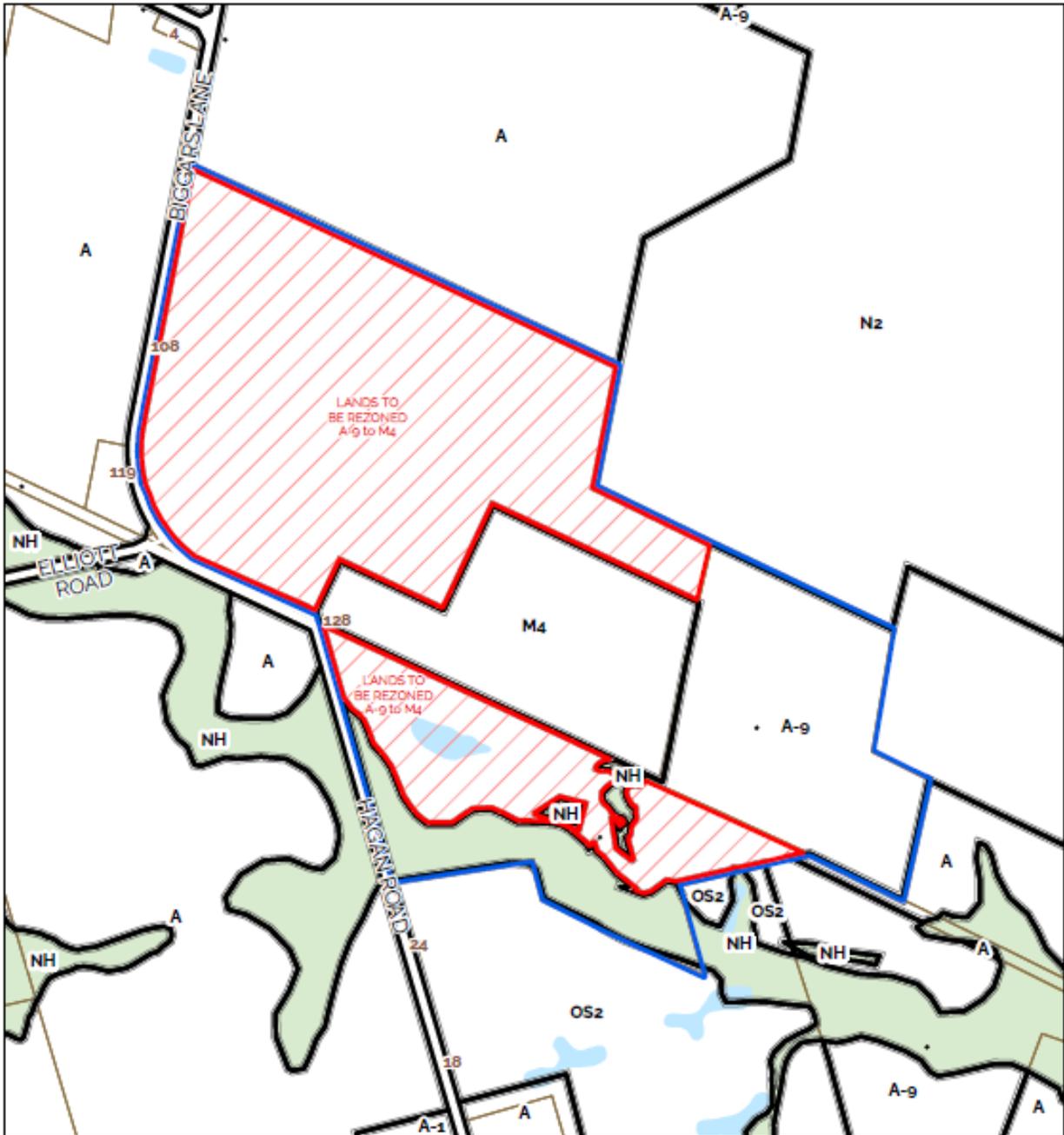
READ a first and second time, this 24th day of May 2022.

READ a third time and finally passed in Council, this 24th day of May 2022.

THE CORPORATION OF THE COUNTY OF BRANT

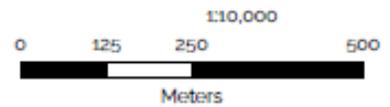
David Bailey, Mayor

Alysha Dyjach, Clerk



- ▬ Zoning Details
- ▬ Subject Lands
- ▬ Natural Heritage

SCHEDULE 'A'
 COUNTY OF BRANT
 BY-LAW No. _____



Date Printed: 4/5/2022