

MINUTES

PLANNING AND ENVIRONMENT COMMITTEE

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

CHAMPLAIN ROOM

26 NOVEMBER 1996

3:00 P.M.

PRESENT:

Chair: G. Hunter

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

Regrets: P. Hume

CONFIRMATION OF MINUTES

Councillor Legendre referred to page 3 of the Minutes, and requested that the last sentence in the third paragraph be amended to read "The Councillor requested, and was assured that specific, measurable, written environmental goals will be provided in future reports and RMOC documentation." Nancy Schepers, Director, Water Environment Protection Division, stated it was staff's intent to respond to Councillor Legendre on this issue and advised his comments would be taken as clarification of his intent.

The Councillor went on to point out that on page 11 of the Minutes, the "vote" was missing from the last motion on the page (the staff recommendation, which Lost). After reviewing the meeting file, Committee Chair Hunter advised the record of the vote was inadvertently omitted from the minutes and that an erratum would be issued prior to the matter being considered by Council.

The Committee then considered the Minutes, as amended.

**That the Planning and Environment Committee confirm the Minutes of the meeting of 12 November 1996, as amended**

CARRIED

- Notes:
1. Underlining indicates a new or amended recommendation approved by Committee.
  2. Reports requiring Council consideration will be presented to Council on 11 Dec 96 in Planning and Environment Committee Report Number 47.

PLANNING ITEMS

1. PUBLIC MEETING TO CONSIDER  
DRAFT REGIONAL OFFICIAL PLAN AMENDMENT 61  
PROVINCIALY SIGNIFICANT WETLANDS  
- Planning and Development Approvals Commissioner's report  
dated 13 November 1996

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 (ROPA) to the Ontario Municipal Board must either voice their objections at the public meeting or submit their comments in writing prior to the adoption of the ROPA by Regional Council. Failure to do so could result in refusal/dismissal of the referral by the Ministry of Municipal Affairs and the Ontario Municipal Board.

Joseph Phelan, Manager, Planning and Infrastructure Policy Division, provided an overview of the staff report.

Responding to questions from Councillor Cullen, with regard to the minimum distance setback for adjacent lands (page 5 of the report), Mr. Phelan clarified under the previous Amendment (ROPA 45), the Provincial policy of 120 metres was respected regarding the adjacent land setback from wetlands. The new policy introduced by the Government in May, 1996, indicated a municipality could choose to enact whatever distance it wished, provided the impact on a wetland was considered at the time of development. He noted staff are recommending a distance of 30 metres as proposed by Mississippi Valley Conservation Authority and supported by the South Nations Conservation Authority and Rideau Valley Conservation Authority. Councillor Cullen pointed out the Ontario Municipal Board (OMB) decision on Leitrim established a distance of 100 metres. Mr. Phelan acknowledged this and advised that 30 metres relates only to a single family home on a single lot severance as the impact of a single home on a wetland 30 metres away would be minimal. He noted in plans of subdivision the impact would be greater and would therefore require greater setbacks; a Wetlands Impact Study (WIS) would automatically be required.

Referring to page 14, item 6(e) which speaks to a single family dwelling and accessory buildings being located outside the Provincially Significant Wetland (PSW), "if possible": Councillor Cullen asked for clarification. Mr. Phelan explained that lots of record are the responsibility of the local municipalities and the Region does not have direct input into that process. The purpose of this section is to encourage people, where possible, not to put the buildings in the wetland. Mr. Phelan added, if the words "if possible" were deleted, the policy would be difficult for the Region to implement.

Councillor Legendre, referring to Councillor Cullen's comments on the wording of item 6(e), noted there are other instances where wetland protection is in the hands of local municipalities and other bodies. In those instances, the Region requires those municipalities to incorporate into their official plans certain things. He suggested in this instance, the words "if possible" be removed and it be made a requirement of the local municipality. Mr. Phelan acknowledged this would be possible.

Councillor Legendre asked for an explanation of each of the three types of Wetland Impact Studies (WIS), namely, comprehensive, full site and scoped site. Mr. Phelan advised that a comprehensive WIS would look at a water shed basis and would be used with development of a very large scale; these would seldom be required. Generally, the full site or scoped site WIS would be used and they would examine the impact a proposed development would have on such things as flora, fauna and drainage within the wetland. The full site study is generally associated with plans of subdivision where there would be a larger impact because of such things as road work, excavation or alteration of the terrain. The scoped site is similar but looks only at the placement of the building, the laneway into the building, the septic field and the well. This would be "self-administered" by the applicant, reviewed by the Region and if necessary, a site visit done.

Responding to further questions from Councillor Legendre, Mr. Phelan advised the Provincial Policy Statement does not categorize wetlands by class (i.e. classes 1, 2, 3, etc) but rather wetlands are either Provincially Significant or not significant, as determined by the Province. He confirmed that regional municipalities are still at liberty to define a wetland as being Regionally significant. The Policy Statement deals with significant wetlands south and east of the Canadian Shield (shield wetlands); the Region, as part of its Official Plan Review, will look at features that fall within the Natural Environment Areas that are not Provincially Significant.

Councillor Stewart noted as part of the consultation process, the Amendment was circulated (in September) to all affected property owners in the Region. She asked how many notices were sent out. Mr. Phelan replied between 700 and 800 notices were sent out which included private property owners and agencies (i.e. National Capital Commission, local municipalities, utility companies); of these, close to 700 would have been to private owners. The Councillor then asked how many responses had been received from the private owners. Mr. Phelan advised that of the 37 responses received (as at 13 Nov when the report was written), only 6 were from private owners; these responses were considered when drafting ROPA 61. Councillor Stewart asked if any of the responses indicated anything significantly different than what was included in the report. Mr. Phelan drew the Committee's attention to the response from the Township of Goulbourn, which supports the amendment and in fact, requests stronger policies in certain areas. Mr. Phelan also referred to a number of form-letter submissions objecting to the Amendment, which were delivered just prior to the meeting; he noted that because the

majority did not provide the location of their land, he could not advise if they were affected by ROPA 61. He confirmed that no new technical information was received.

The Committee then heard from the following public delegations.

Linda Chopf began by saying she was pro-conservation of the wetlands. She noted she was just recently made aware that ROPA 61 will affect her, as approximately four of the twenty five acres of land she owns in West Carleton is wetland. She said much of the problem is that the wetland area of her property is not well defined and it appears that even land that is not wet is considered Provincially Significant. Ms. Chopf went on to say her major concerns were monetary (i.e. the value of her property will decrease) and the fact that government is dictating how privately owned land is used. She stated she is paying taxes on all of this property, including the wetland portion, and expressed concern that she is unable to access the dry portion of her property without going through the wetland; she questioned whether a road through the wetland would be acceptable in light of this Amendment. Ms. Chopf suggested, if the government wants to conserve wetland, they should purchase these lands and/or compensate the landowners for the loss of value of the land.

Responding to questions from Councillor Stewart, Ms. Chopf advised she was aware of the wetland on her property when she purchased it in April of this year (1996). However, she was not aware of the Provincial Policies affecting wetlands that would prevent her from using the property as she wished (i.e. being able to build a road), until September of this year when the Region's notice of ROPA 61 arrived.

At the request of Councillor van den Ham, Mr. Phelan advised that site alteration (e.g. the construction of a road through a wetland) is not encouraged in the Provincial Policy Statement. However, unless the relevant municipality undertakes a site alteration by-law, there is no Planning Act application associated with building a road on privately owned land and therefore nothing by way of a permit would be required. Councillor van den Ham interpreted this to mean that a road could be built. Committee Chair Hunter suggested Ms. Chopf meet with Mr. Phelan to review how the Provincially Significant Wetland boundary impacts her property.

Councillor van den Ham made reference to a comment made by Ms. Chopf concerning taxes on land designated Provincially Significant Wetland and pointed out there is a rebate program which returns all of a landowner's tax money for the area designated wetlands. He provided a telephone number to obtain the necessary forms.

Meg Sears, Wetlands Preservation Group of Ottawa-Carleton, related the many "off-site" benefits of wetlands, such as cleansing the water and the air and slowing the changes all other development is inflicting on the world. Ms. Sears opined wetlands are the most

important areas to preserve to maintain peoples' health into the future. Wetlands are also important for all wildlife, birds and fish as they spend at least part of their life within a wetland or they eat something that does; eliminating wetlands, cuts the base off of the food chain within the ecosphere. Ms. Sears went on to say the hydrological effects of wetlands are also very important, noting enough wetland has been destroyed that the Carp River floods every time there is a heavy rain. The speaker felt that too many wetlands have already destroyed in Ottawa-Carleton.

Ms. Sears referred to her written submission on behalf of the Wetlands Preservation Group (included in Annex C of the staff report) and offered the following additional comments, in light of the changes made to ROPA 61. The speaker disagreed that the South March Highlands and the Carp Hills are part of the Canadian Shield, and with the notion that these wetlands will not be protected. The Carp Hills and all of the wetlands in that area are very important, and should be protected. The Wetlands Preservation Group feels that boundary changes should require an Official Plan Amendment; "bureaucratic back room dickering" should not be allowed and is not part of the democratic process that we envisioned under the Planning Act.

Referring to page 13 of the staff report, third paragraph, which refers to Policies for Provincially Significant Wetlands and Adjacent Lands, Ms. Sears suggested the words "on adjacent lands" should be added after the words "regulation of site alteration". She felt this would clarify that "Fill, Construction and Alteration to Waterways" regulations would not apply to the wetland itself, but rather to adjacent lands. With respect to page 15, Policy 7, Ms. Sears advised the Wetlands Preservation Group could not support the idea of subdividing wetlands. Referring to Policy 8(b), on page 16 of the report, the speaker felt the conservation authorities suggested 30 metres as a minimum distance setback from wetlands (i.e. development at least 30 metres away from a wetland) yet, this policy sets out that development can occur within the 30 metres provided a Wetlands Impact Study (WIS) indicates there will be no negative impacts on the wetland. Ms. Sears pointed out the previous Provincial Policy Statement established 120 metres as a study area, and the OMB had rendered a decision which established 100 metres as the minimum distance. She felt the Committee should reconsider the proposed 30 metres.

At the Committee's request, Mr. Phelan spoke to the issue of the 30 metres. Mr. Phelan advised the 30 metres applies only in the event of an Official Plan Amendment or a consent for a single family dwelling and does not apply to lots of record. When dealing with a plan of subdivision, where the impacts could be potentially more significant, there would not be a minimum distance but rather a full-site WIS would be required. He noted the conservation authorities felt 30 metres was a reasonable distance to use as a study area; if the 30 metres is penetrated an impact study will have to be done, if outside of the 30 metres it is not necessary to do an impact study. Mr. Phelan went on to say that staff are proposing the 30 metres because the conservation authorities were the only ones who

came forward with a technical argument and it seemed reasonable in the Ottawa-Carleton circumstance to take the advice of the three conservation authorities.

Responding to questions from Councillor Legendre, with respect to the points raised by Ms. Sears about the Canadian Shield, Mr. Phelan advised the Provincial Policy Statement provides a detailed map which denotes the Carp Hills and South March as part of the Canadian Shield and exempts them from the more restrictive policy of the Province. Mr. Phelan went on to say this does not preclude Council from being more restrictive in this area, however, it was Council's direction that staff be no more restrictive than the Provincial Policy. He stated some of the shield wetlands are designated "Marginal Resource - Restricted" and, as part of the Official Plan Review, staff will look at all of the shield and wetlands (including wetlands that are not Provincially Significant) and advise Council on appropriate policies to deal with these areas

Mr. Phelan confirmed at the request of Councillor Cullen that the proposed 30 metres was not included in the ROPA 61 at the time the amendment was circulated; rather, the conservation authorities proposed 30 metres in response to the circulation. Councillor Cullen, referring to the joint submission of the Regional Conservation Authorities (included in Annex C), noted it speaks of "a minimum 30 metre setback" and that a wetlands impact study "...may reveal issues which would rationalize increasing this setback in instances where it could be demonstrated that wetland functions and values would be adversely affected by the proposed development." He asked if the latter point was encompassed in the wording of Amendment 61. Mr. Phelan agreed that ROPA 61 would require a study if development were proposed within 30 metres of the wetland boundary and the results of that study might indicate that the building should be 45 metres away from the wetland. Councillor Cullen felt the 30 metre trigger could pose a problem if development should only occur 45 metres away, yet the proponent is building at 40 metres away, however, because the building is outside the 30 metre point a WIS would not be triggered. He felt a more appropriate trigger should be considered.

Jennifer Sears spoke in support of the protection of the wetlands. She noted, as a resident of West Carleton, she had visited three of the Provincially Significant Wetlands and several smaller ones and related their importance to her. In addition to their recreational value (e.g. hiking and canoeing), wetlands are very important to people because their plants clean the air by removing carbon dioxide and pollutants and also filter impurities out of the water. The speaker noted as well, migrating birds and local animals depend on the wetlands and she stated she did not want to see either of them disappear. Miss Sears pointed out, if adjacent lands are not protected, wetlands will not survive. In closing, Miss Sears reiterated the importance of wetlands to people and animals and she asked that the Committee protect all of the Provincially Significant Wetlands (together with sufficient adjacent land) for the sake of the younger generation.

Rena Whelan-Paul, advised she was speaking on behalf of Mr. Harold Harnarine, President of The Association of Rural Property Owners (ARPO). She provided a written copy of Mr. Harnarine's comments (held on file with the Regional Clerk) which are summarized as follows:

- the issues raised by ARPO since 1994, have not been addressed in ROPA 61
- the major stakeholders in this matter, the rural landowners, were not initially consulted on wetland conservation
- the technical means of determining and mapping wetlands were faulty and imprecise leading to more land than merited being taken
- the "taking" of land from law-abiding citizens has resulted in a drop in the market value of their properties and these landowners should be compensated
- the Wetlands Working Group made it clear to the Region that the issue of compensation is a critical matter. The Region, however, rejected this notion stating it is not responsible for compensation
- Councillor Betty Hill has been an avid supporter of the rural landowners in their struggle for justice
- the Region is using "preservation of the environment" as an excuse to provide outdoor recreational space for urbanites and powerful interest groups such as Ducks Unlimited and Wild Life Habitat
- ARPO recommends that 1) The RMOC set up a small committee to study how compensation and/or other types of incentives are used for preserving wetlands and other forms of land designations in the rest of Canada and in Canada's major trading partners and 2) The RMOC take action to purchase outright the designated wetland properties if a satisfactory compensatory arrangement could not be negotiated with the landowner.

Ms. Whelan-Paul concluded by saying she failed to understand why something that is considered so valuable by the Province and the Region should result in her land being devalued. She added the offer of a tax rebate is unacceptable as the amount that would be rebated on the decreased value of the land is insignificant. She stated the landowners will not allow their land to be "stolen" and felt they should be compensated.

Hugh Gribbon, stated in 1993 the Region began a series of meetings with landowners on the "so-called wetlands" and noted Russell Township was informed of the Provincial Policy a year earlier than the Region. Mr. Gribbon said that prior to Mr. Harris being elected Premier of Ontario, he was questioned about the wetlands issue and said people with significant wetlands should be compensated. He felt the Natural Heritage Policy and ROPA 61 will go down in history as one of the greatest land grabs. He reminded the Committee that in 1974, the RMOC decided there was a need for conservation/recreation land but did not notify the landowners until 1978. He noted after spending thousands of dollars on meetings, the plan was defeated and resulted in an OMB decision that the

Region could not freeze land without purchasing it at a fair price. The next Regional proposal to be defeated was Greenspace 2000, followed by the New Democratic Party's Bill 163. Now the present Provincial Government has come out with the Natural Heritage Policy which has resulted in ROPA 61. Mr. Gribbon felt that landowners should not be punished because "out of control beavers" have caused flooding on their land. He urged the Committee to send a strong message to Queen's Park by not supporting ROPA 61.

Councillor Munter, on the issue of compensation, asked Mr. Gribbon if he felt, in the reverse, a landowner should compensate the Region for a planning process that increases the value of the land (i.e. land is redesignated from agricultural land to developable land). Mr. Gribbon pointed out the Region is compensated in this instance; as land value increases, assessment goes up and so do taxes. Councillor Munter countered with the fact that as land loses value, taxes also go down. Mr. Gribbon replied the assessment on his land has not changed.

Responding to questions from Councillor van den Ham, Mr. Gribbon advised his father purchased their land in 1939 and no wetland existed at that time. He said that beavers created the wetlands but when they were removed in 1978 the land reverted to being dry. However, a sand pit on neighbouring land to the rear of his property and lack of drainage has caused the back portion of his land to flood once again and is now considered significant wetland. Councillor van den Ham asked Mr. Gribbon if he had spoken with the Ministry of Natural Resources (MNR) in this regard. Mr. Gribbon replied he had no intention of talking with the MNR because once it is acknowledged the land is wetland, it will remain as such forever. He agreed landowners should be able to talk to the MNR if they do not agree with the wetland designation, however, many landowners who have been through this process have received no satisfaction from the MNR. Councillor Hill added the reason many of these people do not trust the MNR to do a fair evaluation of the land is that in many instances where the MNR was asked to reevaluate lands, the wetland boundaries were expanded.

Melville Gribbon, advised he was Hugh Gribbon's brother and he too spoke of the family farm in Osgoode Township. He noted that until 1950, when the Department of Lands and Forest brought beavers into the Township of Osgoode, there was always a shortage of water on the farm; it was the beavers that created the wetlands. Mr. Gribbon spoke of the 1970's move by the RMOC to designate conservation lands and noted the landowners responded in 1974 by forming the Osgoode Landowners Association. He referred to letters sent by this Association to the Region (contained in Executive Committee Report 24/78) which spoke out strongly in favour of purchasing (at fair market value) lands zoned conservation and these letters also outlined the problems with beavers and plugged drains and culverts. Mr. Gribbon noted after several intense public meetings this plan was canceled. However, this was not the end of it, in 1990 the Region came out with another land-grab, this time called Greenspace 2000 which was also defeated. Again in 1992 the



Province came up with Bill 163 (ROPA 45), however the landowners were not notified until 1993. The landowners formed the Association of Rural Property Owners (ARPO) to rally against ROPA 45 which resulted in the Region postponing the implementation of the Provincial Policies for one year to allow the Wetland Working Group (made up of members of ARPO, environmentalists and Regional staff) to deal with this crisis. Mr. Gribbon felt that although the Wetlands Working Group brought quite a few proposals forward, they do not seem to be incorporated in ROPA 61 and the few changes that have been made to this Amendment do not go far enough.

Mr. Gribbon stated if his land is declared Significant Wetland, he and his family will take whatever legal measures necessary to protect their rights. He referred to a case in law from the City of Toronto where it was decided that “everyone has a right to use his property any way he sees fit so long as he does nothing that would be an illegal nuisance to his neighbours”. In conclusion, Mr. Gribbon stated this matter has been ongoing since 1974 and he felt that after more than 22 years of uncertainty, the government (Regional, Provincial, Municipal or Federal) should buy this land at fair market value or “back off”.

Councillor Stewart referred to the 21 Oct 96 letter from the Minister of Natural Resources, in which he states that, in accordance with the Planning Act, planning authorities have the power to impose restrictions on land uses if it is deemed to be for the public good. She asked staff to comment on the perceived loss of property rights. Mr. Phelan confirmed that insofar as the planning implications, this has been the position of the Ministry of Municipal Affairs which is responsible for the Planning Act. As well, Ontario Municipal Board hearings dealing with Provincially Significant Wetlands have indicated decisions which are consistent with what the Ministry of Natural Resources advises.

David Underwood, provided the Committee with documentation pertaining to his presentation and a summary of his credentials (on file with the Regional Clerk). Mr. Underwood noted that although everyone is aware of the strong impact the wetland policy has on landowners, he suggested the Region did not realize the Amendment will be expensive and possibly impractical to enforce.

Mr. Underwood then went on to compare the way an Ontario Land Surveyor would prepare a survey to the way in which the MNR has prepared the wetland boundary maps. He noted an Ontario Land Surveyor uses precise measurements (to an eighth of an inch), while the MNR map is at a disadvantage to begin with because it is on a scale of 1/3600, which if scaled up, the boundary line would measure 10 metres wide. The speaker pointed out the wetland boundary shown on the map (page 3 of his submission) is not the water line and in fact, if one is standing on the wetlands boundary, the water cannot be seen. Mr. Underwood stressed the problem is that no-one really knows where the boundary lines are and therefore it is impossible to measure the 30 metres distance from the boundary line. By way of example, Mr. Underwood noted on his property, which he has

owned for 25 years and knows “like the back of his hand” he would only be able to locate a specified point within 30 or 40 metres.

The speaker noted the reason the wetlands boundary is very unique is that it is a botanical boundary (referred to page 4 of his submission) and is determined by the proportion of wetland plants and dryland plants. He said the MNR has utilized two versions of its wetlands manual (version 2 and version 3) in mapping the wetlands boundaries in the Region. Version 2 criteria was 25% wetland plants and 75% dryland plants, while version 3 is 50% wetland plants and 50% dryland plants; he pointed out the effect of this is version 3 (the higher percentage of wetland plants) brings the boundary closer to the water’s edge and, depending on the slope of the ground, the difference between the version 3 and the version 2 boundary could be 30 metres. Mr. Underwood noted he wrote to MNR to ask why they were using version 3 and found Mr. K. Harris’s response confusing (excerpts from Mr. Harris’s letter on page 5 of Mr. Underwood’s submission).

Referring to page 6 of his submission, Mr. Underwood described how the MNR located the wetland boundary lines. The observer (a botanist) is given an aerial photograph of the area and walks along the boundary line (as outlined in the MNR’s wetlands manual) to determine the appropriate ratio of wetland/dryland plants, referring every so often (at no specified intervals) to the aerial photograph to determine where he is. Mr. Underwood opined this is not an acceptable legal standard. He estimated the accuracy of the technique used is about 20 to 50 metres, using recent photography (i.e. within the last year), when in fact, in the case of West Carleton, the mapping was performed in 1990 and was based on aerial photographs taken in 1978. Mr. Underwood pointed out that wetlands (swamps) are highly fertile areas and it cannot be assumed that 12 year old aerial photos can be used to determine the sort of vegetation one can expect, let alone base a map on. When Mr. Underwood asked the MNR to provide a legal description of the location of the wetlands, the Regional Director advised the evaluation process did not produce legal property descriptions of Wetland Areas and Adjacent Land Buffer zones.

Mr. Underwood then outlined his conclusions on page 9 of his handout, namely,

- MNR wetland boundaries are costly to authenticate by Ontario Land Surveyors.
- MNR boundary sketches are unacceptable as legal property descriptions.
- land cannot be sold without legal description of wetlands or similar impediments and therefore, costs must be borne by land owners. This is both unjust and unprecedented.
- Regional enforcement action is impossible unless boundaries are legally established.

Referring to the last conclusion concerning Regional enforcement, Mr. Underwood provided the example of his neighbour who proceeded to build a road around the area designated as wetland on his property, after carefully consulting the Region’s wetland map and assuring himself the road was safely out of the wetlands. A Regional enforcement officer driving by, followed a gravel truck onto the property and advised the owner he

could not build a road in wetlands. The owner, who has satisfied himself he is on his own property, outside the wetland (according to the Region's map) challenged the Enforcement Officer to prove it. Mr. Underwood opined it would be highly unlikely the Region would be able to obtain a successful conviction in such an instance and he offered it could be a very useful precedent for other landowners.

In conclusion, Mr. Underwood offered the following recommendation: Regional legal and land acquisition officials must consult with Ontario Land Surveyors to assess cost impacts of unsurveyed boundaries on landowners and on the Region's enforcement process.

Councillor Beamish asked that Legal staff comment on the legal issues raised by Mr. Underwood. Tim Marc, Solicitor, Regional Legal Department, confirmed that land cannot be sold without a legal description. With respect to Mr. Underwood's comment on Regional enforcement, Mr. Marc stated he did not necessarily agree with this and by way of example, noted if a municipality passed a site alteration by-law, it would not be necessary to establish the legal boundaries of the property in order to enforce the by-law.

Councillor Legendre asked Mr. Underwood if he had any practical alternative to offer the Committee with respect to the definition for wetland boundaries. Mr. Underwood stated he could not offer an alternative other than "tossing the whole thing out".

Councillor Stewart asked staff if they could provide examples of how the implementation of the wetlands policies has worked in other Ontario municipalities. Mr. Phelan advised he could not provide any specific examples. He noted that other municipalities have used the "fuzzy boundaries" in their Official Plans and it appears to be working.

George Sander, a geophysicist, with a degree in geology advised he is a landowner in the Region. He noted he and his wife bought their land 20 years ago in what is now rural Kanata and he stated they have been harassed by a variety of authorities trying to restrict ownership and development on their land, since moving there. Referring to the Provincially Significant Wetlands Policy, Mr. Sander noted the preamble to the legislation, describes beautiful moors with steep peat moss soil in which ground water clears itself and rare birds fly about over unique plants. He stated this picture is a lie when compared to what has been actually mapped as significant wetlands.

Mr. Sander noted the MNR has been the only judge of the whole matter; it wrote the rules, executed the mapping and was the only arbitrator in the case of an appeal. People have had very little trust in their objectivity, as the MNR has systematically classified any wet spot in the Region as significant wetland. He referred to the MNR's criteria for wetlands as being anywhere where trees and other plants that like wet ground grow, the land should be restricted. The speaker went on to list other concerns with the MNR, namely, the mapping was done without consulting the landowners, by poorly trained staff.

Mr. Sander said he is convinced that 95% of all land designated as wetland is not at all Provincially Significant. Referring to his own land, he noted the wet ground is only 1 or 2 feet deep, underlined by solid bedrock; he said there is absolutely no public value to these wetlands, it does not even recycle water and it is in such a state because of beaver activity. The MNR has included his land (Class 2 and 3 wetlands) with the justification that it will protect more significant wetlands in the vicinity. Mr. Sander felt, if significant wetlands truly exist in the REgion, they should be bought by the public and preserved as parks.

The speaker felt an unbiased authority should be created which would first define significant wetlands properly and then pass judgment on the very questionable mapping. He stated it does no good to protest to the MNR against their mapping, if the rules of what should be mapped are wrong. In conclusion, Mr. Sander stated much public money has been wasted by these different campaigns to take over or restrict privately held land. He felt if the matter of land conservation had been approached more honestly and with concern for the rights of people involved, enough money could have been saved to create several nice parks in the Region by buying the land from the owners.

Frances Johnston stated since learning in November 1993 that the designation of Provincially Significant Wetlands had been applied to a former pasture infested with beavers, she has researched as many aspects of the issue as possible to determine if her “gut reaction” that this was morally wrong and factually wrong was justified. She volunteered to serve on the Wetlands Working Group, the Natural Environment Systems Strategy Working Group and the Rural Sounding Board. As well, she did much reading and research. This resulted in the following conclusions:

1. It is a very complex issue and not as black and white as environmentalists believe
2. There are negative aspects to wetlands such as the fact they contribute to global warming by producing methane gas and, as the tropic zone moves north, these wetlands will breed mosquitoes that cause malaria.
3. Information disseminated by both sides needs to be dissected for bias, agenda, accuracy and perspective. It is frightening that legislation has been drafted and accepted on the basis of one side of the argument.
4. Her initial reaction was right. She was advised that according to soil maps her property would not be wet if beavers were not involved. The Wetland Working Group was prepared to recommend that her property be deleted from the mapping however, she would not permit this as she did not believe her property was the only one thus affected.
5. The great amount money spent by bureaucrats across the Province of Ontario to implement this policy, together with the OMB hearing costs, could have made a significant difference in landowners attitudes in terms of education, at the least and at the most, bought up the desired lands.

Ms. Johnston went on to say she felt people who do not respect the environment will not be any more likely to change their behaviour based on legislation. She felt the suggestions offered by the Wetlands Working Group, namely, appeals to landowners, education, landowner's self-interest, land trust and leasing or purchasing lands, should have been given greater consideration.

Ms. Johnston then posed a number of questions and raised a number of points concerning Amendment 61. Referring to page 11 of the staff report, she asked if the assertion that agriculture practices are to continue includes permission to return to previous agricultural practices (e.g. grazing on pasture taken over by rodents or replanting land allowed to fallow near wetland that has moved in). Second, she pointed out that even though the Province has exempted the Carp Hills as part of the Canadian Shield, the Region will designate them something. As they are not considered Provincially Significant wetlands, these landowners were not notified of the change. Third, referring to the Provincial Policy Statement (item 3, page 11), that discusses the replacement of Section 5, (changes of language and introduces agriculture, mineral resources, provincially significant wetlands and the natural environment), she noted this passage does not mention endangered species while the Provincial Act does. She asked if the people affected by this section were notified of this meeting. Fourth, she asked how the statement in sections 5.5.1., paragraph 2 "Wetlands are important because they are essential components of ecosystems, they provide environmental, social and economic benefits that contribute to the high quality of life in Ottawa-Carleton" can be reconciled with the statement found on the next page that says "it is not the intent of this plan to allow public use or access on private lands without consent of the landowners for any purpose". Fifth, she asked what level of interest exists in any government, in knowing that what is designated actually represents the kind of land it is trying to save. She noted the Amendment states the Region will accept the MNR maps based on the latest edition of the evaluation system (the only recommendation of the Wetland Working Group to be included). The onus has been placed on the landowners to prove the land status and not on the government to get it right. Amendment 61 states further, that land will be designated and introduced without amendment but if a landowner shows that it is not wet, the cost of an amendment will be borne by him or her. It can be assumed there will not be much activity on the part of MNR to declassify land. Sixth, the issue of adjacent land is now open to interpretation. The Province has removed the 120 metres but time will tell what impact the various Environmental Impact Studies (EIS) or WIS will have on the landowners.

Councillor Stewart asked staff if the Region can stop the implementation of the wetlands policy. Mr. Phelan advised the Wetlands Policy is being implemented already when looking at development approvals, for example, consents to sever or through local official plans, zoning by-laws, plans of subdivision or condominiums.

Councillor van den Ham pointed out the Region is only implementing this policy, because the Provincial Government is saying the Region has to. He asked Mr. Phelan if staff felt ROPA 61 is a better interpretation for the residents than what was proposed by the Province. Mr. Phelan replied it is and noted ROPA 61 provides for flexibility regarding the wetland mapping and flexibility in interpretation under development applications. Councillor van den Ham, noted Mrs. Johnston made mention of endangered species and asked if this is part of the evaluation system as it exists. Mr. Phelan advised that indirectly it is; the Natural Heritage Policy specifically addresses significant wildlife habitat areas and through that, endangered species. This amendment deals only with significant wetlands however, there is an overlap. Councillor van den Ham noted it was his understanding that if a person has one endangered species on their property, it is automatically a wetland. Mr. Phelan stated he believed this to be true.

Paul Van Steen, General Manager, Urbandale Corporation, referred to Page 6 and 7 of the report which indicates that Regional staff are proposing not to designate a wetland within the Bridlewood urban area and it notes as well, that the City of Kanata had not yet responded to the circulation of ROPA 61. Mr. Van Steen advised that last Tuesday, the City of Kanata passed a resolution supporting the Region's proposal. Mr. Van Steen expressed Urbandale's support for both the Kanata and the Regional staff positions.

Councillor Munter stated he was puzzled by some of the rationale for not including the lands in question in ROPA 61. He noted that on page 7, the report speaks of there being no measurable impact on Stony Swamp, which would be good rationale if this is the case, however the other points raised (i.e. land designated for development in the Local and Regional Official Plan, draft approval of the subdivision before the Wetlands Policy enacted and an existing subdivision in the area on a much more significant wetland) do not seem to provide a good argument. Mr. Phelan replied that the most important issue is that the EIS concluded the impact on Stony Swamp would not be measurable. He noted in Amendment 45 there was a provision for exemption of plans that had been draft approved and, although Amendment 61 contains no such exemption, this application predated the Wetlands Provincial Policy Statement. The provisions of the then Act, which would be applied, would allow for development to proceed. All of these facts combined led staff to recommend the land not be included in ROPA 61. Responding to further questions from Councillor Munter, Mr. Phelan confirmed that the MNR does not agree with this position.

Murray Chown, Novatech, appeared on behalf of 1048219 Ontario Inc., referred to as Page 8 of the report. He noted his client is the owner of Provincially Significant Wetland located in the Village of Stittsville, which is shown on Schedule 17. Mr. Chown stated he generally concurred with the staff report, subject to the following comments. He stressed the importance of maintaining flexibility in the interpretation of the boundaries of the Provincially Significant Wetlands. Referring Policy 3 (page 13) he noted it clearly indicates there is room for interpretation of the boundaries without amendments to the

Official Plan. He expressed his full support for this policy as presented and stated he would object to it being changed in any way.

With respect to the WIS, Mr. Chown stated his client anticipates coming forward with a subdivision application on its land. This land is adjacent to the wetlands and would clearly require a WIS in support of that development application. He noted what is not clear, is what that study would entail. He clarified his support of ROPA 61 was subject to a better understanding of what studies may be required. He said in conversations with staff he was given to understand that once Council has dealt with ROPA 61, staff will prepare guidelines for the WIS. He stated he would be anxious to see the progress of these guidelines as soon as possible so that the opportunity to refer this Amendment to the Board (if it is determined the requirements are onerous), is not lost.

Len Perkins provided a written submission, which is on file with the Regional Clerk. He noted he and his wife have owned land in Osgoode Township for 25 years and have fought the various "Conservation Land" processes on their own time and at their own expense. He stated this process is dictatorial and undemocratic towards landowners and advised that various members of Government (e.g. Walter Baker, Eugene Bellemare and Norm Sterling) have spoken out against it.

Mr. Perkins reminded the Committee that rural landowners pay their fair share of taxes, yet they are being asked to be land stewards for the public good. He questioned what benefit the rural landowners would receive for their tax dollars. Mr. Perkins went on to explain that because of a recent Assessment Notice, he is unsure where his actual property boundary lines are. An Assessment Notice he received in 1994 stated he owned eighty-two acres, according to information provided by the Ministry of Natural Resources; this is approximately twenty-two acres more than the sixty acres set out in his property Deed and, the Province wants to declare in excess of sixty-five of these acres as Provincially Significant Wetlands. Referring to the wetlands rebate tax, Mr. Perkins advised his total yearly rebate is \$101.98.

The speaker stated he had consulted with a land surveyor who questioned the validity of the Ministry's mapping system. Mr. Perkins felt it unfair that after having their land zoned "sterile", the landowners must now pay to fight this designation. He felt the Ministry has demonstrated poor planning ability in that pit and quarry designations take precedence over wetland locations. This has encouraged some wetland owners to revert to pits and quarries leaving communities with torn landscapes that must be rectified by area residents.

In conclusion, Mr. Perkins noted the Province already owns 92% of land and he questioned their need for more. He referenced reports from various Committees and focus groups who all recommended that landowners should be compensated at fair market

value. He cautioned that should this appeal be ignored, he would have no choice but to seek alternative action.

Responding to questions from Councillor van den Ham, Mr. Perkins advised his land, which is part of the Osgoode Bog, was designated totally agricultural when he purchased it 25 years ago. This changed in the early 1970's to a conservation designation which was fought against by the Osgoode Landowners Association and defeated. Councillor van den Ham asked Mr. Perkins what he would be prevented from doing on his property, under the Wetlands designation. Mr. Perkins replied he could not build a road as it upsets the ecology of the area and he understood there is a possibility the cutting of trees would be restricted (he has a woodlot with over 14,000 Christmas trees). Councillor van den Ham stated he understood a Christmas tree operation (or normal forestry) would be a permitted use under wetlands. Mr. Perkins added that if his land is devalued, he would not be able to use it as collateral for a bank loan.

Councillor van den Ham, referring to a comment Mr. Perkins made regarding a tax rebate, noted the Assessment Office had advised him that when a designation is changed to wetlands, a new value per acre is assigned and the assessment is based on this lower value. The Assessment Office receives from the MNR a calculation of the acreage that is designated Provincially Significant Wetland, the land is assessed at the lower value and a rebate on lower value is issued which results in the payment of zero tax on the wetland. Mr. Perkins explained, if a landowner accepts this rebate, they are in fact acknowledging that their land is wetland (whether it is true or false) and it would be up to the landowner to then prove to the MNR that it is not.

Lambert McCarthy drew the Committee's attention to Page 23 of the staff report and advised he owns the left portion of Lot 12, Concession 1, Goulbourn. He pointed out that Lot 13 is a Regional forest with many beavers and dams that have caused flooding. Because of this, the wetland boundary has moved over into the western half of Lot 12 (Mr. Lambert's property) which changes his land from being adjacent lands to being wetlands. He said he contacted the Region, Goulbourn Township and the MNR to do something about the beavers, without success. Mr. Lambert expressed concern because he had heard talk of even more of his land being taken as wetlands some time in the future. Mr. Lambert asked that the Committee move the boundary line off of his land and direct that the beavers be controlled on the Regional property.

Councillor Beamish noted that over time, wetlands will continue to expand; he asked if the boundaries would be reviewed every five years, as part of the Official Plan Review. Mr. Phelan advised there would be an opportunity through the Official Plan reviews to reevaluate all of the wetland boundaries and all of environmental features as they change (shrink, get larger). Councillor Beamish suggested this would become a massive project every five years, as big as the ROP review itself. Mr. Phelan noted the ROP review



examines every element within the Official Plan, wetland boundaries would be just another part of the review. Councillor Beamish questioned who would establish the new boundaries as a result of an ROP review (e.g. MNR staff). Mr. Phelan advised that presently, mapping is the responsibility of the Province, however, it would be up to Regional Council to decide whether to take on this responsibility.

Karl Lukowski stated that much of the land designated as wetland is actually flooded land caused by the beavers. He also felt that part of the problem is that municipalities are not doing their job in providing proper drainage for properties or, they do not maintain them. He felt it would be best to go back and establish the actual boundaries of the swamplands, rather than including everything that is currently wet. Mr. Lukowski opined that the beavers are breeding in incredible numbers and, if the problem is not controlled, half of Cumberland Township in the area of Mer Bleu will be flooded.

Councillor Stewart noted beavers are the single biggest complaint with landowners; she asked what the municipal or Regional role in beaver control is and whether maintenance of drainage to rural privately owned property is within the Region's mandate. Mr. Phelan noted a document prepared by the MNR explaining options for controlling beavers on private land has been made available to landowners. He advised landowners have the right, on their own property, to control beavers in a humane way. With respect to the responsibility for maintaining drains, local municipalities are responsible. The Region tries to maintain drains along Regional Roads, however, without great success. Commissioner Tunnacliffe added it is not the Region's responsibility to control beavers on private land.

Having heard from all public delegations, the Committee then turned their attention to the motions put forward.

Councillor Cullen referring to page 13 of the report, noted one of the presenters had suggested the wording in the last sentence of the third paragraph be amended by adding "to lands abutting the wetlands". Mr. Phelan confirmed this would be fine. Committee Chair Hunter suggested the wording be amended to read "to adjacent lands" so as to be consistent throughout the Amendment. Councillor Cullen agreed to this change.

Moved by A. Cullen

**That Amendment 61 be amended to add to the text under 5.5.3 "Policies for Provincially Significant Wetlands and Adjacent Lands" the following: "to adjacent lands" so to read "In addition, local municipalities may pass by-laws under the Municipal Act respecting site alterations to adjacent lands."**

CARRIED

Councillor Cullen then spoke to his next motion which related to 14, item 6(e). He suggested the words “if possible” should be removed. He felt the operative words in the sentence, “should locate” clearly indicates the Region’s desire that buildings be located outside the wetland.

Moved by A. Cullen

**That Amendment 61 be amended to delete “if possible” from the last sentence of 6(e).**

LOST

NAYS: D. Beamish, B. Hill, G. Hunter, W. Stewart, R. van den Ham....5  
YEAS: A. Cullen, A. Munter....2

Councillor Cullen speaking to his third motion which relates to page 16, Item 8(b) second paragraph, the issue of the 30 metre WIS trigger. He noted that originally ROPA 45 required a distance of 120 metres and advised of the OMB decision that 100 metres would be a valid buffer. He moved that “30 metres” be replaced with “100 metres”, noting 100 metres had been professionally tested by a biologist. He felt the interest of the public was not being safeguarded by using 30 metres.

Councillor Stewart disagreed with Councillor Cullen, noting that 30 metres is a reasonable compromise. She asked for comment from legal staff with respect to the OMB decision of 100 metres. Mr. Marc noted the OMB based it’s decision on the Provincial Policy Statement at the time, which required 120 meters of adjacent land to be protected from development. The present Provincial Policy Statement does not specify a distance.

Moved by A. Cullen

**That Amendment 61 be amended to replace in section 8(b) the words “within 30 metres” with “within 100 metres”.**

LOST

NAYS: D. Beamish, B. Hill, G. Hunter, W. Stewart, R. van den Ham....5  
YEAS: A. Cullen, A. Munter....2

Councillor van den Ham drew the Committee’s attention to his memorandum dated 25 Nov 96 (on file with the Regional Clerk) and the following motions contained therein.

That Planning and Environment Committee recommend to Council:

- (a) That the RMOC assist those land-owners of Provincially Significant Wetlands with a formal re-evaluation, should a cursory review indicate a possible incorrect Provincially Significant Wetland designation or uncertain boundary lines;
- (b) That the RMOC include in its 1997 budget, \$50,000.00 as an upset limit, to engage a consultant approved by the Ministry of Natural Resources, to conduct re-evaluations on an as-needed basis.
- (c) That staff draft guidelines regarding requests for a cursory review, re-evaluation and submissions to the Ministry of Natural Resources, including the requirement of land-owner cost sharing (50%) for re-evaluation only.
- (d) That the RMOC continue to lobby the Provincial Government to improve the compensation issue on behalf of Ottawa-Carleton residents.

Referring to Councillor van den Ham's motion (b), Committee Chair Hunter suggested this motion should be referred to Planning and Environment Committee budget discussions, as the Committee could not make a pre-commitment on this but recommend it be included in budget discussions. Councillor Cullen agreed to move this recommendation to the budget discussions.

Moved by A. Cullen

**That the following motion be referred to Planning and Environment Committee budget discussions:**

**“That the RMOC include in its 1997 budget, \$50,000.00 as an upset limit, to engage a consultant approved by the Ministry of Natural Resources, to conduct re-evaluations on an as-needed basis.”**

CARRIED

Councillor van den Ham, speaking to his motions, noted the Region had been trying for three years to get a policy in place that considers the Province's concern regarding wetlands. He stated personally he did not agree with the Provincial policy, however, it is a Regional responsibility to deal with it and therefore, the Region is left with no choice. He agreed with the intent to protect and conserve bona fide wetlands, however, many areas are being designated wetlands that should not be. He felt the residents in the Region would be better off with what is proposed in ROPA 61 than trying to fight the MNR on their own. He commended staff for their excellent work in formulating a policy that is as sensitive to landowners as permitted. The Councillor stated his motions attempt to deal

with the MNR maps (which form part of ROPA 61) as he felt the validity of the boundary lines to be questionable. He noted the process of requesting re-evaluations, has been unsatisfactory for individual landowners and he felt it to be a Regional responsibility to assist some of these landowners. For these reasons, he is recommending the Region set aside \$50,000.00 to help engage consultants to do the re-evaluations, should they be necessary. Councillor van den Ham stressed the importance of staff drafting guidelines regarding these re-evaluations (and should include guidelines on previous designations), which would be brought back to the Committee for further discussion. He also pointed out his motion includes a requirement of the landowner to share 50% of the cost of re-evaluation. The last portion of the motion states that the RMOC will continue to support the principle of Provincial compensation to owners of Provincially Significant Wetlands by communicating with the Province on their behalf. He noted the issue of compensation is not necessarily about the Province or the Region buying the property but rather, it relates to the land tax rebate program; he felt the Region might be able to convince the Province to be more agreeable in this regard (e.g. by changing the wording on their application forms so that residents don't feel they are signing away all of their rights).

Responding to questions from Councillor Munter, Mr. Tunnacliffe replied he was not aware of any existing precedent where the Region has contributed financially to cover the costs related to studies when a land use designation was changed.

Councillor Stewart asked staff how far \$50,000 would go in having wetland boundaries re-evaluated. Mr. Phelan stated he could not answer this question but advised that Mr. Ken Harris of the Ministry of Natural Resources was present and might be able to offer a comment on this. Mr. Harris stated the cost would depend on whether a total wetland re-evaluation was to be done or a site-specific, property-specific re-evaluation in response to a Planning Act proposal. He said if the Region is considering setting up a \$50,000 fund to retain a consultant on stand-by to respond to Planning Act proposals and re-evaluate people's specific boundaries on their property, the cost per site would be approximately \$500 to \$1,000 dollars per visit (depending on the size of the property). On the other hand, a total re-evaluation of a large wetland (such as the Richmond Fen), could cost between \$10,000 to \$15,000 per job. Councillor van den Ham pointed out the \$50,000 would be matched by any applicant requesting re-evaluation and would therefore translate into \$100,000.

Councillor Hill asked Mr. Harris if the MNR had been requested, since the process first began, to reassess lands in Region. Mr. Harris replied at the height of the debate (1994-95), at the time of ROPA 45, the MNR received approximately 100 requests to re-evaluate the boundaries on a specific property. Priority was given to those whose requests were related to an active Planning Act application but all requests were dealt with. Of the 100 requests received in 1994/95, approximately 6 resulted in changes to the maps. He added that in 1996, the MNR has received only two or three requests for re-evaluation.

Councillor van den Ham stated he had heard from landowners the MNR was not co-operating and in some cases refusing to come out to their land. Mr. Harris assured the Committee this was not happening. Councillor van den Ham referred to a comment made earlier by Mr. Underwood who had requested information from the MNR and was told the information was not available. He asked Mr. Harris if the MNR keeps the evaluation sheets on each property. Mr. Harris advised that once a wetland evaluation is complete and the actual wetland mapping is generated, the rough material is not generally kept. He noted all information collected is ultimately recorded in the final evaluation and map.

Councillor Stewart pointed out the Minister of Natural Resources in his letter dated 21 Oct 96, recommends that if no change is warranted, the landowners only recourse is to hire a consultant for an independent review or failing that, to request an OMB hearing. She asked Mr. Harris if he were aware of any Provincially Significant Wetland disputes that had gone to the OMB and the outcome of those. Mr. Harris stated he was not prepared to give an accurate answer to this question. Mr. Marc offered that two cases in Ottawa-Carleton have gone to the Board - Leitrim and the Eagle Creek Golf Course and, while these pre-dated the formal approval of the policy, the policy was nonetheless fully applied by the Board. Councillor van den Ham referred to an attachment to his memo which details a 1995 OMB decision from Kenyon Township.

Councillor Stewart referring to Councillor van den Ham's motion (d) regarding the issue of compensation noted she could not support it as it stands because it infers the Region wants the Province to buy these wetlands. She noted unless this can be clarified to deal specifically with the Conservation Land Tax Rebate Program, she could not support it. Councillor van den Ham stated he was prepared to amend (d) to read "The RMOC continue to lobby the Provincial Government to improve the compensation by improving the Conservation Land Tax Credit Rebate on behalf of Ottawa-Carleton residents".

Councillor Stewart stated she did not originally intend to support Councillor van den Ham's motion. She felt the Region could not stop the implementation of the Provincial Policy and that ROPA 61 was a really good package for the residents of Ottawa-Carleton, as it is probably more landowner-friendly than anywhere else in Ontario. She thought most would agree that Provincially Significant Wetlands are important and that beaver flooded lands are not wetlands. The Councillor stated she would support Councillor van den Ham's motion because she felt there are few rights more fundamental than individual property owners' rights.

Councillor Munter advised he would be moving an amendment to Councillor van den Ham's motion (a) that the words "subject to the approval by Council of appropriate guidelines" be added at the end. He stated if his amendment were accepted, he would support the motion. Noting that developers and landowners seeking to sell to developers

would be required to carry out these types of studies in any event, as a condition of development, Councillor Munter felt such a fund should be used by the “little guy”. He asked that staff take these thoughts into account when they draft the guidelines.

Moved by A. Munter

**That Councillor van den Ham’s motion (a) be amended by adding after the word “lines”, the words “subject to the approval by Council of appropriate guidelines”.**

CARRIED

Councillor van den Ham’s motion, as amended, was then considered.

Moved by R. van den Ham

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

- (a) **That the RMOC assist those land-owners of Provincially Significant Wetlands with a formal re-evaluation, should a cursory review indicate a possible incorrect Provincially Significant Wetland designation or uncertain boundary lines, subject to the approval by Council of appropriate guidelines;**
- (b) **That staff draft guidelines regarding requests for a cursory review, re-evaluation and submissions to the Ministry of Natural Resources, including the requirement of land-owner cost sharing (50%) for re-evaluation only.**
- (c) **That the RMOC continue to lobby the Provincial Government to improve the compensation by improving the Conservation Land Tax Rebate, on behalf of Ottawa-Carleton residents.**

CARRIED

Speaking to the staff recommendation, as amended, Councillor Hill stated she could not support ROPA 61. She felt Regional staff had done a good job of being as flexible as they could with what they had to work with, however, she could not agree with the Region depending on the MNR maps which were not done properly or accurately. She expressed disagreement with that portion of ROPA 61 that states boundary changes will not require an amendment but changes in classification will; she felt if it were proven that either a designation or the boundaries were wrong, an amendment should not be required.

Further, the onus should not be on the landowner to prove his land is not what the MNR has designated it; she noted many wetlands are artificially created by beavers and man (e.g. the building of roads).

Committee Chair Hunter thanked all of the people involved in the Wetlands Working Group for their work in trying to arrive at a successor to ROPA 45 and he also thanked staff for the tremendous amount of effort they have put into formulating this amendment. Having said this, the Chair stated he could still not agree with the Amendment. He noted the Provincial regulations now require the Region to “have regard to” the Provincial Policy Statement. He felt that in the absence of consensus from the concerned landowners and in the absence of a need to go beyond what the policy statements are requiring, he felt it did not behoove the Region to implement this amendment.

The Chair agreed with Councillor Hill’s concern about the MNR maps; he stated he too was concerned about encasing these maps, which are based on information that can be so easily changed (by the actions of beavers, humans on adjacent lands and by the whim of the Provincial Government) in the Official Plan. He stated as Chair of the Committee he was not in a position to move an alternative, however, he indicated at Council, he would consider moving a cleaner, simpler amendment that would state simply that the Region would have regard to the policies of the Provincial Policy Statements. Chair Hunter concluded, for these reasons he would be dissenting on ROPA 61 as amended.

Councillor van den Ham stated he agreed with much of what Chair Hunter said however, he felt his motion would deal with these things. There will be specific guidelines that the applicant will be aware of and a mechanism will be in place to deal with the mapping. He stated although he too did not agree with the Provincial Policy, he did not feel defeating ROPA 61 would accomplish anything and in fact could leave the Region in a worse situation.

Committee Chair Hunter clarified his objection was not with the text of the Amendment, but rather with the Schedules (maps) being included. Councillor Cullen stated he would be prepared to put forward a motion to separate the text and the schedules. At the Committee’s request, Mr. Marc offered the opinion that the schedules are tied to the text and he strongly advised the Committee not to divide the schedules from text. Committee Chair Hunter stated his intent was to have the text refer to another existing map known as the Provincially Significant Wetlands in Ottawa-Carleton, which would not be included in the Official Plan but would be the most current up to date version of it. Mr. Marc stated he was not certain such a map exists and secondly, it could be considered an incorporation by reference and would have the same effect as putting it in the Official Plan. As well, the OMB could decide it is not an appropriate amendment. He felt it would be impossible to adopt this Amendment without adopting the schedules. Councillor Cullen withdrew his motion to separate the text and the schedules.

The Committee then considered the report as amended.

1. **That, having held a public meeting, Planning and Environment Committee recommend that Council enact a bylaw to adopt Regional Official Plan Amendment 61, attached as Annex A to this report, as amended by the following:**

(a) **under section 5.5.3, “Policies for Provincially Significant Wetlands and Adjacent Lands”, the words “to adjacent lands” be added, to read: “In addition, local municipalities may pass by-laws under the Municipal Act respecting site alteration to adjacent lands.”**

2. **That Planning and Environment Committee recommend to Council:**

(a) **That the RMOC assist those land-owners of Provincially Significant Wetlands with a formal re-evaluation, should a cursory review indicate a possible incorrect Provincially Significant Wetland designation or uncertain boundary lines, subject to the approval by Council of appropriate guidelines;**

(b) **That staff draft guidelines regarding requests for a cursory review, re-evaluation and submissions to the Ministry of Natural Resources, including the requirement of land-owner cost sharing (50%) for re-evaluation only.**

(c) **That the RMOC continue to lobby the Provincial Government to improve the compensation by improving the Conservation Land Tax Rebate, on behalf of Ottawa-Carleton residents.**

3. **That the following motion be referred to Planning and Environment Committee budget discussions:**

**“That the RMOC include in its 1997 budget, \$50,000.00 as an upset limit, to engage a consultant approved by the Ministry of Natural Resources, to conduct re-evaluations on an as-needed basis.”**

CARRIED

YEAS: A. Cullen, A. Munter, W. Stewart, R. van den Ham....4  
NAYS: D. Beamish, B. Hill, G. Hunter....3



2. LOCAL OFFICIAL PLAN AMENDMENT NO. 32  
CITY OF KANATA  
ONTARIO MUNICIPAL BOARD REFERRAL REQUEST  
- Planning and Development Approvals Commissioner's report  
dated 08 November 1996

**That the Planning and Environment Committee recommend Council refer Amendment No. 32 to the Ontario Municipal Board pursuant to the request of IPCF Properties Inc. and the Loblaws Group of Companies as outlined on the Approval Page appended as Annex I.**

CARRIED

ENVIRONMENTAL SERVICES ITEMS

3. CONSENTS TO OPERATE WASTE FACILITIES  
- Director, Solid Waste Division, Environment and Transportation  
Department report dated 07 November 1996

**That the Planning and Environment Committee recommend Council approve that waste management facilities in Ottawa-Carleton no longer be granted consents without conditions, and staff review those situations where such consents already exist.**

CARRIED

4. CONDITIONS OF CONSENT  
SAFETY KLEEN CANADA INC.  
- Director, Solid Waste Division, Environment and Transportation  
Department report dated 07 November 1996

**That the Planning and Environment Committee recommend Council approve the granting of a consent to Safety-Kleen Canada Inc. for the operation of its waste disposal (transfer) facility located at 89 Bentley Avenue, Nepean, Ontario, on terms and conditions attached as Annex A to this report.**

CARRIED

5. RESPONSE TO OUTSTANDING P&E INQUIRY NO. 22  
WASTE DIVERSION TECHNOLOGIES  
- Director, Solid Waste Division, Environment and Transportation  
Department report dated 08 November 1996

Councillor Legendre noted there was nothing in the report to indicate a “new life” for the Trail Road Landfill site; he asked what staff’s prediction is, in terms of the number of years left for Trail Road. Pat McNally, Director, Solid Waste Division, stated he could not provide the Councillor with a figure at this time. However, he advised that this figure is among the numbers staff are finalizing as they put the optimization plan together and would be available soon.

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

RECEIVED

#### INQUIRIES

Councillor Beamish noted he had written to the Planning and Development Approvals Commissioner requesting direction on having delegated authority to planning staff removed, for a subdivision plan. He asked if this would require a Notice of Motion. Commissioner Tunnacliffe noted the Councillor’s request for a specific subdivision, and that the matter is being investigated. The Councillor advised he did not want things delayed such that the plan would be approved without the Planning and Environment Committee being able to review the conditions for approval. Tim Marc, Solicitor, Regional Legal Department advised that in order to revoke the formal delegation, the matter would have to go through Committee to Council. He advised, however, staff are actively pursuing an alternative method to have the matter placed expeditiously on a Committee agenda.

Responding to further questions from Councillor Beamish, Mr. Tunnacliffe advised that approval for plans of subdivision are delegated to the Commissioner, provided there are no objections or concerns. If there are objections, it would automatically be brought to the Committee for consideration. Referring to a specific subdivision plan, Councillor Beamish stated he was aware the developer is asking for amendments to his subdivision plan that the local community would not support. The Commissioner suggested he speak with the Councillor about the particulars of this matter.

Councillor Legendre referring to a response to an inquiry Councillor Hill had previously made with regard to the boiler explosion at the R.O. Pickard Centre, noted page 2 sets out recommendations to address deficiencies in either the design of the facility or operational

practices. It also states it was not possible to determine the exact mechanism of failure that led to the explosion. The Councillor noted fortunately, no one was hurt in this incident and he inquired as to what steps have been or will be taken with respect to the safety of workers in the event of possible future explosions. Specifically, he asked if any protective barriers would be incorporated in the plant.

On a different matter, Councillor Legendre advised a constituent had witnessed someone dumping cleaning chemicals into a manhole on Montreal Road. The constituent recorded the vehicle's license plate number and reported it to the Municipal By-law Officer who in turn, gave the offender a warning. The Councillor noted that although fines do exist, the policy is to provide a warning. He felt this policy should be reviewed, and asked that a report be brought to the Committee in this regard.

#### INFORMATION PREVIOUSLY DISTRIBUTED

1. **Nepean Landfill Site - Bufferland Assessment**  
- Environment and Transportation Commissioner's memorandum dated 08 November 1996
  
2. **1995 Vacant Residential Land Survey**  
- Planning and Development Approval's Commissioner's report dated 31 October 1996

#### ADJOURNMENT

The meeting adjourned at 7:30 p.m.

*Original signed by*  
*Dawn Whelan*

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COMMITTEE COORDINATOR

*Original confirmed by*  
*Gord Hunter*

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COMMITTEE CHAIR