MINUTES

PLANNING AND ENVIRONMENT COMMITTEE

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

CHAMPLAIN ROOM

10 FEBRUARY 1998

3:00 P.M.

PRESENT:

Chair: G. Hunter

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

Regrets: M. Bellemare, P. Hume and W. Stewart

CONFIRMATION OF MINUTES

**That the Planning and Environment Committee confirm the Minutes of the Meeting of 27 January 98.**

CARRIED

PLANNING ITEMS

1. APPEALS TO MINISTER'S NOTICE OF DECISION
OF 1997 REGIONAL OFFICIAL PLAN
- Planning and Development Approvals Commissioner's report dated 5 Jan 98

Pamela Sweet, Director, Policy and Infrastructure Planning Division, Planning and Development Approvals Department (PDA), gave a brief presentation of the report, outlining the appeals and the basis for the recommendations to sustain or withdraw them.

Councillor Munter asked what the ramifications would be if Committee and Council overruled Departmental recommendations to sustain or withdraw an appeal. The Councillor was concerned that the public report, stating staff's reasons for withdrawal, would be putting the Region in a weak position before the Ontario Municipal Board (OMB) if Committee and Council overruled staff recommendations.

Mr. Tim Marc, Solicitor, Legal Department agreed with Councillor Munter's statement with respect to the five appeals that PDA staff have recommended the Committee withdraw. Should the Committee determine to proceed with the appeals, then PDA staff's reasoning would be used against the Region at an OMB hearing. It would be necessary for the Legal Department to hire outside planners to represent the Region. Mr. Marc noted this would not be the first time the Region has been required to do so.

Councillor Munter requested clarification on the history with respect to Modification L16 and L 30 regarding Significant Wetlands south and east of the Canadian Shield. Ms. Sweet explained the City of Kanata's position was to have had this area designated as Significant Wetlands, however, they have since withdrawn that position. The area has always been excluded as a wetland in the two Wetland Amendments, including the latest Regional Official Plan Amendment (ROPA) No. 61.

Councillor Munter asked if given that Urbandale's legal representatives will be before the OMB, is it necessary for the Region to be there, essentially assisting them. Mr. Marc indicated that it has always been the Legal Department's recommendation the Region take the lead role in its Regional Official Plan (ROP), therefore, he recommends whatever position Committee and Council adopt, the Region be there to actively pursue that position.

Councillor Munter, referring to Modification H 11 regarding creation of a buffer between a Regional Road and any extraction activity on Lot 22 and 23 designated as Limestone Resource Area in Kanata, voiced his concerns regarding an inequity being created in this instance. As mentioned in the presentation, there had been extensive discussion with the nearby residents and part of a compromise that Committee and Council agreed to, with respect to quarry extraction, was the buffer in from the Regional Road. The recommendation to withdraw this appeal would effectively support the Ministry of Municipal Affairs and Housing's (MMAH) decision to have that buffer for half the quarry extraction, Lot 23, but not the other half, Lot 22.

Carol Christensen, Manager, Land Use Policy, Policy and Infrastructure Planning Division, PDA, explained the original position of the MMAH was to delete the policy in its entirety, however, the Region was able to leave it in for Lot 23 on the basis of the meetings Councillor Munter referred to. It was her understanding that the owner of Lot 22, being deleted from the buffer policy, was not at those meetings or party to the agreements generally reached. Ms. Christensen further explained that the Province recently made changes to the *Aggregate Resources Act*, which placed the onus on the applicant to resolve any objections received from neighbours. The owner proposing a quarry in Lot 23 has met with his neighbours and they have jointly decided their concerns would be met with a 150 metre buffer.

In response to questions from Councillor Munter on Modifications L 3 and L 29 regarding designation of a site in Kanata which is part of the Carp Hills Wetland Complex, Ms. Sweet confirmed there are basically the same requirements in the ROP as expressed by the MMAH in modifying the ROP. However, staff would have to agree with the MMAH that these lands have the same characteristics as the Carp Hills Wetland Complex and it makes sense to have it in Environment Area B along with the neighbouring properties. Ms. Sweet further indicated lands defined as wetlands in the Canadian Shield have always been designated Environment Area B and these lands should be treated the same way. This modification puts the property back into the category that all the complex owners in the Carp Hills are in.

Regarding the issue of environmental impact statements for pits and quarries referred to in the report, Councillor Munter understood staff's rationale, however, felt that in doing so the Region would lose environmental impact statements that it would otherwise have had on pits and quarries, by restricting them to ones that are coincident with Schedule K. Ms. Christensen confirmed Councillor Munter's statement; the application is limited to those instances where the impact on a natural feature would be on a natural feature that shows up in a designation on Schedule K.

Councillor Legendre, in reference to Modification L 16 and L30 regarding the Significant Wetlands south and east of the Canadian Shield, inquired if some of the lands subject to the appeal have been filled in by Urbandale. Ms. Sweet confirmed this.

In response to concerns that the Region was siding with Unbandale in the appeal, expressed by Councillor Legendre, Ms. Sweet explained that staff had, prior to the lands being filled in, recommended to Committee and Council not to approve this as a wetland area in ROPA No. 61 and the draft ROP. Previously, in reviewing wetlands across the Region, it was determined the area was not a Significant Wetland, therefore, it was recommended and subsequently approved to be in a General Urban category and Ms. Sweet believes the owner of the land basically understood that it would likely end up being General Urban. Staff were not party to the wetlands being filled in this past summer.

Councillor Legendre asked what redress there may be at the OMB for this unilateral action taken by Urbandale and if the OMB could assess damages against the landowner for doing something that was in fact forbidden. Mr. Marc indicated that no action can be taken at the OMB.

While Councillor Legendre understood the Region and City of Kanata's position with respect to the lands not being a Significant Wetland, he was frustrated that as a Member of Council he is now effectively on the same side as someone who has broken a zoning designation and unilaterally changed the land. Mr. Marc confirmed that the Region's position has always been that these lands be designated General Urban, however, MMAH

felt they should be Significant Wetlands. Councillor Legendre felt that Urbandale, aware of the fact the lands were in dispute; should have waited for a final decision before filling in the lands. Mr. Marc indicated it is his understanding Urbandale was not aware the lands were in dispute, they understood the matter had been resolved.

Councillor van den Ham asked if ROPA 61, approved by Council, had also been approved by the MMAH, or whether it had been part of the whole ROP process.

Ms. Sweet replied that ROPA 61 had not received Ministerial approval, as it was felt the issues involved were covered under the newly-approved comprehensive ROP.

The Councillor said it seemed that after negotiations on Wetlands issues with the Ministry of Natural Resources (MNR) and the Region's residents, MNR was attempting to return to its original position on the 120 metre boundary designation. He said he was hesitant in agreeing with staff that MNR should be allowed to do so, as this was the only place in the ROP where this designation was mentioned, and wondered if, through further negotiations, a more appropriate wording could be agreed upon. The Councillor said he agreed with the practical attempts to resolve the problem, but that he would like to see the elimination of the reference to the 120 metre boundary in the ROP.

Ms. Sweet explained that in negotiations with MNR, the Ministry wanted to have a 120 metre designation in place for severances in addition to subdivisions. Staff successfully argued that, as part of Council's policy, the designation should remain at 30 metres for severances, but conceded that 120 metre was not a particularly onerous requirement for subdivisions, as a subdivision might be asked to do this when close to an obvious environmental feature.

Councillor van den Ham requested clarification of staff's recommendation to withdraw the appeal to Modification L7, which recommended modification of Schedule "A", involving the Booth and Keenan lands and the Fines Flowers property, by recommending a designation of "Agricultural Resource Area". He noted Council had originally refused Fines Flowers' application for a redesignation to General Rural in Lot 27, but had so redesignated the Booth and Keenan properties in Lots 28 and 29. He believed these issues had been resolved at the time Committee had dealt with the ROP, with new or improved studies which were the basis of Committee and Council approving the change from Agricultural Resource to General Rural.

Ms. Sweet replied that studies of the Booth and Keenan lands by the agrological firm of M.M. Dillon determined a soil classification of less than Class 3. This was the information presented in June of 1997 when Committee dealt with the ROP. However, she said the Ontario Ministry of Agriculture, Foods and Rural Affairs (OMAFRA) had approved neither the studies nor the change in designation, and had left unclear to staff as to what

was needed to resolve the issue. Since then, M.M. Dillon completed a study for the Fines Flowers property to the north of the Booth/Keenan lands. After reviewing this study, OMAFRA felt there was insufficient information to reclassify the land's soil capabilities. Ms. Sweet said staff were suggesting the parties get together, perform more soil testing, if necessary, and work towards an agreement between themselves and OMAFRA on a final designation, which would be brought back in a report to Committee. Ms. Sweet said the department had no final answer, but felt that in order to leave the Region's options open, the appeal should be sustained.

The Councillor said he agreed with staff's recommended approach.

Mr. Ron Charlebois, owner of Lot 17, Concession 1, Marchurst Road, Kanata, read from a prepared statement (on file with the Regional Clerk) asking Committee to sustain the appeal of Modifications L 3 and L 29 of the Minister's Notice of Decision of the 1997 ROP.

Referring to the speaker's assertion that the Minister's Notice of Decision attempted to designate 50 acres of Lot 17, Conc. 1, Kanata as Environmental Area B, Chair Hunter asked Mr. Charlebois how he had arrived at this figure.

Mr. Charlebois offered the figure as one-quarter of his 200 acre lot. He said three-quarters were designated General Rural, and an attempt was being made to redesignate the remaining quarter Environmental Area B, originally zoned as Marginal Resource and changed to General Rural with an Environmental Overlay. The speaker said he assumed this same piece of land was being reviewed for redesignation to Environmental Area B.

The Committee Chair felt the determination of 50 acres for the subject parcel was difficult in light of its representation by broad lines on a small-scale map. Mr. Charlebois agreed this vagueness could present eventual problems should he wish to do something with his land, and felt the outline should be determined.

Nick Tunnacliffe, Commissioner, PDA, said the Official Plan contained a statement referring to the flexibility of boundaries, so that when an owner wanted to do something in terms of development, the onus would be on the landowner to perform studies to determine the outline, offering that in this case, the subject area might prove to be anywhere from 20 to 50 acres.

Mr. Charlebois stated he did not necessarily want to do anything with his land, but wanted to know its outline in order to have a reasonable and fair assessment of his property. Mr. Tunnacliffe offered that in this case, the designation would not affect him in any way.

In response to questions from Councillor Munter, Mr. Charlebois pointed out that overall, his assertion was that the westernmost piece of his parcel designated in Schedule K as Environmental Area B was not 50 acres in size as identified by MNR. He also noted it was not wetland, but flooded due to beaver activity; the dams were even indicated on MNR maps. Although the land did contain environmental features, the speaker felt the most appropriate designation was General Rural with an Environmental Features Overlay.

Councillor Legendre asked the speaker of what significance the different designations were to him, as, according to staff, he would be affected in more or less the same way. Mr. Charlebois said if he were to accept the designation of Environmental Area B, he would be accepting that these lands were wetland; a designation of General Rural with an Environmental Features Overlay would not designate the lands as such. He believed his request for the removal of the Natural Environment Area B designation was fair, and felt everyone was in agreement except for those involved in the planning aspects.

Councillor van den Ham said he sympathized with the speaker, and compared the situation to that of the Provincially Significant Wetlands issue (ROPA 61). He suggested that if it did not matter whether the land were designated one way or the other, then it should be designated in the owner's favour. The Councillor also suggested the option of approaching MNR for a property reevaluation, but Mr. Charlebois said he had done so at one time, and that nobody had come to perform a reevaluation. He also noted that during the time of ROPA 61, his land was left out as it was not considered a Provincially Significant Wetland.

Councillor van den Ham said he would support a Motion allowing for the designation of Mr. Charlebois' lands as General Rural with an Environmental Features Overlay.

Mr. Willis Scanlon, representing Fines Flowers, said Fines Flowers supported the staff recommendations for Modification L 7.

Mr. Doug Kelly of Soloway, Wright, representing Urbandale Corporation, spoke regarding Modifications L 16 and L 30. Mr. Kelly said the issue of the Bridlewood wetland complex began with the 1974 Official Plan. He said at the time, a facility in the Official Plan called Ecosystem Diversion put the Bridlewood Community boundary to the east. This was subsequently deleted in the late 70's; Council then came forward with ROPA 12 which was the implementation of the study of Natural Environment Areas. This resulted in the northeast quadrant of Bridlewood being designated as Urban or Residential Area. Mr. Kelly noted the National Capital Commission (NCC), in order to protect the Stony Swamp area, expropriated land from Coscan and McDonald (developers) to the north and exchanged land with Urbandale to preserve a buffer area for the Stony Swamp. At that time, Mr. Kelly said Urbandale believed the matter had been put to rest. When Urbandale proposed their Phase 5 Bridlewood development, an Environmental Impact

Study (EIS) was required to determine the impact on the Stony Swamp area. Out of that study came the development of part of Phase 5 and the deferral of the area subject to Modifications L 16 and L 30. Mr. Kelly said his understanding, in discussions with Urbandale representatives, was that when ROPA 61 came forward, MNR had made no request to change the designation, and the recommendation of Committee and Council was that this land not be designated Provincially Significant Wetland, a decision reconfirmed in the new ROP. Therefore, he said, the Region had never designated this land Significant Wetland; it had always been designated for development as Urban Area. Mr. Kelly said Urbandale, believing the issue had been settled, proceeded as they did. In closing, he asked Committee to confirm the appeal the Region had launched with respect to Modifications L 16 and L 30.

Councillor Legendre quoted a paragraph on page 8 of the staff report which noted *"This property and adjacent lands are a deferred portion of a draft approved plan of subdivision by Urbandale. Urbandale was to do additional studies to address how adjacent lands to the wetland could be developed with mitigating measures for the remaining undisturbed wetland, which MNR maintained was still functionally connected to the adjoining Stony Swamp Wetland complex."* The Councillor emphasized MNR had wanted Urbandale to prepare additional studies which would have allowed Urbandale to proceed with development, but would have ensured that development would not disturb the functional connection to the Stony Swamp.

Mr. Kelly was unaware Urbandale had filled the wetland portion, and said their only mistake was in believing the issue had been settled, which he said would have been the case if not for the Modifications by MNR. Mr. Kelly felt Urbandale's position was that the land subject to the Modifications had not been designated wetland, a position he said was accepted by Council with ROPA 61 and the new Official Plan. He said assuming the land is designated General Urban Area, Urbandale would still have to carry out studies to ensure development would not impact on the wetland function of the adjacent Stony Swamp Wetland Complex.

Councillor Legendre noted both he and staff were disappointed that action had been taken to fill the wetland, and that by doing so, a disturbance had already taken place.

Mr. A. Bruce Benson, representing the Association of Rural Property Owners (ARPO), referred to a section on page 3 of the staff report, which stated *"Given the Province's continued support of 120m, it can be anticipated..."*, and felt there was a misunderstanding between Provincial and Regional staff and rural landowners. He quoted a letter from the Minister (of Natural Resources) dated 19 Aug 98 stating the Ministry had reduced the amount of wetlands covered by legislation by 40% or more. Mr. Benson said the wetlands situation described in the letter spoke of 33 metres instead of 120 metres, and noted 120 metres was in neither Bill 20 nor the Policy Statement. He wanted to know

how the number got back in by way of the phrase *"...involving lands within 120 metres of a..."* in Modification E 34. Mr. Benson said the Province was no longer in support of 120m, as shown in correspondence from the Premier and the Ministry. He believed the Region's attitude was reasonable, acknowledging that plans of subdivision would require further studies, but noted the 120 metre provision was a problem for small landowners and people wishing to sell their land, who were told by real estate people their land was not worth anything. The speaker felt the bureaucracy involved was in some way circumventing the Minister's intent, and asked that the Region communicate to the Province the understanding that as the Province no longer supported the figure, the Region would also leave out the reference.

Ms. Sweet introduced David Miller, Environmental Planner, Policy and Infrastructure Planning Division, PDA. Mr. Miller said it was agreed there was no one correct distance in every case for how development could affect wetlands. Acknowledging that the reference to 120 metres was in neither Bill 20 nor the Policy Statement, he said the issue was one of determining the correct number to use for the term "adjacent". Mr. Miller said the Province felt the original Policy's term of "abutting" was too indistinct and subject to interpretation. He noted some of the Province's previous work supported the Ministry's suggestion of 120 metres as a reasonable number to require a subdivision to address additional requirements, a point he felt the Region would find difficult to argue at the OMB.

Mr. Benson disputed the 120 metre figure as having been selected arbitrarily, and having no scientific basis, serving no useful purpose.

Councillor van den Ham noted this was the only place in the ROP which made reference to the 120 metres, and asked Mr. Benson if ARPO would remove its objection to the wetlands policy, should the reference been removed.

Mr. Benson felt that throughout the wetlands policy, the onus should be on the government to prove an impact exists, an expense that should not be borne by the small landowner.

In response to questions from Councillor van den Ham, Mr. Tunnacliffe confirmed that the Region is now the agency responsible for implementing the provincial policies regarding wetlands through a Memorandum of Understanding the Region signed last year.

Councillor Legendre clarified Mr. Benson's concerns that he does not agree with the words "120 metres" and that the onus is on the landowner to provide proof that whatever they want to do with the land is not going to disturb the wetlands. Mr. Benson agreed, however, wished to point out he is concerned for the small land owner, not the large developer.

Councillor Legendre further clarified Mr. Benson's position in the case of small land owners, irrespective of the distance, it would be the government's responsibility to do the study which would determine whether or not the land owner could do what he wants with his land. Mr. Benson agreed.

Councillor Legendre stated that the arbitrary figure of 120 metres was simply the trigger point to decide whether or not a Wetland Impact Study (WIS) would be required

Committee Chair Hunter pointed out the Provincial Policy Statement, which the Region must have regard to, used the statement "adjacent to"; the Region adopted "abutting". The MMAH had indicated that "abutting" is not good enough for lands so doing; a figure needed to be inserted, which had been rejected in the revision of the Provincial Policy Statement and Bill 20.

Councillor van den Ham remarked all that was necessary was a change to a couple of words, as the Province's concerns were interpretational and related to the Region building right to the edge of a wetland. The Councillor felt the Region should inform the MMAH this was a Regional responsibility and assure them that, unless studies indicated development was permissible, the Region would not allow land owners to build right next to a wetland or allow any negative impacts..

Mr. Harold Keenan, a landowner, speaking on his own behalf and on behalf of another landowner, Mr. Don Booth, told the Committee that OMAFRA continue to oppose what the Region approved in July 1997 on the basis that they did not have enough time to do site specifics and pointed out they would no longer do site specifics but would rely on existing maps. OMAFRA did not agree with how M.M. Dillon conducted their report. They felt it was not detailed enough and continue to object to it at MMAH. Mr. Keenan feels staff's approach of negotiation is better than going before the OMB. Mr. Keenan and Mr. Booth are making a proposal to OMAFRA; if a further study is required using a pathologist that the Ministry would accept, they are prepared to hire a pathologist in the Spring when further soil samples can be taken. Mr. Keenan informed the Committee that on 13 Feb 98 he was encouraged by a phone call from the Minister indicating the Ministry's approach is to put this kind of issue in the local municipalities' jurisdiction, and that he would be speaking to his staff. If it can be done at the local level there would be no need for further studies or to go before the OMB. Mr. Keenan was encouraged the Region and City of Gloucester were supporting the appeal.

Mr. Mark Foley, owner of Lot 23, Concession III, Kanata, first indicated his support to withdraw the appeal to Modification H 10. With respect to Modification H 11, the speaker indicated in meetings with his neighbours, the item with regard to Lot 22, concerns the people living across the road. The Ministry has a buffer zone in their

application of 15 metres, however, he did not believe the people living across the road were aware of this. The area residents feel that 150 metres is reasonable. The speaker said he had set up Lot 23 for 150 metres for a future subdivision of a lake after the quarry is gone, which suited everyone involved. If possible, a round table meeting with the Ministry and the Region could take place if 150 metres is not acceptable. Mr. Foley felt that possibly 100 or 75 metres would be acceptable to everyone rather than go back to the basis of 15 metres which the Ministry has in their guidelines.

Councillor Munter wished to note that Mr. Foley is a very involved member of the rural Kanata community and has worked very closely with his neighbours who have concerns about having a quarry at that location. The Councillor believed Mr. Foley had been very accommodating in terms of finding a compromise.

Councillor Munter indicated from previous remarks by Ms. Christensen, he understood the reasons for not including Lot 22; the owner not being at the discussion table, however, he inquired if there were any other reasons that we should not be defending our ROP on this basis. Ms. Christensen responded the notion is that mineral aggregate resources are protected for their eventual extraction and that, there was no fundamental objection to a buffer policy.

Committee Chair Hunter commented that for an ROP policy, it was a very site specific clause, and asked staff to clarify the history of why the Region was designating a buffer zone in the ROP that might appropriately be there as a condition of license. Ms. Christensen responded that a specific motion from Councillor Munter at Committee had inserted this policy in the ROP.

Councillor Munter responded it was site specific and it was a completely new apparition of an aggregate resource designation. As a result, there were many meetings in the community to discuss and to try to come up with some protections for the populated area around there, in terms of that kind of use, recognizing that that use would likely go ahead. This was one piece of protection. The other was the requirement for an EIS which was the previous item staff were recommending not be appealed.

Committee Chair Hunter felt the reasons for putting this in the ROP were noble, however, he disagreed with them being part of the Plan. The Chair was concerned there may be more requests to include such site specific issues in the ROP.

Mr. Foley asked if it would be possible to have a round table meeting and bring it to 100 metres which would be better for everyone. Mr. Marc responded that if Committee and Council were to sustain the appeal, carry the report and provide funding, it would be possible.

Councillor Munter clarified that the dispute is with Lot 22 and not Lot 23. Lot 23 is already in the ROP and the buffer zone is 150 metres. The issue is Lot 22 and having an even playing field and the only way to change the 150 metres on Mr. Foley's property is through a Regional Official Plan amendment as it is not the subject of a modification or appeal. Mr. Marc responded that if the Region was able to sit down with the MMAH and resolve this issue before May 5, it would be possible to make this change to the ROP by the OMB at the pre-hearing and not require a full Amendment.

Committee Chair Hunter thanked the speakers for their comments and introduced a motion from Councillor Munter to withdraw the appeal to Modification L 16 and L 30.

Councillor Munter, speaking to his motion, felt that since Urbandale and the Ministry were going to the OMB regarding Modification L 16 and L 30, there was no need for the Region to appeal this Modification as well under the circumstances outlined in the report.

Mr. Marc responded that if this appeal is withdrawn, then he would have to support the wetland on those lands when before the OMB. He felt the Region should take a position on the ROP when going before the OMB and the only options were to recommend General Urban or Significant Wetlands. Councillor Munter felt the Region did not need to file an appeal on this Modification in light of the appeals filed by Urbandale and the Ministry.

There being no further discussion, the Committee voted on Councillor Munter's motion.

Moved by A. Munter

**That the appeal of Modification L 16 and L 30 be withdrawn.**

CARRIED

YEAS: D. Beamish, B. Hill, J. Legendre, A Munter...4
NAYS: R. van den Ham, G. Hunter...2

Committee Chair Hunter then read a motion from Councillor van den Ham with respect to Modification E 34.

Councillor van den Ham, speaking to his motion, explained that he would like the Region to go back to the Ministry to attempt to agree upon some close wording to "abutting", specifically, omitting the number of 120 metres in the policy. If new wording cannot be agreed upon, then the motion recommends sustaining the appeal of Modification E 34.

Ms. Christensen explained that the 120 metres was not a separation distance, rather a trigger for a study to determine what, if any, separation distance is required. Ms. Christensen understood the Ministry's concern to be that the current wording in the ROP was "abutting a wetland"; if the property submitting a development application did not literally abut the wetland but was separated by only a few metres, the Ministry felt they might not be subjected to a study requirement. She believed it was necessary to find a wording that assured the Ministry the Region would trigger a study in circumstances other than literally abutting a wetland.

The Committee then considered Councillor van den Ham's motion:

Moved by R. van den Ham

**That Planning and Environment Committee recommend to Council to sustain the appeal of Modification E 34, if a suitable rewording cannot be agreed upon eliminating the 120 metre designation.**

CARRIED (J. Legendre and
A. Munter dissented)

The Committee Chair then read two motions from Councillor Munter recommending sustaining the appeals of Modification H 11 and L 3 and L 29.

Councillor Munter felt the Ministry, in agreeing to half of, rather than to the whole buffer, had been unfair to Mr. Foley, as the buffer was on his property. He also believed it was unfair to residents who had been part of a long consultative process which had arrived at this solution to ensure the extraction was removed 150 metres from their homes. He said he was asking Committee to defend what was in the ROP, and to ensure there was a level playing field for quarry operators. He believed this was going further than what was in the Aggregate Resources Act, rather than against the Act.

The Committee Chair noted the intention of the Act was that each newly licensed quarry operation might have a different appropriate distance. He felt Committee could not make this determination.

Councillor Munter said the Ministry was penalizing landowners and future quarry operators by removing the buffer requirement on half of the aggregate.

Committee then considered the following Motions:

Moved by A. Munter

**That the appeal of Modification H 11 be sustained.**

CARRIED (G. Hunter and R. van den Ham dissented.)

Moved by A. Munter

**That the appeal of Modifications L 3 and L 29 be sustained.**

CARRIED

Committee then Carried the staff report as amended:

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

1. **Sustain the appeal of the following:**
   a) **Modifications E 17 regarding refinements to boundaries of Natural Environment Areas (B),**
   b) **Modification L 7 regarding the designation of a site in the rural area of Gloucester,**
   c) **Modification H 11 regarding creation of a buffer between a regional road and any extraction activity on two lots designated as Limestone Resource Area in Kanata** *(originally staff recommendation 2d, recommending withdrawal of appeal)***, and**
   d) **Modification L 3 and L 29 regarding designation of a site in Kanata which is part of the Carp Hills Wetland Complex.** *(originally staff recommendation 2e, recommending withdrawal of appeal)*

2. **Withdraw appeals of the following:**
   a) **Modification H 4 regarding farm-related severances in Sand and Gravel and Limestone Resource Areas** *(originally staff recommendation 2b)***,**
   b) **Modification H 10 regarding environmental impact study requirements for pit and quarry zoning applications** *(originally staff recommendation 2c)***, and**

**c) Modifications L 16 and L 30, regarding designation of a site in Kanata as Wetland.** *(originally staff recommendation 1c, recommending sustenance of appeal)*

**3. That the appeal for Modification E 34 which modifies requirements for Wetlands Impact Studies for land adjacent to Provincially Significant Wetlands be sustained if a suitable rewording cannot be agreed upon eliminating the 120 metre designation.** *(originally staff recommendation 2a, recommending withdrawal of appeal)*

CARRIED as amended

2. PLANNING - MEDIATION
COMPREHENSIVE REGIONAL OFFICIAL PLAN
- Deputy Regional Solicitor's and Planning and Development Approvals Commissioner's joint report dated 12 Jan 98

Mr. Marc said a mediation process would be worthwhile for the ROP, and that one had worked extremely well with the City of Ottawa's Official Plan of 1991. He noted at this point, staff were asking for approval of mediation in principle; funds would still have to be allocated by the Budget. Pending Budget approval, staff would advertize, call for proposals for mediators, and immediately commence the mediation process, even prior to the pre-hearing on 5-8 of May 98.

Councillor van den Ham asked if "mediation" meant the services of a mediator or a facilitator would have to be engaged every time, or whether the process could take place more informally, with an applicant meeting with the Commissioner or Planning staff in an attempt to resolve disputes.

Mr. Marc suggested one or the other, or a combination of the two could be used, depending on the issue.

Councillor Legendre noted mediation was one option, and offered community-based conflict resolution as another.

Ms. Sweet said a number of staff had taken conflict resolution courses, and were familiar with the principles and their uses. She said these were used on a continuing basis, noting the Region had undergone a large review process resulting in only 32 appeals to date, partly because staff were able to use conflict mediation and resolution. She cited the example of the wetlands issue, which involved a great deal of discussion between staff and the public.

Councillor Legendre then brought to Committee's attention the existence of the Canadian Institute for Conflict Resolution, a world-renowned organization housed on the St. Paul University campus. He said the Institute offered courses, and recommended that both Councillors and staff could benefit from their use, noting a high percentage of the Region's police officers had done so.

Councillor Munter asked if the $57,000.00 recommended for the mediation process could not be used to hire, train and retain someone as a permanent in-house resource should a future need arise.

Mr. Marc did not anticipate it would be necessary to spend this money annually. He foresaw the possibility that more than one person might be required to mediate the ROP, and was not sure one person would have the expertise required. Mr. Marc said staff's approach allowed for the retention of the services of more than one person.

The Committee Chair pointed out that, as the Region was one party to the mediation, and those appealing the ROP to the OMB were another, the mediator would have to be at arm's length from both, and could not be on staff. The Chair also said he wondered how, with so many bosses with different voices, the person negotiating on behalf of the Region would feel they had the authority to agree to changes or modifications that might become unraveled when the report came back to Committee and Council.

Mr. Marc acknowledged this concern. He noted, however, that the process had worked for the City of Ottawa, and was hopeful it would be successful for the Region as well.

Committee Chair Hunter believed it was important to emphasize to Committee and Council that the Region would be trusting the person carrying out the mediation to look after the Region's best interests, and would be trusting in their abilities to do so. He believed the persons and parties in the mediation had to have ownership in the solution.

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

**That the Planning and Environment Committee recommend to Regional Council that, subject to the allocation of funding in the 1998 budget, the Region engage in a process of mediation with respect to the appeals to the Regional Official Plan.**

CARRIED

3. RESPONSE TO OUTSTANDING INQUIRY No. P&E-38
INFRASTRUCTURE NEEDS - SMYTH ROAD AREA,
OTTAWA-CARLETON HOSPITALS
- Planning and Environment Committee Co-ordinator's report dated 28 Jan 98

As Councillor Hume was unable to attend this meeting of Planning and Environment Committee, this item was tabled for discussion at the Committee's next regular meeting.

Moved by A. Munter

**That the following report be tabled:**

**That the Planning and Environment Committee receive this report for information.**

TABLED

REGIONAL CLERK'S ITEM

4. MISSISSIPPI VALLEY CONSERVATION AUTHORITY
APPOINTMENT - VOLUNTEER FOR ADVISORY SELECTION
COMMITTEE
- Regional Clerk's report dated 12 Jan 98

**That Councillor Hill volunteer to be a member of the Advisory Selection Committee to review resumés and recommend an appointment to the Mississippi Valley Conservation Authority, to complete the remainder of a term to expire 31 December 1998.**

CARRIED

INQUIRIES

Councillor Munter noted sewer upgrade work was being performed on Eagleson Road in an area where Hydro wires had come down during the rainstorm in August 1996. He inquired if, when major excavation work is being done, the Department consults with utility companies, such as Hydro, to give them the opportunity to place the wires underground. Mr. Sheflin, Commissioner, Environment and Transportation Department, explained all projects are circulated to all utility companies. However, the burying of Hydro wires was expensive and had been done on a limited basis. Hydro felt the costs were too high even when a road was being reconstructed.

Councillor Munter also referred to a letter addressed to the Regional Chair and circulated to all Members of Council from Friends of Petrie Island and inquired if a report on this issue would be coming forward to the Committee. Ms. Sweet explained the Department had not anticipated bringing a report forward on this particular item as it was a property issue. The two issues involving Petrie Island were the use of the island for picnics and the question of a sand lease with the sand operator. Councillor Munter noted there were proposals in the letter for action and requested an information report or memo to Councillors indicating the Department's actions in this regard. Ms. Sweet said she would bring an information report forward to Committee.

INFORMATION PREVIOUSLY DISTRIBUTED

1. Land Division Committee - Consent to Sever Appeal - Township of Rideau
   - Deputy Regional Solicitor's memorandum dated 15 Jan 98

2. Planning - Comprehensive Regional Official Plan
   - Regional Solicitor's memorandum dated 02 Feb 98

OTHER BUSINESS

ADJOURNMENT

The meeting adjourned at 5:25 p.m.

| | |
|---|---|
| *Original signed by* | *Original confirmed by* |
| *Kim Johnston* | *Wendy Stewart* |
| _____ | _____ |
| COMMITTEE COORDINATOR | COMMITTEE CHAIR |