

**Subject: Zoning By-law Amendment – 4380 Trail Road**

**File Number: ACS2024-PDB-PS-0020**

**Report to Agriculture and Rural Affairs Committee on 5 September 2024**

**and Council 18 September 2024**

**Submitted on July 31, 2024 by Derrick Moodie, Director, Planning Services,  
Planning, Development and Building Services**

**Contact Person: Stephan Kukkonen, Planner I, Development Review Rural**

**613-580-2424 ext 12860, stephan.kukkonen@ottawa.ca**

**Ward: Rideau-Jock (21)**

**Objet : Modification du Règlement de zonage - 4380, chemin Trail**

**Dossier : ACS2024-PDB-PS-0020**

**Rapport au Comité de l'agriculture et des affaires rurales**

**le 5 septembre 2024**

**et au Conseil le 18 septembre 2024**

**Soumis le 31 juillet 2024 par Derrick Moodie, Directeur, Services de la  
planification, Direction générale des services de la planification, de  
l'aménagement et du bâtiment**

**Personne ressource : Stephan Kukkonen, Urbaniste I, Examen des demandes  
d'aménagement ruraux**

**613-580-2424 ext 12860, stephan.kukkonen@ottawa.ca**

**Quartier: Rideau-Jock (21)**

## REPORT RECOMMENDATIONS

That Agriculture and Rural Affairs Committee:

1. Recommend Council approve an amendment to Zoning By-law 2008-250 for 4380 Trail Road, as shown in Document 1, to permit a Waste Processing and Transfer Facility, limited to the transfer and processing of inert soils, as detailed in Document 2.
2. Approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of Written and Oral Public Submissions, to be prepared by the Office of the City Clerk and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to *the Planning Act* 'Explanation Requirements' at the City Council Meeting of September 18, 2024," subject to submissions received between the publication of this report and the time of Council's decision.

## RECOMMANDATIONS DU RAPPORT

Que le Comité de l'agriculture et des affaires rurales :

1. Recommande au Conseil d'approuver une modification du *Règlement de zonage* (n° 2008-250) visant le 4380, chemin Trail, comme l'indique le document 1, afin d'autoriser l'aménagement d'une installation de traitement et de transfert de déchets, limitée au transport et au traitement de sols inertes, comme le précise le document 2.
2. Approuve que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffe municipal et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux 'exigences d'explication' aux termes de *la Loi sur l'aménagement du territoire* à la réunion du Conseil municipal prévue le 18 septembre 2024 », à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.

## BACKGROUND

Learn more about [link to Development Application process - Zoning Amendment](#)

For all the supporting documents related to this application visit the [link to Development Application Search Tool](#).

**Site location**

4380 Trail Road

**Owner**

Frank Cardinali

**Applicant**

Fotenn Planning + Design

**Description of site and surroundings**

The subject property is located on the south side of Trail Road, between Highway 416 and Moodie Drive. Across the road is the Trail Road Landfill Facility, to the west is the Trail Road Depot, and to the east and south are licenced aggregate extraction operations. The property is 4.3 hectares in size and has 223 metres of frontage on Trail Road. The site was previously used for aggregate extraction and does not currently have an active licence. The previous use has left the site with a central pit approximately 15 metres in depth surrounded by steep banks with vegetation along the top.

**Summary of proposed development**

The applicant is seeking a Zoning By-law Amendment to establish a Waste Processing and Transfer Facility (non-putrescible) for the processing and transfer of inert soils. The subject property is proposed to receive excess soils, both dry and liquid, that are not from areas of environmental concern or known historical contamination, in order to return the property to existing grade. Soils are relocated from client sites that are performing scheduled or emergency maintenance of utilities, such as electrical, natural gas, water or telecommunications. Excess soils are proposed to be screened and tested in order to determine they are suitable to be deposited at the subject property and confirm the absence of any contamination. Once deemed clean, the soils will be used to rehabilitate the site by filling in the excavated areas remnant from the previous aggregate-associated use.

In addition to the Zoning By-law Amendment the proposed use will require approvals from the Province under the *Environmental Protection Act*. The Zoning By-law Amendment is not intended to be considered as an instrument under O. Reg 406/19: On-Site and Excess Soil Management. The Provincial approvals shall regulate the quantity and quality of soils placed on site.

## **Summary of requested Zoning By-law amendment**

The property is currently split zoned both Mineral Aggregate Reserve Zone, Rural Exception 7 (MR[7r]) and Parks and Open Space Zone (O1). The MR[7r] exception provision allows a minimum lot area of 3.5 hectare. The applicant has requested to rezone the property as Rural General Industrial Zone (RG), which permits a Waste Processing and Transfer Facility.

Staff are recommending, instead, that the proposed zoning be Rural Countryside (RU), with a site-specific exception to permit only Waste Processing and Transfer facility (non-putrescible), limited to processing and transfer of inert soils. In this case, inert soil is intended to have the ordinary meaning of 'not contaminated with any harmful substances and does not change or cause change physically, chemically or biologically'. The RU zone is considered more appropriate as the site is designated Rural Countryside in the Official Plan and the adjacent Trail Road Landfill Facility is also zoned RU, with site-specific exceptions. The Rural General Industrial zone permits a variety of other uses beyond Waste Processing and Transfer Facility that are incompatible with the existing surrounding uses, i.e. the Trail Road Landfill Facility and adjacent aggregate extraction operations. Exception provisions are also proposed to acknowledge that the Truck Haul Route along Trail Road ends approximately 620 metres west of the subject property. Further, it is recommended that a holding symbol is placed on the property to limit the construction of any buildings with private servicing until such time it has been demonstrated adequate servicing is available. The holding symbol is requested as no servicing capabilities have been demonstrated to this point. If the holding symbol is not included, any structure with private services under 300 metres squared of gross floor area could be permitted without demonstrating availability of adequate water quality and quantity.

## **DISCUSSION**

### **Public consultation**

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy approved by Council for development applications. A community heads up e-mail was sent on June 30, 2023, and an on-site sign was posted on the property. No public comments were received.

### **Official Plan designation(s)**

The property is designated Rural Countryside, with the Sand and Gravel Resource Area Overlay in the Official Plan. The Rural Countryside designation is intended to

accommodate a variety of land uses that are appropriate for a rural location and supports industries that serve local residents. The Rural Countryside designation permits sand and gravel pits, as well as natural resource management activities, which are consistent with the proposed rehabilitation of the previous aggregate operation and a waste processing and transfer facility (non-putrescible), limited to the processing and transfer of inert soils.

Policy 5.6.3.1 Section 10 allows a property in the Sand and Gravel Resource Area Overlay to be used for other purposes, in accordance with the policies of the underlying designation, where; the resources of a property have been fully extracted, the site fully rehabilitated and an aggregate license surrendered. Under this circumstance the City shall not require the proponent to amend the mineral aggregate overlay, instead, the overlay shall be amended to accurately reflect the new use at the time of the next comprehensive Official Plan update or through a City-initiated Official Plan Amendment.

### **Other applicable policies and guidelines**

The *Environmental Protection Act*, R.S.O. 1990, states in section 27(1) No person shall use, operate, establish, alter, enlarge or extend a waste management system or a waste disposal site except under and in accordance with an environmental compliance approval.

Ontario Regulation 406/19 – On-Site and Excess Soil Management, made under the *Environmental Protection Act*, outlines the criteria when excess soil is and is not considered waste. The proposed Zoning By-law Amendment shall not be considered as an instrument under Section 3.(2)4. The site shall be governed by Provincial approvals.

The applicant may demonstrate compliance with O. Reg. 406/19 to the Ministry of Environment, Conservation and Parks (MECP), or if the applicant cannot demonstrate compliance with O. Reg 406/19, the excess soil would remain considered as waste and an Environmental Compliance Approval for waste would be required from the MECP. In either case, the quantity and quality criteria for soil placed on site will be determined in accordance with Provincial requirements.

### **Planning rationale**

Staff's recommendation of a Rural Countryside zone with a site-specific exception to permit only Waste Processing and Transfer Facility, limited to the processing and transfer of inert soils for the subject property, differs from the applicant's requested General Rural Industrial zoning for the following reasons:

- The Rural Countryside designation permits small scale light industrial and commercial uses only on lands located beyond 1 kilometre of the Urban boundary. The subject property is located within 1 kilometre of the Urban boundary [Policy 9.2.2.2) b) iii)]. The rehabilitation of the former sand and gravel pit and management of soils are better described as a natural resource management activity, which is a permitted use in the Rural Countryside designation.
- The General Rural Industrial zone permits a wide variety of sensitive uses (e.g. animal hospital, dwelling unit, kennel) which have not been demonstrated to be suitable on the subject property through the application materials submitted. The subject property is adjacent to an operating solid waste disposal site, where it must be demonstrated that unacceptable adverse effects on the proposed development shall not occur and will not pose any risks to human health and safety [Policy 10.1.7.5)]. The subject property is also adjacent to licensed pits under the *Aggregate Resources Act*. A noise feasibility study for noise sensitive land uses adjacent to a licensed pit was not submitted [Policy 10.2.1.3) c)]. The application also did not demonstrate that sensitive uses within the General Rural Industrial zone would not conflict with mineral aggregate extraction [Policy 5.6.3.2. 3) & 6)].
- All development outside of the Public Service Areas shall be on the basis of private services (private well and private sewage system). A Hydrogeological and Terrain Analysis was not submitted with the application to assess whether other uses of the General Rural Industrial zone can be adequately serviced by private individual services. The Waste Processing and Transfer Facility is proposed to be unserved [Policy 4.7.2.5) & 15)].

Policy 9.2.2.3) of the Official Plan's Rural Countryside designation looks to ensure development proposed within 1 kilometre of the Urban Boundary is reviewed to ensure it shall not impede the expansion of the settlement area and the use is compatible with the urban area, the development has frontage on an existing public road, shall consider future multi-modal connections, can be adequately serviced by on-site systems and will not place demand on the extension of public services. The subject property is within 1 kilometre of the Urban boundary but is separated from the urban boundary by Highway 416 and the existing Trail Road Landfill Facility and would, therefore, not further impede the expansion of the settlement area. The development fronts on Trail Road which is an existing public road, that connects the site to truck routes and existing Highway 416 interchanges at both Fallowfield Road and Brophy Road. The site is also located in

close proximity to a future proposed Highway 416 interchange at Barnsdale Road. The proposed use does not require on-site servicing systems and a holding provision has been incorporated into the proposed zoning to ensure the demonstration of adequate servicing is completed prior to the approval of any serviced buildings or structures.

Section 10.1.10 of the Official Plan addresses abandoned mineral aggregate operations and requires proposals, where an abandoned pit or quarry exists, to: evaluate the potential risks to human health and property, establish measures to address and mitigate known or suspected risk, and demonstrate that the site can be rehabilitated to support the proposed land use. The applicant has submitted an Impact Assessment Study – Mining Hazards, which concludes no previous mining or aggregate extraction hazards were observed at the site that could cause potential human and/or property risk.

### **Provincial Policy Statement**

The Provincial Policy Statement, policy 1.1.4.1 states “Healthy, integrated and viable rural areas should be supported by; f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources.” The proposed Zoning By-law Amendment supports economic opportunity for the use and management of a resource. The management or use of resources is a permitted use on rural land in a municipality, as outlined in policy 1.1.5.2.

Rehabilitation of mineral aggregate resources is required, by policy 2.5.3, to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. Final rehabilitation shall take surrounding land use and approved land use designations into consideration. The proposed use will help to rehabilitate the former aggregate operation while taking into consideration the surrounding land uses.

Staff have reviewed this proposal and have determined that the Zoning By-law Amendment as recommended by Staff is consistent with the 2020 Provincial Policy Statement.

### **RURAL IMPLICATIONS**

The proposed Zoning By-law Amendment allows for economic development in the rural area, and the reuse of natural resources in an area where negative impacts to rural residents can be mitigated. The processing and transfer of soils on a site previously used for mineral aggregate extraction minimizes impacts on the rural landscape,

particularly in an area where an existing solid waste disposal site operates, and mineral aggregate extraction is ongoing.

### **COMMENTS BY THE WARD COUNCILLOR(S)**

The Councillor is aware of the application related to this report and confirmed there are no concerns.

### **ADVISORY COMMITTEE(S) COMMENTS**

There are no Advisory Committee comments in relation to this application.

### **LEGAL IMPLICATIONS**

There are no legal implications associated with implementing the recommendations contained within this report.

### **ASSET MANAGEMENT IMPLICATIONS**

The recommendations documented in this report are consistent with the City's Comprehensive Asset Management (CAM) Program objectives. The implementation of the Comprehensive Asset Management program enables the City to effectively manage existing and new infrastructure to maximize benefits, reduce risk, and provide safe and reliable levels of service to community users. This is done in a socially, culturally, environmentally, and economically conscious manner.

As discussed within the report:

- It is recommended that a holding symbol is placed on the property to limit the construction of any buildings with private servicing until such time it has been demonstrated adequate servicing is available.
- The holding symbol is requested as no servicing capabilities have been demonstrated to this point. If the holding symbol is not included, any structure with private services under 300 metres squared of gross floor area could be permitted without demonstrating availability of adequate water quality and quantity.
- Staff are recommending that the proposed use be limited to processing and transfer of inert soils. The subject property is proposed to receive excess soils, both dry and liquid, that are not from areas of environmental concern or known historical contamination.
- the proposed use will require approvals from the Province under the *Environmental Protection Act*



- The Provincial approvals shall regulate the quantity and quality of soils placed on site.

Engineering and asset management implications that are to be considered after approval of the Zoning Bylaw amendment as designs are developed include:

- Adequate servicing capacity where applicable
- Protection of natural and groundwater resources and source water protection
- Geotechnical and slope stability constraints related to the site and its proposed use
- Stormwater management, drainage, and erosion and sediment control

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications.

### **ENVIRONMENTAL IMPLICATIONS**

The proposed Zoning By-law Amendment may have potential for environmental implications. City staff from various departments have been involved in the review of the proposed Zoning By-law Amendment and have raised potential concerns. As the proposed use is regulated under the *Environmental Protection Act*, R.S.O. 1990, approval from the Ministry of the Environment, Conservation and Parks (MECP) will be required. City staff will continue to review and provide input to the Provincial approval process to address potential environmental impacts. The quantity and quality of soils placed on site will be determined in accordance with Provincial requirements. The proposed Zoning By-law Amendment shall not be considered as an instrument under Section 3.(2)4 of Ontario Regulation 406/19 – On-Site and Excess Soil Management, made under the *Environmental Protection Act*. Approval of the proposed use shall not determine the processing and transfer criteria of soils on site, which is regulated in accordance with Provincial requirements and approvals.

### **TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priorities:

- Has a diversified and prosperous economy.

### **APPLICATION PROCESS TIMELINE STATUS**

This application (Development Application Number: D02-02-23-0041) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to on-going discussions with the applicant regarding the scope of the proposed use.

## **SUPPORTING DOCUMENTATION**

Document 1 Location Map / Zoning Key Map

Document 2 Details of Recommended Zoning

## **CONCLUSION**

The Planning, Development and Building Services Department recommends the approval of the Staff recommended Zoning By-law Amendment as it meets the intent of the Provincial Policy Statement and the City's Official Plan, is consistent with the Zoning By-law and represents good planning.

## **DISPOSITION**

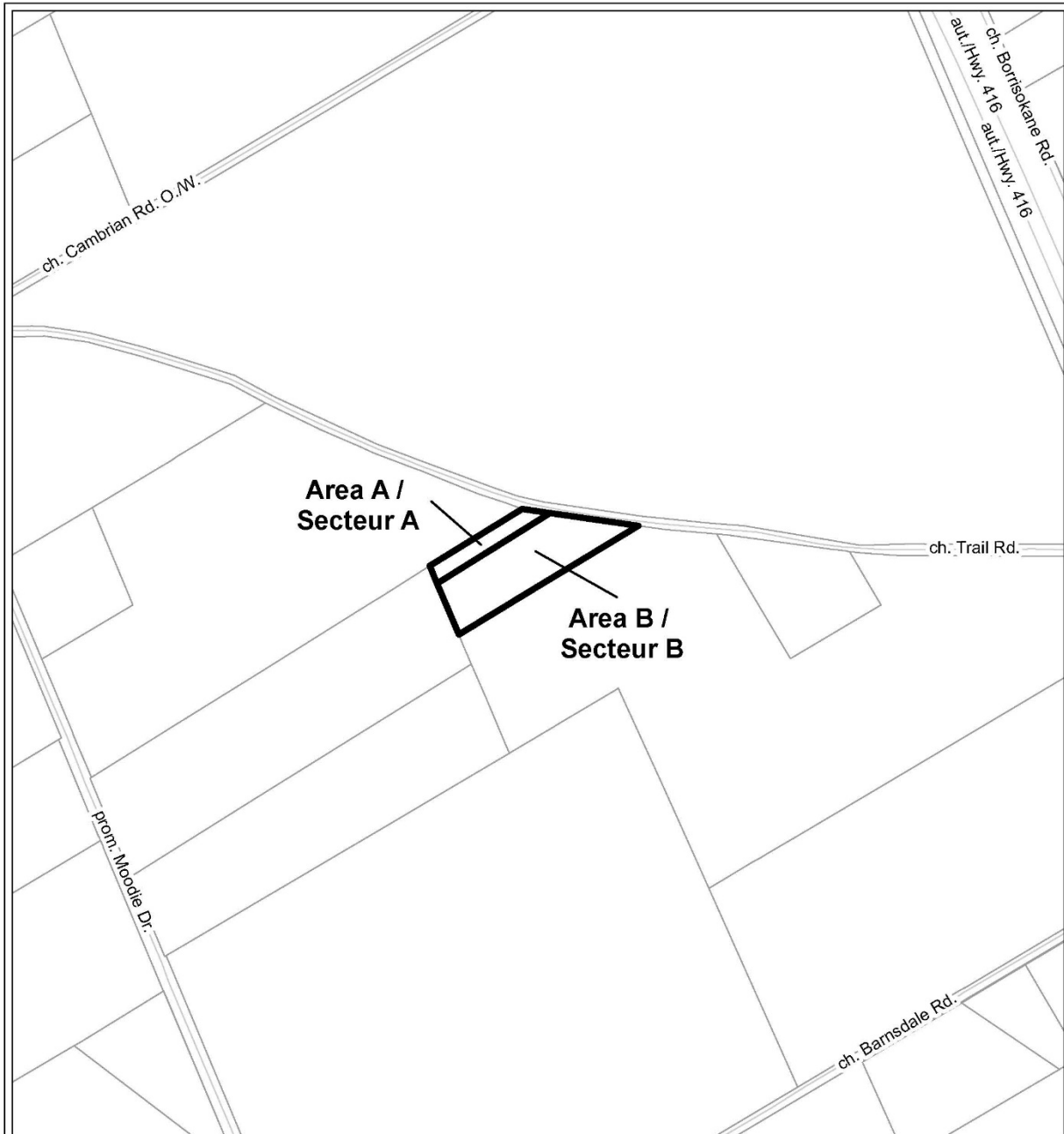
Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Ottawa Scene Canada Signs, 13-1920 Merivale Road, Ottawa, ON K2G 1E8; Krista O'Brien, Program Manager, Tax Billing & Control, Finance and Corporate Services Department (Mail Code: 26-76) of City Council's decision.



Planning, Development and Building Services will prepare an implementing by-law and forward it to Legal Services.

Legal Services, City Manager's Office to forward the implementing by-law to City Council.

Planning Operations, Planning Services to undertake the statutory notification.

Document 1 – Location Map / Zoning Key Map



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
D02-02-23-0041	24-0669-X		<b>4380 chemin Trail Road</b>
I:\CO\2024\Zoning\Trail_4380			Area A to be rezoned from O1 to RU[xxxr]-h Le zonage du secteur A sera modifié de O1 à RU[xxxr]-h
©Parcel data is owned by Terranet Enterprises Inc. and its suppliers All rights reserved. May not be produced without permission. THIS IS NOT A PLAN OF SURVEY		Area B to be rezoned from MR[7r] to RU[xxxr]-h Le zonage du secteur B sera modifié de MR[7r] à RU[xxxr]-h	
©Les données de parcelles appartiennent à Terranet Enterprises Inc. et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit sans autorisation. CE CI N'EST PAS UN PLAN D'ARPENTAGE			
REVISION / RÉVISION - 2024 / 06 / 25			

## Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 4380 Trail Road:

1. Rezone the lands as shown in Document 1.
2. Add a new exception xxxr to Section 240 – Rural Exceptions with provisions similar in effect to the following:
  - a) In Column I, Exception Number, add the text “xxxr”
  - b) In Column II, Applicable Zones, add the text “RU[xxxr]-h”
  - c) In Column III, Exception Provisions – Additional land uses permitted, add the text “Waste processing and transfer facility (non-putrescible), limited to the processing and transfer of inert soils.”
  - d) In Column IV, Exception Provisions – land uses prohibited, add the text “All uses, including those permitted by the underlying zone, except those permitted in Column III of this exception”.
  - e) In Column V, Exception Provisions – Provisions, add the text “Despite Section 95 (1) (g), a waste processing and transfer facility (non-putrescible) is permitted without direct access to a designated truck route.”
  - f) In Column V, Exception Provisions – Provisions, add the text “In this exception, “inert soils” means soils not contaminated with any harmful substances and does not change or cause change physically, chemically or biologically.”
  - g) In Column V, Exception Provisions – Provisions, add the text “The holding symbol applies to the construction of buildings and structures with private servicing and may only be removed upon demonstration of adequate servicing.”