



REPORT TO: Reeve Nelson & Council

FROM: E.J. Rath, CAO/Director of Planning & Economic Development

DATE: April 9, 2018

SUBJECT: Official Plan Amendment and Zoning By-law Amendment for City/County Source Separated Organics Facility adjacent to Bensfort Landfill

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**RECOMMENDATION:**

THAT Council receive the CAO's update re: OPA/ZBA for City/County Source Separated Organics Facility adjacent to Bensfort Landfill;

AND THAT Council concur with the CAO's recommendation that any consideration of a proposed Composting Facility on Keene Road (including preconsultation) be held in abeyance until such time as Tri-land and the City of Peterborough can explore the preferred alternative for a Source Separated Organics Facility immediately adjacent to the Bensfort Landfill with the County, Township and ORCA planners during the month of April;

AND FURTHER THAT, if the site adjacent to Bensfort Landfill is determined to be a viable alternative, that a presentation be made to Council in May/June of 2018 by the proponents outlining the proposal and next steps under the Planning Act;

AND FINALLY THAT, it be made clear that OSM Council Township is not endorsing nor is it supporting any biosolids facility at the Bensfort Road location or elsewhere in the municipality.

**Background**

In 2014, the Township was contacted by the City of Peterborough in relation to a proposal to relocate their leaf and yard waste facility to the City/County Bensfort Landfill site. The timeline for the relocation of the leaf and yard waste facility was intended to relocate the facility on or before January 1, 2016, however, the City sought an extension from the MOECC.

Council received a preliminary report in October of 2014 outlining the requirements for a compost facility in the Township Official Plan and Zoning By-law. A meeting was held with City and County officials on October 14, 2016 to discuss next steps and technical requirements for OPA/ZBA applications to locate a composting facility on lands immediately north of the Bensfort Landfill. The technical reports were completed during 2015 and submitted to the



Township in January of 2016 together with an Application to amend the Official Plan and an Application to amend the Zoning By-law. The application was reviewed within the 30 day time period set out in the Planning Act and a Notice of Complete Application was issued by the Township on February 16<sup>th</sup>, 2016.

Technical review for the OPA/ZBA together with the various technical studies was carried out over the course of 2016. Council authorized the holding of a Public Meeting under the Planning Act and notice was issued for a meeting held in June of 2017. Since that time the City, the County and the Township have been awaiting the submission of additional technical information from the consultants as well as comments from the Ministry of the Environment and Climate Change on the Environmental Compliance Approval application. Work on the OPA/ZBA file has been held in abeyance awaiting this information.

In 2017, the Township was approached by representatives for Tri-land to discuss potential sites for an agriculturally-related composting facility in OSM Township. A preferred site was identified close to the Bensfort Landfill. Preconsultation was held with the County, Township and ORCA in August of 2017. The proposed facility would accommodate green waste from the City and County of Peterborough. The next recommended step was a presentation to OSM Township Council. This did not occur, as based on the preconsultation and preliminary reports, it was determined that the environmental constraints along Bensfort Road precluded any access to the property from the County Road. This property was ruled out as a potential site. Tri-land and their consultants discussed several possible locations on lands both owned by Tri-land and others.

In February of 2018, the Township was made aware that the City of Peterborough had applied for a Municipal GHG Challenge Fund Grant for the construction of a source separated organics compost facility under a public-private partnership with Tri-land. The Keene Road location was identified as the selected site. As noted above the Keene Road site – designated Employment Area and zoned for an Industrial Use - had been identified as a potential location although no formal preconsultation had been held with the Township, County and ORCA to determine the specific requirements for land use planning applications.

Arrangements were made for Tri-land to make a presentation to Council. At its March 19, 2018 meeting, DM Wills present the Keene Road proposal to Council. A number of interested property owners in the vicinity of the site also attended the meeting to hear the presentation.

At the meeting, Council asked the CAO whether the site adjacent to the Bensfort Landfill had been considered as a possible location for the City/Tri-land facility. As follow up to the meeting, the CAO was contacted by a Tri-land representative who was open to this possibility.



Arrangements were made for the CAO to speak to the City Engineer. Given that the site adjacent to the Bensfort Landfill had already been identified as the preferred location for a composting facility serving for the City/County of Peterborough, the City would be open to amending their OPA/ZBA applications for the Tri-land proposal.

### **Analysis**

The CAO is recommending that any consideration of the Keene Road site for a composting facility be held in abeyance.

It is further recommended that the preconsultation meeting between the County, Township and ORCA officials scheduled for April be focused solely on the site adjacent to the Bensfort Landfill and the requirements for the submission of a revised OPA/ZBA applications under the Planning Act for the Tri-land proposal at this location.

If the site adjacent to the Bensfort Landfill is determined to be a viable option, then a presentation would be made to Council in May/June outlining how the proposed Tri-land facility could be accommodated at this site and setting out the Planning Act process – including the list of technical reports that would be for a resubmission. A public consultation strategy would also be required for the revised application.

It should be noted that at no time has there been any discussions with OSM Township about a biosolids facility and that the municipality has at no time indicated that it would entertain this proposal at the Bensfort Landfill site or elsewhere.

### **Budgetary Considerations**

All costs associated with the OPA and ZBA applications have been borne by the City as the applicant. The City and/or Tri-land as their agent would also be responsible for all costs associated with the processing and revising of any revised OPA/ZBA application. There would also be fees and deposits required for the required site plan application (not yet filed).

The Township obtained application fees at the time of application. A deposit was also received and the City has been making top up payments on their account on an as requested basis. The account is in good standing. In the event that the legal or planning costs for the upcoming technical review exceed the deposits on account, a further top up deposit would be requested under the Tariff of Fees By-law.

The City agreed to provide financial compensation to the Township in relation to the leaf and yard waste proposal. If the new proposal is approved to proceed, it is expected that the OSM



Township Council would require the same compensation level of compensation as currently received for the depositing of waste at the Bensfort Landfill

### **Notice & Communications**

The Planning Act requires consultation with the public during the processing of any Official Plan and Zoning By-law Amendments. The Township would be required to issue a Notice of Revised Application to all persons and agencies under the Planning Act and its regulations. A second public meeting would also be required as the OPA/ZBA applications will have changed from the proposal presented to the public in June of 2017.

For the MOECC approval process, the City advertised and hosted a Public Information Open House on March 30, 2015 with City and County officials as well as consultants in attendance. Township CAO ensured that any members of the public who had made contact with the Township regarding the original Notice of Complete Application, also received a copy of the notice. The Township included the notice on the website and in its social media alerts. Several members of the public, consultants, Council members and the Township CAO attended the Open House.

It is expected that the City and/or Tri-land will hold a similar Public Information Open House for the revised proposal. The Township will assist in making the public aware of the date, time and location.

In 2016, the City conducted tours of the existing Composting Facility on Harper Road. It is expected that the City and/or Tri-land will provide the public, Council and staff members with an opportunity to visit a similar composting facility in order that people may “see, hear and smell” the same type of operation as would be proposed adjacent to the Bensfort Landfill.

A formal public meeting for the revised OPA/ZBA is mandatory under the Planning Act. Notice would be given to the public and agencies in accordance with the Planning Act and its regulations.

Prepared by: E.J. Rath, CAO

- cc. W. Jackson, City of Peterborough as Owner
- C. Walsh, P. Walsh and R. Carveth, Tri-land
- M. Lord and D. Keay, DM Wills
- H. Sadler, Eco-Vue
- B. Hurford, ORCA
- I. Mudd and C. Robinson, County of Peterborough