

MINUTES

PLANNING AND ENVIRONMENT COMMITTEE

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

CHAMPLAIN ROOM

27 JANUARY 1998

3:00 P.M.

PRESENT:

Chair: G. Hunter

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

At the start of the meeting, Committee Chair Hunter offered his condolences, on behalf of the Committee, to Mrs. Gloria Ray and her family, a past employee of the Planning and Development Approvals Department, whose husband had recently passed away.

FIRST ITEM OF BUSINESS
ELECTION OF VICE CHAIR

Moved by P. Hume

That Councillor Stewart be elected Vice-Chair of the Planning and Environment Committee for the 1997 - 2000 term.

That nominations be closed.

CARRIED

CONFIRMATION OF MINUTES

That the Planning and Environment Committee confirm the Minutes of the Regular Meeting of 14 October 97 and Special Meeting of 10 December 97.

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 February 98 in Planning and Environment Committee Report Number 1.

PLANNING ITEMS

1. LAND ACQUISITION - NATURAL ENVIRONMENT AREA
(MARLBOROUGH FOREST)
OWNER: WALTER KOLOKOSKI

- Planning and Development Approvals Commissioner's report dated 16 Dec 97

Councillor Stewart requested clarification of the policy rationale behind the statement on page 2 of the agenda: "Should Council not agree to proceed with the acquisition of this property at this time, the land owner could apply to the Ontario Municipal Board for adjudication."

Nick Tunnacliffe, Commissioner, Planning and Development Approvals Department (PDA), explained there is a policy in place to buy land that states, in the event of a disagreement, the disagreement would be settled by the Ontario Municipal Board (OMB). Mr. Tunnacliffe advised that Council agreed to include this as part of the amendment including this policy in the Official Plan many years ago.

Responding to a question from Councillor Stewart, Les Nalezinski, Property Officer, Property Acquisitions Branch, Property Services Division, PDA, explained that if both parties failed to come to a mutually satisfactory settlement within 60 days, the Region was obligated to expropriate the properties, a costly process necessitating that the matter be taken to the OMB.

Mr. Tunnacliffe clarified that this policy applied to Natural Environment Area "A" lands, of which the Marlborough Forest is the prime area. Chair Hunter added that the 1978 Regional Official Plan's (ROP) designation of Natural Environment Area lands was very contentious. The designation applied to 12 or 15 other parcels of land in addition to the Marlborough Forest. Landowners contended the Region should not be allowed to downzone, or lower the designation on their lands, without compensation, a matter which was taken to the OMB. The OMB agreed with this view, and decided that if the Region designated lands as Natural Environment Area, it had to be prepared to buy the lands if the property owner wanted to sell. As a result of this decision, Council re-examined the policy in the early 1980's, and was forced to remove certain lands from the Natural Environment Area designation as the Region could not afford to purchase all lands within the designated area. The remaining lands were those such as the Marlborough Forest. The Committee Chair stated the cost of the lands has been consistent over time at about \$200.00-300.00 per acre.

Mr. Tunnacliffe explained the funding comes from the Natural Environment Area Land Acquisition Program, a capital program which Council contributes a certain amount of money each year which goes to purchase these, and identified riverfront lands.

Councillor Stewart stated her concern was because the Region was obligated to buy these lands as they became available, opportunities might be missed to purchase lands in areas under higher development pressure, because funding was being reserved under the terms of this policy. Chair Hunter indicated that there is capital authority available and it would be debentured if necessary.

Councillor Bellemare inquired if in most cases the owner approaches the Region to sell their property and does the Region ever approach the owner. Mr. Tunnacliffe indicated when the policy first went into effect we wrote to each landowner, however, now it is done as landowners approach the Region.

Councillor Bellemare requested a recent estimate of how many properties would have to be purchased and the cost. Mr. Tunnacliffe remarked that at their last meeting, the Committee requested the Department to prepare a report on this for the budget and staff are now working on it.

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

That the Planning and Environment Committee approve the following action:

- 1. Recommend to the Corporate Services and Economic Development Committee the acquisition of 200 acres, described as being Lot 14, Concession 5, former Township of Marlborough, now Township of Rideau from Walter Kolokoski as an addition to the Marlborough Forest for a consideration of \$53,360.00;**
- 2. Planning and Development Approvals Department make application to the Ministry of Natural Resources to approve the addition of these lands to the Marlborough Forest Management Agreement;**
- 3. Upon receipt of approval of the Ministry of Natural Resources, the Marlborough Forest addition be brought to Council for confirmation and a by-law adding the land to the Management Agreement be submitted for adoption.**

CARRIED

2. LAND ACQUISITION - NATURAL ENVIRONMENT AREA
(MARLBOROUGH FOREST)
OWNER: HELEN I. MILLS

- Planning and Development Approvals Commissioner's report dated 16 Dec 97

That the Planning and Environment Committee approve the following action:

1. **Recommend to the Corporate Services and Economic Development Committee the acquisition of 65 acres, described as being part of Lot 10, Concession 10, former Township of Marlborough, now Township of Rideau from Helen I. Mills as an addition to the Marlborough Forest for a consideration of \$17,430.00;**
2. **Planning and Development Approvals Department make application to the Ministry of Natural Resources to approve the addition of these lands to the Marlborough Forest Management Agreement;**
3. **Upon receipt of approval of the Ministry of Natural Resources, the Marlborough Forest addition be brought to Council for confirmation and a by-law adding the land to the Management Agreement be submitted for adoption.**

CARRIED
(D. Beamish dissented.)

3. LAND ACQUISITION - NATURAL ENVIRONMENT AREA
(MARLBOROUGH FOREST)
OWNER: ESTATE OF CHARLES WALLACE

- Planning and Development Approvals Commissioner's report dated 16 Dec 97

That the Planning and Environment Committee approve the following action:

1. **Recommend to the Corporate Services and Economic Development Committee the acquisition of 90 acres, described as being part of the East Half of Lot 15, Concession 5, former Township of Marlborough, now Township of Rideau from the Estate of Charles Wallace as an addition to the Marlborough Forest for a consideration of \$27,656.79;**
2. **Planning and Development Approvals Department make application to the Ministry of Natural Resources to approve the addition of these lands to the Marlborough Forest Management Agreement;**

3. **Upon receipt of approval of the Ministry of Natural Resources, the Marlborough Forest addition be brought to Council for confirmation and a by-law adding the land to the Management Agreement be submitted for adoption.**

CARRIED
(D. Beamish dissented.)

4. SUMMARY OF ASSIGNED FUNCTIONS
OFFICIAL PLAN AMENDMENTS, SUBDIVISIONS,
CONDOMINIUMS, PART LOT CONTROL BY-LAWS,
ZONING BY-LAWS, SITE PLANS AND SEVERANCES

- Planning and Development Approvals Commissioner's report dated 17 Dec 97

Myles Mahon, Planner, Development Approvals Division, PDA gave an overhead presentation outlining the background of the appeal. Mr. Toll acquired the property from the NCC in 1988. At that time, the title of the property merged with the adjacent farm to the west. The zoning at that time was IG (Institutional Government) which permits agricultural and government uses. Last year Mr. Toll received conditional approval for a retirement severance, conditional on a zoning change from IG to AG (Agricultural General) permitting 0.8 hectare lots. The by-law that staff is recommending being appealed, changes the zoning on not just the retirement severance, but on the remainder of the farm. A more appropriate designation for the retained lands would be an AR (Agricultural Restricted) zoning. This permits a lot size of 40 hectares which is consistent with the AR designation in the Regional Official Plan (ROP) and the Gloucester Zoning By-law. In 1995, in a similar case, a retirement lot and the retained parcel was rezoned from IG to AG. Due to an oversight, staff did not appeal this zoning change, however, staff do not think that that error should be compounded by using it as a precedent. There are similar lands to the west zoned as IG and AR in the ROP and the City of Gloucester Official Plan.

Mr. Toll has received conditional approval for the retirement severance, conditional on receiving the AG zoning to permit the 0.8 hectare lot. In order to allow the zoning and severance to proceed there are two options if the Committee and Council agree to uphold the appeal: a) Region to ask the OMB to approve the AG zoning for the retirement severance and zone the remainder of the property as AR; or, b) to ask the OMB to approve the AG zoning for the retirement severance and proceed with an OMB hearing on the remaining parcel of land to determine what the appropriate zoning should be.

Councillor van den Ham inquired if the Committee also has the option to direct staff to drop the objection and Mr. Mahon confirmed that is still an option. Councillor van den Ham asked if the Region, in the ROP, have a policy that attempts to restrict or discourage

retirement lots on Regional Roads. Mr. Mahon explained that the Region does try to limit severances on Regional Roads, however, in this case the Committee of Adjustment did grant the severance and the Region had no objection at that time.

In response to questions from Councillor Legendre on the reason for locating the retirement lot on that location, Mr. Mahon confirmed there had been previous construction on that site and it is unsuitable for general agriculture as there is buried debris in the area. Mr. Mahon further noted that there is also a tree line that defines the lot.

Councillor Legendre asked if one of the two options proposed would be quicker in terms of zoning the retirement severance, as he understands Mr. Toll's immediate concern is the zoning for this portion. He also asked if staff agree with the proposed zoning for the retirement severance being AG. Mr. Mahon confirmed that staff agree and both options ask the OMB to approve the retirement severance as AG.

Councillor Legendre requested clarification regarding the timelines, as he understands from Mr. Toll, if this is not settled quickly, he would have to start the process over. Mr. Mahon explained that if Committee and Council do not uphold the appeal, the entire farm is designated as AG, including the retirement lot. If the appeal is upheld, and the Region does not request the OMB to modify the zoning for the retirement lot, then there would be an OMB hearing on the whole property and that would take time. The retirement severance is conditional on the change in zoning, and the clock is ticking in terms of getting the necessary zoning before the severance lapses.

Councillor Legendre indicated his support of option a) as it answers the immediate need of the zoning for the retirement severance and he agrees with the staff position to zone the remainder of the lands as AR. Councillor Legendre asked Tim Marc, Solicitor, Legal Department to clarify whether in both option a) and b) the Region would be going before the OMB and does this affect any timelines for Mr. Toll.

Mr. Marc confirmed that in both options, the Region would go before the OMB. However, if the Region, City of Gloucester and applicant agree on the zoning of the retirement severance, a joint submission to the Board could be made and approved relatively quickly leaving the issue of zoning the remainder of the lands to be dealt with at a later date, therefore not tying up applicant.

In response to questions from Councillor Munter, Mr. Mahon confirmed that the parcel of land to the northeast of Mr. Toll's property is the only area that has been redesignated from IG to AG and the lands to the south and west have been designated AR since the 1974 ROP. Councillor Munter felt staff's concern in designating a second parcel of land in the area as AG, which permits lots of 0.8 hectares, will then lead to the other lands in the area now designated as IG and AR to be seeking zoning changes. Mr. Mahon confirmed this.

In response to questions from Councillor Munter, Mr. Tunnacliffe indicated that theoretically the Region could ask the City of Gloucester for a zoning amendment to conform with the ROP for the parcel of land currently designated AG. Mr. Mahon indicated that the Department is commencing a conformity exercise with the new ROP. Staff are currently talking with the area municipalities regarding what changes are required in the local official plans.

Councillor Beamish pointed out that technically anyone can apply for a zoning change, including the Region if they desire to do so. He also pointed out that it is not just the one property zoned AG. There are two properties on each side of Anderson Road; also, north of 8th line road there is another property zoned AG that was rezoned from IG and currently operates as a tree farm. Mr. Mahon indicated that in the ROP that area is not designated as Agricultural Resource but as General Rural, which allows AG zoning.

Committee Chair Hunter then invited the property owner, Mr. Floyd Toll, to address the Committee.

Mr. Floyd Toll reviewed his situation with the Committee. In April 1997, he approached the City of Gloucester to have his property rezoned AG and was advised to follow the same steps as his neighbours. The City of Gloucester advised Mr. Toll to approach the Region and inquire as to what may transpire if the City of Gloucester approves the zoning change. The PDA Department responded that they could not indicate whether the Region would appeal until Gloucester Council made a decision. Gloucester Council decided to zone the lands AG. Mr. Toll further informed the Committee that in order to maintain the lands in agricultural use, they are not able to make a living and must maintain second jobs. Fifty percent of the land is used for pasture as it is not suitable for anything else. When the NCC demolished a house and barn that burnt down in approximately 1982 they buried the debris rendering that area useless for plowing or growing and the debris is damaging the farm equipment. The land is wet and low and requires large amounts of fertilizer.

Mr. Toll concluded by stating he believes the appropriate zoning for this parcel of land is AG given the soil classifications, fertilizer required (up to 2 tons per acre) and the economic factors. He would like to have the same opportunities in the future as his neighbours will have with the AG zoning. Mr. Toll then responded to questions from the Committee.

Committee Chair Hunter pointed out that the City of Gloucester approved this zoning against their own Official Plan and would like to raise the issue of maintaining the integrity of the ROP and the Agricultural Resource Designations across the entire Region. He felt that so soon after adopting a new ROP, the Committee should be concerned with conformity when looking at this parcel of land in Gloucester. The area would need to be

designated General Rural to allow for an AG zoning. There were no requests to change the designation from Agricultural Resource to General Rural during the Official Plan review last year.

Committee Chair Hunter thanked Mr. Toll for his comments.

The Committee Chair introduced a motion from Councillor Legendre, that the zoning allowing the farm retirement lot be approved and that the retained lands be zoned AR.

Chair Hunter noted this would be the position that the Region would take to the OMB regarding the appeal. Councillor Legendre pointed out this was the “a” option given in Annex V of the staff report.

Councillor Munter noted that Mr. Toll appeared not to have any interest in developing the parcel for 30 or 40 years. He also noted there was nothing in the AR zone for the balance of Mr. Toll’s property to stop him from doing what he wanted to do with it, and that there was a distant possibility of development, noting now was the time to think ahead when Committee was making its decision. The Councillor acknowledged Mr. Toll’s frustration with the redesignation of a nearby property by the Planning Department in error, while denying Mr. Toll’s own application. Councillor Munter expressed his hope that the Region would bring its plan into conformity.

Councillor Beamish put forward a motion that staff withdraw the RMOC’s appeal to the Ontario Municipal Board regarding this property.

Speaking to his motion, Councillor Beamish explained he felt this was a basic question of fairness, in that Mr. Toll’s land should not be designated differently than that of his neighbours on adjoining properties. The Councillor offered that, should there be a possibility of development in the future, Mr. Toll should be entitled to the same opportunities afforded his neighbours, and that no precedent would be set as the properties in question consisted of a small cluster of homes in a defined neighbourhood.

Councillor van den Ham noted the Region had recently reviewed its Official Plan using the LEAR (Land Evaluation and Area Review) method for assessing farmland, and wondered why this process had not been implemented in this case, and if there had been any discussion or consideration to have the land designated differently in the ROP.

Mr. Mahon explained the LEAR evaluation was based on four factors; soil capability for agriculture; existing land use; neighbouring land uses i.e., subdivisions or extra urban development; and parcel size. He said none of these factors, in terms of existing zoning or ownership, came into play when the LEAR evaluation was performed. The results of the LEAR were verified using aerial photographs and field checks, which Mr. Mahon said

showed no difference from any other parcel. Responding to another question from the Councillor, Mr. Mahon confirmed the Region had had no discussion with, or request from, the City of Gloucester to designate the land General Rural.

Councillor van den Ham said he sympathized with the applicant. He felt Mr. Toll had been misinformed by the City of Gloucester, and felt an opportunity to pre-consult with the Region might have straightened up the problem from the start. However, the Councillor felt the petition was presently in the wrong forum, and that the applicant had the opportunity to return to ask for an Official Plan amendment if he felt he could justify his land should not be designated for agricultural purposes. The Councillor said he would approve one of the two options giving the applicant a farm retirement lot, noting the applicant still had the option to present his case before the OMB. Councillor van den Ham felt staff had explained the situation well, and although it was unfortunate that lands adjoining the applicant's had been erroneously designated AG at an earlier date, he felt "two wrongs did not make a right", and could not, therefore, support Councillor Beamish's motion to withdraw the Region's objection.

Councillor Bellemare agreed that two wrongs did not make a right, but felt in this case, Committee was being asked to adhere to the letter of the policy, without taking into account the faulty application of the policy with respect to adjacent landowners. He felt this was an exception; a matter of equity between immediate landowners. In the interest of applying the policy fairly, it was necessary to take into account the Region's error, and designate the whole property in the same manner as that of the adjacent landowners.

Chair Hunter said he could see why a person appealing for a redesignation of their land from a municipal political body could expect the decision to be upheld by other bodies, but felt the precedent and implications were wider for the approving political body. The Chair felt the approving body, informed of the fact that the land was restricted to agricultural uses for reasons based on the LEAR and other systems, would be neglecting its duty to uphold and defend the ROP if it were to allow exceptions based on errors which might weaken the Region's position and set precedents for others to do the same in future.

The Chair said he had sympathy for Mr. Toll's situation, but the Committee had to protect the integrity of the Agricultural Resource designation. Chair Hunter believed Councillor Legendre's solution helped Mr. Toll achieve the retirement lot, but he could not agree that the rest of the lands should be designated AG, notwithstanding the designation of the adjacent lands. He believed Committee's position to Council should be the motion proposed by Councillor Legendre.

Responding to questions from Councillor Hume if any other part of Mr. Toll's land should be designated AG, Mr. Mahon explained that in reviewing all of Mr. Toll's property, the

only appropriate portion was that of the retirement severance, which was conditionally approved upon its rezoning to AG, a designation appropriate for retirement severances.

The Committee then considered the following motions.

Moved by D. Beamish:

That Staff withdraw the RMOC's appeal to the OMB of Gloucester zoning by-law amendment 222-487 (97).

LOST

NAYS: P. Hume, G. Hunter, J. Legendre, A. Munter, W. Stewart, R. van den Ham....6
YEAS: D. Beamish, M. Bellemare, B. Hill....3

Committee then considered Councillor Legendre's motion and the staff recommendation.

Moved by J. Legendre:

That the Region's position be that the zoning allowing the farm retirement lot be approved and that the retained lands be zoned AR.

CARRIED as amended
(D. Beamish, M. Bellemare and
B. Hill dissented.)

That the Planning and Environment Committee, and Council, receive this report for information purposes and confirm the Planning and Development Approvals Department's appeal of one zoning by-law as noted in Annex V.

CARRIED

ENVIRONMENTAL SERVICES ITEMS

5. INTERIM WASTE MANAGEMENT PLAN
BY-LAW 234 OF 1992 - FUTURE INITIATIVES FUND
- Director, Solid Waste Division, Environment and Transportation Department report dated 30 Dec 97

Pat McNally, Director, Solid Waste Division, ETD, said the purpose of this report was to bring the Region into compliance with a change to By-law 234 of 1992, resulting from an OMB decision related to a dispute over landfill compensation fees. The By-law's two main elements dealt with payments of compensation money into a dedicated fund (the

Future Initiatives Fund), which, Mr. McNally noted, has been taking place for some time. In addition, there was a requirement that no expenditures should be made out of the fund until Council had approved a Waste Management Master Plan. Mr. McNally said this report would put a plan in front of Committee and Council that would meet this requirement and allow the Region continued access to compensation money accumulating in the Future Initiatives Fund. Mr. McNally then gave Committee a brief overview of the staff report.

In conclusion, Mr. McNally offered that as suggested by the Board, masterplanning for solid waste is a continuing process requiring ongoing review as policy, technology, financial and regulatory environments change. He said the report drew together the elements of the RMOC's current plans as they exist, and represents an Interim Waste Management Plan to meet the requirements of By-law 234 of 1992 as modified by the OMB.

Councillor Legendre noted a passage on page 67 of the report which indicated that three appellants had noted their intention to pursue further OMB appeals even though the Board had ruled in the Region's favour regarding a decision related to payments into and expenditures out of the Future Initiatives Fund. He said the threat seemed to have caused the Region to cave, by reducing the compensation fee.

Mr. Marc felt a settlement had been reached to which all parties could agree. The parties withdrew their appeals to Divisional Court, and the Region launched an appeal to have Cabinet make the modifications. Mr. Marc offered that for certain technical and legal reasons, Cabinet had decided it could not make the modifications, and referred the matter back to the OMB. Mr. Marc said the Region would be seeking the OMB's approval in February or March of this year in order to implement the settlement.

Responding to further questions from Councillor Legendre regarding the reduction in fees, Mr. McNally outlined residential fees had been reduced from \$20.00 to \$16.00, and fees for construction/demolition had been reduced from \$20.00 to \$10.00 for a period of ten years, after which they would change to \$16.00.

Referring to page 68 of the report, which noted that "Prior to the OMB decision in April of 1996, only the RMOC had established and contributed to the Future Initiatives Fund.", Councillor Legendre asked if, after the settlement had been reached and the appellants started paying, whether there had been any retroactive payments made to the period when the by-law was originally passed.

Mr. Marc replied that under the terms of the settlement with Laidlaw (now Canadian Waste Systems), this company had made payments for a period retroactive to the By-law coming into force in 1993 in a stepped fashion up to April of 1996. With respect to the

others involved, particularly Huneault Waste Management, Mr. Marc said the Region had hoped Cabinet would approve the settlement or grant the order to implement it. He reiterated that for technical reasons, Cabinet decided not to do so, without pronouncing in any way on the merits of the settlement, necessitating a return to the OMB. Mr. Marc said this would not change the arrangement Mr. McNally had already discussed.

Chair Hunter brought to the Committee's attention a letter from Mr. Gulliver, Huneault Waste Management that was distributed at the start of the meeting. Irene Bilinski from Huneault Waste Management was in attendance. Committee Chair Hunter asked the representatives who were in attendance from Canadian Waste if they had any submissions to make to the Committee. They had none.

Committee Chair Hunter asked Mr. McNally to comment on when does "future" in Future Initiatives Fund become "present" and it starts to be alright to make an expenditure against this fund. The Chair's understanding of the original intention was to provide for a way to deal with the nearing capacity of the Trail Road Landfill Site. Mr. McNally advised that the original report in 1992 sought to have the other landfill operators contribute to a fund that would fund replacement landfill capacity, or initiatives that diverted waste from landfill capacity and would thereby extend the existing landfill capacity. At the time of the report in 1992 there were projections with respect to a number of projects that could be foreseen and there was a large future initiatives number. Over time, Council has seen various reports, such as the 3R's Study which outlined a variety of different options which has set the Master Plan for Waste Diversion in motion and therefore, the current budget provides more detail on some waste diversion initiatives with respect to 3Rs.

In response to questions from Councillor Stewart, Mr. McNally clarified that the approval of money and details of the plan continues to be done through the budget process and the purpose of the report is to meet the additional section that was put in the by-law by the OMB decision, that stated there had to be a plan in place.

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

That the Planning and Environment Committee recommend that Council approve this interim Waste Management Plan, as required under By-law 234 of 1992, as it relates to the expenditures of monies from the Future Initiatives Fund.

CARRIED

6. AMENDMENT TO PART 5.2 OF THE REGIONAL REGULATORY CODE - SEWER, SEWAGE WORKS & CONTROL OF DISCHARGES
- Environment and Transportation Commissioner's report dated 16 Dec 97

Nancy Schepers, Director, Solid Waste Division, Environment and Transportation Department, France Jacovella, Manager, Wastewater Collection Branch, Water Environment Protection Division; and, Pamela Corrigan, Solicitor, Legal Department were in attendance to answer questions.

In response to questions from the Committee, Ms. Jacovella clarified the rationale behind some of the changes being proposed to Part 5.2 of the Regional Regulatory Code and the differences in fees, etc. being proposed as compared to the current fees.

Some Committee Members felt the report was difficult to understand without showing the before and after and the rationale behind the changes being proposed. Concern was also expressed regarding the lack of notification/consultation with the end users affected by the new fee schedule.

Councillor Stewart asked if it would be possible for staff to come back with a more detailed report providing the before and after, rationale, numbers of people affected, reasoning behind proposed levels of fees, and impact of the proposed changes. The Councillor requested that in the interim, some sort of public notification to the end users affected by the proposed changes be provided.

Councillor Hunter agreed and felt that end users should be given the opportunity to make representations and not be caught unaware. Mr. Sheflin agreed to bring the report back with changes as directed in one month.

Ms. Schepers requested the Committee approve the section of the report appointing the Municipal By-law Officers.

The Committee agreed and carried the staff recommendation as amended.

That the Planning and Environment Committee recommend that Council approve the amendments to By-law No. 3 of 1994 (appointing Municipal By-law Enforcement Officers) in accordance with this report, and that the amendments to Part 5.2 of the Regional Regulatory Code be referred back to staff.

CARRIED as amended

INQUIRIES

Councillor Legendre, referring to the Minutes of the P&EC meeting of 14 Oct 97, inquired as to the status of a Motion passed at that meeting, referred to both Commissioners, that staff prepare a report on design standards for noise barriers along Regional Roads.

Barry Edgington, Director, Development Approvals Division, PDA, informed Committee the matter had been assigned to Paul Jordan, a Planning Approval Officer, and that a report was nearing completion. Mr. Edgington felt the report would be ready for the second Committee meeting of February or the first one in March.

Councillor Legendre also inquired as to the status of a Motion passed regarding revisions to the current environmental land acquisition policy (Motion No. P&EC 14). The Councillor felt the policy should support the Region's new ROP, especially as he felt the new Plan expands what the Region should be doing regarding acquisition of environmental lands.

Mr. Tunnacliffe said the report was in process, and that staff were intending to bring it forth at the meeting to consider the budget. Councillor Legendre said his intent was to have staff thinking about the process as an element of their workload when proposing their budget, but he would prefer to have the report available for discussion prior to budget deliberations. Mr. Tunnacliffe indicated this could be arranged for perhaps the first meeting in March.

Councillor van den Ham referred to a Transportation Committee report and Motion which was being presented to Council at its meeting of 28 January 1998, regarding the Airport Parkway and related issues. He felt the report involved planning implications as it recommended the removal of items contained in the ROP, which had been put into the Plan after years of consultation with partners. He asked if PDA staff had done any work to support this or whether further examination was necessary, and what implications it had on development strategy and the ROP as currently worded.

Mr. Tunnacliffe responded that the department had not performed any work on the matter, but offered that if Council directed staff to prepare an Official Plan Amendment taking out the twinning of the Airport Parkway, the process would involve a situational analysis to be presented to Committee in report form, which would be made available to interested parties as part of the public consultative process. The Commissioner offered that if the twinning was simply taken out, resulting possibilities could include the likelihood of increased congestion, or a shift of the congestion to other roads in the area, which might lead the Region to propose changes to the transportation system or the amount of development supported by that road.

Councillor van den Ham felt work still needed to be done, as part of the Transportation Committee report was requesting to amend the ROP, and there had been no technical analysis or study to support the recommendation before Council.

Councillor Stewart asked what, in terms of a process from a planning perspective, was implied from Council's endorsement of the motion. The Councillor felt the possibility of a public consultative process had not been made clear.

Mr. Tunnacliffe emphasized the motion was worded as a direction to staff to prepare the amendment. He said the Planning Act requires that whenever Council amends its Official Plan, sufficient information to support the amendment must be provided, including a process of public consultation.

Mr. Marc made the Committee aware that if the motion were to carry at Council, he would appear before the OMB to ask the Board to dismiss the appellant's appeal and approve the Plan. He would also ask the Board not to approve the twinning of the Airport Parkway, but to defer the item for the time being, based on the fact that it was under study at the Region.

INFORMATION PREVIOUSLY DISTRIBUTED

1. Next Steps in Approval of 1997 Regional Official Plan
- Planning and Development Approvals Commissioner's memorandum dated 10 Oct 97
 2. Minister's Notice of Decision on Approval of 1997 Regional Official Plan
- Planning and Development Approvals Commissioner's memorandum dated 27 Oct 97
 3. *Appeals to the 1997 Regional Official Plan
- Director, Policy and Infrastructure Planning Division, Planning and Development Approvals Department memorandum dated 09 Dec 97
- **N.B.: As of 6 Jan 98, some appeals have been withdrawn or scoped down. See binders located in Regional Councillors' Reception area or Corporate Resource Centre (Memoranda from Director, Policy and Infrastructure Planning Branch, dated 5 and 6 Jan 98).*

Mr. Marc explained two reports would be forthcoming to Committee on the appeals to the Regional Official Plan, including appeals commenced by staff and by individuals, as well as a suggestion of a mediation process. These reports are to be released to the public well in advance of the 10 February 1998 meeting of the Planning and Environment Committee in order to allow the public an opportunity to prepare themselves to make submissions to the Committee.

Councillor Legendre made reference to a recent staff memo regarding changes made to the Region's Official Plan by the Minister of Municipal Affairs and Housing, and inquired as to the status of the appeals staff had commenced. Mr. Marc informed Committee the report to be presented at its 10 February 1998 meeting would include, for information, the appeals launched by others on the Regional Official Plan, and the appeals that staff had launched against the Regional Official Plan, for Committee's consideration. Mr. Marc stated that in reviewing the Minister's decision, staff had attempted to appeal anything in which it was believed that Council might take an interest, so that Council's rights would be protected. He said a decision could be made by Committee on 10 February 1998, and subsequently by Council, as to whether the appeals launched by staff on Committee and Council's behalf should be sustained.

Councillor Legendre hoped the report would make clear those elements of the Ministerial changes that were not appealed. Mr. Marc said he believed those items had been summarized in the second item contained in the agenda under "Information Previously Distributed (IPD)". He believed they had, again, been summarized in the report, but noted that aside from the items staff had appealed, there was no action that Council could take with respect to the balance of the modifications.

Responding to Chair Hunter's question about a reference to the City of Ottawa's request for mediation as a means to seek resolution on matters under appeal, Mr. Marc explained a joint report from the Legal and Planning and Development Approvals Departments was forthcoming, recommending a process of mediation similar to that used successfully for the City of Ottawa's Official Plan, which helped to cut down on hearing time. Mr. Marc said staff would be asking Committee and Council to approve mediation in principle, so that a Request for Proposal could be advertised to retain the services of a mediator, subject to budget approval.

4. Response to Outstanding Inquiry Number P&E-38
Infrastructure Needs - Smyth Road Area, Ottawa-Carleton Hospitals
- Planning and Development Approvals Commissioner's memorandum dated 11 Dec 97
5. Sustainable Transportation
- Environment and Transportation Commissioner's memorandum

dated 15 Dec 97

ADJOURNMENT

The meeting adjourned at 5:10 p.m.

Original signed by
Kim Johnston

COMMITTEE COORDINATOR

Original confirmed by
Gord Hunter

COMMITTEE CHAIR