

MINUTES

PLANNING AND ENVIRONMENT COMMITTEE

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

CHAMPLAIN ROOM

14 JULY 1998

3:00 P.M.

PRESENT:

Chair: G. Hunter

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

Regrets: P. Hume and W. Stewart

CONFIRMATION OF MINUTES

That the Planning and Environment Committee confirm the Minutes of the Meeting of 23 June 98.

CARRIED

1. HILLSIDE GARDENS COMMUNAL WELL SYSTEM
- Environment and Transportation Commissioner's report
dated 19 Jun 98

That the Planning and Environment Committee recommend that Council approve:

1. **The reimbursement of the feedermain component of the original fire supply water works for Manotick to the original benefiting owners, as listed in Schedule "A" of Part 4.3 of the Regional Regulatory Code, in the amount of \$128,615;**
2. **The revision of the dwelling unit capacities for Manotick in Table 14 of Section 10.3.7 of the Regional Official Plan to 730 dwelling units and 34,600 square metres of non-residential floor space, and;**

- Notes:
1. Underlining indicates a new or amended recommendation approved by Committee.
 2. Reports requiring Council consideration will be presented to Council on 12 August 98 in Planning and Environment Committee Report Number 11.

3. **The amendment of Part 4.3 of the Regional Regulatory Code to include a charge of \$300 per residential unit for future connections to the Manotick Feedermain.**

CARRIED

2. APPOINTMENT OF MUNICIPAL LAW ENFORCEMENT OFFICER
- Director, Water Environment Protection Division, Environment and Transportation Department's report dated 26 Jun 98

That Planning and Environment Committee recommend that Council approve the appointment of the individual identified in Annex A as a Municipal Law Enforcement Officer and amend By-law No. 3 of 1994 accordingly.

CARRIED

3. NEW MEA CLASS ENVIRONMENTAL ASSESSMENTS FOR ROADS, WATER AND WASTEWATER - RMOC AS A PROPONENT

- Environment and Transportation Commissioner's and Planning and Development Approvals Commissioner's joint report dated 19 Jun 98

Councillor Legendre, when reading the report, understood the current Schedules A, B and C of the Environmental Assessments (EAs) were being replaced with revised schedules. He asked if that was correct.

Kim Eaton, Senior Project Manager, Water and Wastewater, Policy Planning Branch, Policy and Infrastructure Planning Division, Planning and Development Approvals Department (PDA) explained the schedules will not change, however, there may be some amendments to the schedules as part of the process. She further explained there are two existing Class EAs the Region uses in their work, one for roads and one for water and wastewater and this process must be reviewed every five years looking at the existing Class EAs, revising and resubmitting them to the Ministry for approval. She noted the two Classes may be amalgamated, therefore, the process will be amalgamated, however, there would continue to be two separate sets of schedules for both roads and water and wastewater.

Councillor van den Ham asked if the revisions to the process will simplify it or reduce costs. Ms. Eaton indicated there are some areas of the Class EA process staff would like to see changes in, one being to bring together the EA and the planning process. She added a combined and simplified process would mean there would be no need to go to the

public twice on an issue and combining the two books, roads, water and wastewater all in one, will further simplify the process for the public.

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

That the Planning and Environment Committee recommend that Council approve the request by the Municipal Engineers Association (MEA) that the Regional Municipality of Ottawa-Carleton be a proponent for the new provincial Class Environmental Assessments for municipal water, wastewater and road projects.

CARRIED

4. APPEAL TO OMB - DECISION BY REGIONAL LAND DIVISION COMMITTEE - B29/98
- Planning and Development Approvals Commissioner's report dated 26 Jun 98

Jeff Ostafichuk, Planning Approvals Officer, Development Approvals Division, Planning and Development Approvals Department, gave a brief overview of the staff report.

Referring to a map of the area, Mr. Ostafichuk explained for Councillor Legendre that although the land west of Rideau Valley Drive was agricultural, there were a number of residential lots, many of them Lots of Record, which might have been created from farm retirement lots or farm help lots back in the 1960's and 1970's according to various policies in effect at the time. He said these had been accounted for during the Land Evaluation and Agricultural Review (LEAR) Study.

Mr. Ostafichuk also clarified for Councillors van den Ham and Munter that there were two houses on the west side of the road, one north and one south of the subject site. He noted the one to the north was a farm related residence, and the one to the south was part of a horse operation of approximately 26 acres or 11 hectares in size. Mr. Ostafichuk also said there was a Lot of Record immediately to the south of the applicant's land about which the Department had no information. He suspected it may have been created before the Regional Land Division Committee, and may have been a farm related lot in the past.

Mr. Jeff Meek addressed Committee on behalf of his family and in-laws, landowners Mary and Stuart Edey. (On file with the Regional Clerk)

Mr. Meek confirmed for Councillor Legendre that although Rideau Township staff had not recommended the severance, their report had added that an argument could be made that the creation of the lot would in no way exacerbate or change the character of the area.

Councillor Munter, referencing Mr. Meek's photocopied aerial photo, which the speaker had used to indicate the area was not generally viable in terms of agriculture, observed that much of the area seemed to be farmed. The Councillor said the photos Mr. Meek had circulated to Committee members indicated houses on the east side of Rideau Valley Drive, but noted this side was designated Rural Residential.

Mr. Meek clarified his intention had been to give an idea of the proximity of the residence to the south by showing the lot line looking westward from the Regional Road, which on a handout provided by staff had been shown to be a vacant piece of land.

Councillor Munter felt the speaker was using the photos to argue the abundance of residential use, but the Councillor emphasized this residential use was on land designated for residential purposes on the east side of the road, which seemed substantively different from the west side.

Mr. Meek said this was understandable, however, noted there were residences on three sides of the proposed severance and a road on the fourth side, and that it was in no way bounded by agricultural land.

Committee Chair Hunter felt this parcel, south of Phelan Road and fronting on the west side of Rideau Valley Drive, was an anachronistic area within the Agricultural Resource zone. He felt this was probably as much caused by the Fines Flowers land as by anything else. The Chair pointed out the Fines land had been sold to a numbered company a number of years ago and said he had expected to see the present owners leading a charge from area residents to redesignate the land to a General Rural type of designation from Agricultural Resource as there was not a great deal of active farming or agricultural resource usage taking place.

Mr. Meek confirmed the land was sitting idle and was going fallow.

Chair Hunter acknowledged the land was good, and of a high class, but that no real farming had been taking place as far as the municipal drain, adjacent to the Maiers' family property, where Committee had allowed an infill severance a number of years ago.

The speaker pointed out the municipal drain cut through his front field, and said his proposal had been to sever the front half, as it was too small to be economically viable for farming.

The Committee Chair offered that if the whole parcel had been looked at as a unit, perhaps the most easterly portions of the concession south of Phelan Road should have been designated General Rural. As this had not happened, and as no one had made a request for a change, an Agricultural Resource designation had remained.

Mr. Meek said that even with this in mind, the proximity of the residence to the south, approximately fifty metres south of the lot line, made it close enough to the property line of the proposed severance to allow his particular lot to qualify as an infill.

Councillor Hill reminded Committee members of the amendment to Section 1.5 of the Regional Official Plan (ROP), Interpretation of the Plan, which she had moved at the time of the ROP review. It read, "*The boundaries on all appropriate schedules in the rural areas are approximate and shall be considered as general except where they coincide with major roads, railways, Hydro transmission lines, rivers and other clearly recognisable physical features. Therefore, amendments to this Plan will not be required in order to make minor adjustments to the approximate land use boundaries provided the general intent of the Plan is preserved.*" The Councillor said if the Region had first studied which lands were in agricultural production and which were not, the line would not have extended to where it did, resulting in the present dilemma.

Councillor Hill also emphasized that although technically, Rideau Township staff could not approve the severance, they could accept the argument that the creation of this one additional lot would not exacerbate the existing situation nor change the character of the area. She acknowledged the agricultural policies only had two areas which allowed residential lots, but noted that residential infill severances were permitted. Although Councillor Hill recognized Regional staff felt they had no alternative in abiding by the policies of the Plan, she asked Committee not to support staff's appeal to the Ontario Municipal Board (OMB).

Councillor Munter expressed a concern that approval of this severance would lay the groundwork for other marginal operations to make the same argument, based on the precedent that would be set.

The Committee Chair said the precedent already existed, and had been set when the Maier severance had been granted in the early 1990's.

Responding to a question from Councillor Munter, Mr. Ostafichuk said that any lot creation in residential form was of concern to staff. He believed there was a cumulative effect, and that residential development eventually took over and took away from agricultural areas in Ottawa-Carleton. Mr. Ostafichuk said staff recognized there were smaller lots in the agricultural resource area, and that both this pocket of land and the former Fines property were accounted for in the LEAR Study. He said the matter was not one of whether or not the parcel was viable on its own, but of subsequent severance applications once a precedent had been set.

Responding to a question from Councillor Munter as to whether he felt it would be a reasonable concern that others along the west side of the road might come forward to make arguments similar to his own, Mr. Meek said he could not speak for them. He did not believe the property to the south would qualify for infilling, as a septic system on its north side would not allow enough room to create another lot. Regarding the other properties, Mr. Meek said there would be no access, as they had already been broken up into smaller pieces and residential units.

To a query from Councillor van den Ham, Mr. Ostafichuk replied that although he had not studied the matter closely, the possibility did exist that if this severance were granted, a situation could be created for another infill along Phelan Road. He stated the infilling policies allowed for a lot to be created between two non farm related uses where they are on separated lots and the structures are no more than 100 metres apart.

Councillor van den Ham noted the Land Division Committee's request, on page 42 of the report, that should the severance go through, both the severed and retained parcels be rezoned by the Township of Rideau with all levels of appeals exhausted. He asked Mr. Ostafichuk if the intent was to exclude further severances between the newly created lot and the existing residence.

Mr. Ostafichuk said this was possible, and that the local Township could rezone the retained parcel to allow no further residential development. He said this was something Regional staff could ask for, and had, in past severances in General Rural areas.

The Councillor said he raised this issue because if a severance were granted at the east end of the property, a few acres in the middle would remain. Although he offered it was not the applicant's intent to further sever, he noted that this possibility existed, and that it was also possible to request, in the rezoning process, the elimination of this possibility. Councillor van den Ham wondered if there was any need to rezone other than to get in writing that the applicants would not apply for any further severance or residential construction on the retained parcel.

Chair Hunter believed the matter dealt with minimum lot sizes in particular zones in Townships. He said he was not familiar with them all, but believed that three acres seemed small for an agricultural resource zone.

Mr. Ostafichuk verified the present designation on the parcel as A1, Restricted Rural, of which the minimum lot size (in the Zoning By-Law) is ten hectares. He elaborated the Zone provisions for Restricted Rural Zone A1 were ten hectares for a lot area for anything outside of a cemetery, communications tower, home occupation, etc.

The Committee Chair noted the lot did not conform to use because it was undersized by the minimum lot size in the zone, and was being further severed. He asked if a variance from the Township was required as well, or whether this was the purpose of the rezoning.

Mr. Ostafichuk believed the purpose of the rezoning on the severed and the retained parcel would be to bring both into conformity with the Zoning By-Law.

Councillor Bellemare quoted page 32 of the report, which stated "*In the interpretation section of the ROP Regional Roads are the defining boundaries between designations.*" He also noted the applicant had quoted page 48 of the ROP, Section 3.b, "*Features such as rivers, creeks and roads may be used to define the extent of development*". The Councillor wondered if local roads qualified in defining boundaries, and if staff had taken into account the property was bounded by a Regional Road and a local road to the north.

Mr. Ostafichuk explained that between two different designations, as in the case with residential development on one side of a road and a resource on the other, the road, as a major feature, could be used to define the boundary. Mr. Ostafichuk noted, however, that this statement was contained in the General Rural policies for areas designated General Rural, and allowed for some flexibility for this type of lot creation to take place, whereas the Agricultural Resource policies did not. In this case, although the road was a major feature, the Agricultural Resource designation carried over from Phelan Road, therefore this policy did not apply.

Further clarifying for Councillor Bellemare, Mr. Ostafichuk stated that although the Regional Official Plan provided for an element of discretion in terms of determining the extent of development, it was necessary to remember there were two infill policies in the Official Plan, one for Agriculture and one for General Rural. It was the General Rural infilling policy which was more flexible.

While acknowledging the LEAR Study had rated the applicant's property as having good agricultural potential, Councillor Bellemare pointed out that the applicants had stated this was considered unsuitable on an economic basis. The Councillor wondered if the Region took factors such as economic unsuitability into consideration when evaluating these types of applications for severances.

Mr. Ostafichuk outlined that every factor was broken down and looked into when studying possibilities of creating non farm related residential units in agricultural resource areas, and said that two aspects of the resource had to be studied; first, the quality of soils and the parcel sizes; and second and most important, the protection of the existing resource. He outlined that the infilling policy was reviewed, and that staff were guided by the Provincial Policy Statement which implied what infilling should be. Both the poor

pockets aspect and the question of economic viability of a stand-alone operation or as a consolidation to a neighbouring operation were also reviewed.

He explained the nature of the Ministry of Agriculture's Minimum Distance Separation formula, used when creating both new residential areas and new farms. This distance separation, taken from barns, manure storage, type of animals, crops under cultivation, etc., restricted the resource when creating residential areas; a farm operation wishing to expand or change its type operation would fall under this Minimum Distance Separation, and would be restricted as a result of bringing in more non farm related uses into the area.

Mr. Ostafichuk noted poor pockets were determined by soil classification. He said the applicant's soil was Class 2, and that much of Ottawa-Carleton's agricultural practices were under Class 2. Mr. Ostafichuk added there was very little Class 1 soil. He also added another feature of poor pockets is that most of the parcels mapped usually consisted of 25 acres or more, so that on a poor pocket of this size, lot creation would be allowed on a minimum sized lot of two hectares, but emphasized it had to be part of a larger parcel and not just a specific lot within the poor pocket.

Councillor Bellemare noted that both the Provincial Policy Statement and the new ROP only permitted residential lots to be created between two existing non farm residences which are on separate lots of a similar size and are situated on the same side of the road and are not more than 100 metres apart. He then made reference to the non-farm residence south of the subject property, not more than 100 metres away.

Mr. Ostafichuk explained that was the Lot of Record.

The Councillor then asked if "*on the same side of the road*" referred to a Regional Road or a local road.

Mr. Ostafichuk said the Provincial Policy Statement and the ROP referred only to a road. He said it did not matter; the term applied to both a Regional Road and a local road, and that it must simply be a road *allowance*.

Responding to questions from Councillor Legendre about the Maier severance, Mr. Ostafichuk said although he could not remember the details, he believed it had been granted in 1991 or 1992, for compassionate reasons. Mr. Ostafichuk noted the property was not a large parcel of land, was covered with rock and rock outcroppings, and therefore was not potentially very good. He said he did not believe it had met the infill policy requirements, and that staff had been against granting the severance at the time.

Councillor Legendre then asked if it was considered a poor pocket in terms of agriculture.

Mr. Meek offered that the Maier property may have been a poor pocket in terms of size and location, but not in terms of soil type, as according to the planners' drawings and schedules, they were the same as his own.

Councillor van den Ham pointed out that Mr. Edey's property was designated the same as a 200 acre cash crop farm. He asked the speaker if he had made any money off of his Class 2 property, and whether any farmer had made an offer to purchase.

Mr. Edey replied that he had not made much money; in no way enough to make a living, and that in 32 years of residence, nobody had offered to purchase his land.

The Councillor said he had raised these questions to emphasize the intent of the policy; namely, to protect agricultural land that can be accumulated, or that abuts an existing farm and can be used for agricultural operations, and to protect viable farms and farmland. Councillor van den Ham said these criteria did not apply to this area. He said he did not believe the approval of this consent would set a bad precedent, and would simply be an extension of common sense. The Councillor encouraged Members not to support the staff recommendation, and allow the referral to the OMB.

In response to questions from Chair Hunter regarding rezoning of the property, Mr. Meek informed that an application for rezoning had not yet been made, although it had been made clear to Land Division Committee and Rideau Township that the applicants had no problem in trying to meet their conditions.

The Committee Chair also asked if the applicants had had any discussion with Rideau Township Planning staff to determine the rezoning terminology.

Mr. Meek informed that the applicants had not met with Township Planning staff since the launch of the appeal. The speaker also confirmed for Chair Hunter that the two parcels would have a zoning designation which would allow the particular lot size and that, in going for a municipal rezoning, there would be an appeals process, and that the Region would be circulated.

Chair Hunter felt the viability of the land as an agricultural operation had ended when it was severed from the original 200 acres, and that at best, it would be a hobby farm, as were some of the properties in the neighbourhood. However, the Chair also felt that changing a designation based on a claim that a small acreage would not allow someone to make a living on them as a farm would argue against the creation of smaller 25 or 10 acre parcels. He also took note of the argument that, if having a side lot on a road disqualified the lot for infill because there was no house on the other side of the road, then perhaps the road should classify as a house. The Committee Chair felt that in the end, the decision should come not from a Province-appointed official, but through a local zoning process,

with circulation to neighbours. He felt that if the neighbours did not have a problem with the severance and with the rezoning, and if the municipality could go along with the rezoning to allow this to take place, then he could go along with it as well.

At Councillor Hill's request, Tim Marc, Regional Solicitor, clarified that if Committee wished staff to withdraw the appeal, a Motion that staff be directed to do so would be in order.

Councillor Hill said she would put forth a Motion to this effect.

Councillor Legendre said he could not support withdrawal of the appeal. He felt staff had been thorough, had acted properly, and had looked at everything that might possibly have been used to the applicant's advantage. The Councillor acknowledged the rationale that the Meeks wished to raise their children in the same rural environment as Mrs. Meek had enjoyed during her childhood, but felt there was nothing to keep them from doing this irrespective of Committee's decision, as lots and residential properties in the area would eventually come up for sale, although he did recognize it might be cheaper to do it this way.

Mr. Meek estimated that allowing the severance would save them approximately \$50,000.00 to \$60,000.00.

Councillor Legendre felt that going against the staff position would confer a large economic value on land that had a certain appropriate value as agricultural land. He felt Township staff had made the right decision, and that the rationale was contained in the ROP and in the Township's Official Plan. The Councillor felt there was a defensible boundary, and that if Committee allowed itself to be swayed, the end result would be a chipping away of the boundaries. He said there was enormous pressure to do so, which would increase, if the staff position were not supported. Councillor Legendre also suggested that letting neighbours decide what was appropriate, through the zoning process, was wrong. He felt neighbours might have an interest in supporting the severance, as the economic value of their own land would improve significantly should they hope for rezoning in future. The Councillor felt this pressure could lead toward the erosion of the Official Plan through the zoning process.

Councillor Hill emphasized the ROP did not deal with the value of lands or surrounding lands, and that Committee had never discussed such an issue. She noted the issue was that of a gentleman and his wife in their seventies who had lived in the area for over 30 years who wished to have their family nearby to help with the maintenance of their land, and said this was an opportunity for them to do so. The Councillor said Committee's objectives were to protect agricultural lands, but felt what had been overlooked was that farm *operations* should be encouraged rather than just talk about protection of farm *land*.

Councillor Hill noted the twelve acres in question had never been farmed and were not a viable operation. She felt nothing was being done to harm the character of the community, and that nothing was being done against the intention of the ROP. The Councillor also pointed out that Committee and Council often made decisions that were not always in line with Regional Policies, but changed with time. She offered that in a Region in which 90 percent of the land was rural, 1.2 hectares would not make a disaster out of the ROP. Councillor Hill then submitted her Motion asking that staff withdraw their appeal of the severance.

Committee then considered the staff recommendation as amended.

Moved by B. Hill

That the Planning and Environment Committee recommend that Council approve the Planning and Development Approvals Department's withdrawal of the appeal to the Ontario Municipal Board of the attached severance B29/98.

CARRIED as amended

YEAS: D. Beamish, M. Bellemare, B. Hill, R. van den Ham, G. Hunter....5
NAYS: J. Legendre, A. Munter....2

5. NAMING REGIONAL ROAD 73
CITY OF NEPEAN AND TOWNSHIP OF RIDEAU
- Planning and Development Approvals Commissioner's report
dated 24 Jun 98

That the Planning and Environment Committee (acting as the Regional Street Name Change Committee) recommend that Council approve the following:

- 1. That former Provincial Highway 16 (now Regional Road 73) from the Ottawa/Nepean municipal boundary south to Fourth Line Road (Regional Road 5) in the Township of Rideau be named "PRINCE OF WALES DRIVE" (see Annex I);**
- 2. That the Ministry of Transportation (MTO) be requested to install "SCENIC ROUTE" signs on the northbound lanes of Highway 416 prior to the Highway 416/Bankfield Road interchange to accommodate northbound tourists on Highway 416 who wish to take the scenic route into the urban area, and;**

3. **That the Regional Environment and Transportation Department (ETD) be directed to install Trail Blazer “SCENIC ROUTE” signs along Bankfield Road (Regional Road 8) to Prince of Wales Drive (Regional Road 73) and on the proposed Prince of Wales Drive north of Bankfield Road.**

CARRIED

6. PLANNING-CONSENT TO SEVER - GLOUCESTER
5224 BANK STREET
APPLICATION BY R. POMERLEAU LIMITED
- Regional Solicitor’s report dated 9 Jul 98

Moved by D. Beamish

That the Rules of Procedure be suspended to allow additional Item No. 6, Planning-Consent to Sever-Gloucester, 5224 Bank Street, Application by R. Pomerleau Ltd.

CARRIED

That Planning and Environment Committee recommend to Regional Council that staff be authorized to attend the Ontario Municipal Board hearing with respect to the consent application by R. Pomerleau Limited in order to ensure that the Region’s concerns with respect to access to Bank Street (Regional Road 31) are addressed.

CARRIED

INQUIRIES

Councillor van den Ham, referring to the Request for Qualifications (RFQ) for the new Solid Waste Collection Contract, noted a termination clause where the Region can terminate the contract in 90 days. It has been brought to his attention by individuals in the industry that this may be somewhat unfair and suggested that it be revised to “90 days termination with just cause.” He asked if staff could comment on that.

Mr. Pat McNally, Director, Solid Waste Division, Environment and Transportation Department, stated the issue regarding the termination clause was discussed by Committee three years ago with the first collection contract. He noted the termination clause in the new contract is basically the same as the previous one. He added that during the RFQ period one contractor came forward and raised issue with the clause. Staff responded this clause was included in the first contract and it was the Region's intention to include it in the new contract

Councillor Beamish asked when the RFQ process for the new solid waste collection contract closed. Mr. McNally said the RFQ closed the week of 6 July 1998. He noted the report before Committee dealing with the new contract, it was recommended the approval be delegated to the CAO, therefore, a report has been forwarded to the CAO's Office to confirm the qualifications.

In response to Councillor Beamish's questions on who reviews the RFQs and what type of information is included in them, Mr. McNally explained the review was undertaken by representatives from five different departments and was fairly clear cut with either a yes or no answer on a checklist basis of the materials that needed to be submitted. He indicated the information included in the RFQ pertained to letters of credit, bonding, experience, etc.

Councillor van den Ham noted Cumberland Council tabled a concept plan for Petrie Island and a majority of Cumberland Council also considered granting a temporary lease to Friends of Petrie Island to conduct picnics, etc. on the Island. He asked what the Regional position is on this issue. He wondered if the Region was encouraging residents to go onto the Island in light of some of the continuing unsafe conditions, i.e. truck traffic. He also asked what the process is with regard to the Region leasing to Cumberland and sub-leasing to Friends of Petrie Island and would it come to Committee for approval. Staff will investigate and report back to Committee.

INFORMATION PREVIOUSLY DISTRIBUTED

1. FLOOD PLAIN POLICIES
RESPONSE TO INQUIRY No. P&E - 3 (98)
- Planning and Development Approvals Commissioner's memorandum dated 22 June 1998

OTHER BUSINESS

ADJOURNMENT

The meeting adjourned at 4:30 p.m.

Original signed by
Kim Johnston

COMMITTEE COORDINATOR

Original confirmed by
Wendy Stewart

COMMITTEE CHAIR