

MINUTES

PLANNING AND ENVIRONMENT COMMITTEE  
REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

CHAMPLAIN ROOM

11 JUNE 1996

3:00 P.M.

PRESENT:

Chair: G. Hunter

Members: D. Beamish, A. Cullen, B. Hill, P. Hume, A. Munter, W. Stewart and  
R. van den Ham

REGRETS: J. Legendre

CONFIRMATION OF MINUTES

Regarding Item 2, City of Ottawa Comprehensive Official Plan, Resolution of Deferral No. 18, Ottawa Civic Hospital, Ruskin Street Parking Lot, Councillor Cullen pointed out that both he and Councillor Legendre had dissented on the staff recommendation. He asked that the minutes be amended accordingly.

**That the Planning and Environment Committee confirm the Minutes of the meeting of 28 May 1996, as amended.**

CARRIED as amended

ENVIRONMENTAL SERVICES ITEMS

1. **ROBERT O. PICKARD ENVIRONMENTAL CENTRE  
DIGESTER GAS COGENERATION FACILITY**  
- Environment and Transportation Commissioner's report dated 21 May 96

Councillor van den Ham asked if this facility would require an operating and maintenance budget, and if so what would that be. Mike Sheflin, Commissioner, Environment and Transportation Department, advised that no additional staffing would be required to operate the facility and the net savings would be \$685,000.00 per year. Dave McCartney, Manager, Wastewater Treatment Branch added the maintenance cost of the facility would be approximately \$150,000.00 per year.

- Notes:
1. Underlining indicates a new or amended recommendation.
  2. Reports requiring Council consideration will be presented to Council on 26 June 1996 in Planning and Environment Committee Report Number 37.

Councillor Stewart asked if the facility would have any impact on the surrounding community (e.g. odour, noise, etc.). Mr. McCartney replied the design of the facility takes into consideration all of the environmental regulations (including noise abatement) and the physical location of the facility is well away from the residential area. There will be no odour associated with this process. Mr. Sheflin added this treatment is more environmentally friendly than just releasing the digester gas.

Responding to questions from Councillor Beamish regarding a turbine in the outfall pipe, Mr. McCartney advised as part of the upgrading of the effluent outfall pipe into the river, staff are looking at the economic feasibility of a small hydro driven unit which is currently in the design phase. Once staff have arrived at more accurate cost estimates, they will be in a position to recommend whether or not to proceed with this project. He pointed out however, it would be much smaller (than the digester gas cogeneration facility) in terms of the amount of electricity generated.

**That the Planning and Environment Committee recommend Council approve:**

- 1. The establishment of a Cogeneration Facility Capital Project at the Robert O. Pickard Environmental Centre in the amount of \$3,800,000;**
- 2. The transfer of funds in the amount of \$3,800,000 from the Sewer Capital Reserve Fund.**

CARRIED

2. REGIONAL CORPORATE REVIEW - ENVIRONMENT AND TRANSPORTATION DEPARTMENT (ENVIRONMENT SECTION)  
- Planning and Environment Committee Co-ordinator's report dated 29 May 96

Referring to page 5 of the staff report, Councillor Cullen noted a \$250,000 reduction over four years with regard to the lowering of water services. He asked staff if the intent was to eliminate the program and have those people who were due to have their services lowered and/or insulated receive notices to run their water instead. Mike Sheflin, Commissioner, Environment and Transportation Department confirmed this was the case. He advised that during the frozen services emergency of 1993/94, a computer program was set up to enable the Water Division to identify those areas that are likely to freeze. The intent is that the water services will be lowered as part of the Region's watermain rehabilitation program. Mr. Sheflin added this is the least expensive option for handling frozen services.

Councillor Cullen asked what would happen in cases where the roads and sewers are not likely to be repaired for the next 20 years, but the homes have frozen services because the

services are not deep enough. He asked if these people would be asked to run their water for the next 20 years. Mr. Sheflin replied this could be the case in a few areas however, most of the freezing occurs in the older areas. André Proulx, Director, Water Division, advised that the impact of this reduction would affect only 50 to 80 homes per year over the four years of the program. He noted that most of these properties involve very old services and he anticipates that the majority of these would be changed out in the watermain rehabilitation program over the next few years.

Mr. Proulx pointed out the cost of lowering the services is \$5,000 to \$10,000 per home. He stated that although running the water is not the most efficient use of water, it is the most economical option and he stressed that the Region will cover the cost of the water.

Responding to questions from Councillor Cullen, Mr. Proulx advised the situation is assessed every year; staff know the exact number of houses with problems and how frequently they have had frozen services. He stated there are no plans to lower these services through any special program other than through the water rehabilitation program. However, if work is required on a watermain (e.g. a watermain break), the services in the area would be lowered/insulated in conjunction with this work. Mr. Sheflin added there are always special cases (e.g. a house without a consistent owner) and these would be looked on an individual basis.

Mr. Proulx confirmed at Councillor Cullen's request, that information on the frozen services by ward would be available to the Councillors.

**That Planning and Environment Committee and Council receive this annex for information.**

RECEIVED

PLANNING ITEMS

3. TOWNSHIP OF GOULBOURN COMPREHENSIVE OFFICIAL PLAN
  - Planning and Property Commissioner's report dated 28 May 1996
  - Annexes I, II, III and Schedules issued separately

Regional Chair Clark noted staff are recommending Deferral 14 be approved, because the Ministry of Natural Resources (MNR) feels there may be mineral resources in this area. The Chair pointed out the land in question is already settled with homes built and businesses established and he recommended the Committee not approve Deferral 14. Should the MNR request this matter be referred to the Ontario Municipal Board, Regional Council should deem their request frivolous and vexatious.

Committee Chair Hunter noted much of the input Councillors have received from the residents of Goulbourn has been about Deferrals 14 and 15. He suggested that if these Deferrals could be dealt with, it would satisfy the concerns of the many Goulbourn residents present at the meeting and negate the need for them to speak.

Councillor Hill put forward a motion that Deferrals 14 and 15 and Modifications 21 and 30 be removed. The Councillor noted the land in question is largely developed and she asked that the land remain designated as Marginal Resource, as it has been for 20 years.

Andrew Hope, Manager, Plans Administration Division, provided some background information on Deferral 14. Mr. Hope stated that in order to address this controversial issue, Plans Administration Division staff consulted with staff from the Ministry of Natural Resources (MNR) as well as Policy Division staff, who have been directly involved in the joint MNR-RMOC Mineral Resource Study. Deferral 14 has been proposed to allow sufficient time for the Mineral Resource Study to be completed before reaching any conclusions on the most appropriate land use designation for the land in question. Mr. Hope stressed that Deferral 14 is not a designation but merely an administrative tool used to hold the designation of land in abeyance to allow for the Mineral Resource Study to be finished. It does not prejudice the outcome of the most appropriate land use designation. He pointed out this same tool was used in Rideau and Osgoode's comprehensive plans recently. Mr. Hope advised the Mineral Resource Study is moving into its final phase which will look at property fragmentation as well as incompatible land uses.

Mr. Hope went on to say that Regional staff first became aware of the concerns surrounding Deferral 14 when Goulbourn Council refused to concur with Regional staff's proposed modifications and deferrals for Goulbourn's Comprehensive Official Plan. Subsequently, Regional staff attended a public open house where it became evident that residents both inside Deferral 14 and in its immediate vicinity were not satisfied with the proposal for the deferral. Since this meeting, Regional staff have tried unsuccessfully to arrive at a compromise solution. On the 4th of June, Chair Clark and Regional staff attended a meeting of Goulbourn Council where there was much discussion surrounding this issue. Subsequent to this meeting, Mr. Hope, at the request of Mr. Doug Baird toured the northern portion of Deferral 14 and visited a number of individual properties (including a dairy farm, equestrian operations and two golf courses). Mr. Hope acknowledged there are circumstances within Deferral 14 which might lead to the conclusion it is not appropriate for a mineral resource area. He stated however, that notwithstanding this, he would recommend that Deferral 14 and Modification 21 (which represents interim candidate resource area policies) remain until the Mineral Resource Study is completed.

Responding to questions from Councillor Cullen regarding Councillor Hill's motion, Mr. Hope confirmed that Modification 21 relates to Deferrals 14 and 15 but that Modification

30 is unrelated. He stated that Modification 30 was proposed to correct a drafting error of the boundary of the Heron Lake Estates Subdivision and noted that Goulbourn staff are in agreement with this modification.

Responding to further questions from Councillor van den Ham Mr. Hope stated that Goulbourn Council by resolution dated 4 June 1996, requested (in part) that Deferral 14 and Modification 21 be removed and the lands designated as originally adopted in the Goulbourn Official Plan. He noted there was no reference to Deferral 15 in this resolution.

Chair Hunter suggested that Councillor Hill change her motion so that Deferral 14 and Modification 21 would be dealt with in one motion and Deferral 15 and Modification 30 in separate motions. Mr. Hope advised the Committee that Modification 21 addresses interim policies that deal with both Deferrals 14 and 15, and he suggested the wording be changed to "Modification 21 as it applies to Deferral 14". Councillor Hill agreed to these changes.

Chair Hunter acknowledged the presence of Goulbourn Mayor Paul Bradley and asked the Mayor if he agreed with the concerns of the residents registered to speak would be satisfied through the approval of Councillor Hill's motion to remove Deferral 14 and Modification 21. Mayor Bradley confirmed this. Chair Hunter then asked if there was anyone present who wished to speak in opposition to Councillor Hill's motion, to which no one responded. He suggested that anyone who had prepared written comments in support of the removal of Deferral 14 and Modification 21 should submit them to the Committee Coordinator and they would be attached to the record of the meeting.

The Committee then considered Councillor Hill's motion.

Moved by B. Hill

**That Deferral 14 and Modification 21, as it applies to Deferral 14, be removed and the lands designated as originally adopted in the Goulbourn Official Plan;**

CARRIED

The Committee then turned their attention to Deferral 15.

Mr. Hope briefed the Committee on the issue of Deferral 15. He advised that Deferral 15 concerns a parcel of land which includes the designation of both Mineral Resource and Agricultural Resource - Poor Pockets. At issue is a dispute between the MNR and the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) over which designation should prevail. In an attempt to solve this impasse, Regional staff proposed a

deferral to allow time for the completion of the Mineral Resource Study so that a defensible proposal could be arrived at; Goulbourn Council supported Deferral 15.

Mr. Hope went on to say the majority of the subject land is designated Mineral Resource in Goulbourn's Official Plan with a small portion designated Agricultural Resource - Poor Pockets (Class 5 or poorer). The Agricultural Resource - Poor Pockets land had been inventoried during the review by Goulbourn staff, OMAFRA and Regional staff. However, it was not known to them at the time, that the Mineral Resource Study was examining the same parcel. As a result of their examination, MNR has requested that this area be deferred pending the completion of the Mineral Resource Study; the MNR is concerned because an Agricultural Resource - Poor Pockets designation could preclude the development of a pit or quarry. Regional staff agree and are therefore recommending deferral of this matter pending completion of the Mineral Resource Study.

Mr. Hope confirmed for Chair Hunter that Agricultural Resource - Poor Pockets would allow a different set of severance policies to apply, with a greater likelihood that housing would be built in the area, thereby making it difficult for a pit or quarry to be developed in the area.

Councillor Cullen asked if, after the Mineral Resource Study is complete and the issue is resolved, the matter would come back to Goulbourn Council and Regional Planning and Environment Committee and Council. Mr. Hope replied that it would.

The Committee then heard from the following delegations.

Bruce Bell, a resident of those lands affected by Deferral 15, stated he was speaking on behalf of all of the property owners affected by Deferral 15. He presented to the Committee a petition signed by all 15 landowners in the area, which outlines their concerns and requested that the Committee not approve Goulbourn's designation of the subject lands. This document, together with a copy of Mr. Bell's presentation is on file with the Regional Clerk.

Mr. Bell noted the area affected by Deferral 15 is fully developed with many types of properties (i.e. equestrian facilities, farming operations, estate lot homes, etc.). He also noted problems with an existing quarry two lot lines away from Deferral 15, such as blasting setting off house alarms in the vicinity and he expressed the property owners' concerns about the effects on their property values.

Mr. Bell felt there had been insufficient consultation with the landowners affected by Deferral 15. He stated that the meetings held regarding Deferral 14 were not brought to their attention and a letter circulated to the property owners did not clearly indicate the significance of Deferral 15. As well, land owners who phoned the Township of

Goulbourn were given conflicting information. Mr. Bell went on to point out mapping discrepancies in that the Regional Official Plan designates these lands as Agricultural. He noted that the Mineral Resource designation permits interim farming, forestry and non-residential uses and that the Deferral may be lifted on a lot by lot basis but he questioned how this would affect existing property owners.

In conclusion, Mr. Bell asked that Deferral 15 be removed from the Goulbourn Official Plan and the designation of Mineral Resource be removed from Schedule A of the Goulbourn Official Plan.

Committee Chair Hunter stated it appeared it was not a matter of lifting the deferral but rather that the residents are not happy with the designation as approved by Goulbourn Township.

Councillor Beamish asked Mr. Bell why he would not be in support of the Deferral so that the Region might negotiate with Goulbourn. He noted that when the Mineral Resource Study is completed, the Region can approach the Township of Goulbourn and the Provincial agencies and try to work it out. Mr. Bell responded he and his neighbours are concerned with the designation being in the Official Plan and they would like it removed. Councillor Beamish asked staff if the Region were to lift the Deferral, would this not indicate acceptance of what Goulbourn has put into their Official Plan. Mr. Tunnacliffe, Commissioner, Planning and Property Department, confirmed this and noted the deferral would be to Mr. Bell's advantage. Tim Marc, Solicitor, Regional Legal Department, noted that if the Committee desired to accede to Mr. Bell's request to remove the Mineral Resource designation, another designation would have to be put in its place. The *Planning Act* requires that Goulbourn be consulted and given the opportunity to make representations (or even a referral request) prior to Regional Council making a decision on their Official Plan.

Councillor Munter pointed out that Deferral 15 does not confirm the Mineral Resource designation, in fact Deferral 15 puts a hold on it being designated Mineral Resource.

Responding to questions from Councillor Cullen, Mr. Tunnacliffe confirmed that if the Region were to accede to the request of Mr. Bell and in the future it was realized that the Mineral Resource designation was applicable to this area, both a Local Official Plan Amendment and a Regional Official Plan Amendment would be required to designate it as Mineral Resource.

Referring to comments made by Mr. Bell concerning consultation, Mr. Hope pointed out that Goulbourn had notified the property owners within Deferrals 14 and 15 of the public information session on 22 May 1996. In addition, Goulbourn held a public meeting under the *Planning Act* to consider their Comprehensive Official Plan and held several public

information sessions around the Township. Mr. Hope felt the consultation was thorough and satisfied all of the requirements of the *Planning Act*.

In response to questions from Councillor van den Ham, Mr. Tunnacliffe advised that in the Regional Official Plan the majority of the subject land is currently designated Agricultural Resource.

Stephen Lewis, Councillor, Township of Goulbourn, indicated he was not speaking on behalf of Goulbourn Council. He noted that the Mineral Resource designation has been applicable to this area for many years; however, things have changed in the area over the years with many buildings being built, farms established, etc. Mr. Lewis asked that the Committee support the deferral and he indicated he would be bringing this matter back to Goulbourn Council to request that it be changed from Mineral Resource to Agricultural Resource - Poor Pockets.

Mike Westley, a resident of the area for 26 years, noted the area is completely surrounded and inhabited by estate lots and farms. He stated the area has changed from General Rural to Estate Residential lots, with much building in the last few years. Mr. Westley advised the Committee that he did not see anything in the newspapers concerning the area being designated Mineral Resource nor did anyone else who signed the petition. He stated he attended the 4 June meeting, and at that time found out only Deferral 14 was being changed; Deferral 15 had already been accepted by Goulbourn Council without advising the property owners. Mr. Westley advised that studies undertaken by people building new homes in the area have indicated the land is not good for mineral or agriculture.

Danny Page, Director of Planning, Township of Goulbourn, noted the concerns of the Township have been addressed (Deferral 14) and he expressed support for Deferral 15. This deferral will provide Goulbourn with the opportunity to amend their Official Plan, pending the outcome of the Regional Official Plan Review. The majority of the lands of Deferral 15 are designated mineral resource and have been so designated since 1977. Lifting the Deferral would simply reinforce the mineral resource designation; it is therefore Goulbourn's preference to have the deferral remain in place.

Councillor Hill stated that since the designation was put in place by Goulbourn Township, Deferral 15 should be supported to allow the residents to negotiate with Goulbourn. Committee Chair Hunter noted as no motion was put forward, Deferral 15 would stand. With regard to Modification 30, Councillor Hill indicated she would not be moving a motion in this regard.

Councillor van den Ham put forward a motion to lift Deferral 23 and designate the subject lands Marginal Resource.



At the Committee's request, Mr. Hope explained that the subject lands are presently designated "Pits and Quarries" in Goulbourn's Official Plan; the new official plan designates it as Mineral Resource. The owners of the land, the Cavanaghs, are looking for a Highway Commercial designation. Goulbourn Council does not support the Highway Commercial designation but would support a designation of Marginal Resource. However, while the Highway Commercial designation would conform with the existing policies of the Regional Official Plan, the Marginal Resource designation would conflict with these policies. Deferral 23 is proposed to allow more time for Regional and Goulbourn staff to work out a mutually satisfactory solution.

Councillor van den Ham noted that the land in question is very small (2 acres), the owner has rehabilitated the land, the license to operate the quarry has been surrendered to the MNR and there is an individual who wishes to purchase the property. He expressed his dismay that because the local municipality and the Region do not agree on what the land should be designated, the landowner has to be tied up for at least another year while the Region completes the Regional Official Plan Review and possibly a year after that while the deferrals are dealt with. The Councillor noted the landowner would be satisfied with the Marginal Resource designation, as recommended by Goulbourn Council.

Danny Page, Director of Planning, Township of Goulbourn, noted that Goulbourn considered the possibility of a Highway Commercial designation upon these lands and did not feel it was an appropriate designation for this parcel at this point in time. Correspondingly, Goulbourn had recommended and urged the Region to change it to Marginal Resource (as per Goulbourn Council resolution). As a fall back position, the deferral of these lands is an acceptable course of action as far as Goulbourn is concerned.

At this juncture, Committee Chair Hunter had to leave and Vice Chair Stewart took the Chair.

Responding to questions from Councillor van den Ham, Mr. Tunnacliffe advised that the *Planning Act* states that when there is a conflict between the Regional Official Plan and a Local Plan, the Regional Official Plan will prevail. Mr. Marc confirmed this and added that as the suggestion of the Highway Commercial designation has been formally put to Goulbourn, the requirements of the *Planning Act* that the Council be consulted with, have been met. Therefore, Mr. Marc stated that if the Councillor were inclined to move a motion to have the lands designated Highway Commercial such a motion would be in order. A motion to approve the designation of Marginal Resource, would not be in order.

Dave Reid, representing Cavanagh Construction, the owners of the subject property stated this issue dates back to November 1994 when Cavanagh Construction first made a submission to the Township of Goulbourn to have the lands redesignated from Mineral Resource to Marginal Resource. At that time, the Township suggested that a Regional

Official Plan Amendment would also be required. Research into Regional Official Plan policies indicated that after use of a Pit or Quarry, the land reverts to a General Rural designation which permits non-residential uses of a commercial nature, catering to the traveling public. The Township was going through its Comprehensive Official Plan Review at that time, and it indicated a specific amendment application was not the preferred route to follow. As the Plan had been submitted to the Region in April 1995, Mr. Reid wrote to Andrew Hope requesting that the Region consider a redesignation from Pits and Quarries to Marginal Resource, a position supported by the Township of Goulbourn.

By December 1995, the potential purchaser was getting somewhat frustrated with the delay and took it upon himself to contact Planning staff at the Region, who suggested that the land be designated Highway Commercial. Mr. Reid then contacted the Region and asked that the matter proceed with a Highway Commercial designation. He found out a month ago, the matter was being deferred. Mr. Reid stated he is not sure what the concern is between Regional and Township staff, but he urged the Committee to find some way to deal with it.

Mr. Hope suggested that commercial designations that would fit within Goulbourn Council's vision for the lands without violating their aesthetic objectives, could be explored. Mr. Page stated that Goulbourn Council feels it is premature to designate the lands as Highway Commercial, when it is not known what the proposed commercial use will be. Once the lands are designated in the Official Plan as Highway Commercial, the Township would have little choice in denying any request for a highway commercial zoning. Mr. Page pointed out that a Marginal Resource designation would be more appropriate as this designation would be more consistent with other designations in the general area. The Township of Goulbourn is concerned with the Highway Commercial designation at this location because it is a very prominent corner and Highway Commercial uses tend to be very visual occurrences on the rural landscape.

Councillor van den Ham withdrew his motion noting Mr. Marc's advise that it would not be appropriate to designate the lands Marginal Resource. He noted that by drawing attention to the facts of this matter, he believes the parties can resolve the matter.

Chair Stewart asked if there were any additional persons wishing to speak to this matter. There were no further requests to speak.

Councillor Cullen commended the Township of Goulbourn for its forward thinking in terms of cycle facilities. He also noted the commitment of the Township to provide affordable housing; he stated the targets are explicit, the language is directive and it is very clear that the Township of Goulbourn is committed to affordable housing.

Referring to page 14 of the staff report (Cultural Heritage Resource Conservation), Councillor van den Ham expressed concern with the proposed wording of Subsection 1.3.5 a) in that the word “prevent” is rather strong and suggested a better choice would be “discourage”. He noted that in order for the Township to “prevent” the demolition of a cultural heritage resource, they would have to buy it. Mr. Hope replied that the wording was proposed by the Ministry of Citizenship, Culture and Recreation (MCZCR). This matter will be under consideration by Goulbourn’s Local Architectural Conservation Advisory Committee (LACAC) over the next two years. He stressed that Goulbourn had not adopted these policies, but rather they are listed for information purposes.

The Committee then approved the staff recommendations as amended.

1. **That Deferral 14 and Modification 21, as it applies to Deferral 14, be removed and the lands designated as originally adopted in the Goulbourn Official Plan;**
2. **That the Planning and Environment Committee recommend Council approve the new comprehensive Official Plan of the Township of Goulbourn subject to the Modifications and Deferrals as amended, noted in Annex I, the Approval Page.**

CARRIED as amended

4. AMBERLAKES DEVELOPMENT CORPORATION  
DRAFT PLAN OF SUBDIVISION 06T-93018  
TOWNSHIP OF GOULBOURN (STITTSVILLE)  
- Planning and Property Commissioner’s report dated 28 May 96  
(deferred from Planning and Environment Ctee. meeting of 23 Apr 96)

Councillor Hill asked that this matter be deferred to the Planning and Environment Committee meeting of 9 July 1996, as the Council of the Township of Goulbourn had not yet considered it.

Moved by B. Hill

**That this item be deferred to the 9 July 96 meeting of Planning and Environment Committee.**

CARRIED

5. TOWNSHIP OF OSGOODE COMPREHENSIVE OFFICIAL PLAN  
- PARTIAL LIFTING OF DEFERRAL NO. 8 - PROPOSED CARL AND  
MARY MOORE SUBDIVISION, (PART OF W 1/2 LOT 1, CONC. 6)  
- Planning and Property Commissioner's report dated 24 May 96

**That the Planning and Environment Committee recommend that, as stipulated on the Approval Page attached as Annex A, Council lift Deferral No. 8 to the Township of Osgoode Official Plan insofar as it affects Lot 1, Concs. 5 and 6, and approve instead a designation of "Marginal Resource".**

CARRIED

6. RESPONSE TO THE REPORT OF THE WETLANDS WORKING GROUP  
- Planning and Property Commissioner's report dated 29 May 96  
- Planning and Property Commissioner's report dated 29 Apr 96 and Extract of Minutes of Planning and Environment Committee meeting of 14 May 96 issued separately  
(Referred to Planning and Environment Committee by Council at its meeting of 22 May 96)

Councillor Hume noted when the wetlands issue first came before Committee, a number of people had expressed concerns about their properties having been designated incorrectly. He asked how these errors would be captured in the new policy and, if the onus would be on the landowner to bring the error to staff's attention. Joseph Phelan, Manager, Policy Division, Planning and Property Department, responded staff will be using the Ministry of Natural Resources' (MNR) wetlands mapping as the starting point for its information. He pointed out that under Bill 20, the MNR is still responsible for classification and evaluation of wetlands. If people have concerns about wetland boundaries, etc., staff will try to work with them and the MNR to resolve these concerns.

Responding to further questions from Councillor Hume, Mr. Phelan advised that MNR mapping will be a starting point, but Council will have the ability to interpret the wetland boundaries without having to amend the Regional Official Plan (ROP). Other information (e.g., ecological, environmental or engineering) provided at the time of a development application could be used in addition to the MNR mapping to determine wetland boundaries. Referring to Recommendation 7 of the staff report, Mr. Phelan outlined the department's approach to ROPA 61, and indicated an Environmental Impact Study (EIS) would only be initiated if there were a development application. Based on a hierarchy of need, there might only exist a need for a self-administered checklist by the applicant, and not a full EIS.

Mr. Phelan went on to say that in addition to the current MNR maps, an aerial indication of the extent of the wetland mapping will also be needed. He reminded the Committee that in 1994, the Regional Chair had written to 2,800 wetland landowners advising them to contact the MNR to ask the Ministry to look at their land if they had concerns about the accuracy of wetland mapping. Approximately 200 individuals took advantage of the program, and the MNR looked at the sites using site inspection and other methods. In only about six cases, the MNR agreed to slight boundary changes.

Councillor van den Ham referred to policies in the existing Regional Official Plan regarding Natural Environment Areas which state that the Region may have to purchase property. He asked for staff comment on this. Mr. Phelan replied that Natural Environment Areas cover a broad range of ecological functions including some wetlands. In the late 1970's, the issue of Natural Environment Areas was dealt with through an Official Plan Amendment which ultimately went to the Ontario Municipal Board. The decision is reflected in Council's present policy, which has a land acquisition program associated with it. The wetlands policy under Bill 20 is a Provincial policy under the Planning Act and does not have a requirement for land acquisition or compensation. In accordance with Provincial methodology, staff are proposing the Region have regard to wetland mapping and protecting wetlands through land use designations.

Responding to a question from the Councillor whether these policies applied to wetlands, Mr. Phelan stated that when ROPA 45 had been proposed to the previous Council, staff had indicated that wetlands previously designated natural environment areas should be designated as Provincially significant wetlands, to provide the same policy across the board. He noted that Council had not made a decision in this regard as Amendment 45 had not been adopted.

Referring to the Provincial Policy Statement, the Councillor noted that agricultural land that is "periodically soaked or wet which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of the Provincial Policy" and asked if this would have an effect when the new policy was drafted. Mr. Phelan replied that the wording was very similar to what was in the 1992 Wetlands Policy Statement and also in the comprehensive set of Policy Statements under Bill 163. He said it was a clarification of the previous wetland definition, and was always the position of MNR when performing evaluation and classification of wetlands, and did not represent a change.

Councillor van den Ham stated he hoped the definitions of "wetlands" and "development" as set out in the staff report, would be included in the draft policy, as they appeared to be a change from the previous Amendment. He felt these definitions would provide some relief to farmers who felt the threat of losing their property due to the wetlands policy. Mr. Phelan replied that in fact, Amendment 45 had contained a statement that existing

agricultural operations were exempt from the process. He went on to say it is staff's intent is to keep the amendment and its wording as simple as possible and make it consistent with Bill 20. He noted that the previous Amendment 45 was based on the 1992 Policy Statement which had a lot of very technical information associated with it; this is not the situation under Bill 20.

Councillor Hill put forward a motion to amend Recommendation 3 of the staff report, because, as Councillor van den Ham pointed out, Section 5.3 (Natural Environmental Areas) of the Regional Official Plan states that land acquisition is required, and wetlands are listed under Section 5.3.1 as natural environment areas. She felt this had been confirmed a number of times by OMB decisions. The Councillor also indicated she had concerns with Recommendations 4 and 6 as landowners had not been happy with mapping accuracy. She also expressed disappointed that staff did not pay more attention the recommendations brought forth by the Wetlands Working Group.

On the issue of remapping, Nick Tunnacliffe, Commissioner, Planning and Property Department, commented that an opportunity had been given to landowners to request a reevaluation by MNR and in the majority of cases, MNR mapping was shown to be substantially accurate. The Commissioner explained that the department is proposing to address changes in the Amendment through a clause which would provide for flexible interpretation of the mapping. He said this was similar to the policy currently in the Regional Official Plan with regard to floodplains and pointed out that Recommendation 7 in the staff report refers to this.

Mr. Phelan noted that at the 14 May 1996 Planning and Environment Committee meeting, staff reviewed the recommendations of the Wetlands Working Group and advised the Committee as to which recommendations they agreed with and which recommendations were directed to the Province rather than the Region. Mr. Phelan pointed out that in certain areas, the Province has already acted and for this reason, staff are not making recommendations on these issues. For example, the issue of the 120 metres to adjacent land area was a major concern of ARPO and other members of the Wetlands Working Group and this has been addressed by Provincial action.

Mr. Phelan agreed that the issue of compensation is controversial but pointed out that there was not overwhelming support for compensation among the 26 agencies/ municipalities that responded to the circulation of the Wetlands Working Group report. As well, the Courts in Ontario and the OMB have not been clear on the issue of compensation. Staff have dealt with the issue of compensation in three parts: advising that compensation is not required under the Planning Act, OMB decisions or Ontario Court decisions; the issue of accepting properties from people who are dedicating them presents problems because of the management involved with this particular exercise; and finally, the

issue of offering some sort of financial incentive through taxation is beyond scope of the Region.

The Committee then heard from Mr. Bruce Benson on behalf of the Association of Rural Property Owners (ARPO). Mr. Benson advised that Mr. Harold Harnarine, the President of ARPO was unable to attend the meeting but had provided a written submission of his comments (on file with the Regional Clerk). Mr. Benson also provided a written copy of his presentation to members of the Committee. This document is also on file with the Regional Clerk.

In Mr. Benson's presentation, he pointed out that although the environment must be protected to the fullest extent possible, it must be done within the recognized limits of democratic responsibility. He noted that a great many environmentalists agree that whoever benefits from government's legislation, should pay for those benefits; the Wetlands Working Group set up by the Region came to this conclusion as well.

Mr. Benson went on to say that if the Region, on behalf of the public, deems a piece of property a wetland, and the landowner cannot use that property for their own purposes, then the landowner should be fairly compensated. Because it is evident that the Region, already pressed to the limit with expenditures, will not be able to purchase all wetlands at once, it should therefore designate wetlands only where there is an overwhelming need for immediate action.

In conclusion, Mr. Benson asked the Committee to vote for justice and fairness and support compensation.

Councillor Munter indicated he would be moving an amendment to Councillor Hill's motion to add "and that landowners that receive any land use designation that increases the value of their land compensate the Region for that additional value". He reasoned, if the Region is being asked to compensate people because a land use designation decreases the value of their land, then it should work in the reverse as well. He pointed out where land is redesignated from general rural or agricultural to highway commercial, the value of the land increases dramatically, and the Region is compensated through increased property taxes. Conversely, since the tax system is based on market value, if you have land that is highly marketable and it is redesignated wetland, the taxes would decrease dramatically. Councillor Munter stated although he did not believe "buying or selling land use designations" was workable, he felt Council should treat each instance equally.

Councillor Hill expressed disappointment with Councillor Munter's motion. She said that although the motion sounds like a fair policy, it would have to apply to the whole Region to be fair. She pointed out that approximately 50% of the lands in the Township of Goulbourn contribute to designations that benefit the whole Region (e.g. wetlands,

mineral resource lands, environmentally sensitive areas and agricultural land). The Councillor noted this land cannot be developed and, in the case of mineral resource land, much damage is sustained by the roads and water table. She stated that the rural townships contribute much to the Region and receive no compensation for it.

Councillor Cullen pointed out that the amendments proposed deal with the issue of compensation and, because this is a Provincially significant wetlands policy, the responsibility for compensation lies with the Province. He stated he would support a motion asking the Province to follow through on this issue but he could not support Councillor Hill's motion.

Councillor Hill indicated she would not be moving motions to amend recommendations 4 and 6 at this time. The Committee then considered the amendments put forward.

Moved by A. Munter:

**That the motion be amended by adding "and that landowners who receive any land use designation that increases the value of their land compensate the Region for that additional value."**

LOST

NAYS: Councillors Beamish, Hill and Stewart....3

YEAS: Councillors Cullen, Munter and van den Ham....3

Moved by B. Hill:

**That Recommendation 3 be changed to read "That staff be instructed to investigate methods and financial implications to purchase, acquire and receive lands or to compensate owners of Provincially Significant Wetlands."**

LOST

NAYS: Councillors Beamish, Cullen, Munter and Stewart...4

YEAS: Councillors Hill and van den Ham....2

The Committee then considered the staff recommendations.

**That the Planning and Environment Committee recommend Council approve the following:**

- 1. That staff be instructed to prepare a new draft Wetlands Regional Official Plan amendment (ROPA 61) for circulation;**



2. That draft Regional Official Plan amendment 61 be circulated to all agencies and interest groups and to all landowners impacted by the Provincially Significant Wetlands Policy;
3. That the Region not adopt or implement a policy to provide flexible methods to purchase, acquire and receive lands or to compensate owners of Provincially Significant Wetlands;
4. That all Provincially Significant Wetlands evaluated and classified by the MNR be designated in draft ROPA 61;
5. That draft ROPA 61 include an identification of economic and productive uses permitted within a wetland;
6. That the Region not initiate a remapping program of Provincially Significant Wetlands;
7. That draft ROPA 61 be based on Council's existing Official Plan approach to delineating floodplains that is, to determine the extent of the wetlands Council will have regard to maps that delineate the wetlands prepared by the MNR, and in conjunction with the MNR, will consider other information, such as the results of an Environmental Impact Study, as may be pertinent;
8. That draft ROPA 61 identify when, and what type of Environmental Impact Study is required, to support development applications;
9. That draft ROPA 61 indicate that proponents requesting development approval under the *Planning Act* continue to be responsible for the provision of an Environmental Impact Study, or its equivalent.

CARRIED  
(B. Hill and R. van den Ham  
dissented)

7. REGIONAL CORPORATE REVIEW - PLANNING AND PROPERTY  
DEPARTMENT (PLANNING SECTION)  
- Planning and Environment Committee Co-ordinator's report dated 29 May 96

Councillor Munter questioned why these reports are to be received rather than approved. Merv Beckstead, Chief Administrative Officer, advised that the items put forward for the Committee's information are administrative in nature and, pursuant to the Corporate

Policy Manual, are within the scope of the administration to approve. He confirmed that reports to other Committees with policy changes, will require the approval of Council.

**That Planning and Environment Committee and Council receive this annex for information.**

RECEIVED

### OTHER BUSINESS

### INQUIRIES

Regional Chair Clark asked the Environment and Transportation Commissioner when the official meeting to establish the terms of reference for privatization of some of the services of the Environment Section, would be held. Mr. Sheflin advised that the process of privatization of the Water Environment Protection Division (WEPD) has already begun and will be back before the Planning and Environment Committee on 25 June 1996. The benchmarking process for water services has been started and this will follow after that process. WEPD will be considered at P&EC 25 June.

Councillor Cullen noted that Council had received a technical report on the retail sector in 1995 and in this regard, put forward the following inquiry:

What is the status of policy development of this as part of the Regional Official Plan Review? Will there be an interim directions report on retail sector policy prior to the draft Official Plan policy, possibly in the fall of 1996 for public consultation?

Councillor Munter, referring to the staff report on the Ontario Municipal Board (OMB) ruling on the Kanata north urban expansion, noted the City of Kanata Council had created a development charge to fund the study of the Kanata north urban expansion area. He went on to say that the OMB had ruled that a study had to take place and he recalled that the both the Region and the City were to conduct the study of this area. He inquired about the status of this study. Nick Tunnacliffe, Commissioner, Planning and Property Department advised that Kanata was to take the lead on this study and the Region's role would be to approve the terms of reference. He noted that he had not yet heard from Kanata on how they intend to proceed with this matter. Councillor Munter asked that the Commissioner look into this and report back to Planning and Environment Committee.

INFORMATION PREVIOUSLY DISTRIBUTED

**Staff Report: Economic Trends and Their Implications for Ottawa-Carleton**

- Planning and Property Commissioner's memorandum dated 15 May 96

**Grants to Agencies**

- Planning and Property Commissioner's memorandum dated 23 May 96

**Overview of Ecological Field Studies**

- Planning and Property Commissioner's memorandum dated 27 May 96

ADJOURNMENT

The meeting adjourned at 5:20 p.m.

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COMMITTEE COORDINATOR

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COMMITTEE CHAIR