

MINUTES

PLANNING AND ENVIRONMENT COMMITTEE

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

CHAMPLAIN ROOM

14 MAY 1996

3:00 P.M.

PRESENT:

Chair: G. Hunter

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

CONFIRMATION OF MINUTES

**That the Planning and Environment Committee confirm the Minutes of the meeting of 23 April 1996.**

CARRIED

ENVIRONMENTAL SERVICES ITEM

1. MUNSTER HAMLET LAGOON - STATUS REPORT  
- Verbal Presentation

Jim Miller, Director, Engineering Division and Wayne Bennett, Manager, Wastewater and Solid Waste Projects Branch presented a status report on the Munster Hamlet Lagoons. Mr. Miller noted that the purpose of the presentation was to illustrate to the Committee what the problem is and where the Region is, in the process of solving the problem.

Mr. Bennett, by way of a power-point presentation, provided the Committee with an update of the problems Munster Hamlet is experiencing. He noted that Munster Hamlet is located between Munster Side Road and the Jock River and the land owned by the Region is bounded by Copeland Road and Munster Side Road. The pumping station currently operating under the ownership of the Region is in the centre of this plot of land; there are four lagoons currently operating and a fifth for overflow. The existing spray irrigation field is 15 hectares and is located just south of the existing lagoons.

There are three major shortfalls with the Munster Hamlet Lagoons. The first being insufficient hydraulic capacity. Mr. Bennett advised that the community began in 1971 with 180 homes and a lagoon and spray irrigation facility. In 1974 the community doubled in size with no change to the sewage treatment facility. Since 1974 there has been deterioration of the existing system with respect to more inflow coming through the deteriorating pipes and manhole structures. In 1995 before the Township started some of the repairs to the sewer collection system, the actual flows getting to the system were 3 1/2 times the design flow.

The second issue is the leakage of the lagoon system. Mr. Bennett noted there would be a much larger problem if the lagoons were not leaking as the lagoons would be overtopped twice a year. Currently, there is so much leakage in the lagoons that out of 10 gallons pumped into the lagoons, only 4 get sprayed onto the irrigation field; this leaves 60% of the total flows unaccounted for.

The third shortfall is that the spray irrigation field is under capacity for the amount of flow and must be expanded dramatically to meet the Certificate of Approval. The Ministry of Environment and Energy (MOEE) has documented these deficiencies in reports in 1991 and 1995 and the Region does not currently comply with the Certificate of Approval.

Mr. Bennett then went on to inform the Committee of the ways in which these problems are being dealt with. He stated the Region, together with the Township of Goulbourn, has started a program on three fronts. The Township started a program last year of sewer sealing in the public right-of-ways within the Hamlet itself. This summer, the Region is undertaking the second part of the program, through toilet replacement and low flow fixture replacements in the homes in Munster Hamlet. This will further reduce the capacity requirements for the new sewage treatment system and result in less cost to the Region. Finally, through the Official Plan process, community growth will be restricted as there is no capacity in the design to handle future expansion.

In conclusion, Mr. Bennett advised that four phases of the Environmental Assessment Process have been completed. The problems have been identified, alternate solutions have been looked at, the concept for the preferred solution has been chosen (i.e. to rehabilitate and expand the existing lagoon system and to expand the existing spray irrigation system) and in January this recommendation together with the back up documents were filed with the Regional Clerk. Following the filing with the Clerk, seven "bump-up" requests were received from residents in the affected area. As well, some concerns from the Township of Goulbourn were expressed at a public meeting two weeks ago. Staff have agreed to follow-up the seven bump-up requests with more information and more in-depth work on the study. As well, it is recommended that another public meeting with the Township be held where these issues will be addressed. Staff have confirmed this with the MOEE and

they have agreed to an extension of the environmental assessment process so that these issues can be resolved.

Responding to questions from Councillor Cullen, Mr. Bennett advised that the problems with the facility became evident during the first 7 or 8 years of operation.

Councillor Cullen asked what the next steps would be. Mr. Bennett stated that once the additional work is completed (i.e. in response to the bump-up requests), the Minister of Environment and Energy will make a decision on the Region's preferred solution. Mr. Miller added that funds have been identified in the capital budget for rehabilitating this sewage program. Once the process with the MOEE is completed, a report outlining all of the alternatives, as well as the preferred solution and recommendation will be presented to the Committee.

Councillor Legendre questioned the value of the Certificate of Approval when this facility has not met the MOEE's criteria since 1985 and yet no action has been taken for more than 10 years. Mr. Bennett stated the MOEE has been fairly aggressive in pursuing the Region in an effort to bring this project to fruition through their reports and it has been well recognized in the Department for the last five years that this project was a priority. Mike Sheflin, Commissioner, Environment and Transportation Department, stated that the Councillor's point was a valid one and noted there are a number of facilities in Ontario that are not meeting their Certificates of Approval (this is the only facility in Ottawa-Carleton not meeting the Certificate of Approval). Mr. Miller assured the Councillor that staff have not ignored the problem; approximately four years ago, a spill containment basin was built to deal with the problem on an interim basis while the Region and Township proceed to find a permanent sewage treatment solution for the community.

With regard to the bump-up requests, Councillor Legendre asked what the residents were looking for. Mr. Miller advised that one of the community's major concerns is the method of effluent disposal. Presently, it is sprayed onto agricultural land; however, as the agricultural spray zone is not large enough, staff are proposing it be expanded. The residents are concerned about this occurring in their community. He advised that there would be appropriate buffer zones around the field. The area is generally agricultural but there are residences scattered through it and the spray zone would be going in the opposite direction of the Hamlet.

Councillor Stewart noted that staff had looked at the "snowfluent" system of disposal. She asked if this alternative had been totally rejected by the department.

Mr. Miller advised the snowfluent system had been evaluated but it is not a preferred alternative as it deals only with the effluent disposal, a small percentage of sewage treatment upgrading program, whereas a major component of the program is rehabilitating

the existing lagoons. Another drawback with the snowfluent system is that the sewage must be stored during all non-freezing periods. Mr. Miller noted the snowfluent process is unique and innovative and has its applications but in this case, it is not the best solution. Mr. Bennett also pointed out that the Ministry of Agriculture prefers the spray irrigation method as it allows crop production; with the snowfluent system, no crop production is possible as the snow does not melt until July.

Responding to questions from Committee Chair Hunter, Mr. Miller advised that the alternatives of connecting to the existing sewers in Richmond or Stittsville will be looked at in more detail as part of the further analysis.

Councillor Hill commented that the problems that exist in Munster Hamlet are a result of the MOEE not doing their job when the second portion of the Hamlet was built in 1974. For this reason, she felt the Region should be pursuing the MOEE to cover some of the costs of this project.

Committee Chair Hunter thanked staff for the presentation.

#### PLANNING ITEMS

2. OTTAWA OFFICIAL PLAN AMENDMENT NO. 9  
PRESTON-CHAMPAGNE AREA  
- Planning and Property Commissioner's report dated 15 Apr 96

**That Planning and Environment Committee recommend that Council:**

1. **Approve Ottawa Official Plan Amendment No. 9, as modified on the Approval Page (attached as Annex A);**
2. **Reject the referral request for 185-187 Louisa Street on the basis that it is not made in good faith and is frivolous, vexatious and only for the purpose of delay, for the reasons stated herein.**

CARRIED

3. CHANGE OF DEFERRAL NO. 5 TO REFERRAL TO OMB  
OTTAWA OFFICIAL PLAN, 1991 - REFERRAL TO THE ONTARIO  
MUNICIPAL BOARD - OTTAWA OFFICIAL PLAN AMENDMENT NO. 14  
- Planning and Property Commissioner's report dated 15 Apr 96

Roger Hunter, Regional Planner, drew the Committee's attention to Annex A of the report (the Approval Page) and pointed out the following corrections:

1. Page 37, Item 2, third line - Subsection 1.6.8 should read 2.6.8;
2. Page 39, Item 2 (I) - Sections 1.6.12, 1.6.13, 1.6.14, 1.6.15, 1.6.16, 1.6.17, 1.6.19 and 1.6.20 should read 2.6.12, 2.6.13, 2.6.14, 2.6.15, 2.6.16, 2.6.17, 2.6.19 and 2.6.20, respectively.

The corrections will be made to the staff report prior to consideration by Council.

The Committee then considered the staff recommendation.

**That Planning and Environment Committee recommend that Council approve the request by the City of Ottawa to lift Deferral No. 5 to the Ottawa Official Plan, 1991 and to refer this matter to the Ontario Municipal Board together with Amendment No. 14 to the Official Plan as outlined in the Approval Page attached as ANNEX A (as amended).**

CARRIED

4. THE IMPACT ON OTTAWA-CARLETON FROM THE DEVELOPMENT OF ADJACENT ONTARIO MUNICIPALITIES (OMATOC STUDY)  
- Planning and Property Commissioner's memorandum dated 23 Apr 96

Commissioner Tunnacliffe introduced Mr. Glen Tunnock and Mr. Alain Miguez of McNeely-Tunnock Ltd., the consultant responsible for this study.

Mr. Tunnock provided the Committee with a brief overview of the study. A copy of the slides used in his presentation are on file with the Regional Clerk. Mr. Tunnock commended the Region for taking a serious look at what is happening outside of its borders.

Councillor Munter complimented Mr. Tunnock on the ease of understanding and clarity of the study. Referring to page 19 of the study, Councillor Munter asked if the figures quoted, regarding provincial subsidies and transfer payments, were set down prior to the cuts announced by the Province last November. Mr. Tunnock confirmed this and noted that two to three years in the future when one looks in retrospect at the impact of the transfer payments, it will tilt the cost in favour of the Region. Councillor Munter noted that unconditional grants to the Region were cut in some cases by three times as much as the unconditional grants to upper-tier counties. For example, Leeds-Grenville was cut by 16 or 17% whereas the Region was by 38%. He calculated, using the \$78 per capita figure for OMATOC and the \$60 per capita figure for Ottawa-Carleton, and taking into consideration the Region lost 40% and OMATOC lost 20%, the current per capita would be \$64 for OMATOC and \$36 for the Region.

Responding to questions from Councillor Munter concerning conditional grants, Mr. Tunnock agreed there are grants that are not taken up because the services are not provided (i.e. transit services) in many of the smaller urban areas but with respect to other conditional grants most municipalities do take advantage of the programs available. He noted that when speaking to the loss of conditional grants, there will be a long term impact that has not been reflected in this report as it deals only with current statistics.

Councillor Munter then put forward the following motion for the Committee's consideration.

That Regional staff be directed to include in the Official Plan, policies that will address the issues identified in the report, "The Impacts on Ottawa-Carleton from the Development of Adjacent Ontario Municipalities"; and

Further that Regional staff bring forward a report on what measures, if any, exist to recover costs incurred by those living outside of Ottawa-Carleton who use services or infrastructure within the region without contributing to their cost; and

Further that staff identify those areas (included but not limited to free policing, unconditional grants and other subsidies) where municipalities outside the Region benefit from significant provincial subsidy with a view to raising these examples with the provincial government in order to secure a more level playing field.

Councillor Stewart noted the study indicates the cost of housing is a major reason for moving to OMATOC. She asked, if the cost of housing were not a factor, would people not move out. Mr. Miguelez suggested the Councillors might want to look at the full technical report which is available from the Planning and Property Department. He went on to say that a multiple answer questionnaire was used and the commuters were asked to distinguish between the single most important reason and other reasons that they would move to OMATOC. In a ponderated calculation, the cost of housing came out far ahead and in aggregated totals the cost of housing being cheaper was the first reason, rural lifestyle the second reason, followed by a good place to raise a family, small town atmosphere, lower property taxes, etc. When dealing with percentages, the cost of housing received 63.3% of the answers in the survey whereas lower property taxes received 44% of the answers. As the single most important reason, cost of housing was close to 40% whereas lower taxes was 5%. Councillor Stewart asked, if the costs were equal what percentage of people would still choose to live in OMATOC. Mr. Miguelez responded that approximately 18% chose lifestyle as the single most important reason to live in OMATOC.

Referring to the report recommendation with regard to not supporting the four laning of Highway 17, Councillor Stewart asked if economic impacts were taken into account or if this recommendation was based on trying to influence human behaviour. Mr. Tunnock replied that economic impact was not looked at and noted the difficulty of looking at the OMATOC area is the paucity of data with respect to economics; he felt this area was perhaps the weakest component of the study. The recommendation was based on the theory that if the capacity of the provincial highway grid is increased, then correspondingly the potential for commuters traveling from greater distances is increased. Mr. Miguelez added that in the text of the report a clear distinction is made between Highways 416 and 417, which are links to economic markets of Ottawa-Carleton and Highway 17 which is not such a link.

Responding to questions from Councillor Legendre, Mr. Miguelez explained the recommendation to ask the NCC to harmonize its boundaries refers to the fact their boundaries, as defined under the National Capital Act of 1969 do not correspond to the boundaries of the upper-tier municipalities in both Ontario and Quebec.

Councillor Legendre asked what was meant by the recommendation for “delay inducing measures”. Mr. Miguelez responded this would include such things as tolls or other methods used to maintain or entertain a certain level of congestion at peak hours in an effort to deter people from making a choice to live beyond the Region’s borders.

Councillor Legendre asked the presenters to comment on Councillor Munter’s motion. Mr. Tunnock, referring to the first paragraph of the motion, noted that the best solution would be through dialogue between Regional planning officials and the planning officials of the OMATOC. With regard to the second paragraph, Mr. Tunnock stated it was not within their mandate to look at the scope of the impact of costs to the Region for development or commuters that were using Regional roads and other services. He noted the road system is the single most impacted service; it was apparent from the survey that very few commuters use the transit system (less than 3%). The implication of the second paragraph would need further work to assess these costs. In terms of the third paragraph, the speaker noted that since this study was completed, there have been some changes to Provincial policy and further changes are expected with respect to grants; further investigation into this area would be necessary.

Councillor Cullen asked staff what would happen next with respect to this report. Mr. Tunnacliffe advised that some areas of the study will be used in formulating policy for the Official Plan. He noted that once the policies are in draft form, they will be presented to the Committee for consideration. Other aspects are outside of the Official Plan (i.e. approaching the Province with regard to their interest in looking at planning beyond the Region’s boundaries) and these areas will be explored with the agencies concerned.

Councillor van den Ham, referring to pages 22 and 23 of the study which shows the cost comparisons on a monthly basis asked if taxes were included in the mortgage rates. Mr. Tunnock replied that property taxes were not included because there was not a substantial differential in the levels of taxation for comparable types of housing inside and out of the Region. He went on to say that the transportation costs effectively nullify the differential in housing prices inside and out of the Region. Councillor van den Ham felt it was important to show that taxes inside the Region are not what they are perceived to be in comparison with taxes outside the Region.

Councillor van den Ham expressed disagreement with the report's key findings concerning development applications and provincial policy. He asked if the consultants had found evidence of dual standards by provincial ministries for municipalities inside and out of the Region. He noted as an example, the border between the Townships of Cumberland and Clarence; on one side of the road in Cumberland, the zoning allows 5 acre lots whereas in Clarence there are 1/3 or 1/2 acre lot subdivisions. Mr. Tunnock noted that he deals with the ministries and Provincial policies for municipalities inside and outside of the Region and, on the whole, there is no difference in the application of Provincial policy. The universality of policy is there but the municipalities interpret those policies as they apply to their own development situations.

Councillor Beamish felt the benefits to the Region should also be noted. For example, residential development is extremely costly to municipalities and in the end it is a net cost whereas commercial development is a net revenue. There is also a benefit if a person without a job lives outside of the RMOC and the OMATOC municipality must pay the associated social costs. As well, commuters driving into the Region would be doing most of their major shopping here. The Councillor asked if the study examined the benefits as well. Mr. Miguelez noted the terms of reference asked that the benefits of development in OMATOC be looked at and it was found that Ottawa-Carleton is indeed the commercial centre. The study also found the percentage of the workforce from the outer areas that works in Ottawa-Carleton creates a very strong link between the Region and OMATOC. By virtue of this link, it was determined that the pattern of growth and the form of development that takes place both inside and out of the Region is of importance to both.

Referring to the use of tolls and other delay-inducing measures, Councillor Beamish suggested this might not be the correct thing to do. Mr. Tunnock stated it would be difficult to say whether there would be a net benefit; one of the undetermined benefits is the potential cost savings on servicing. He felt that in terms of a growth management strategy, potential cost savings and infrastructure revisions both inside and out of the Region could be identified which would be of mutual benefit.

Pierre Mercier, Director of Planning, United Counties of Prescott & Russell, noted that the Counties established a planning Department a year ago and are currently working on

finalizing their strategic plan. It is anticipated that their Official Plan will be in place by December 31, 1997. He noted that many of the issues discussed by the Committee are of interest to the taxpayers and elected officials in Prescott/Russell. The speaker commended the Region for their initiative in undertaking the study and noted its importance as a vehicle to create dialogue between the Region and OMATOC. He felt it important to coordinate efforts of development, land use and land planning generally. Mr. Mercier recognized that development outside the Region's boundaries is a concern; similarly, from the perspective of Prescott & Russell, it is a concern to have 40% of their workforce employed outside the Counties.

Mr. Mercier noted this report was recently presented to the Counties' Planning Committee for information and they asked him to prepare a report for their consideration. He expressed a willingness to submit the Counties' comments on that report to the Region and stated he would be pleased to present those comments to the Region's Planning and Environment Committee, if they so desired.

Committee Chair Hunter observed that some aspects of the report and some comments made seem to suggest building walls between the Region and OMATOC. Mr. Mercier agreed he did get that impression but expressed the hope that those walls would not be an obstacle to Prescott & Russell as they go through the process of developing their Official Plan. He noted it was their intention to be close communication with the Region's planning staff as this document is developed.

Chair Hunter commented that one of the key planning studies undertaken by the Planning Department in the last couple of years was the Groundwater study, which was a joint effort with the RMOC and the twenty-three surrounding municipalities. He noted that because a common need was established, the level of cooperation was very high.

The Chair also noted a sense of frustration that there are those that are receiving Provincial or Regional services and not paying for same; as an example, he cited the issue of hauled liquid waste that was dealt with a number of months ago.

Councillor Munter, speaking to his motion, stated he is asking staff to look at some of these issues such as services extended to people who live outside of the Region who do not pay for them and what steps can be easily taken to address these issues. As well, the motion asks staff to look at the issue of creating a more level playing field. The Councillor noted he wished to make a small change to the first part of the motion as a result of a suggestion from Councillor Stewart. The first line of the motion would read "That Regional staff be requested to address in the Official Plan Review, the issues identified in the Report".

Councillor van den Ham expressed his support for Councillor Munter's motion. He noted that the study is a valuable piece of information for both staff and Regional Councillors as decisions will have to be made based somewhat on this report. Decisions such as whether the Region wants to keep these people within the boundaries of the Region and prevent this loss of revenue.

Referring to development charges, Councillor van den Ham noted the county level does not have development charges nor do the school boards. He suggested that the Province should be levying development charges for schools, hospitals and homes for the aged on a Province wide basis thereby removing them from the Regional component, and creating a more level playing field. The Councillor stated the whole process within the Region must be looked at if the intent is to stop people from migrating outside the Region; costs will have to be reduced to make it more attractive for those people to stay here.

Councillor Legendre asked that the motion be divided. He stated he would support the first paragraph however he felt there was not much to be gained from the second part. With regard to the third paragraph, he felt so many changes were taking place so quickly at the Provincial level, that the information obtained by staff would be outdated before they were finished.

Referring to Councillor Legendre's statement about the third portion of Councillor Munter's motion, Councillor Stewart noted much of the work has already been done. At the request of the rural mayors, the conservation authorities have been looking at examples of how to have a level playing field inside and out of the Region. She expressed her support for the entire motion.

Councillor Cullen stated he supported the motion. He felt that the Region should not feel threatened by low cost development in OMATOC; this is part of a cycle of the maturation of an urban community. He felt that people make choices, they trade off on some things in favour of their choices and noted the example of transportation was captured very well in the study. The Councillor stated that an argument could be made that if OMATOC residents are using the Region's road, they should be contributing to part of the cost. He noted that one of the reasons why the Province began providing funding for these roads, was not only to relieve the local property taxpayer but also to recognize that these roads provide more than a local function, they provide a provincial function, a regional function, etc. Councillor Cullen noted that traffic calming, not as a means to delay traffic in the community but rather to push traffic out to the arterial roads to stop cut-through traffic in the community would be beneficial. He felt that delay mechanisms that increase the cost of doing business would be retaliatory and he would not be in favour of this.

Committee Chair Hunter noted there is a perception that there has been a great swell of development in the peripheral townships at the expense of Ottawa-Carleton but the

statistics in the report show this has not been the case. The study shows that the growth in townships outside Ottawa-Carleton has not been much greater over the last 5 to 10 years, than it has been in Ottawa-Carleton (not counting the City of Ottawa). Growth in Goulbourn, Rideau, West Carleton, Kanata and Cumberland has been comparable or greater than the growth rates in OMATOC municipalities. Referring to the argument of receiving services for nothing, the Chair reminded the Committee that this was the case a couple of years ago when residents and representatives of Nepean, Gloucester and Ottawa were pointing to Kanata, West Carleton and Goulbourn who received their policing for free. Chair Hunter felt each of these issues (roads, solid waste, etc.) should be dealt with individually, as a matter of policy.

Referring to Councillor Munter's motion, the Chair stated he could not support the first portion. He felt this was not something that should be included in the Official Plan and he stated he did not want to be seen as being a part of a plan to take over municipalities outside of the Region. Chair Hunter noted that in the past residents of the Region have shown a willingness to develop infrastructure and facilities to be used by the residents of the peripheral municipalities when the need is there. As an example, the Chair cited the large numbers of Regional residents that contributed to ROTEL and Ronald McDonald House which service people coming into the community from outside to visit patients in these hospitals.

In closing, Councillor Munter stated that as the Region will be looking at user charges for its own residents, it makes sense to look at some of the issues raised in the report.

The motion was then divided and the Committee considered each portion as follows.

Moved by A. Munter

**That Regional staff be directed to address in the Official Plan Review the issues identified in the report, "The Impacts on Ottawa-Carleton from the Development of Adjacent Ontario Municipalities"; and**

CARRIED  
(D. Beamish, B. Hill  
and G. Hunter  
dissented)

Moved by A. Munter

**Further that Regional staff bring forward a report on what measures, if any, exist to recover costs incurred by those living outside of Ottawa-Carleton**

**who use services or infrastructure within the region without contributing to their cost; and**

CARRIED

YEAS: A. Cullen, G. Hunter, A. Munter, W. Stewart, R. van den Ham....5  
NAYS: D. Beamish, B. Hill, J. Legendre....3

Moved by A. Munter

**Further that staff identify those areas (included but not limited to free policing, unconditional grants and other subsidies) where municipalities outside the Region benefit from significant provincial subsidy with a view to raising these examples with the provincial government in order to secure a more level playing field.**

CARRIED

YEAS: A. Cullen, G. Hunter, A. Munter, W. Stewart, R. van den Ham....5  
NAYS: D. Beamish, B. Hill, J. Legendre....3

5. **RESPONSE TO THE REPORT OF THE WETLANDS WORKING GROUP**

- Planning and Property Commissioner's report dated 29 Apr 96 issued previously under Co-ordinator's memorandum dated 2 May 96

Joseph Phelan, Manager, Policy Division, briefed the Committee on the staff report. Mr. Phelan noted that staff are proposing a draft of Regional Official Plan Amendment 61, (based on the final position of the Province's Bill 20) be circulated to all 2,800 affected landowners, as well as others who have expressed an interest (i.e. agencies, municipalities, community and special interest groups). These groups would have the summer to review and comment on the draft amendment and a public meeting would be held in the fall of this year.

Responding to questions from Councillor van den Ham, Mr. Phelan advised that if the RMOC were the owner of the wetlands, maintenance of the wetlands would include such things as garbage removal, fencing, beaver control and ensuring drains operate effectively. There is currently no one on staff to perform such duties.

Councillor Legendre asked how wetlands created by such things as the construction of a road would be addressed. Mr. Phelan noted that the Ministry of Natural Resources (MNR) has indicated that it does not distinguish how a wetland was created but rather it considers whether or not the piece of land contains the characteristics of a wetland and

meets the criteria of a wetland. Councillor Legendre felt that the Province should differentiate between how the wetlands were developed, particularly when a public body does something to cause land to flood, thereby creating a wetland. Mr. Phelan felt this could be difficult to do, particularly because of the amount of time that has elapsed and also in determining who is responsible (i.e. which public agency or body). Nick Tunnacliffe, Commissioner, Planning and Property added that presently, much more care is taken of the environment; infrastructure projects must go through an environmental assessment. This type of situation is therefore highly unlikely to occur any longer.

Referring to the term “bonusing” used in the report, Councillor Legendre asked if this term was used in the correct context. Tim Marc, Solicitor, Legal Department, explained that in this instance, it was meant to mean a transfer of density (i.e. the transfer of rights to build something on parcel A over to Parcel B). Bonusing under the Municipal Act (i.e. providing grants to commercial enterprises) is prohibited.

In response to questions from Councillor Stewart regarding the control of beavers, Mr. Phelan advised that when Amendment 45 was circulated to all of the landowners, an MNR extension note on options for controlling beaver on private property, was also circulated. It notes that landowners have a right to control beavers on their land if they are damaging their property. One must be very careful when destroying a beaver dam because of flooding issues and as well, killing of beavers must be done humanely. Councillor Stewart felt that if beaver-created wetlands are to be protected, it could lead to a situation where landowners would be prevented from the necessary control of beavers to protect their land.

Councillor Stewart asked staff if the Conservation Land Tax Rebate Program (CLTRP) is expected to survive the Provincial program cuts. Mr. Phelan stated he did not know the answer to this but noted that a new initiative, the Woodland Improvement Program had been announced by the Province for 1996.

The Councillor asked Mr. Phelan if he felt a balance had been reached in drafting this report when dealing with the Wetlands Working Group (WWG) recommendations (integrating the disparate views of the landowners and the naturalists). Mr. Phelan replied that in arriving at the recommendations before the Committee, staff had regard to current policy context of the Planning Act, “public purse” issues and any decisions taken by the OMB and the courts. Mr. Phelan confirmed that the report goes as far as it can to accommodate rural wetland owners, within current policy context.

Speaking to the issue of compensation, Councillor Munter commented that there is a built-in compensation program under Market Value Assessment, presuming that wetlands (on land that could otherwise be developed) would be reassessed and taxes would drop. Mr. Phelan stated he believed this to be so. He added that in most circumstances (80 to 90%), Provincially significant wetlands already have designations that greatly limit what can be

done with the land (i.e. existing zoning and Official plan designations would prohibit development.) Councillor Munter felt this was a critical piece of information and should be made clear. Mr. Phelan noted that in the draft amendment, staff propose to speak to the things that can be done (the positive things); this provincial policy only comes into play when a development application requires Planning Act approval. When putting up a building that does not require Planning Act approval, this policy does not apply.

Harold Harnarine, President, Association of Rural Property Owners, and a member of the Wetlands Working Group, provided the Committee with a written submission of his comments (on file with the Regional Clerk) Mr. Harnarine felt the staff report should have been delayed until after Bill 20 had been enacted. He also expressed concern about the use of a survey with only an 8.7% response used as a basis to make recommendations. Mr. Harnarine felt the staff report was “stuck in the status quo”, as it contained nothing new and nothing creative. The question of compensation is a crucial one and if a way to address this issue cannot be found, we will in effect be going around in circles.

Mr. Harnarine felt that urban interests are impinging on rural interests and the political representatives and Regional planners are faced with the challenge of bringing about a certain degree of harmony and goodwill in this area of urban/rural relationships. Conservation goals cannot be pursued independent of other goals; considerable economic damage in areas such as agriculture and forestry will be done if more land than is reasonable for conservation purposes is taken.

In conclusion, Mr. Harnarine noted that rural land owners are reasonable people. Urban people are asking rural people to give up their hard-earned land resources to protect the environment; rural people are asking what the urban people are giving up in return.

Councillor Munter, referring to Mr. Harnarine’s comment on the timing of the report, noted the report states ROPA 61 would be drafted after the proclamation of the new Provincial policy statements.

With regard to the issue of compensation, Councillor Munter asked the speaker if he felt it was a non-issue for 80 to 90% of the wetland owners as the vast bulk of the land under current zoning and land use regulations does not permit development. Mr. Harnarine felt he could not answer this. He did note however, that the 1992 Wetlands Policy Statement clearly states that a lot of wetlands have been lost because wetlands are easy to develop (i.e. they can be drained and built upon). It is because of this loss that there is this zealous approach to the preservation of wetlands. Mr. Harnarine reasoned that if wetlands were not valuable and useful why have they been lost.

Councillor Legendre asked Mr. Harnarine’s opinion on a proposed amendment to Recommendation 8 which would have, as a first step, a preliminary on-site inspection by

RMOC staff done at the proponents cost. This would be less costly, particularly if there is a question of whether the lands in the map have been included erroneously. Mr. Harnarine felt this was a laudable attempt to reduce the cost and complexity of an approval and would be a welcome thing to the landowners. Mr. Phelan noted that in many cases when looking at individual severances for those municipalities under the jurisdiction of the Region's Land Division Committee, the Region does an on-site verification.

Fran Johnston, a member of the Wetlands Working Group (WWG), expressed disappointment in the staff report particularly after 2 1/2 years and over 50 hours spent working on this issue. Ms. Johnston felt the concepts discussed at great length by the WWG had either been ignored or misunderstood. She stated the ideas contained in the report have not changed from those contained in ROPA 45. There still remains pervasive within this report that people and the effects of this report are not being considered; nor is there a recognition of the economic pain that will be caused by the implementation of these policies. Ms. Johnston noted that she had mortgaged her wetland and, where other portions of her property had been purchased or rented for \$1,000 per acre, the assessment for the bank mortgage was \$700 per acre.

Ms. Johnston felt that the need for wetlands was being blindly accepted and noted there are many reports and books to suggest that wetlands are not necessary. She stated that we live in a democratic society and finds the imposition of one group's solution to an identified problem is an incredibly arrogant one. In conclusion, Ms. Johnston lauded the former Council for setting up the working group and asked the Committee to continue to support wetland owners in their fight for a moral and ethical fair solution to a situation they find themselves in..

Councillor van den Ham stated he was surprised by Ms. Johnston's comments that this report had not changed from ROPA 45. As an example, he referred to the flexibility allowed in the mapping as it is not as onerous as it was previously. Ms. Johnston stated that she was referring mainly to what went on within the WWG in terms of the discussion and the importance of the recommendations they made. For example, she noted that the whole group agreed that if the public benefits, the public should pay. Referring to the staff report, Ms. Johnston read the following sentence "If an official plan or zoning by-law suggests or encourages the public use of private land, there is a strong likelihood that compensation of the private landowners or acquisition by a public body of the land in question will be required". She felt that because wetland owners are being told the wetlands must be maintained because the public needs the water and the air, this would constitute public use and should be compensated. Ms. Johnston confirmed at Councillor van den Ham's request that the issue of compensation is the main point of contention.

Councillor Legendre asked Ms. Johnston her opinion on his proposed motion. Ms. Johnston agreed this was a great idea and expressed strong support for it.

Amy Kempster, President, Federation of Citizens Association of Ottawa-Carleton, expressed support for the staff position. She noted that wetlands are very important and should be preserved; although some of these solutions are not ideal, they are reasonable. Ms. Kempster suggested that Recommendation 3 be amended by deleting the word “receive”. If people want to donate wetlands to the Region, it should be able to receive them or act as a conduit for donation to other organizations (such as the conservation authorities). She noted although she would not recommend compensation for wetlands, she suggested there might be some way to speed up the market value assessment for these landowners. This could require some pressure on the Province or individual landowners could be informed they can appeal the assessment.

At this juncture, Councillor Legendre put forward the following motions.

That ROPA 61, in the context of Recommendation 8, incorporate, as part of the identification process of the type of Environmental Impact Study (E.I.S.) to be required, whether an E.I.S. is in fact actually required by a preliminary on-site inspection by RMOC staff, at the proponents cost.

That the following additional recommendation be added to the report:

10. That staff, as part of the review of the Regional Official Plan currently underway, bring forward criteria for Locally Significant Wetlands.

Speaking to his second motion, Councillor Legendre noted the Provincial policy guidelines establish a class system for Wetlands of Classes 1 to 7. Provincially significant wetlands are Classes 1 to 3 and the Province encourages municipalities to look at the other categories. This motion proposes that criteria be adopted so that the Region can identify wetlands that aren't Classes 1, 2 or 3 but might be significant on a local level. Mr. Tunnacliffe noted that staff will look at all of these things as part of the natural environment system strategy but did not want to be put in the position of being forced to designate something called a locally significant wetlands. Councillor Legendre confirmed that this was not the intent of the motion

Committee Chair Hunter noted a report was recently approved by Corporate Services and Economic Development Committee that recommends spending a great deal of money to hire environmentalists to identify lands that are environmentally significant. He asked staff if this would include wetlands. David Miller, Environmental Planner, advised that the intent of the Corporate Services and Economic Development Committee report is not to identify or evaluate wetlands. He noted that Bill 20 sets out that the Region must have regard for significant woodland, significant wildlife habitat and other environmental features outside of Provincially significant wetlands. These categories are left up to municipal discretion.

Chair Hunter felt the issue of compensation should be put to rest once and for all. He noted it is not only wetlands that have building restrictions imposed. Every piece of land in Ontario has some type of designation or zoning restriction and in none of these other cases is there ever a question of compensation. As examples he noted that farmers are not compensated because they have high class agricultural land and therefore cannot get anything but a farm lot severance; or someone in the mineral resource area who cannot develop their lands until the aggregate has been removed. Designation implies restrictions and restrictions in all these cases does not imply compensation.

The Chair stated that he could not understand why, when the Province imposes restrictions considered in the general public good, it should be suggested that the Region should compensate. He noted that this happened under Amendment 12 of the first Regional Official Plan and has cost the Region's tax payers millions of dollars.

Chair Hunter stated that he would prefer to keep ROPA 61 as simple as possible and while adhering to the Provincial Policy Statements, the Region should not go beyond what the Province requires. He expressed support for Recommendation 1, that ROPA 61 be drafted after the Provincial Policy Statements have been proclaimed.

Councillor Hill stated that she agreed with the Committee Chair that the Region should adhere to the Provincial Policy Statements and said she could not understand why this report didn't wait until Bill 20 and the Policy documents were completed. The Councillor expressed her disappointment in the report, noting that it was obvious that no attention was paid to the recommendations of the Working Group who spent a year working on this. She felt this made a mockery of the Region's public consultation process and does nothing to enhance the image the Region.

Referring to the Regional Official Plan, Councillor Hill noted that current policies say protection of environmental areas are important; the land should be acquired and the landowners should be compensated. She provided many examples of land purchased by the Region at exorbitant prices.

The Councillor felt that tax rebates were a farce as the amount rebated is minuscule. She gave an example of one constituent with a tax bill of \$1,800 who received a tax rebate of \$53.00.

Other issues of concern for the Councillor included the issue of mapping which she felt had been ignored. As well, Environmental Impact Studies should not be the responsibility of the landowners. In conclusion, Councillor Hill said that in the future, working groups should not be established and then their recommendations be ignored.

Councillor van den Ham said one must recognize that Regional government is faced with the dilemma of having to follow Provincial orders to come up with guidelines to deal with

wetlands, when so many other aspects (i.e. assessments, MNR elements, etc.) are not within the control of the Region. The Councillor put forward a motion that staff address the issue of providing a severance to landowners impacted by the Provincial wetland policy. He felt this would act as an incentive to the private sector to participate in the private stewardship of wetlands on behalf of the Province and would result in saving a lot of money. Referring to comments made by Chair Hunter regarding land restriction and compensation, Councillor van den Ham felt a more reasonable comparison to the wetlands situation would be if a two story house was rezoned to a one story house, then there should be compensation. In conclusion, the Councillor stated he was not against purchasing the land but he did not believe the Region should be responsible for long term maintenance, nor should it be the owners' responsibility.

Referring to Councillor van den Ham's motion, Councillor Munter asked staff if the Region has the authority to issue severances as-of-right. Commissioner Tunnacliffe replied that when considering a severance, the Region must conform to the policies in the Official Plan and the Provincial policy statements, as they affect each individual piece of land.

Councillor Beamish in reference to comments made by Chair Hunter, noted that the Region downzones very rarely and when it does, landowners are usually compensated. He gave a recent example of a developer near the airport who was restricted from building because of noise restraints; the Region compensated this developer by purchasing the land.

Councillor Munter, referring to an example given by Councillor Hill concerning a piece of wetland that saw little change in its taxes, noted that if land prior to an Official Plan Amendment (OPA) did not permit development and then after an OPA, development is still not permitted, this is not a downzoning. The Councillor felt there was a need for clear information on this issue and perhaps examples of reduced taxation under Market Value Assessment.

Councillor Hill expressed support for Councillor van den Ham's motion and noted this would not be a loss of revenue to any level of government. The Councillor noted that in parts of Europe, lands designated for the benefit of the public, are exempt from taxes. She felt all of these alternatives should be looked at.

Councillor Cullen stated he could not support Councillor van den Ham's motion, as the current restrictions on severing agricultural land are in place to protect agricultural land. If yet another type of severance is allowed, the Region is providing a means to further diminish the supply of agricultural land. The Councillor felt the issue of compensation should be up to the Province as these are their policies.

Committee Chair Hunter referring to the Regional Official Plan, noted that almost all Provincially Significant Wetlands are within areas designated "Organic Soils". It states in the Official Plan that "any development in these constrained areas needs careful

consideration by area municipalities in relation to site-specific information and studies are required to prove that development can take place without hurting the environment. Where it is not possible to determine immediately whether a lot created by a plan of subdivision or severance lies in an area affected by organic soils or unstable slopes, Council may require applicants to provide sufficient information (i.e. a study) to establish whether the policies of this section are met". The Chair noted that other than the Province changing the terminology to "Provincially Significant Wetlands", there is nothing new being required

The Committee then considered the following motions.

Moved by J. Legendre

**That ROPA 61, in the context of Recommendation 8, incorporate, as part of the identification process of the type of Environmental Impact Study (E.I.S.) to be required, whether an E.I.S. is in fact actually required by a preliminary on-site inspection by RMOC staff, at the proponents cost.**

CARRIED

Moved by J. Legendre

**That the following additional recommendation be added to the report:**

**10. That staff, as part of the review of the Regional Official Plan currently underway, bring forward criteria for Locally Significant Wetlands.**

LOST

NAYS: D. Beamish, B. Hill, R. van den Ham....3

YEAS: G. Hunter, J. Legendre, A. Munter....3

Moved by R. van den Ham

**That Planning staff address the issue of providing a severance to landowners impacted by the Provincial Wetland Policy.**

LOST

NAYS: G. Hunter, J. Legendre, A. Munter....3

YEAS: D. Beamish, B. Hill, R. van den Ham....3

Moved by B. Hill

**That the report be deferred pending proclamation of Provincial Bill 20.**

LOST

NAYS: G. Hunter, J. Legendre, A. Munter....3  
YEAS: D. Beamish, B. Hill, R. van den Ham....3

The Committee then considered the staff report as amended.

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

- 1. That staff be instructed to prepare a new draft Wetlands Regional Official Plan amendment (ROPA 61) for circulation, after the proclamation by the Province of the new Provincial Policy Statements, expected in late spring 1996;**
- 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; and that ROPA 61 incorporate, as part of the identification process of the type of Environmental Impact Study to be required, whether an Environmental Impact Study is in fact actually required by a preliminary on-site inspection by RMOC staff, at the proponents cost.**
- 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.**

LOST

NAYS: G. Hunter, J. Legendre, A. Munter....3  
YEAS: D. Beamish, B. Hill, R. van den Ham....3

At the Committee's request, Tim Marc, Solicitor confirmed that this item would rise to Council, but without a recommendation from the Committee.

#### OTHER BUSINESS

#### INQUIRIES

Councillor Cullen noted he had received a document from the Paper and Paper Board Packaging Environmental Council (PPEC) which talks about the use of paper boxes for the collection of newsprint and paper products for recycling. Mr. McNally noted that the article refers to a project in southern Ontario (North York) which staff are aware of. He indicated that the Region will proceed with the use of the Blue Box program but will be following this experimental project.

Councillor Stewart advised that as part of the Earth Week celebration, she and Councillor Hume had an opportunity to tour the Hunt Club Stormwater Management Facility. She noted that the Certificate of Approval only requires these facilities to be open during the bathing season (from May 15 to September 15) and she asked staff to report back on the feasibility of operating these facilities for a longer period. She suggested they could be opened when there was no danger from ice. Doing so would have a positive impact on

not just the human species but other small species as well (i.e. fish habitat). Nancy Schepers, Director, Water Environment Protection Division, advised that the Hunt Club facility will be opened for longer periods but not monitored except during the bathing season. Councillor Stewart indicated that she would like a report on all such sites in the Region.

Councillor Legendre, referring to an article in 14 May 1996 edition of Le Droit concerning a project in Gatineau called "Le projet L'Oasis Mont-Royal" targeted at the aging baby-boomers, expressed concern that this community will be walled. The Councillor asked for assurance, that as part of the Official Plan Review Process, there will be policy speaking very clearly to the Region's views on walled or gated communities. Commissioner Tunnacliffe confirmed that this would be taken as notice and the issue will be addressed at the appropriate time.

ADJOURNMENT

The meeting adjourned at 7:00 p.m.

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COMMITTEE COORDINATOR

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COMMITTEE CHAIR