

MINUTES

PLANNING AND ENVIRONMENT COMMITTEE

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

CHAMPLAIN ROOM

09 JUNE 1998

3:00 P.M.

PRESENT:

Chair: G. Hunter

Members: D. Beamish, M. Bellemare, B. Chiarelli, B. Hill, P. Hume, J. Legendre,
A. Munter, and R. van den Ham

Regrets: W. Stewart

CONFIRMATION OF MINUTES

That the Planning and Environment Committee confirm the Minutes of the Meeting of 26 May 98.

CARRIED

ENVIRONMENTAL SERVICES ITEMS

1. TOMLINSON ENVIRONMENTAL SERVICES LTD.
APPLICATION FOR A MINISTRY OF ENVIRONMENT
CERTIFICATE OF APPROVAL CONSTRUCTION
AND DEMOLITION WASTE PROCESSING FACILITY
SPRINGHILL LANDFILL SITE - TOWNSHIP OF OSGOODE
- Director, Solid Waste Division, Environment and Transportation
Department report dated 25 May 98

Councillor Legendre noted staff are recommending the Region not object to the application for a Certificate of Approval by Tomlinson Environmental Services Ltd. based on set of conditions to be met. He related information he had received regarding concern for wetlands around the site and asked if the Region should be imposing a condition to protect the wetland.

- Notes:
1. Underlining indicates a new or amended recommendation approved by Committee.
 2. Reports requiring Council consideration will be presented to Council on 24 June 98 in Planning and Environment Committee Report Number 9.

Mr. Pat McNally, Director, Solid Waste Division, Environment and Transportation Department (ETD) stated the application staff reviewed relates to the existing landfill site and placing a construction and demolition recycling facility on that site. He noted the Region does not undertake a technical review looking at the details of the operation, nor does it review other areas that the Ministry of the Environment (MOE) or Ministry of Natural Resources (MNR) may review. He added the construction and demolition recycling facility will be located on the existing landfill footprint and the berming that is referred to be on the eastern and northern boundary. He indicated the documents staff have do not show wetlands, and he told the Councillor the existing site and berming areas are not in a wetland designated area.

Committee Chair Hunter clarified there are two different parcels of property and the certificate of approvals report before the Committee deals with the Osgoode Township Dump; the other site where the residents are making objection and concerned about the wetland complex is a nearby parcel of land that Tomlinson has recently purchased and is making application to receive approval for a landfill operation.

Mr. McNally confirmed this and noted staff's knowledge of the site is that the western boundary of the landfill is not a straight line but has a contour that follows the edge of the wetland, however, the construction and demolition recycling facility and the berming in that area is not in the wetland complex.

Mr. Marc, Solicitor, Legal Department introduced Mr. Steve Simmering, an engineer representing the applicant. Mr. Simmering indicated the berm being proposed would not impact on the wetland area and is on the side of the highway to provide screening and noise control from the surrounding neighbourhood.

Mr. Simmering, in response to Councillor Legendre's questions, noted he would be comfortable, subject to reviewing the wording, with a condition that the berm not affect the adjacent wetlands and noted they are bound by that under Provincial policies.

Councillor Munter put forward a motion to defer Item 1 pending the discussion of the Confidential Report distributed in reference to Item 1.

As Members of Committee had more questions for Mr. Simmering on Item 1, Councillor Munter agreed to hold his motion until the questions were finished.

Councillor van den Ham noted the staff report states there is a proposed volume of waste to be used for berms to the estimate of 2 to 3 million tonnes and felt this was quite a large figure. He asked Mr. Simmering if he could put this number into perspective or comment on it.

Mr. Simmering felt the use of tonnage to reflect volume causes confusion; he noted garbage has one quarter of the weight and four times the size per tonne of the types of rubble, etc. used

for berm construction. He explained the berm as described for the existing landfill site would be approximately 2-3 million tonnes of material; the total material that could be generated by this proposed facility would be only about 30% of that.

In response to Councillor van den Ham's questions regarding the height of the berm, Mr. Simmering explained the average road elevation is 97.3 metres and the landfill site at completion is 111.9 metres (present approval), therefore, a berm needs to be built which has 4:1 side slopes to produce a 1 metre sightline obstruction above the road i.e. road is 97.3 and landfill is 111.9, therefore, berm should be 15 metres above the road plus one metre for protection.

Councillor van den Ham noted the report states the Region declines to object, however, the Region has some strong views and positions on this application. He asked if once Council approves the report does the Region have the option, if staff are not satisfied, to indicate dissatisfaction with what the MOE approves.

Mr. Marc advised once Council deals with this report, the Region is limited in further action as most of the issues are not within Regional jurisdiction. He further explained that although the report requests the MOE take Regional comments into consideration they have the final decision.

Mr. Simmering explained for Councillor Legendre the landfill has been in place for 50 years and in 1997 the Township of Osgoode entered into an agreement with Tomlinson Environmental to take over operation of the site. He advised the operation of the site by Tomlinson has resulted in vastly improved use of the site, improved overall capacity with better landfilling techniques and has provided the resources and money to look after the site properly. He noted one of the aspects of a properly constructed landfill site is a proper earth berm as opposed to trees for screening.

Keith Watson, Manager of Operations at Trail Road Landfill Site informed Councillor Legendre there are berms at Trail Road along the side of Highway 416 and Trail Road to screen the view. He noted because of the configuration it is difficult to see the Landfill from Moodie Drive and there are trees screening the site from that side.

Councillor Legendre noted the report states "*The proposed recycling facility will receive construction and demolition waste from eastern Ontario and the Outaouais...*" The Councillor believed this landfill was restricted to receiving material from Osgoode plus 10-15 percent from the remainder of Ottawa-Carleton.

Mr. Marc noted the first condition on page 2 of the report is asking the Ministry to impose a 15% restriction on construction and demolition waste that is received and originates outside the Region.

Mr. McNally clarified the 10-15 percent Councillor Legendre is referring to is part of the agreements with landfill operators and this report is for a construction and demolition recycling facility.

Mr. Simmering, in response to questions from Councillor Beamish, indicated the berm would be constructed with inert rubble and normally finished with material to permit grass growth and cover and would be built as the landfill is developed. He advised the Councillor with respect to providing some aesthetics to the site while it is being constructed, this would be done as routine annual report to the Ministry from the Township of Osgoode. He added this issue will be addressed between Tomlinson and the Township.

There being no further questions, the Committee considered Councillor Munter's motion.

Moved by A. Munter

That Item 1 be deferred pending the discussion of the confidential report distributed in reference to Item 1.

CARRIED

Moved by R. van den Ham

That the Confidential Report distributed in reference to Regular Agenda Item 1 be considered by the Planning and Environment Committee in camera pursuant to subsection 11(1)e) litigation or potential litigation affecting the Regional Corporation, including matters before administrative tribunals, of the Procedure By-Law.

CARRIED

Moved by A. Munter

That the Planning and Environment Committee move out of camera and resume in open session.

CARRIED

Mr. McNally and Mr. Marc were present to answer questions from the Committee during the in camera session. A series of motions were moved which, pursuant to the motion moved by Councillor Bellemare, were deferred, in camera, to the next meeting of the Committee.

Committee Chair Hunter read a motion from Councillor Bellemare that Report No. 1 be deferred for two weeks.

Councillor Legendre spoke in support of deferral and asked that the other motions moved in camera be included in the deferral and come back to Committee in two weeks.

Mr. Marc agreed and requested guidance from the Committee as to whether the motions remain in camera until the next meeting. The Committee agreed.

Moved by M. Bellemare

That Report No. 1 be deferred for two weeks until the next meeting.

CARRIED
(A. Munter and
R. van den Ham dissented.)

That the Planning and Environment Committee recommend that Council decline to object to the application for a Certificate of Approval by Tomlinson Environmental Services Ltd. dated 27 January 1998 to permit a Construction and Demolition Waste Processing Facility within the approved Springhill Landfill site on Springhill Road in the Township of Osgoode to recover reusable and recyclable materials, provided that the Certificate of Approval issued by the Ministry of the Environment (MOE) is in accordance with the written information provided to the Regional Municipality of Ottawa-Carleton and that conditions are imposed by the MOE to address the concerns of the Region in this report.

DEFERRED

2. REGIONAL REGULATORY CODE
1998 RATE ADJUSTMENTS AND TERMINOLOGY CHANGES
- Environment and Transportation Commissioner's report
dated 27 May 98

That the Planning and Environment Committee recommend that Council approve:

- 1. The adjusted rates and charges recommended in this report;**
- 2. The amended terminology changes, and;**

3. **That the Regional Regulatory Code be amended to reflect the changes through an amending by-law.**

CARRIED

PLANNING ITEMS

3. LOCAL OFFICIAL PLAN AMENDMENT 10
CITY OF NEPEAN

- Planning and Development Approvals Commissioner's report
dated 25 May 98

That the Planning and Environment Committee recommend that Council approve Amendment 10 to the City of Nepean's Official Plan as modified on the Approval Page attached as Annex 1 and that staff be directed to issue the required "notice of decision".

CARRIED

4. SUMMARY OF ASSIGNED FUNCTIONS
OFFICIAL PLAN AMENDMENTS, SUBDIVISIONS,
CONDOMINIUMS, PART LOT CONTROL BY-LAWS, ZONING
BY-LAWS, SITE PLANS AND SEVERANCES

- Planning and Development Approvals Commissioner's report
dated 26 May 98

Councillor Munter referring to page 37, Subdivision Applications, noted the application from Claridge to build 97 homes in a sinking floodplain along the Carp River currently under circulation. It has been brought to the Councillor's attention the developer has sold homes in that area before the subdivision was registered. He further noted the subdivision is now in dispute and is going before the Ontario Municipal Board (OMB). He questioned what action the Region could take to remedy the situation.

Mr. Marc noted this situation has arisen before and entering into an agreement of sale prior to draft approval of the subdivision is prohibited by Section 52 of the *Planning Act*. He explained in instances where the Region is made aware of this type of situation, the Region has taken on the role of protecting the public's interest and have required the developer to advise buyers in writing that agreements are void and they can withdraw without penalty. He added staff request the developer to send copies of the letters to the Region to ensure the buyers are properly informed.

Councillor Munter has become aware of a family who have sold their home as they have purchased one from Claridge and now the subdivision is in dispute. He asked if the Region can assist the family in any way.

Mr. Marc indicated the family might want to discuss with their solicitor what remedies they might have against Claridge for damages as a result of what had happened.

In response to Councillor Munter's questions, Mr. Marc noted Claridge is the only developer in Ottawa-Carleton who has on three occasions acted unlawfully, contrary to Section 52 of the *Planning Act*.

Councillor Munter voiced his displeasure with Claridge's pattern of illegal behaviour and inquired if a developer is repeatedly acting unlawfully is there any other legal recourse the Region has to protect the public interest.

Mr. Marc noted each subdivision application must be treated separately, therefore, penalties against a specific developer cannot be imposed based on a previous application. He added, because this has happened in the past, the Region ensures with respect to Claridge, a condition be placed in the conditions of approval that purchasers have a right to withdraw from any sale agreements entered into prior to draft approval.

Committee Chair Hunter asked for a written response to Councillor Munter's inquiry for future reference.

Mr. Marc agreed and noted that Mr. Barry Edgington, Director, Development Approvals Division, Planning and Development Approvals (PDA), approximately one year ago, through the assistance of the Ottawa-Carleton Home Builders' Association (OCHBA), ensured that in their newsletter all homebuilders were advised of the requirements of Section 52 of the *Planning Act*.

Councillor Munter referred to page 36 Proposed Amendment 14-98.0012 "to allow retail warehouse uses" and another application, currently at the City of Kanata, to broaden retail uses in industrial parks. He asked if both were consistent with the Regional Official Plan (ROP) in terms of development of employment centres and development of the Kanata Town Centre.

Mr. Nick Tunnacliffe, Commissioner, PDA, indicated staff will investigate and report back to the Councillor.

There being no further discussion, the Committee then considered the staff recommendation.

That the Planning and Environment Committee recommend that Council receive this report for information purposes and confirm the Planning and Development Approvals Department's appeal of one zoning by-law as noted in Annex V.

CARRIED

INQUIRIES

Councillor McGoldrick-Larsen distributed a memo (a copy is on file with the Regional Clerk) to the Committee Chair regarding the proposed Trail Road Leachate Pipeline. She noted her participation in a public meeting on 1 June 1998 at the Walter Baker Centre in Nepean where many concerns were raised by the affected community. The Councillor outlined four issues she would like staff to examine and report back to the Committee at their next meeting:

- the original recommendation of piping the leachate, addressing the economics and environmental risks;
- the timing of the expansion of the West Rideau Collector, examining the premise and the economics of moving forward with this capital project to permit the piping of leachate directly to this sewage line;
- more detailed information regarding treatment on site; and,
- should the pipeline concept be reconfirmed, that a higher level of Environmental Assessment (EA) be carried out for the various pipeline routes.

She also asked the Committee to consider the notion of waiting to address this matter in full until the Fall when there is to be a report coming forward regarding the future of the Trail Road Landfill Site.

Mr. Sheflin, Commissioner, ETD confirmed the department will be coming forward with an optimization report on the Trail Road Landfill Site in the Fall of 1998. He indicated the recommendations staff were coming forward with, with respect to the leachate pipeline, were viewed by staff as the most economic and environmentally responsible way to proceed. He added other approaches to solve the leachate problem can be re-examined.

In response to Councillor McGoldrick-Larsen's request to receive a response for the next Committee meeting, Mr. Sheflin indicated staff could examine the issues brought forward by the Councillor and prepare a response for the next Committee meeting. He noted the

PDA Department would need to investigate the advancement of the West Rideau Collector as there are planning issues to be looked into around that scenario.

Councillor Legendre noted one aspect of the media reports on this issue was that the RMOC was busily contaminating soil surrounding Trail Road. The Councillor believed hauling the leachate was solving that problem and asked if contaminated water was still actually spreading and would it spread until the pipeline was in place.

Mr. Sheflin noted staff present every year, to this Committee and the Nepean Public Works Committee, a report outlining the total monitoring process and the progress of the movement of the groundwater. He explained there are a couple of sites; the old Township of Nepean site started in 1960 and the first two cells of the Regional site, which do not have an underliner, essentially making a basin to contain the leachate. He stated there is some movement of groundwater and the Region over the years has carried out a number of measures, i.e. buffer lands, with respect to the groundwater. He noted there are some ideas on how to deal with this issue, one of which would be using the leachate pipeline, if it goes ahead, to pump some of the groundwater to reverse or stop further migration in the groundwater. He added the groundwater contamination is in very low numbers and is basically being contained by the buffer lands.

Councillor Legendre noted another concern reported by the media was where the leachate pipeline would connect to the sewer and the possibility of leakage at that point into the surrounding soil. He asked if the staff report would be addressing this issue.

Mr. Sheflin responded that forcemains are a standard part of the sewage system which works on gravity and, in instances where gravity cannot work, pumping stations are put in which have associated forcemains. He advised staff will address this in the report.

Councillor van den Ham requested the status of the leachate pipeline project and what the process will be.

Mr. Sheflin indicated the process for this project has been started with an EA and public consultation. He informed the Councillor staff have gone out to the public with the recommended solution and alternatives and from this, public input has been received. He confirmed the Committee must still approve this project and a subsequent amendment to the Regional Official Plan (ROP).

Councillor McGoldrick-Larsen asked for clarification as staff had previously indicated there was no need for an EA as the leachate pipeline project could be attached to the EA that was completed for the management of the leachate at the site. Mr. Sheflin explained that the overall plan or self-assessment is the requirement for the EA. Councillor

McGoldrick-Larsen clarified that the public consultation has started but not the actual EA for the project to which Mr. Sheflin agreed.

Councillor Legendre, with respect to the OMB hearing on the ROP, understood the mediation phase had begun and mediators have been hired.

Mr. Pamela Sweet, Director, Policy and Infrastructure Planning Division, PDA informed the Councillor the Region is about to undergo mediation for the approximately 30 appeals and staff have looked at hiring four mediators, allocating them to different clumps of appeals and commencing mediation in late June to continue throughout the Summer. She explained that in those appeals where mediation is unsuccessful, it will be recommended the appeal proceed to the OMB. She noted the OMB has indicated they will hold another pre-hearing in November 1998 and staff, in the interim, will bring a report to the Committee in October with recommendations to either go forward with the appeal or the mediated solution. She added if Council and Committee approve the modification suggested through mediation, the OMB will then be formally asked to modify the plan.

Councillor Legendre asked for a list of the mediators along with the appeals that each will be assigned to.

Mr. Marc noted the four mediators are Nancy Smith, Joe Mangione, Alicia Natividad, and Bill Hunter and will provide the Councillor with a list of the assigned appeals for each mediator.

Councillor Legendre requested assistance from staff as to how community associations, who are party to some of the appeals and support the Region's case, get involved or handle the mediation phase.

Ms. Sweet explained staff have asked the mediators to provide a letter to those individuals or associations that they will be dealing with so the process and ground rules are set out at the beginning of this phase. She indicated staff will ensure that all parties are well aware ahead of time what is expected of them at the mediation hearings. She added staff will meet with community associations in those cases where they are party to the appeal, to organize before the mediation hearing.

In response to Councillor Legendre's question, Mr. Marc explained the mediator has no formal powers and can only attempt to bring the parties to an agreement; Committee, Council and the OMB must still approve the mediated solution.

ADJOURNMENT

The meeting adjourned at 5:10 p.m.

*Original signed by
Kim Johnston*

*Original confirmed by
Gord Hunter*

COMMITTEE COORDINATOR

COMMITTEE CHAIR