

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON
MUNICIPALITÉ RÉGIONALE D'OTTAWA-CARLETON

REPORT
RAPPORT

Our File/N/Réf. **03 07-97-0119**
Your File/V/Réf.

DATE 14 January 1997

TO/DEST. Chair and Members, Planning and Environment Committee

FROM/EXP. Co-ordinator, Planning and Environment Committee

SUBJECT/OBJET **TABLED MOTION RE: FUNDING FOR RE-EVALUATION OF
PROVINCIALY SIGNIFICANT WETLANDS**

REPORT RECOMMENDATION

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.”

BACKGROUND

At the 26 November 1996 Planning and Environment Committee meeting, a report entitled “Public Meeting to Consider Draft ROPA 61 - Provincially Significant Wetlands” was considered by the Committee. The report was subsequently considered by Council on 11 December 1996.

During discussion by the Committee of the above-noted report, Councillor van den Ham put forward a motion to include \$50,000 in the 1997 budget for re-evaluation of Provincially Significant Wetlands, on an as-needed basis. Councillor Cullen moved, and the Committee approved, that this motion be referred to the Planning and Environment Committee budget discussions.

For ease of reference, an extract of the minute of 26 November 1996 meeting, which deals with this motion, is attached.

*Approved by
Dawn Whelan*

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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 could 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

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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

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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

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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