

MINUTES

PLANNING AND ENVIRONMENT COMMITTEE

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

CHAMPLAIN ROOM

27 OCTOBER 1998

3:00 P.M.

PRESENT:

Chair: G. Hunter

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

CONFIRMATION OF MINUTES

That the Planning and Environment Committee confirm the Minutes of the Meeting of 13 October 1998.

CARRIED

PLANNING ITEMS

1. REGIONAL OFFICIAL PLAN:
MEDIATION ON APPEALS - PART 2
- Planning and Development Approvals Commissioner's report
dated 21 Oct 98

Pamela Sweet, Director, Policy and Infrastructure Planning, provided a brief overview of the staff report. She noted there are approximately four or five outstanding appeals that will go on to the Ontario Municipal Board (OMB). A hearing date is set for 4 Jan 99, on the Stittsville expansion appeals and is estimated to last six weeks. A pre-hearing is set for 5 and 6 Nov 98, at which time the OMB will advise when the other appeals will be dealt with later in the new year.

Fran Johnston, Association of Rural Property Owners (ARPO), noted the Association has scoped their appeal down to three sections, namely, 5.2.4 - Endangered Species, 5.4 - Natural Environment Areas, and 5.5 - Wetlands as currently set out in the Regional Official

- Notes:
1. Underlining indicates a new or amended recommendation approved by Committee.
 2. Reports requiring Council consideration will be presented to Council on 12 November 98 in Planning and Environment Committee Report Number 18.

Plan (ROP). She stated ARPO recognizes the Region must have regard to Provincial Policy Statements concerning Provincially Significant Wetlands and Endangered Species and she said they were willing to accept those areas recognized officially must be accurate, having been identified by people who knew what they were doing, using criteria and methodology that was appropriate. However, Ms. Johnston pointed out the Province has admitted in writing the criteria evolved as they went along; the evaluators were students; mapping techniques were questionable and the manual was not applied consistently or properly. She said ARPO does not care how public lands are designated but they do care how you privately owned lands are designated.

With respect to Natural Environment Areas, a Regional issue, Ms. Johnston noted there are four OMB rulings that have stopped municipalities from applying designations that prevent property owners from using their land. She referred to one such ruling in the Toronto area, which she noted used very strong language, such as “profoundly repugnant” to describe the practice.

In conclusion, Ms. Johnston stated this has been an exhausting exercise, however, she vowed ARPO would continue its fight to stop the “siezing of property”.

Councillor Legendre referring to Policy 2 of Annex B to the staff report, felt the word “residential” should be added before the word dwelling for clarification purposes. In Policy 3 of Annex B, the Councillor suggested the word “large” before the words “commercial/industrial developments” should be removed. He said he was concerned with the impact any size of commercial/industrial activity would have on adjacent wetlands. In this regard, Councillor Legendre put forward two motions for consideration.

At Committee Chair Hunter’s request, Carol Christensen, Senior Project Manager, clarified Annex B contains policies which staff are asking Committee and Council to confirm so that they can be taken into the mediation sessions. She noted policies on Adjacent Lands have lagged behind because of the time and attention given to the larger wetlands issue. Staff will be back before the Committee with anything that comes out of the mediation process.

The Committee then considered Councillor Legendre’s motions.

Moved by J. Legendre

That Annex B, Item 2, be amended by adding the word “residential” prior to the word “dwelling” in the first line.

CARRIED
(G. Hunter and B. Hill
dissented)

Moved by J. Legendre

That Annex B, Item 3, be amended by removing the word “large” before the words “commercial/industrial developments” in the first line.

LOST

NAYS: B. Chiarelli, B. Hill, P. Hume, G. Hunter, W. Stewart and R. van den Ham.....6

YEAS: M. Bellemare, J. Legendre and A. Munter....3

Chair Hunter pointed out an error in the staff report on page 6, regarding Section 7.3. The third bullet should read “The appeals of Policies 1a), 1b), 2b) of Section 7.3 will be withdrawn.”

The Committee then considered the staff recommendation as amended.

That the Planning and Environment Committee recommend that Council:

- 1. Approve the mediated settlements in Annex A, attached hereto;**
- 2. Request the Ontario Municipal Board to modify and approve those sections of the Regional Official Plan in accordance with the mediated settlements identified in Recommendation 1;**
- 3. Approve the approach to definition of adjacent lands outlined in Annex B as an option to take to mediation, as amended by the following:**
 - a) That Item 2, be amended by adding the word “residential” prior to the word “dwelling” in the first line.**

CARRIED

2. **OMB APPEAL - FERNLEA FLOWERS PROPERTY**
LOT 27 BF CONCESSION, CITY OF GLOUCESTER
 - Planning and Development Approvals Commissioner’s report dated 6 Oct 98
 - Annexes 1, 2 and 3 issued separately

Myles Mahon, Regional Planner, provided an overview of the staff report.

Councillor Munter questioned why this matter was before the Committee when Council had approved the designation of this land as Agricultural Resource in the Regional Official Plan (ROP) and staff are not proposing this be changed. Carol Christensen, Senior Project Manager, advised there are two reports before the Committee, this one and the Booth and Keenan report. A soils report was done for all three of these properties and represents new information that was not before Committee and Council when they made their decisions on the designation of these properties. Staff were having trouble making progress in the mediation session because although they knew what they would recommend for these properties based on the information, they felt it was necessary to confirm what Committee and Council's decision would be based on the new information.

Councillor Munter stated although he agreed the Booth/Keenan matter was properly before the Committee because the staff recommendation represents a change of Council's position, he felt the Fernlea Flowers report was not necessary and felt it should be declared redundant and ruled out of order.

Chair Hunter noted during the Official Plan review process Fernlea Flowers had requested their land be removed from the Agricultural Resource designation however, as their soils report was not ready they withdrew their application. The applicants appealed the Agricultural Resource designation and were party to the mediation sessions but were unable to resolve the matter. He felt the matter was properly before the Committee and represented an opportunity to avoid an OMB hearing.

Responding to questions from Councillor van den Ham, Mr. Mahon replied staff are of the opinion the area in question is a prime agricultural area noting the definition of "Prime Agricultural Area" is where Class 1, 2 and 3 predominate. In this area, the Fernlea property is predominantly Class 3, the land to the north is Class 3 and agricultural uses predominate on the land in the surrounding area. Councillor van den Ham, felt the definition of Prime Agricultural Area to be land that consists of specialty crops or land that has a soil capability of Class 1, 2 "and" 3 not "or" 3. Prime agricultural area is land where Class 1,2 and 3 predominate and he pointed out the whole area is 51% Class 3 land. Of the surrounding land, to the east there are ten residential houses and only one farm, on the land to the south there is a gas station and restaurant.

Councillor van den Ham then asked if staff's opinion of this property would have changed if there were no evidence of people cutting hay or growing corn. Mr. Mahon stated the agricultural uses were one of the considerations that staff looked at. He noted the Fernlea property is predominantly Class 3 and when staff did a site visit much of it was planted in corn and other forage crops. He went on to say, the Booth and Keenan properties have a poorer soil capability and the agricultural operation is less intense. The results of the new soils report were fed into the LEAR (evaluated in the same manner as all other properties in the Region) and the Booth/Keenan properties came out in the 130 to 140 point range

which is just above the threshold and the Fernlea Flowers property came out about at 164 points. Mr. Mahon summarized by saying the absence of an agricultural operation would not have made difference on the Fernlea property as 70% of the LEAR is soil classification however, it would likely have had an impact on the Booth/Keenan properties.

Clifford Acton, CJ Acton Land Resources Consultant and Willis Scanlon, Scanlon Associates, appeared before the Committee on behalf of Fernlea Flowers. Mr. Scanlon provided a brief history of the matter, he noted in 1997 Planning and Environment Committee and Council had voted to redesignate the Keenan and Booth lands on the basis of a report by Dillon Consultants. Fernlea Flowers had also retained Dillon Consultants, but the report was not completed at that time. He suggested that had the report been completed the three parcels would have the same status, because the Dillon evaluation of the soils and the LEAR evaluation for the Fernlea property was virtually identical to the other two properties.

Mr. Scanlon advised this past spring and summer, it was agreed to by staff and the three property owners, to have another soil study done as the Province did not agree to the Dillon report as it applied to anyone. The new study was done by Professor Acton. The speaker then summarized the three major conclusions of the Acton report (with respect to the Fernlea lands but also to the two other properties) to be 1) the published soil capability ratings of these lands up to that time were incorrect; 2) the property is predominantly Class 3 and 4; and, 3) the lowering of the Class 3 and 4 to Class 4 and 5 would appear warranted which would mean the LEAR scores for all three of the properties would be below 130 and would therefore not be prime agricultural land.. He advised the Province and Regional staff agree with the conclusion that the property is predominantly Class 3 and 4 but do not agree the classes should be downgraded to Class 4 and 5.

Mr. Acton then spoke to the study he had carried out. He noted one of the Terms of Reference the Ontario Ministry of Agriculture and Food and Rural Affairs (OMAFRA) asked him to address was to apply the Hoffman Productivity Indices to the capability classes that were arrived at through the soil inventory. He explained these indices establish a relationship between agricultural capability and the productivity of common field crops (i.e. if Class 1 soils yield at a certain level for common field crops then Class 2 soils (with the same management applied) would yield at a lower level and Class 3 and 4 lower still). Mr. Acton obtain figures from the OMAFRA statistics for the Ottawa-Carleton Region and, in comparing the expected yield with what the land actually produced, he arrived at the conclusion these soils were producing at a level equivalent to or below Class 4.

Chair Hunter asked if the Hoffman Productivity Indices take into account the possibility of improvements to the land with tile drainage. Mr. Acton replied they do, however, it also takes into account the economic feasibility of these improvements. He said he had

obtained an estimate from a local contractor and for the three properties, the estimate was approximately \$300, 000 dollars to install tile drainage systems, which would not be economically feasible. Mr. Scanlon confirmed part of the difficulty of installing a tile drainage system on the land would be the high incidence of large stones.

Councillor Legendre questioned whether other crops (i.e. other than soy bean, corn and hay) would do better on these lands. Mr. Acton replied he doubted this but he pointed out the Hoffman Productivity Indices deal only with “common field” crops (e.g. corn, wheat, soy beans, hay, oats, barley) and not specialty crops, as does the soil capability system. He offered such things as cauliflower or cabbages might produce better on poorly drained soil but these are specialty crops and would not be considered in the Hoffman Indices.

Responding to questions posed by Councillor Munter, Mr. Acton stated he had done a LEAR calculation for the Fernlea Flowers property and, considering the Class 3 and 4 capability, the LEAR score would be 151 (as compared to staff’s calculation of 164.21). If the Class 3 were changed to Class 4, the LEAR score would be 116.5. He suggested a slight difference in the acreages of the different Classes would account for the difference between his calculation of 151 and staff’s calculation of 164.

Councillor Munter then asked staff how much of the agricultural land in Ottawa-Carleton would range between the minimum of 130 and 164 on the LEAR scale. Mr. Mahon replied most of the land designated as Agricultural Resource in the ROP would have LEAR scores in the range of 130 to 180.

Councillor van den Ham asked the delegation if he would agree that Provincial staff really focus on the black and white in terms of soil capability and do not give much regard to what actually can or cannot happen on the land. Situations such as this one are somewhat of a puzzle to them and so, if the land is not Class 4, 5 and 6, it remains as Agricultural Resource Area. Mr. Acton agreed this would be a fair assumption.

Councillor van den Ham stated it was difficult for him to agree the Fernlea Flowers property should be redesignated, except as part of the whole package (i.e. together with the Booth/Keenan properties). He said based on its own, he would have to agree with staff even though he knows what happens on the land is not prime agricultural activity. He felt approving it on its own could jeopardize the LEAR program.

Chair Hunter suggested if Councillor van den Ham felt the redesignation of this property was contingent upon the successful redesignation of the properties to the south (Booth/Keenan lands), he could put forward a motion to table this matter pending consideration of Item 3. Councillor van den Ham agreed and put forward the following motion.

Moved by R. van den Ham

That this Item be tabled, pending consideration of Item 3.

CARRIED
(A. Munter dissented)

Subsequent to Item 3 being considered by the Committee, the Committee then returned their attention to this matter.

Moved by R. van den Ham

That this Item be lifted from the table.

CARRIED

Councillor Munter asked staff if the Committee had the authority to change the recommendation on the Fernlea Flowers property. Tim Marc, Manager, Planning and Environment Law, advised this matter was before the Ontario Municipal Board, so Regional Council must take a position on it. He confirmed at Committee Chair Hunter's request that it was not necessary to hold another public hearing on this matter.

Councillor Munter, referring to points raised by Councillor Beamish on Item 3, noted in this instance as well, Planning and Environment Committee and Council, went through the process, had much discussion and came to the conclusion this land should be Agricultural Resource. He said he had not heard sufficient argument to warrant changing the ROP. He emphasized the point that most of the agricultural land in the ROP have LEAR scores of somewhere between 151 and 164, and he felt it would be incredibly irresponsible to reverse this designation and set such a precedent for the many others who have similar LEAR scores. The Councillor urged the Committee to uphold the ROP and approve the staff recommendation.

Councillor van den Ham reminded the Committee this section of property was set aside during the Official Plan Review process because studies were being done and discussions were taking place with officials in Toronto. He conceded the LEAR score for this property was a little higher but suggested when combined with the Booth and Keenan properties, making the block of land to be designated General Rural larger, it would solidify the Region's position. The Councillor explained these land owners usually continue to farm the land because they are responsible stewards and although to onlookers it may appear to be a bona fide agricultural operation that is very prosperous, that is not the case.

The Committee then considered Councillor van den Ham's motion.

Moved by R. van den Ham

That Lot 27 Broken Front Concession, City of Gloucester be designated “General Rural”.

LOST

NAYS: D. Beamish, M. Bellemare, P. Hume, J. Legendre, A. Munter and W. Stewart
....6

YEAS: B. Chiarelli, B. Hill, G. Hunter and R. van den Ham4

The Committee then considered the staff recommendation.

That the Planning and Environment Committee recommend that Council support the designation of “Agricultural Resource Area” for Lot 27 Broken Front Concession, City of Gloucester.

CARRIED

(B. Chiarelli, B. Hill,
G. Hunter and R. van den
Ham dissented)

3. **OMB APPEALS - BOOTH AND KEENAN PROPERTIES**
LOT 28 & 29 BF CONCESSION, CITY OF GLOUCESTER
 - Planning and Development Approvals Commissioner’s report dated 6 Oct 98
 - Annexes 1, 2 and 3 issued separately

Myles Mahon, briefed the Committee on the staff report.

Harold Keenan, reminded the Committee staff recommended and Committee and Council approved the designation of his and Mr. Booth’s property as General Rural in July, 1997. He said he was before the Committee to seek their support once again in this regard.

Mr. Keenan went on to point out the Terms of Reference of the soils study were set down and agreed upon by OMAFRA and Regional staff, which is why the Hoffman Productivity Indices were applied. He noted Professor Acton, who was approved by OMAFRA, did a detailed study of the subject land (digging about 21 holes and spent four days studying it) whereas the OMAFRA representative merely drove around the subject land and decided it was Class 3 and 4.

The speaker stated if the land is designated General Rural, the use (i.e. farming) would not change any time soon. He pointed out the City of Gloucester, is not in favour of approving subdivisions on wells and septic tanks and only one such subdivision has been approved in the last twelve years. Mr. Keenan said at some point in the future it is possible water and sewer will be supplied to the area, but until this happens, these lands will continue to be used the way they have been used.

Mr. Keenan said he had been in the farming business for many years and, although it is not profitable, it does keep the land clean and that is why he continues. He advised he currently has only twenty head of cattle and it is all the land can do to support the twenty head. The crop of grain that was planted on the property this year did not yield enough to warrant harvesting. Mr. Keenan went on to speak of the problems with swamp grass and drainage on the property, and the excessive costs associated with tile drainage systems (which he attributed to the fact the ditches are not deep enough to put in tile drains).

In conclusion, Mr. Keenan said the Province recognizes the drainage on the property is poor and they agree with everything put forward by Professor Acton except the downgrading of the soil classification to Class 4 and 5. He pointed out the Province also agrees that 51% of the Booth/Keenan properties are Class 4 and so in effect, it is only classification of 50% of each of the two properties that is in contention. He urged the Committee to continue to support the designation of the property as General Rural and to support the appeal to the OMB of the Ministerial modification.

Donald Booth, stated his property has 35 acres that front on River Road. He said it is rolling land with a big ditch through the back of it and a row of large stones right across it. Speaking to the problem of drainage, Mr. Booth said the tile going through the road is 24 inches above the land and even 4x4 vehicles have gotten stuck on it. He said only 11 round bales of hay had been taken off this land this year and 90% of it was wild carrot. Mr. Booth asked that the Committee support the General Rural designation of this land.

Clifford Acton, CJ Acton Land Resources Consultant, said he did a LEAR evaluation of the property and applied the Hoffman Productivity Indices for the combined Keenan and Booth properties. With the aid of a chart, Mr. Acton demonstrated the results of the Indices and based on the yield figures obtained from the Booth and Keenan properties, he suggested the lowering of the Class 3 soils to Class 4 is warranted because they are producing at levels closer to Class 4. Speaking to the poor yields of hay on the Class 3 soils, Mr. Acton explained this was because of the wetness (poor drainage) and advised hay crops do not survive under wet conditions. As well, hay crops in poorly drained soil tend to die out after about two years and must be reseeded; the best time to reseed a hay field is in the spring of the year and with poorly drained soils, it is impossible to get on them in the early spring to reseed. This makes it very difficult to manage these lands for hay production and the majority of the Keenan Booth property has been used for hay

production. Mr. Acton concluded by saying it is based on this reasoning that he felt it warranted the Class 3 be lowered to Class 4.

Responding to questions from Councillor Beamish, Mr. Acton stated in his report he recommended the Class 3 should be lowered to Class 4 and the Class 4 to Class 5, however, he felt, based on the yield figures the Class 3 should be lowered to Class 4 and the Class 4 should remain as it is. On this basis, Mr. Acton's calculation of the LEAR score would be 118.

Councillor Beamish then asked Mr. Acton if he had been involved with this type of work with the Province before. Mr. Acton replied he had worked with the Province for close to 30 years. In his position as the Senior Soil Correlator for Ontario, a supervisory position, he had on many occasions recommended soil classifications be downgraded.

Councillor Legendre noted it appears OMAFRA's concern was on maintaining the integrity of the larger area and asked Mr. Acton for his comment. Mr. Acton stated he had no doubt OMAFRA probably wants to maintain the integrity of the LEAR system.

Councillor Beamish went over the history of the Booth and Keenan properties and their attempts to have the designation changed. He noted Planning and Environment Committee and Council had approved the designation of this property as General Rural; while the Province chose to modify the ROP and change the designation of this property back to Agricultural Resource which required the Region to submit an appeal to that modification. He asked staff why they were coming back to the Committee in light of their previous position on this property; why they were requesting the appeal be withdrawn and how forcefully staff had negotiated with the Province on this matter.

Mr. Mahon replied based on the new information (i.e. the soils report that OMAFRA has accepted), that did not exist when Council changed the designation to General Rural or at the time of the appeal, staff are before the Committee with this recommendation. Councillor Beamish noted the Committee had made a determination in this instance and pointed out there were many instances during the Official Plan Review where this Committee made site specific changes to what staff had recommended based on information that people came forward with and based on their prerogative as politicians. He expressed concern that despite the decision made by Committee, staff would come back and try to change their opinion. He said he felt the new soils report had more than confirmed this land should be designated General Rural.

Responding to questions from Councillor Legendre, Ms. Christensen advised it is possible there could be further attempts at mediation with either Mr. Booth and Mr. Keenan or the Ministry of Municipal Affairs.

The Committee then considered Councillor van den Ham's motion on this item.

Moved by R. van den Ham

That Council approve that Lots 28 and 29 Broken Front Concession, City of Gloucester, be designated "General Rural Area".

CARRIED

YEAS: D. Beamish, M. Bellemare, B. Chiarelli, B. Hill, P. Hume, G. Hunter, W. Stewart and R. van den Ham....8

NAYS: J. Legendre and A. Munter....2

ENVIRONMENTAL SERVICES ITEMS

4. **CONDITIONS FOR CONSENT**
TOMLINSON ENVIRONMENTAL SERVICES - CONSTRUCTION AND DEMOLITION WASTE RECYCLING FACILITY
- Director, Solid Waste Division, Environment and Transportation
Department report dated 21 Oct 98

That the Planning and Environment Committee recommend that Council grant a consent to R.W. Tomlinson Ltd. For the operation of its construction and demolition waste recycling facility located on Part Lot 31, Concession 6 in the Township of Osgoode.

CARRIED

5. **TRAIL ROAD WASTE FACILITY AND NEPEAN LANDFILL SITE - 1997 ANNUAL MONITORING REPORT**
- Environment and Transportation Commissioner's report
dated 24 Sept 98

Pat McNally, Director, Solid Waste Division, Keith Watson, Manager, Operations Branch and Dave Ryan, Acting Site Engineer, appeared before the Committee to brief them on the staff report. Mr. McNally noted the Monitoring Report is submitted annually to the Ministry of the Environment (MOE) as a requirement of the Region's Certificates of Approval for the Nepean and Trail Road Landfill sites. The report was submitted at the

end of May and staff have recently received comments back from the MOE indicating they had done a review and had not taken any issues with the report.

Mr. Watson then went through the highlights of the reports.

Committee Chair Hunter noted the Executive Summary sets out the statistics for the tonnage of material received and the tonnage landfilled. As well, it mentions a comparison of 1996 and 1997 and shows that not only was less material received at Trail Road in 1997 compared to 1996 but it also shows that a significantly less proportion of that material was actually landfilled. The Chair took this to mean there was some success in diversion projects and he asked if this was a continuing trend. Mr. McNally agreed that staff have certainly seen a decreasing trend with respect to the residential waste and he pointed out, as a result the projected life of the landfill will be extended beyond what is currently approved.

Councillor Stewart noted the report states the Jock River water quality remains unaffected by surface water discharges from both the Nepean and Trail Road Landfill sites. However, it also mentions that the groundwater discharges into the surface water on the clay plain west of Moodie Drive, where there is an exceedance of the Provincial water quality standards. The surface water system in the Agricultural drains in this location connects up to the Leamy Drain and is then discharged into the Jock River. She asked staff if the groundwater, which is contaminated, is then getting into the Jock River via these drains. Mr. Watson replied, in the agricultural drainage system west of the Nepean landfill site, the Provincial water quality objectives are exceeded in the upper reaches of that water shed system. As the water moves down that system it is renovated or attenuated and by the time it reaches the Leamy agricultural drain it does not exceed the Provincial water quality objectives and therefore the Jock River shows no signs of anything from the Nepean or Trail Road Waste facilities.

Councillor Legendre had questions of staff concerning the life of the landfill. He noted in 1991/1992 there were approximately 8 years left in the life of the landfill; then three years later he was told his “children might not see the end of the life of the landfill site”. Now in this report it estimates the completion date at 2006 (2009 in the Optimization Report). Mr. McNally replied the estimate of 2006 was based on projections done for a 1990 development and operational plan. Since that time, the Region has made a number of operational changes (in addition to the waste diversion programs) at the landfill site that have allowed it to make better use of the air space available. As well, a bigger, heavier compactor is used today than what was used when the plan was done in 1990 and the other significant change is the handling of the leachate and the recirculation of the leachate which promotes the faster biodegradation and settlement of the landfill. He explained, with the waste diversion rates the Region is achieving, the number will not be 2006 but will be 2009 (with current practices).

Responding to further questions from Councillor Legendre concerning contaminants in the water, Mr. Watson explained some of the things that show up in the surface water as a result of the groundwater discharging in springs in the area west of Moodie Drive are things like ammonia. Ammonia is a nitrogen based compound that is actually absorbed by some of the water weeds and plants as it moves down the water course. As well, there is some dilution as it moves into the larger drain (i.e. the Leamy drain). He went on to say staff are keeping a close eye on it and the remedial action plan with the subdrain that will go around the perimeter of the Nepean landfill site will resolve this in the short term and the cap of the Nepean landfill site (which was done in 1991/92) will cut off the drainage in the long term.

Mr. McNally elaborated on the remedial system to be put in place on the buffer land so that contamination can be contained, Provincial water quality objectives are not exceeded and there is no impact on the Agricultural or Leamy drains. He stated in 1996, the Region did a preliminary design for this (to handle the contaminated groundwater from the Nepean site) which resulted in two options. One option was to do further design work on a wetland (to basically collect the water with an underground trench and pipe and run it through a natural wetland) and the other option was, once collected, to employ a sewer solution to the leachate at Trail Road. Mr. McNally noted the third element of the remediation plan which is the collector works and then either the wetland or piping is the outstanding step the Region still has to take. The MOE is aware of this plan and is looking for the Region to continue to make progress in this regard.

Councillor Legendre continued to express concern with what was happening with groundwater on the site. Mr. McNally stated this is a well monitored and well understood site. He explained in the lower aquifer, there is a clay layer that does not quite go completely underneath the landfill. The leachate that comes down and gets into the groundwater above the portion that has the clay liner flows across under Moodie Drive into the pond at monitoring site S-31 and ultimately flows down into the drain, so staff know what is happening in the upper aquifer. There is some leachate that by-passes the clay liner (because it is not continuous) and goes down into the deep aquifer and flows to the dewatering pond (which was created by aggregate excavation) so staff know where to watch for it. The water leaving the dewatering pond does not cause any problem as it flows down into the Jock River.

Councillor van den Ham questioned why Trail Road Landfill site would need to be open seven days a week. Mr. Watson responded on Saturday the site receives commercial waste from front end loaders (apartment buildings or commercial operations) and on Sunday it is strictly small loads from residents. The site is closed on Sunday in the winter months, as its use drops off, but there is a fairly steady demand through the spring, summer and fall period from residents wanting to dispose of material on a Sunday.

Councillor van den Ham had further questions concerning the recycling of the leachate. Mr. Watson replied the leachate has in it a biological activity (i.e. microbes, chemicals) that act on the garbage and make it decompose; and as well, wet garbage decomposes faster than dry garbage. He noted that landfills tend to be porous and drain very well, so they dry out and become dormant and stop decomposing. Recycling the leachate causes the waste to decompose and consolidate faster and actually provides more space (the Certificate of Approval provides for a block of air space of only 8,780,000 cubic metres) so the more garbage that can be packed in, the longer the site will last. Mr. Watson pointed out Stages 1 and 2 of the landfill do not have liners, they operate as natural attenuation sites (i.e. the leachate migrates out of the bottom of the landfill and enters the groundwater system, it migrates towards the dewatering pond and is monitored). Stage 3 is the active site that staff are actively managing the leachate, getting the leachate up into the garbage and trying to get the garbage to decompose as fast as possible.

Councillor McGoldrick-Larsen asked staff to provide a comparison of previous years of leachate volumes and content, as well as a brief overview of the volumes seasonally and the Region's capacity to manage those volumes. Mr. McNally was not able to provide a comparison of leachate volumes, however, he said the leachate number for 1997 was 57 million and staff project an increase in that for 1998. He pointed out the volumes for Stage 3, are to a large degree a function of the amount of moisture that falls on the open area. With respect to Stages 1 and 2 and the Nepean landfill site where caps are in place, the leachate volumes and strength are diminishing and as a result the contamination in the groundwater is also diminishing. Councillor McGoldrick-Larsen asked that staff provide her with the comparison information and she suggested this information should be included in future monitoring reports.

The Councillor then asked staff to provide information on the content of the leachate (e.g. metals and other components tested for) and whether or not there has been an increase in these components. Mr. McNally referred the Councillor to the Appendices of the Monitoring Report, which contain a complete summary of all of the testing results, the parameters tested for and the frequency. However, he noted this was strictly 1997 data and was not able to present any good comparative information. The Councillor expressed concern the report did not provide comparators and asked staff to compile this information for the public meeting on November 3. Mr. McNally said this would be done.

The Committee then considered the staff recommendation.

That the Planning and Environment Committee recommend that Council receive for information the *Final Report for the 1997 Monitoring and Operating Program for the Trail Road Waste Facility and Nepean Landfill Site.*

CARRIED

6. FINAL DRAFT - TRAIL ROAD LANDFILL ASSET MANAGEMENT AND LANDFILL OPTIMIZATION STUDY - DATED OCTOBER 1998
- Director, Solid Waste Division, Environment and Transportation
Department report dated 01 Oct 98

Pat McNally, Director, Solid Waste Division and Trish Johnston-Cover, Manager, Waste Diversion, provided a brief overview of the staff report.

Mr. McNally also provided some information on the consultation process, noting staff had retained a consultant to help them with this process. He pointed out the technical feasibility report was very preliminary in its nature and stated should an environmental assessment process be required, the requirements for public consultation would be much more significant. He said, this was basically a “pre-consultation phase” on the technical feasibility study and staff would be coming back to the Committee in three or four months to discuss in detail the options and the public comment. He advised it is staff’s intention to, over the next couple of months, present the report to the Nepean Council, develop newsletters, deal with stakeholders and get their input, look at the possibility of some Saturday morning workshops, and possibly conduct a telephone survey.

Councillor McGoldrick-Larsen had some questions on an interim report but, as the Committee members were not provided with this report, the Councillor agreed to speak with staff directly. Mr. McNally stated he would forward copies of this interim report to the members the next day.

The Committee then considered the staff recommendation.

That the Planning and Environment Committee and Council receive for information the final draft of the *Trail Road Landfill Asset Management and Landfill Optimization Study*, dated October 1998.

RECEIVED

7. LEACHATE TREATMENT AND DISPOSAL OPTIONS TECHNICAL REVIEW REPORT - SEPTEMBER 1998
- Response to Inquiry No. P&E - 8 (98)
- Director Engineering Division, Environment and Transportation
Department report dated 20 Oct 98

Jim Miller, Director, Engineering Division and Dave McCartney, Manager, Environmental Projects Branch appeared before the Committee. Mr. Miller advised staff were tabling the

report. He pointed out the Executive Summary of the report was included in the staff report and copies of the full report were available to members of the Committee. Mr. Miller went on to say this report was an update to an inquiry from Councillor McGoldrick-Larsen. He said staff had engaged an independent consultant to carry out a peer technical review of leachate treatment issues and the objective of that peer review was to identify new technologies. A meeting in the community is scheduled for November 3, 1998 and staff will then come back to Committee in the new year with a recommendation on dealing with the leachate.

The Committee then heard from the following delegations.

Joe King, felt the report did not provide complete information on all of the options that were submitted by a number of engineering firms. He said he understood these options and why the particular choice was made, was to be presented at the public meeting on November 3. However, he said the community also wanted information on such things as the criteria for the evaluation (e.g. socio-economic, economic and environmental health reasons), the grading for these criteria as was established at the outset in the terms of reference, what the terms of reference were that were included in the request for submission and information on the tendering process.

Mr. King went on to express concern about the tendering process, saying it appears this process was not open and transparent but rather the contract was simply awarded to Dillon Consultants. Mr. King also said the Barrhaven community, which is the community that is being affected by this, is concerned about the consultation plan that exists as they have not seen it and would like to be involved in that consultation plan.

Mr. Miller responding to points raised by Mr. King noted the contract was awarded under delegated authority and that three firms were considered. The results of that process, by a review of the qualifications, were that CJNS Gore & Storie were selected. He said the process was totally in accordance with normal, standard procedures.

Chair Hunter asked the delegation if he had been contacted by the LURA group for his opinion of what should take place in the consultation process. Mr. King replied he had but said he had asked for a copy of the consultation plan and was told they could not provide him with this as it was the property of the Region. Chair Hunter explained this was standard practice for any firm retained to do work on someone else's behalf; the study was being done for the Region and it would be up to the Region to give it out.

Responding to questions posed by Councillor McGoldrick-Larsen, Nancy Schepers, Acting Commissioner, Environment and Transportation Department, stated it was staff's intention to circulate the report immediately upon receipt, to all of the stakeholders who were approached in terms of developing the plan.

Werner Daeschael, expressed his opinion the leachate report dated 19 Sept 1998 was inadequate as it would be impossible for the Region and the public to make a sound decision between on-site opportunities and the pipeline option. He referred to the recent success of Essex County in Windsor in treating leachate in a green house (at a reasonable capital and operating cost) and pointed out this was not mentioned in the report. As well, he said inadequate parameters for evaporation, wetland or poplar forestation options were provided, so that environmental and cost comparisons could not be made. Mr. Daeschael said the report also fails to inform about the toxic overload of the Ottawa River by limiting leachate processing to the flow through the sewage plant. He felt all of these points should be covered in the report and suggested the Committee should request that an addendum, addressing these issues, be added before it is received.

Mr. Miller said staff would certainly attempt to deal with these questions and offered to facilitate a meeting with the consultant and Mr. Daeschael to try and address these issues as soon as possible. When asked by Mr. Daeschael if this meeting would result in a written report that everyone would receive, Mr. Miller replied it could result in an addendum but he stressed the importance of moving on with the process and if, through the consultation process, further work is indicated then that will be staff's recommendation.

Mr. Miller confirmed at Councillor McGoldrick-Larsen's request, if through the public consultation process it is identified there is a need for further technical analysis on some of the other options, staff would report back to the Committee with a recommendation.

Councillor McGoldrick-Larsen noted Mr. Daeschael made reference to a green house program currently being used in Windsor on their landfill site. She asked staff if this option had been looked at. Mr. McCartney answered staff had not looked at that particular technology and in fact he was not aware of it but said he would certainly look into it. Councillor McGoldrick-Larsen advised her office had been in touch with the City of Windsor and was to receive an information package which she would share with staff.

Councillor Legendre asked staff to comment on the delegations first point regarding the report being inadequate because conclusions could not be arrived at with the information provided. Mr. Miller said staff believe the report, at the level that was carried out, provides a good level of information for discussion and is certainly appropriate to go into the public consultation process. He explained it was a peer technical review intended to see if the Region is on the right track or where we should be going; he said the report was not of a magnitude of a study three to four times the cost (estimated to be \$40,000 to \$50,000).

In response to questions posed by Councillor Legendre, Mr. Daeschael said he felt the report was written for the obvious outcome, which was to justify the pipeline. He said no information was provided on the alternatives, other than a catalogue listing, and therefore no comparisons could be made between the alternatives. He offered the frustration level of the public is quite high and would be even more so if an addendum was not prepared prior at the public meeting.

Councillor Legendre then asked if staff intended to provide at the public meeting, the information that was used to arrive at the preferred option. Mr. Miller stated this information would be available at the public meeting. He noted the criteria and methodology used to arrive at the preferred option included not only cost but such things as public health, safety, natural environment and social environment; all of this information will be available at the public meeting. Ms. Schepers added if the public says the criteria needs to be changed then that will be incorporated into the report, revised and final recommendations would be brought back to the Committee.

Councillor McGoldrick-Larsen noted that Mr. Miller had indicated to her, the criteria for the evaluation and the grading scheme would be provided to those groups that are interested, prior to the public meeting on November 3.

Mr. Daeschael stressed the importance of providing written material to the participants prior to the public meeting. Mr. Miller said it is staff's intention to provide a newsletter to the residents in advance of the meeting. Mr. Daeschel suggested the appropriate public group should be allowed space in the newsletter, to express their views.

Having heard from all public delegations, the matter returned to Committee.

Councillor McGoldrick-Larsen indicated Councillor Beamish was putting forward a motion on her behalf, that the Region eliminate the CN corridor from the options being considered for the leachate pipeline. She noted that since this report was first brought forward, with three pipeline options to be considered, the CN corridor option has become somewhat problematic. She advised the City of Nepean has had an application to rezone a piece of property right next to this corridor and if the Region were to forge ahead with this option, the Region would have to expropriate land in order to get through that piece of property, therefore making this option more costly. The Councillor also stressed this option has caused much anxiety in the community and she pointed out this alignment would affect the most residents in the community; the other two options affect far fewer residential properties. Councillor McGoldrick-Larsen felt no more of staff's time and therefore money should be spent in pursuing the CN corridor option and she asked for the Committee's support.

At Councillor Legendre's request, Mr. Miller explained that staff are not going out to the public with a pipeline routing option however, the report indicates the conveyance system of a pipeline appears to be a favourable alternative but it does not specify routes. He confirmed the points raised by Councillor McGoldrick-Larsen about the CN corridor option.

Councillor Legendre asked if this motion was limiting or prejudging what would happen. Mr. Miller replied that given the consultation that has taken place to date, Option 1A (the CN corridor) is not favourably received by the public, it has an easement problem that it did not have before and is very problematic. Ms. Schepers added that given the fact that when these options are evaluated it will not be on the basis of price only but many other factors, it is staff's opinion that this option would not likely rise to the top.

Chair Hunter commented that removing this option would give the public a level of comfort and because it appears that further study would indicate that this was not the best overall option, he felt it would be prudent to eliminate it now so that attention could be focused on the options that are more likely.

Moved by D. Beamish

That Council approve that the CN Railway corridor (Shown as Option 1A on Annex B) be eliminated as an option for the proposed leachate pipeline option.

CARRIED
(R. van den ham
dissented)

The Committee then considered the staff recommendation.

That the Planning and Environment Committee receive for information the Leachate Treatment and Disposal Options Technical Review Report, dated September 1998.

RECEIVED

REGIONAL CLERK'S ITEM

8. **APPOINTMENTS: CONSERVATION AUTHORITIES -
SELECTION OF ADVISORY SELECTION COMMITTEE**
- Regional Clerk's report dated 7 Oct 98

That Peter Hume be a member of the Advisory Selection Committee to review resumés and recommend appointments to the Conservation Authorities for the term 1 January 1999 to 31 December 2001.

CARRIED

CONFIDENTIAL AGENDA

1. **COMPREHENSIVE REGIONAL OFFICIAL PLAN
BOOTH/KEENAN/FERNLEA APPEALS**
- Deputy Regional Solicitor's report dated 22 Oct 98

The Committee waived discussion on the following confidential report and received the report without an In Camera session.

That Planning and Environment Committee and Regional Council receive this report for information.

RECEIVED

2. **CONDITIONS FOR CONSENT - R.W. TOMLINSON LIMITED
CONSTRUCTION AND DEMOLITION WASTE RECYCLING FACILITY**
- Deputy Regional Solicitor's report dated 21 Oct 98

The Committee waived discussion on the following confidential report and approved the staff recommendation without an In Camera session.

That Planning and Environment Committee recommend that Regional Council consider the staff recommendation set out in the report.

CARRIED

INQUIRIES

Councillor Munter raised the issue of school closures and the planning implications related to such closures. He noted the Community Services Committee had discussed the implication of school closures on the delivery of child care programs and adult education

but he felt the issues around the Regional Official Plan (ROP) should also be addressed. Such things as conformity to the ROP in terms of intensification and land use.

Nick Tunnacliffe, Commissioner, Planning and Development Department responded that a report would be forwarded to the Community Services Committee meeting of 19 Nov 98 and Planning staff are proposing to feed into that report the aspects related to planning. Councillor Munter indicated this was satisfactory to him and he provided the Commissioner with some documents on this issue.

Councillor Legendre asked that the report also address the issue of school closures within the urban area and how this may run counter to the intent of the ROP and could jeopardize the goal of “growing in and not out” in that Plan. He stressed the urgency of this as the Boards must make their decisions before the end of December.

Chair Chiarelli added he would like to know the planning implications of not only the school closings that are contemplated in the urban area, but also the lack of capital to build schools in the suburban area. He felt that given the ROP provision to intensify housing within the greenbelt and the changing demographics within the urban area, there would be significant planning implications.

Commissioner Tunnacliffe confirmed this information would be included in the report to Community Services Committee. Pamela Sweet, Director, Infrastructure Policy and Planning added staff are looking at the population projections, the demographics, the locations and the implications of both the closings and the lack of potential school locations in the suburban area. She noted staff have already been working with the School Boards on collecting this data.

Councillor Beamish suggested the report should also address how staff expect the Region’s opinion would bend the Province on an issue that could be argued is none of our business, when we are not able to bend them a bit on issues that are directly our business. Commissioner Tunnacliffe replied staff would do their best.

Councillor Legendre asked staff for an update on the Bridge study. Ms. Sweet advised the draft from the consultant was expected imminently and it is expected a staff report will be forwarded to Committee and Council in November.

OTHER BUSINESS

Moved by R. van den Ham

That Council be requested to waive the Rules of Procedure to consider Items 1, 2, 3, 4 and 7 of the Regular Agenda and Items 1 and 2 of the Confidential Agenda, of the

**Planning and Environment Committee meeting of 27 October 1998, at its meeting of
28 October 1998.**

CARRIED

ADJOURNMENT

The meeting adjourned at 7:00 p.m.

*Original signed by
Dawn Whelan*

COMMITTEE COORDINATOR

*Original confirmed by
Gord Hunter*

COMMITTEE CHAIR