

MINUTES

PLANNING AND ENVIRONMENT COMMITTEE

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

CHAMPLAIN ROOM

23 JANUARY 1996

3:00 P.M.

PRESENT:

Chair: G. Hunter

Members: D. Beamish, P. Clark, 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 09 January 1996.

CARRIED

PLANNING ITEMS

1. Public Meeting to Consider Draft Regional Official Plan Amendment 57 - Proposed Carlsbad Springs Water Supply Project and Schedule "B", Class Environmental Assessment for Water and Wastewater Projects
- Acting Planning and Property Commissioner and Environmental and Transportation Commissioner's joint report dated 9 Jan 96

At the outset, Committee Chair Hunter read a statement required under the Planning Act, wherein he advised that anyone whose intention it was to request referral of this Regional Official Plan Amendment to the Ontario Municipal Board must either voice their objections at the public meeting or submit their comments in writing. Failing to do so could result in refusal/dismissal of the referral by the Ministry of Municipal Affairs and the Ontario Municipal Board.

Jim Miller, Director, Engineering Division, Environment and Transportation Department, introduced the following staff members who have worked on this matter and were present to answer questions of the Committee. They were Mark Surtees, Project Manager;

Sharranne Paquette, Regional Planner; Joseph Phelan, Manager, Planning Policy Division; and Tim Marc, Solicitor, Legal Department.

Subsequent to a presentation by Mr. Miller and Ms. Paquette, the Committee heard from the following delegations:

Charlotte Greer, a resident of Carlsbad Springs since 1984, advised the Committee that she has endured problems with her water since she first moved to this area. She noted that she has been involved over the years in the water issue, in an effort to resolve the problems. She voiced her full support for the staff recommendations and commended staff for their work on this problem.

Donald Phillipson, noted that he has lived in Carlsbad Springs for twenty years. He asked staff to what extent the survey of adequacy of drinking water done in 1988 can be relied upon. For example, that survey shows 40% of the houses as not having drinkable water. Is staff proceeding on the assumption that this survey is still accurate within 20%? Mr. Miller answered that in 1991 when the Region embarked on the study that looked at private corrections, some resampling was done. This resampling indicated there was a continuation of the water quality problems. Mr. Surtees added that 23 homes were sampled in the hamlet and that approximately 10 of these homes were “resampled” (the same houses that were sampled in the 1988 MOE study) and the results were the same. The 13 additional homes also indicated the same magnitude of the problem.

Mr. Phillipson asked if Regional Council had guidelines about balancing the material need for safe drinking water with the interest of property values and convenience, when making its decision about which area should be supplied with water. Mr. Miller replied that staff tried to balance the available funding with the density, need and the level of support.

At Councillor Stewart’s request, Mr. Phillipson indicated that he does not support this system. He stated it appears there are at least 100 households who have no need for piped water and will probably never connect to it. They face the prospect of a lot charge of \$3,000 for no service. Councillor van den Ham pointed out they may not want to connect at this time, but should their wells go bad in the future they could change their minds.

Sean Ketcheson, pointed out that good quality potable water is a basic right. He advised that he does not have a problem with his water but many of his neighbours have poor quality and quantity of water. He expressed support for this system and he reminded the Committee that there are people in the area of Ninth Line Road that need potable water but will not receive it according to the staff recommendation.

Wayne Milloy, advised the Committee that he has lived in Carlsbad Springs on the Ninth Line Road for 21 years. On numerous occasions he has run out of water and has had to

purchase water at a cost of \$150.00 to \$200.00 each time. Three years ago he put in a new well and is still having problems with the quantity and quality of his water. He advised that he has read and studied the proposal to supply water to Carlsbad Springs and he fully concurs with the proposal. He referred to a survey he had taken of the people on Ninth Line Road which he had supplied staff with.

Councillor Beamish noted that the portion of Ninth Line Road that Mr. Milloy lives on is not included in the water service area. He suggested that this was because at the time the proposal was drafted, there was not 50% support for it. He asked what the level of support was at now. Mr. Miller advised that some people had recently expressed their support for this system and the level was up to 51%. Mr. Miller suggested that this area could be dealt with as a separate amendment. Councillor Beamish indicated that he would be putting forward a motion to direct staff to prepare an amendment in this regard.

Vincenzo Mimichilli, indicated that he has lived in Carlsbad Springs for 27 years and has never had any problem with his water; the situation is the same with his neighbours. He questioned why when he has no need for the water, he would be required to pay \$6,000 to connect plus a monthly water bill or \$3,000 if he chooses not to connect. He noted that this was not fair as only 2 or 3 people along his road need or want the water. He asked that Boundary Road be deleted from the service area.

Responding to questions from Councillor van den Ham, Mr. Miller advised that residents who choose not to connect to the water service would pay the \$2,800.00 frontage charge and would have the option to hook-up at a later date should their needs change.

Councillor Beamish added that the \$2,800.00 could also be debentured and assigned to the tax bills over a period of 10 years. Further, he noted that he would be putting forward a motion that would allow property owners to use their existing pressure tank and pump to draw either from their well or the holding tank; this will reduce the cost considerably.

Joanne Ingram, advised that she lives on Ninth Line Road between Hall Road and Boundary Road. She noted that up until October her property was included in the water service area however, in November the area was removed from the recommended service area and she could not understand why. According to the MOEE study, her water is designated as contaminated. The water coming out of her taps is brown, she is forced to buy bottled water and she has had to replace taps because of corrosion. She expressed hope that the amendment proposed by Councillor Beamish would include her property. As well, she empathized with those people who do not want or need the water but will have to pay a share of the project cost.

Councillor Beamish clarified that he is proposing that the water service continue from the point where it currently stops on Ninth Line Road easterly to Boundary Road.

Russell Monahan, stated he lives on Ninth Line Road and owns 4 properties in this area. He advised he has never had a problem with his well; the water has been tested and has always been fine. The property he lives on is over 100 years old and the well provides water for 50 head of cattle and at one time, 10 to 12 people living in the house. The well also supplied water for the area separate and public schools for 40 years. Mr. Monahan advised that he had taken a survey of the residents of Ninth Line Road from Farmers Way to Anderson Road and approximately 90% of the people are against this water system. He questioned why the Region is insisting on coming down Ninth Line and why the residents are being forced to accept this water. Mr. Monahan stated that some of his neighbours are under the impression that they will not be charged if they do not take the water or the charge will be reduced if they do not have a house on the property.

Mr. Monahan voiced concern about the proposed \$300.00 plastic tank. He stated that the unsealed tank will allow mice to get into it and also that the plastic will scum up. As well, he was doubtful that a 100 gallon tank could fit through the doorway and into the basement of his 100 year old farm house. The speaker also expressed concern about the tank if people go on vacation and it is left filled with water; the water would be unfit to drink on their return.

In response to questions posed by Councillor Stewart, Mr. Miller advised the tanks are not airtight as there is atmospheric pressure at the top of them; this is a safety consideration from a back flow perspective. These same systems are used in Alberta and have a proven track record. With regard to the sizing of the tanks, staff have spent a lot of time and effort to ensure there is appropriate turnover in the use of the water and that it stays fresh. Councillor Stewart asked if staff had considered how difficult it would be to get the tank in the basement of a 100 year old farm house. Mr. Miller advised he has seen these tanks in basements and there was no difficulty in getting them in. He acknowledged that each instance is different and noted the tank does not necessarily have to be in the basement.

Councillor Legendre asked staff to comment on the non-pressurized tank and how it should be handled when the homeowners are away. Mr. Miller advised that the tank should be drained prior to departure and if the occupants are to be away for any length of time, they should have someone check on the plumbing periodically. André Proulx, Director, Water Division, added that the system is the responsibility of the property owner but assured Committee that the water quality will be safe.

Responding to questions from Councillor van den Ham concerning comments made by Mr. Monahan, Mr. Miller advised that every existing lot of record would be charged regardless of whether they hook up to the water or if there is no house on the property.

Arthur Larocque, advised he had consulted with an engineer with forty-seven years experience who indicated this system would not work. Mr. Larocque expressed concern

that the only way to get the proposed tank into his poured-concrete basement would be to drill a hole in it and he would not allow this to happen. He also noted he had called Environment Canada about this system and was advised they have not given approval to this system and would only test it when it was installed.

The speaker estimated the cost for installation of the system to his property would be in the neighbourhood of \$15,000. The reason for this is that he believes the pipe would have to be laid 16 feet down (through clay) and not 8 feet as indicated, as he has an existing 8 foot ditch fronting his property. As well, his septic system would have to be uprooted in order to connect the water to his house.

Mr. Larocque went on to say his well water tested perfectly, in both quantity and quality. He pointed out the houses in his area of Ninth Line Road are some seven miles from the village of Carlsbad Springs and for this reason, most of the properties are not experiencing problems with their water. He opined the reason for the contamination of some people's wells is because of construction on Rideau Road near Hawthorne Road. He noted construction companies are drilling down some thirty feet through the rock and the sewage from these pits is contaminating the wells.

In conclusion, Mr. Larocque stated he would move before he would even think of installing this water system on his property.

At Councillor Legendre's request, Mr. Miller responded to comments made by Mr. Larocque regarding the installation of the system on his property. He stated the service connection would have to be engineered so it would not freeze; this could be done using insulation for this short section or by going deep or a combination of these two solutions. The Region would be responsible for making sure the system works.

Don Moore, a resident of Anderson Road, expressed his support for this system. He noted he has experienced problems with the quantity of his water, particularly in the summer. He pointed out there is a community centre on Ninth Line Road where many family events are held and he voiced concern that even if the water is all right now there is no guarantee it will stay this way in the future. Referring to comments from speakers who indicated they have no problem with their water and should therefore not pay anything, Mr. Moore suggested these people should support their neighbours.

Mario Rodriguez, stated he did not feel comfortable that all of the alternative systems had been looked at to see if the proposed system is the best solution. He felt the proposed water system is very cumbersome with many problems associated with it (i.e. small quantities of water, high cost, maintenance, increase in taxes, water bill, etc.). In addition, he expressed concern about people who do not need the water having to pay for this system. He suggested the water quantity in the area should be tested (by drilling test

wells) and if it is adequate, a purification system (reverse osmosis) could be installed at a fraction of the cost of the proposed system. This type of system has been used in many parts of the world to purify sea water and has proven very effective. He estimated a plant could be built for Carlsbad Springs for \$1,000,000.00. As well, a series of permeators (filters) could be set up that would allow for further development. This type of system would guarantee the quality of the water. Mr. Rodriguez advised he had brought this to staff's attention at one of the public meetings.

In response to questions from Councillor Stewart, Mr. Miller advised that the system described by Mr. Rodriguez was not considered as an option because there is not an adequate supply of water. This fact has been proven by hydrogeologists in a thorough study of existing well records for the area. Mr. Miller also noted that point-of-use treatment was one recommendation staff had put forward to Environmental Services Committee in 1991; reverse osmosis could have been one type of treatment technique used. The direction from the Committee at that time was to go back to the community for consultation as there was overwhelming public support for a piped supply system. The Region's application for funding from the Province is specific to this concept and could not be applied to another system without Provincial approval.

Richard Laviolette, stated he lives on Boundary Road North and is in favour of receiving the water. He said he has run out of water on occasion but he is also concerned about the land uses in the area (i.e. a scrap yard) contaminating the water. He asked if the zoning of the area would change from rural to urban once the water system is in place. Committee Chair Hunter advised that zoning would not change unless the local municipality decided to do so and then they would have to hold public hearings in this regard.

Don Mason, a resident of Russell Road (near Boundary Road), commented on the alternative system proposed by Mr. Rodriguez. Mr. Mason felt it would not be a complete system, whereas the staff proposal is. Further, the costs associated with the purification system would be far greater than the \$5,100.00 per household attributed to the trickle feed system. He noted the quantity of water in the area is insufficient such that there are times when he cannot flush the toilet or do laundry. Mr. Mason sought clarification that if the system were installed, it would not have an effect on the property taxes except insofar as the value of the house is increased. Mike Sheflin, Commissioner, Environment and Transportation, agreed the only charge would be for water consumption; there is no surcharge for water. He noted it would be the Assessment Office that would determine if there should be an increase in the taxes for a property but opined that as this is not a full urban service, the homeowner should appeal an increase.

With leave of the Committee, some of the previous speakers made additional comments.

Mr. Larocque asked if consideration had ever been given to using the old wells at the Department of National Defence (DND) site in Edwards. Mr. Miller advised this issue came up a number of years ago and a hydrogeologist attempted to contact DND to determine the serviceability of those wells but they could not be located.

Mr. Rodriguez, referring to comments made by Mr. Mason, disagreed his proposal would be greater in cost than the trickle feed system. He noted the total cost for the trickle feed system is \$7.8 million to be shared by the Province and the people in the area. With the purification system, the original plant would cost \$1 million but if 4 or 5 plants were built, each additional plant would cost 1/4 or 1/5 of the original plant. With a number of plants, the amount of pipe that would have to be used would be far less as well. This system would provide sufficient amounts of water for present and future needs.

Ms. Greer advised that a great deal of investigation went on between 1974 and today and the geology of the area precluded the use of communal wells. The system proposed by Mr. Rodriguez (reverse osmosis) would not work in individual homes because many of them do not have a sufficient amount of water. She noted that although the trickle feed system may be experimental, it is the best solution that has been arrived at to-date. If this experiment does not work, the residents will be back talking to the Region. Ms. Greer asked also that the members to keep in mind that there is a community centre on Ninth Line Road (adjacent to a sod farm that uses pesticides) that is not going to be serviced.

Mr. Monahan stated the community centre on Ninth Line Road uses an 8" drilled well and is only 1000 feet from his house. He is of the opinion that the water is safe. He also brought to the Committee's attention the existence of artesian wells on Mitch Owens Road (the old navy base) that provide water at approximately 25 pounds of pressure.

Councillor Stewart asked staff to comment on the plastic tank scumming up. Mr. Proulx advised it will be up to the home owner to maintain the tanks. He suggested if people are going to be away, they should drain their tanks and then flush their lines. The system will contain a residual disinfectant that will not allow scum to occur. Mr. Miller added he is not aware of any health problems associated with the use of the plastic tank. He noted plastic piping for water has been used for many years and he does not anticipate any problems using the plastic tanks.

Responding to questions from the Committee concerning the inclusion of Ninth Line Road in the amendment, Mr. Marc advised it would be best not to include this area in Amendment 57 but rather it should be dealt with as a separate amendment with further notification. Councillor Beamish asked how quickly this amendment could be prepared and presented to the Committee. Ms. Paquette advised 30 days notice of a public meeting is required and she estimated the total time would be 6 weeks.

Councillor van den Ham asked if a resident chose not to hook up at this time, but wished to hook up sometime in the future, would this be possible and would the cost of \$2,300 remain the same? Mr. Miller advised that residents could hook up at anytime; however, the cost would probably increase.

Councillor van den Ham referred to a petition received from residents of Russell Road in the Township of Cumberland which indicated opposition to the proposed water system. In this regard, he put forward a motion which would remove that portion of Russell Road in Cumberland from the serviced area.

Councillor Beamish submitted the following motions for the Committee's consideration.

That Amendment 57 of the Official Plan (1988) of the Regional Municipality of Ottawa-Carleton be amended to replace "trickle feed demonstration system" with "alternative standard system" and that the second sentence of Policy 12 beginning with "This system will provide..." be deleted.

That the departmental recommendation #2 be amended to read: "That Planning and Environment Committee and Council endorse the "trickle-feed" concept as an approved alternative standard system and that the service area be as shown in Annex B".

That Regional staff be directed to request to the Ontario Clean Water Agency and the Provincial Minister of the Environment that an extension of the March 31, 1996 funding deadline for work to begin on the Carlsbad Spring Water Project, be granted.

That the Regional Regulatory Code be amended to provide that in the area serviced by the Carlsbad Springs alternative standards water supply system properties shall be permitted to utilize the same pump and pressure tank for the municipal and private supply of water provided that a back flow preventer is installed.

That staff be directed to bring forward an official plan amendment at the earliest possible opportunity to provide the alternative standards water supply system to properties along Ninth Line Road.

Councillor Munter asked if Councillor Beamish's amendment to replace trickle feed system with alternative standard system would place the program in jeopardy. Mr. Miller responded that although this is a more generic wording, it is his understanding that it is specific to this application. Councillor Beamish confirmed that if the trickle feed system is the only system the Province will approve, then it will be accepted. Mr. Marc added that he had discussed this motion with Councillor Beamish and at this time, the project remains committed to trickle feed. This motion would allow changes to the system subject to Provincial approval and amendments to the Environmental Assessment.

Councillor Cullen asked for staff comment on Councillor Beamish's motion concerning the use of the same pump and pressure tank for municipal and private water with a back flow preventer. Mr. Miller advised there may be a plumbing code issue that would have to be investigated. He cautioned that anyone who intends to do this, should be advised to obtain professional help. If their well is contaminated there is the potential for cross contamination in their internal plumbing. There will be security in the public system in the form of two back flow prevention devices. Mr. Marc undertook to investigate the plumbing code issue and advise on same prior to this matter being considered by Council. (N.B. A copy of the Legal Department's memorandum is attached at Annex A.)

Responding to questions concerning Councillor Beamish's motion to request an extension of the funding deadline, Mr. Miller advised he did not believe it would jeopardize funding. However, he advised it would be best for staff to proceed with obtaining tenders for the piping material on the concept as proposed. Councillor Beamish agreed that a non-response from the Province, by the time the tender is ready to be awarded (sometime in March) should be construed as a "no".

Councillor Beamish advised that through discussions with the Minister's office he learned previous requests for extensions to the deadline were denied because they were done at the staff level and not by resolution of Regional Council.

Committee Chair Hunter thanked the members of the public for attending the meeting and speaking to this matter both for and against. He noted he was impressed by the number of people who, through no fault of their own, have an inadequate, unhealthy water supply. The Region has to try to meet the basic needs of the community as efficiently as it can. Undoubtedly, there will be those who are impositioned because their property is located in the service area and will have a charge imposed on them for no personal need. However, it is his belief that a remedial system is needed to provide an adequate water supply for the greater Carlsbad Springs area. For this reason, he expressed support for the amendments put forward by Councillor Beamish and the motions of staff.

Moved by D. Beamish

That Amendment 57 of the Official Plan (1988) of the Regional Municipality of Ottawa-Carleton be amended to replace "trickle feed demonstration system" with "alternative standard system" and that the second sentence of Policy 12 beginning with "This system will provide..." be deleted.

CARRIED

Moved by D. Beamish

That the departmental recommendation #2 be amended to read: “That Planning and Environment Committee and Council endorse the “trickle-feed” concept as an approved alternative standard system and that the service area be as shown in Annex B”.

CARRIED

Moved by D. Beamish

That Regional staff be directed to request to the Ontario Clean Water Agency and the Provincial Minister of the Environment that an extension of the March 31, 1996 funding deadline for work to begin on the Carlsbad Spring Water Project, be granted.

CARRIED

Moved by D. Beamish

That the Regional Regulatory Code be amended to provide that in the area serviced by the Carlsbad Springs alternative standards water supply system properties shall be permitted to utilize the same pump and pressure tank for the municipal and private supply of water provided that a back flow preventer is installed.

CARRIED

Moved by D. Beamish

That staff be directed to bring forward an official plan amendment at the earliest possible opportunity to provide the alternative standards water supply system to properties along Ninth Line Road.

CARRIED

Moved by R. van den Ham

That the Cumberland portion of the Russell Road service area be deleted from the current schedule.

CARRIED

The Committee then considered the staff recommendations as amended by the foregoing:

1. Having held a public meeting, that Planning and Environment Committee recommend that Council approve Regional Official Plan Amendment 57, attached as Annex A to this report, as amended;
2. That Planning and Environment Committee and Council endorse the “trickle-feed” concept as an approved alternative standard system and that the service area be as shown in Annex B, as amended;
3. That Planning and Environment Committee and Council direct staff to proceed with the necessary bylaws dealing with financial cost recovery and connection requirements subject to Regional Council’s approval of Regional Official Plan Amendment 57.
4. That Planning and Environment Committee and Council, subject to recommendations 1 and 2, approve the tendering of a contract to pre-purchase the polyethylene (PE) piping required for the project with the purpose of meeting the Ontario Clean Water Agency deadline of March 31, 1996 to secure the funding committed.
5. That Amendment 57 of the Official Plan (1988) of the Regional Municipality of Ottawa-Carleton be amended to replace “trickle feed demonstration system” with “alternative standard system” and that the second sentence of Policy 12 beginning with “This system will provide...” be deleted.
6. That Regional staff be directed to request to the Ontario Clean Water Agency and the Provincial Minister of the Environment that an extension of the March 31, 1996 funding deadline for work to begin on the Carlsbad Spring Water Project, be granted.
7. That the Regional Regulatory Code be amended to provide that in the area serviced by the Carlsbad Springs alternative standards water supply system properties shall be permitted to utilize the same pump and pressure tank for the municipal and private supply of water provided that a back flow preventer is installed.
8. That staff be directed to bring forward an official plan amendment at the earliest possible opportunity to provide the alternative standards water supply system to properties along Ninth Line Road.
9. That the Cumberland portion of the Russell Road service area be deleted from the current schedule.

CARRIED

2. City of Kanata Official Plan Amendment No. 35
- Acting Planning and Property Commissioner's report dated 4 Jan 96

WITHDRAWN

3. Draft Plan of Subdivision 06T-92002, Phase IV, Part Lot 27, Concession VI,
City of Kanata
- Acting Planning and Property Commissioner's report dated 8 Jan 96

WITHDRAWN

4. Report to the Provincial Standing Committee on Resources Development Bill 20 -
Planning Act Reform
- Acting Planning and Property Commissioner's report dated 9 Jan 96
- Annexes I, II, III issued separately

Andrew Hope, Manager, Plans Administration Division, provided the Committee with an overview of the staff report. He noted the Provincial Standing Committee on Resources Development will begin conducting its hearings in Toronto on 12 Feb 96 and that Ottawa will be one venue for the hearings. It is expected that Bill 20 will be proclaimed on 1 Jul 96.

Mr. Hope went on to explain that staff will present a report to the Planning and Environment Committee on the revised Provincial policy statements at the meeting of 13 Feb 96 and this will then be submitted to the Province by their deadline of 4 Mar 96.

At the request of Councillor Legendre, Mr. Hope clarified that the recommended position under Section 1.4 of the staff report (Official Plan/Amendment Adoption and Approvals Timeline) was not meant to infer that a public meeting on official plan amendments not be held but rather that the timeline allowed (i.e. by the 65 day milestone) was unnecessary. Tim Marc, Solicitor, Legal Department, informed the Committee that Councillor Cullen had brought the matter of the wording of this recommendation to his attention and had indicated his intent to bring forward a motion to clarify its meaning.

Referring to Section 1.1 of the staff report and staff's recommended support of "shall have regard to" versus "shall be consistent with", Councillor Cullen noted that during review of Bill 163, Council supported the wording "shall be consistent with". He asked staff for an explanation. Mr. Hope noted that during review of Bill 163, staff recommended the wording "shall be consistent with" together with some additional wording, as staff worried about the flexibility that would be exercised with the "shall be consistent with" phrase on

its own. However, the additional wording was refused by the Province. In order to protect the Region's interests from an over-zealous application of the policies, staff feel comfortable with the phrase "shall have regard to". As well, the current government's comprehensive policy statements are less onerous than those associated with Bill 163.

Councillor van den Ham asked for clarification on Section 1.7 and staff's recommendation regarding the appeal of lifting of holding zones. Mr. Hope explained that currently a municipal council passes a resolution to lift a holding zone and the Region does not have the ability to appeal that lifting. Typically, the municipality asks Regional staff to comment on the lifting, and this is done as a matter of course. However, it is possible the Region could have its infrastructure compromised by a decision of a Council that is not responsible for that infrastructure. The Region now comments on the service requirements of the original zoning but, in the evolution of the development proposals, changes could take place that could render these comments invalid.

Responding to questions from Councillors van den Ham and Munter, Mr. Hope advised Bill 20 eliminates the "as-of-right" use of accessory apartments. Instead, municipalities can still provide for accessory apartments through zoning by-laws, if the Official Plan policies permit it.

Councillor Hill had questions concerning the Ontario Municipal Board (OMB) referral/appeal process. Mr. Hope explained that Bill 20 proposes Regional Council be excluded from reviewing the legitimacy of referral requests (i.e. dismissing a request on grounds it is frivolous, vexatious, made for the purpose of delay); instead, appeals would go directly to the OMB. Over the years staff have found that having the provision of Regional Council reviewing referral requests, many disputes have been resolved effectively. It is estimated that 50 to 80% of official plan amendments in the regions of Ontario will require OMB intervention if the referral process is lost.

Referring to page 4 of Annex 3, Councillor Hill expressed concerns about Subsection 17(34.1) whereby an approved plan or part of a plan could be deferred for up to 6 months. She disagreed with the wording of this section as it refers to an approved plan. Mr. Hope explained the intent of this provision is to allow staff, with the consent of the proponent, to defer a matter until certain other conditions are met; this provision exists currently under Bill 163. Mr. Marc added there have been many instances when Council has approved a portion of an amendment but deferred consideration of the rest. The purpose of the 6 month period is not to slow things down, but rather to ensure the person whose amendment has been deferred is going to have a right to get it back before either Council or the Ontario Municipal Board. He agreed if a plan were approved in full there would be no need to defer and he suggested the words "a plan or" be deleted from this section. Subsection 17(34.1) would then read "Where part of a plan has been approved..".

Grant Lindsay, Director, Current Planning, and Anne Tremblay, City of Gloucester Mr. Lindsay stated the City of Gloucester staff on the whole support the comprehensive analysis conducted by the Regional Planning Department on Bill 20. However, there was one area of concern; namely, Section 1.7 - Holding By-laws. He noted currently the area municipality only requires a resolution from its council to remove a holding designation. This enables a municipality to respond expeditiously once the holding criteria has been satisfied to allow a developer to obtain the necessary building permit approvals. Mr. Lindsay pointed out the intent of Bill 20 is to expedite the development approval process; Regional staff's recommendation would needlessly involve another tier of government in the process and allow the Region two opportunities to appeal the same by-law.

As an example, he explained that in Gloucester, the holding zone is utilized after draft plan approval of a development; the developer proceeds through the approval process and once the appropriate agreements are registered and all of the holding criteria have been satisfied, the holding zone is lifted by resolution of the Council. The City also uses holding zone provisions for large tracts of development land to control the form of development and prevent premature development from occurring that would jeopardize the logical planning of the community. The City circulates all holding zone requests to the Region and include all of the relevant Regional conditions in the appropriate agreement. The subdivision approval process is controlled by the Region and it is the approval agency. In conclusion, Mr. Lindsay stated it is City of Gloucester staff's position that section 1.7 is not necessary and he recommended that it be deleted.

Mr. Hope, responding to the issues raised by Mr. Lindsay, pointed out that holding zones do not always involve a site plan application and therefore there is a potential that some Regional interests (i.e. infrastructure) could be compromised by the lifting of a holding zone. Mr. Lindsay stated when the original zoning bylaw is passed, that is the time to undertake the negotiations with respect to servicing capacity. Most municipalities in the Region are responsible enough that they would not approve a by-law in an area that clearly could not be serviced.

Amy Kempster, Federation of Ottawa-Carleton Citizen's Association, provided the Committee with a written copy of her presentation, which is on file with the Regional Clerk. Ms. Kempster made reference to the fact that Bill 20 proposes to give the Minister absolute authority to approve a development charge by-law or amendment thereto. She felt that this change would be an imposition on municipalities' powers. Referring to Section 34(1) of the Planning Act (Section 20(1), 20(2) and 20(3) of Bill 20) and the proposal to delete the words "all or" from these sections, Ms. Kempster felt that the Region and lower-tier municipalities should retain the right to limit all building and all uses. Commenting on the proposed change in time to appeal to the OMB (from 30 days to 20 days), Ms. Kempster, noted that most Community Associations meet monthly and need the 30 days to respond adequately to changes in their neighbourhoods.

Ms. Kempster then made the following comments on the staff report:

- Section 1.1 - prefer “shall be consistent with” over “shall have regard to”
- Section 1.3 - do not agree that authority for determination of official plan/amendment exemption status should be delegated to staff
- Section 1.5 - could support the staff position if they followed the mediation process model used by the City of Ottawa
- Section 2.2 - support staff position on reinstating the prematurity test for dismissal of OMB appeals/referrals

In conclusion, Ms. Kempster stated that many of the proposed changes in Bill 20 will make it more difficult for the average citizen to have input in the planning process.

Committee Chair Hunter drew the Committee’s attention to submissions received from Chris Jalkotzy and the Ottawa-Carleton Home Builders’ Association, which are on file with the Regional Clerk.

The Committee then turned their attention to the motions put forward.

Moved by A. Cullen

That the provision regarding the time to appeal to the OMB an approval decision be extended from 20 days to 30 days.

CARRIED

Moved by A. Cullen

That the provisions in Bill 20 (i.e. Section 20(1), 20(2), 20(3) of the Bill affect Section 34(1) of the Act with respect to land uses on contaminated lands, significant wildlife habitats, etc) to delete the phrase “all or” be withdrawn from the Bill.

CARRIED

Moved by A. Cullen

That Sections 17(34.1) and 17(34.2) be amended to delete the phrase “plan or”.

CARRIED

Councillor Cullen speaking to his motion regarding support for the phrase “shall be consistent with”, noted the previous Council supported this wording. He felt that “have

regard to” was not strong enough, merely requiring that provincial policies be considered. The wording “shall be consistent with” requires municipalities to show that their policies or official plan amendments meet the spirit of the legislation.

Mr. Hope noted that, with respect to Bill 163, the Region’s preferred wording was “shall be consistent with the spirit and intent of the Policy Statements”. This proposed wording was not accepted by the Province. It is staff’s position that “shall have regard to” is roughly equivalent to “shall be consistent with the spirit and intent of the Policy Statements”. Councillor Cullen agreed to amend his motion to “shall be consistent with the spirit and intent of the Policy Statements”.

Moved by A. Cullen

That Recommendation 1(on page 58) be amended to read: “Support the wording of “shall be consistent with the spirit and intent of Provincial Policy Statements”.

LOST

NAYS: Councillors Hill, Hunter, Stewart and van den Ham.....4

YEAS: Councillors Cullen and Munter....2

Councillor Cullen put forward a motion to delete the reference to a 65 day milestone for holding a public meeting. He stated the purpose of this motion is to provide staff the flexibility of when to hold the public meeting. Mr. Marc agreed that this motion reflected the intent of staff to hold a public meeting but not to specify the day. He added that if it is the intention of the Committee to support the 65 day rule, the report should be amended to support 22(1)(b) as presented by the Province.

Moved by A. Cullen

That Recommendation 1.4 (page 61) be amended to read “Amend Section 22(1)(b) to delete the reference to a 65 day milestone for a public meeting” (i.e. amend Section 22(1)(b) to delete “within 65 days after the request is received”).

LOST

NAYS: Councillors Hill, Stewart and van den Ham.....3

YEAS: Councillors Cullen, Hunter and Munter....3

Councillor Hill felt that the 65 day milestone for holding a public hearing should remain, in an effort to streamline the process and in this regard, put forward the following motion.

Moved by B. Hill

That Section 22(1)(b) of the Planning Act as in Bill 20 (Section 13) be supported.

CARRIED

YEAS: Councillors Beamish, Cullen, Hill, Hunter, Stewart and van den Ham....6

NAYS: Councillor Munter.....1

Councillor Munter asked that the Committee consider a motion to request the Province to provide municipalities with the tools to implement design control over new developments. He noted this matter is not covered by the current Planning Act. Presently municipalities can only negotiate design guidelines through conditions of site plan approval.

Moved by A. Munter

That the Regional Municipality of Ottawa Carleton recommend that municipalities be given the tools to implement design controls over new developments.

LOST

NAYS: Councillors Hill, Hunter, Stewart and van den Ham.....4

YEAS: Councillors Beamish, Cullen and Munter....3

Speaking to his motion on opposing the repeal of those parts of Bill 163 which allowed accessory residential units, Councillor Munter felt municipalities cannot tell homeowners they are not allowed to convert their basements into apartments. Provided they adhere to the Building Code, Property Standards By-laws and other relevant regulations, homeowners have a right to have accessory apartments.

Responding to questions from Councillor Stewart, Mr. Hope advised that input from municipal staff and the development industry indicated Bill 120 usurped a municipality's authority to determine appropriate parking arrangements and to impose site plan conditions on dwelling units that were going to be used for accessory apartments. Staff have attempted to accommodate the interests of the area municipalities and support the repeal of those portions of Bill 163 which allowed accessory apartments in existing residential dwellings.

Mr. Marc advised, in response to questions from Councillor van den Ham, that staff support the repeal of those sections of Bill 163 that made accessory apartments as-of-right. As well, they support Section 59 of Bill 20 (page 47) which makes changes to the

Municipal Act regarding accessory units. Municipalities would not have to allow accessory apartments as-of-right but could choose to implement policies in this regard.

Moved by A. Munter

That the RMOC oppose the repeal of those parts of Bill 163 which allowed accessory residential units, since municipalities should not be dictating to homeowners whether homeowners should be allowed to convert their basement into an apartment (so long as it conforms to the Building Code, Property Standards By-law and other relevant regulations).

LOST

NAYS: Councillors Beamish, Cullen, Hill, Hunter, Stewart and van den Ham.....6

YEAS: Councillor Munter....1

Councillor Beamish put forward a motion to delete recommendation 1.7 from the staff report which deals with the ability of the Region (or other agency responsible for delivery of water, sewer, road, transit and stormwater services) to appeal the lifting of a holding zone. The Councillor expressed his agreement with the remarks made by Mr. Lindsay on this matter. He asked staff why the upper tier municipality could not look after their interests at the time of zoning. Mr. Hope advised staff cannot anticipate all of the combinations that will come out of a development proposal covered by a holding zone. When the ultimate zone gets approved, staff might not have had the tools with which to comment accurately on it.

Councillor van den Ham asked if a holding zone was lifted and the underlying zoning were in place, would it be possible to deny the developer a building permit on the basis that the services were not in place. Mr. Marc, stated that although he would tend to agree with this statement, he could not say conclusively that this would happen.

Moved by D. Beamish

That staff recommendation 1.7 be deleted from the report.

LOST

NAYS: Councillors Beamish, Hill, and van den Ham.....3

YEAS: Councillors Cullen, Hunter and Stewart....3

The Committee then considered the staff recommendations as amended by the foregoing.

- , 1. That Planning and Environment Committee recommend that the following report and annexes, as amended by the following, be received and adopted by Council as its position on the Planning Act amendments in Bill 20 and forward this package to the Provincial Standing Committee on Resources Development, the Ministry of Municipal Affairs and Housing and the Association of Municipalities of Ontario.
2. That the provision regarding the time to appeal to the OMB an approval decision be extended from 20 days to 30 days.
3. That the provisions in Bill 20 (i.e. Section 20(1), 20(2), 20(3) of the Bill affect Section 34(1) of the Act with respect to land uses on contaminated lands, significant wildlife habitats, etc.) to delete the phrase “all or” be withdrawn from the Bill.
4. That Sections 17(34.1) and 17(34.2) be amended to delete the phrase “plan or”.
5. That Section 22(1)(b) of the Planning Act as in Bill 20 (Section 13) be supported.

CARRIED

ENVIRONMENTAL SERVICES ITEMS

5. Waste Recycling (Ottawa/Hull) Inc. Application to Amend Certificate of Approval A710018 for a Public Drop Off Facility at 1630 Startop Road, Ottawa, Ontario
- Director, Solid Waste Division, Env. & Trans, report dated 27 Dec 95
1. That the Planning and Environment Committee on behalf of and acting in its delegated authority from Regional Council, decline to object to the application for an amended Certificate of Approval by Waste Recycling (Ottawa/Hull) Inc. with respect to its Public Drop Off Facility located at 1630 Startop Road, in the City of Ottawa, provided that the Certificate of Approval issued by the Ministry of the Environment and Energy (MOEE) is in accordance with the written information provided to the Regional Municipality of Ottawa-Carleton.
2. That the Planning and Environment Committee confirm that recommendation number one of this report is contingent upon the support for the facility of the local municipality in which it is located.

3. That the amendment to the Certificate of Approval be for a limited duration of one year since the Region is proceeding with a comprehensive Blue Box Program in 1996.

CARRIED

INFORMATION PREVIOUSLY DISTRIBUTED

- Lynwood Gardens Trailer Park

A/Medical Officer of Health's and Environment and Transportation Commissioner's joint memorandum dated 15 Dec 95

INQUIRIES

Councillor Munter stated he had received inquiries concerning the use of water from fire hydrants and the method of "honour system" billing for this water. He noted that there were concerns that the people taking the water were not accurately declaring the amount of water they were using. He asked for staff's comments on a better billing system. Andre Proulx, Director, Water Division, advised that this issue will be examined as part of the Corporate Review.

Councillor Legendre, referring to a record of tender opening for the solid waste collection, noted a discrepancy in the numbers for one of the bids. He asked that staff look into this. Responding to further questions from the Councillor, Pat McNally, Director, Solid Waste Division, advised that a report on the solid waste collection tenders would be presented to Planning and Environment Committee on 13 Feb 96. In addition, a briefing session for all Councillors is planned for Friday, 9 Feb 96 at 9:30 a.m. in the Colonel By Room.

ADJOURNMENT

The meeting adjourned at 7:55 p.m.

COMMITTEE COORDINATOR

COMMITTEE CHAIR