

MINUTES

PLANNING AND ENVIRONMENT COMMITTEE

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

CHAMPLAIN ROOM

28 MARCH 2000

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

CONFIRMATION OF MINUTES

**That the Planning and Environment Committee confirm the Minutes of the
Meeting of 22 February 2000.**

CARRIED

PLANNING ITEMS

1. PUBLIC MEETING TO CONSIDER DRAFT
REGIONAL OFFICIAL PLAN AMENDMENT 8
KANATA NORTH EXPANSION AREA
- Planning and Development Approvals Commissioner's report dated 17 Mar 2000

At the outset, Committee Chair Hunter read a statement required under the Planning Act, wherein he advised that anyone, whose intention it was to appeal Regional Official Plan Amendment 8 to the Ontario Municipal Board (OMB), must either voice their objections at the public meeting or submit their comments in writing. Failure to do so could result in refusal/dismissal of the appeal by the OMB.

- Notes: 1. Underlining indicates a new or amended recommendation approved by the Committee.
2. Reports requiring Council consideration will be presented to Council on 12 April in Planning and Environment Committee Report Number 53.

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Scott Manning, Planner, Policy and Infrastructure Planning Division, Planning and Development Approvals Department, provided the Committee with an overview of the staff report.

Councillor van den Ham had questions concerning the difference between a significant woodlot and a regular woodlot. Mr. Manning advised this was a determination that the study arrived at. He noted environmental consultants looked at all woods in the area and considered the quality of the stand and the nature of the species in the woodlots. Mr. Manning stated for this area (Kanata North), this woodlot was rated as high and worth preserving.

Councillor Beamish had questions with respect to the concerns raised by Kanata Research Park in their letter of 27 March 2000 (held on file with the Regional Clerk). Mr. Manning explained Kanata Research Park is asking that the lands they own, north of Shirley's Brook also be added to the urban area.

Councillor Munter pointed out the Kanata Research Park is asking that this land be added to the urban area but with the Schedule K overlay, however, Schedule K is a technique available only to rural areas. Councillor Munter asked that staff, while listening to the delegations, give some thought as to how the objectives of Schedule K could be achieved in this area, without using Schedule K.

Responding to questions from Councillor Legendre concerning Terry Fox Drive, Mr. Manning advised this transportation link (Terry Fox Drive) is key to this area and is needed to provide a secondary access to Highway 417 (in addition to March Road). He confirmed that the precise alignment of Terry Fox Drive would be decided in due course, by Transportation Committee and Council.

Councillor Bellemare had questions concerning the analysis done to support the 1000 residential dwelling unit threshold. Mr. Manning advised an analysis was undertaken by staff to determine at what level March Road will be overloaded and will need some additional capacity in the area to accommodate traffic. He confirmed the possibility that the 1,000 unit threshold could be exceeded provided transportation studies were carried out by the developer and concluded that the existing transportation network could accommodate the additional growth. Mr. Manning also noted many things could change in the interim, such as the widening of Highway 417 or the widening of Carling Avenue, which could improve the transportation network.

Councillor Beamish requested additional information on the significance of the woodlot. Mr. Manning, reading from the environmental study, advised "it is identified as a mature sugar maple woodlot approximately 12 hectares in size. Dominated by mature sugar maple, other species present in smaller numbers include American elm, basswood, butternut, American beech, ironwood, burr oak, yellow birch, white spruce, balsam fir. The under story was open with

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scattered saplings of the above species. Little groundcover evident at the time of the survey, except ferns. To the north the forest becomes moist and is dominated by sugar maple, silver maple, american elm and several black maples."

Councillor Beamish questioned why the brook would be used as the boundary and not the extent of the woodlot itself. Mr. Manning explained the majority of the woods fall north of the brook and the boundary was a decision made by the Steering Committee that undertook the Kanata North Study. He also pointed out the Environmental Stormwater Management Plan will further define setback limits, which would in effect say that significant setbacks would apply for any development on the south side of the brook.

The Committee then heard from the following delegations.

Ken Foulds, Manager of Planning, City of Kanata expressed the City's support of ROPA 8. Mr. Foulds then provided a bit of the more than ten year history of this Amendment. He stated the City of Kanata, along with landowners in the area, undertook a fairly significant study in 1997 in response to the Ontario Municipal Board (OMB) Order on ROPA 41. Having completed that study process early in 1999, Kanata Council considered the recommendations of the concept plan and adopted it in principle in April, 1999. They then directed staff to forward a request to the Region that a ROPA be initiated and since that time Kanata staff have been working with the Region to encourage the process to continue to move forward.

Mr. Foulds went on to say Kanata was circulated a copy of the draft ROPA 8 early this year, and Kanata Council adopted ROPA 8 in principle and directed staff to provide some suggested wording modifications. These modifications have been significantly addressed in the ROPA before the Committee, including the linkage to the number of building permits and the Terry Fox extension; the completion of a comprehensive stormwater management plan; and, the notion of addressing the lands within the 120 metres of the south March Highlands. Mr. Foulds did point out, however, that Kanata Council took a position on ROPA 8 prior to the notion of the significant woodlot and Schedule K feature. He said accordingly, he could offer no opinion on behalf of the City of Kanata in relation to this portion of the amendment.

In concluding his remarks, Mr. Foulds stated the City of Kanata is anxious to see this ROPA proceed given its long history. He said the City was encouraged that the Environmental Stormwater Management Plan and the Terry Fox Environmental Assessment processes had begun.

Chair Hunter asked, at the point of Kanata Council's consideration of the item, was it their understanding that the woodlot north of Shirley's Brook was to be in the urban area or outside

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the urban area. Mr. Foulds replied Kanata's understanding was that these lands would be designated rural, without the Schedule K, as per the consultant's concept plan.

Chair Hunter asked if Kanata foresaw any problems with the cap of 1000 building permits if Terry Fox is not joined in a timely manner. Mr. Foulds replied that in accordance with the concept plan, the build out for the expansion portion of the community was projected by Kanata's consultants to be in the order of 1150 units. Kanata therefore felt the cap of 1000 could be supported.

Chair Hunter then asked, given there is a major traffic flow northward into the Kanata North business park area in the morning peak, was the possibility that perhaps there should be a cap on business expansion until the Terry Fox link is available, considered. Mr. Foulds replied the consultants retained by Kanata determined that development would not be impacted in any way by the expansion of these areas within the 2021 planning period. So effectively, timed infrastructure including the Terry Fox extension which was within the 2021 horizon in the Region's transportation master plan would not be impacted by the expansion area. The consultants did however advise that if there was an accelerated amount of growth in excess of what was projected, there might be a need to widen March Road north of Klondike Road. If that were the case, the cost associated with that should be borne by those that created the demand (i.e. the developers).

Doug Kelly, Soloway, Wright advised he was representing Regional Realty, Coscan Brookfield Homes and Kanata Research Park Corporation who are all landowners in the expansion area. Mr. Kelly referred to the long history of this area and he offered his opinion that the proper planning had been done for this community and the landowners are in support of it. Mr. Kelly also expressed his clients' support for Item 3 on the Agenda, Shirley's Brook/Watts Creek Subwatershed Study. He said his clients' message was that they are in support of ROPA 9 and would ask that it be approved.

With respect to the issue raised by the Kanata Research Park, Mr. Kelly noted what Ms. Heins was asking in her letter to the Committee, was to include all the land in the business park designation, with the qualification that the land north of Shirley's Brook, (i.e. the woodlot) would be studied with an environmental impact statement before any development occurred. He felt with this would settle the issue, and give the protection that is desired by both Regional staff and the Kanata Research Park Corporation.

James Maxwell advised he was the owner of the property just outside of the boundary and the former owner of the land to the northwest, now owned by Regional Realty. He said he was not sure why when Kanata was planning this Kanata North expansion, they annexed this piece out. Mr. Maxwell also had questions concerning the designation of the woodlot as high quality.

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With leave of the Committee, Mr. Manning explained it was based on a comparison of all of the wooded areas in the study and a ranking of certain areas being of superior quality.

Mr. Maxwell noted he recently had a Ministry licensed certified tree marker evaluate the bush on his land and the bush itself does not fall within Provincial guidelines as being a high quality bush. He said his point was that if a Provincial standard is not used as a benchmark, he was not sure where the high quality designation was coming from.

The speaker said in this area, whether or not it is designated general rural or urban, there are obviously sufficient studies, guidelines and environmental impact statements that have to be carried out before any development can take place. He noted Kanata Research was requesting that their wooded area be included in the urban area and, if proper planning is carried out he said as an adjacent landowner, he would be in favour of this.

Responding to questions posed by Committee Chair Hunter, Mr. Maxwell offered that the Kanata North Expansion area is quickly running out of quality lands for these business parks. He said eventually the entire area will be developed and he felt the environmental studies would be sufficient to ensure the lands are carefully developed. He said he could not see the purpose for designating the woodlots as high quality.

Councillor Munter questioned what would happen when this designation is put on the parcel of land. Pamela Sweet, A/Commissioner, Planning and Development Approvals Department, replied what in effect is happening is Mr. Maxwell's property is designated general rural, so the general rural uses are permitted subject to an overlay (Schedule K). When a plan of subdivision or an application for development is submitted, an environmental impact statement will have to be done, looking at how the land is going to develop and any of the significant features are protected at the time of development. The Schedule K overlay is not saying "no development", all it is saying is that there is something here that should be looked at further through an environmental impact statement at the time of any proposed development.

Mr. Maxwell asked if this was not true of any development. He asked for example, when Regional Realty develops their land (which is basically a hay field), will they not also have to supply an environmental study for drainage, and any number of things. Ms. Sweet advised they would not have to do an environmental impact statement, they would have to do stormwater management drainage plans which could be quite different.

Councillor Munter asked the speaker what exactly he was asking the Committee to do. Mr. Maxwell confirmed he was not asking the Committee to include his parcel of land in the expansion area. Mr. Maxwell clarified what he was saying was that the whole area should be

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treated the same. He said he did not feel the woodlot merited special treatment as he did not feel it was a high quality bushlot. He said he was quite concerned that it received this high quality designation.

Councillor Legendre had questions concerning why Mr. Maxwell's land was omitted from the expansion area. Ms. Sweet advised it was as a result of the OMB decision on the future of these lands and they placed it in this special study category for further work. The OMB was concerned about the woodlot at the time and they decided to put half of it in the rural area.

In response to questions from Councillor Legendre, Mr. Maxwell advised there was no difference between the land owned by Regional Realty and his land, in fact Mr. Maxwell advised he farms the Regional Realty land. He said if there were no trees on his land, the whole area could be plowed - it is flat land and not rocky.

Responding to questions from the Committee concerning the value of the woodlot, David Miller, Environmental Planner, advised that values are assessed at different levels. He explained there are provincially significant areas, such as provincially significant wetlands and areas of natural and scientific interest. In a Regional context, work was done as part of the Regional Official Plan review, which looked at larger things and tried to compare the significance of environmental features at a Regional level. Then, as is the case in this instance, areas in a specific growth area, features are looked at in more detail and from a perspective that is focused on a particular subwatershed or development area. Mr. Miller said these woodlots were not compared to the Marlborough Forest, but rather were looked at within the context of the Kanata North urban area or subwatershed area.

Mr. Miller, noted the features of this woodlot (i.e. mature sugar maple area, large enough to have some interior habitat for breeding birds and has the creek running through it) were such that the environmental consultants felt the woodlot worthy of some consideration. The Shirley's Brook/Watts Creek subwatershed study also looked at this woodlot but in the context of a larger study area than just Kanata North (i.e. the subwatershed) and arrived at much the same conclusion that this is a woodlot worthy of further consideration and as much as possible within development concepts, is worthy of preservation.

Councillor Munter asked why this area was not already included in Schedule K. Mr. Miller stated it was a question of scale. He said during the Regional Official Plan review, smaller woodlands, particularly ones in an urban context did not get studied. He noted if one were to compare this woodlot to the Marlborough Forest or areas like that, it would not come out very high because it is just not as big.

Councillor Munter then questioned, if it is worthy of protection, then why not protect the whole thing; why draw the line at the brook. Mr. Miller explained the woodlot does vary in quality and the areas that were highlighted tend to be in the centre of the Schedule K area. The woodland associated with the Creek would be looked at further through the environmental management study. It is more disturbed, it tends to be younger and so there is a distinction in the quality of the woodland. He explained the environmental management plan will address the role of some of the other woodlands particularly in terms of protection of the Shirley's Brook area.

Councillor Munter noted Mr. Maxwell's point was that if some of the woodlot is going to be protected, then all of it should be protected. Mr. Miller agreed it should all be scrutinized from an environmental perspective as development proposals are made; Schedule K will do that in terms of the woodland that is not subject to the urban designation.

Councillor Munter asked if the staff recommendation is approved, what happens to that part of the woodlot that is in the urban area. Mr. Manning advised this would be reviewed as part of any subdivision approval and the recommendation for meander setbacks ("meander belts") from the water course, as well as any areas that are subject to flooding, would be taken into account. He felt there would be a significant stretch of woodland preserved on the south side of the Brook.

Referring to the letter from Kanata Research Park, Councillor Munter asked if there was some way of approving the ROPA and deferring this portion of it to a later date. Ms. Sweet advised the Committee had three choices; 1) accept the staff recommendation; 2) move the urban boundary to coincide with OMB study area (as well, Committee could make an additional change to the amendment requiring an environmental impact study at the time of subdivision approval); or, 3) revert to what was originally on the table (i.e. what Kanata Council approved) namely, keep the urban boundary at the Creek without the Schedule K overlay. This could then be dealt with at some point in the future when there is a review of the rural area surrounding Kanata or an urban expansion.

Responding to questions from Councillor Munter, Ms. Sweet advised there was not sufficient information about the woodlot at this point to designate it Natural Environment Area A and she pointed out this "A" designation, obligates Council to acquire the land. She said Natural Environment Area B designation occurs only in the rural area.

Councillor Beamish asked if it would be an option to include Mr. Maxwell's land in the urban area. Ms. Sweet advised this land has never been studied, it was not part of the OMB decision and there has been no justification for doing this.

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Councillor Legendre noted there were questions to the environmental planner as to why something could be significant regionally if not significant provincially and why wasn't it included at the time of the overview. He said he remembered being very critical of the way the overview was done during the Official Plan review, from aerial photos and opined this was one of the changes in thinking that will have to be made when moving to the new City. He said smaller wooded areas that have no significance at all on a provincial scale might become very significant in an urban context, particularly as areas become developed in years to come.

Councillor van den Ham expressed agreement to some extent with Councillor Legendre. He said he saw this as a kind of a compromise to address staff's and the consultant's recommendation, that this is significant and he agreed this woodlot would be significant one day. However, he did not agree with the boundary down the creek and felt if a portion is to be deemed significant, then the entire area should also be. The Councillor felt the Region should be "up front" with people and advise when it believes land is significant and should be preserved. This can be done either through negotiations with the people that are developing or through purchasing at a reasonable cost.

The Committee then considered the staff recommendation.

That, having held a public meeting, the Planning and Environment Committee recommend that Council enact a by-law to adopt Regional Official Plan Amendment 8 to the 1997 Regional Official Plan, attached as Annex A to this report.

CARRIED
(R. van den Ham dissented)

2. CITY OF OTTAWA COMPREHENSIVE OFFICIAL PLAN -
LIFTING OF DEFERRAL NO. 25

- Planning and Development Approvals Commissioner's report dated 29 Feb 2000

That the Planning and Environment Committee recommend that Council lift the remaining part of Deferral No. 25 as described on the Approval Page attached as Annex 1.

CARRIED

3. **SHIRLEY'S BROOK/WATTS CREEK SUBWATERSHED STUDY**

- Planning and Development Approvals Commissioner's report dated 10 Mar 2000

Referring to the main tasks of the subwatershed planning process listed on page 27 of the agenda, Councillor Legendre said he understood the necessity for an awareness of natural features, but he asked for an explanation as to the significance of social and cultural aspects in the development of an understanding of current subwatershed features.

Susan Murphy, Subwatershed Planner, Policy and Infrastructure Planning Division, Planning and Development Approvals Department, confirmed the focus of the study was on the natural environment, the attributes of the natural features and how they function. She noted the social and economic aspects related to the study at a higher planning level, explaining that the study had undergone a public consultation process to determine whether or not staff had assessed the importance of the natural features in the context of public perception, which included factors such as public use and enjoyment of the features, corridor linkages etc.

Councillor Legendre then expressed dismay that although the staff report recommended endorsement of the subwatershed study recommendations, it did not include any of the recommendations for point of reference.

Ms. Murphy explained that the subwatershed plan study encompassed a large area, in which two subwatersheds had been joined together for study purposes. She noted the subwatershed plan would provide a level of detail similar to the Transportation, and Water and Wastewater Master Plans undertaken for the 1997 Regional Official Plan (ROP) review. Ms. Murphy further explained the study would set out general directions for further work in terms of natural area management, flood management erosion, groundwater quality and quantity, agriculture, and urban stormwater management.

Councillor Legendre still expressed a concern that neither the recommendations nor the directions to guide future work had been listed in the staff report.

Ms. Murphy clarified that the report was requesting *endorsement* of the Subwatershed Plan as the technical document to guide environmental and management decisions in the subwatershed area. She noted the report's *Next Steps* stated staff would return with an implementation strategy with more details on actions that would be required to implement those strategies, and with cost implications to the applicable partners.

Pamela Sweet, Director, Policy and Infrastructure Planning Division, Planning and Development Approvals Department clarified that in a study such as this, staff were not asking for outright *approval*, but *endorsement*, as the work had been performed as a group effort in partnership

with a number of other agencies. She explained the other primary partner was the City of Kanata, who helped to fund the study, and the conservation authority along with other agencies. Ms. Sweet explained the document was meant to be a very general guideline to have in place for future uses development and to help refine further studies as needed when development came on stream. She noted the department possessed a technical document related to the study, and offered to share its information it with the Councillor to help clarify some of the confusion.

Councillor Legendre still felt that at least the crucial points should have been included in the report, and that the guidelines that Committee was being asked to approve should have been listed, with a direction to consult another document if a higher level of detail was desired. As staff were asking for the authority to do something, he felt this was not so much a question of information, as it was a question of principle or process.

Councillor Beamish felt Councillor Legendre has raised a valid point. He said that he, too, had read the report, noting it referred to guidelines which had not been included for reference. However, he said he had chosen to trust staff on this particular issue.

Ms. Sweet noted the formal report had been made available to Ward Councillors for wards encompassed by the Shirley's Brook Subwatershed. She apologized that it had not been made available to the rest of the Committee, noting it was a very large document. However, Ms. Sweet said it could be provided to interested Committee members if they so desired.

That the Planning and Environment Committee recommend that Council endorse the Shirley's Brook/Watts Creek Subwatershed Study (September 1999) as the technical document to guide environmental planning and management decisions within the subwatershed area.

CARRIED
(J. Legendre dissented)

4. **RURAL AREA STUDIES**

- Planning and Development Approvals Commissioner's report dated 9 Mar 2000
- Response to Inquiry No. P&E - 16 (99)

Councillor Legendre referenced page 34 of the agenda, which spoke to rural servicing and aquifer management strategies. He said he understood most of the preliminary issues listed on page 34, but questioned the issue of the *identification of appropriate and adequate funding mechanisms*, as he felt this was more of a political issue than a quantifiable variable.

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Carol Christensen, Senior Project Manager, Land Use Planning Branch, Policy and Infrastructure Planning Division, Planning and Development Approvals Department, noted funding decisions were made by Council, but she explained that staff felt obligated, once the magnitude of the work had been defined, to present possible alternatives, although she acknowledged that at the moment, the alternatives were limited.

Pamela Sweet, Director, Policy and Infrastructure Planning Division, Planning and Development Approvals Department, felt this was particularly relevant now, as the Provincial Government was no longer helping to finance such rural infrastructure projects to the extent it once did. She explained that staff had to present all possible alternatives to Council at the time anything is being considered.

Councillor van den Ham noted the rural area studies entailed much work, however, he expressed disappointment that some of the studies noted in the report would take several years, as he had hoped for a faster outcome. He drew the Committee's attention to the *identification of priorities for village servicing*, and in particular the assessment of the search for potable water, and asked that staff suggest to the advisory group that this be given a high priority. He also noted that development had been arrested in his ward and in the western townships for a number of years, and that developers were wondering when it would be possible to proceed.

The Councillor also felt the identification of appropriate and adequate funding was an important issue. He noted one of the alternatives was a user-pay scenario, in light of a significant decrease in Provincial funding. Councillor van den Ham said he looked forward to receiving such information, as he felt it would be useful in letting the community know what options were available, and at what cost. In conclusion, the Councillor said he wished to know of the advisory group's makeup, so that he could be kept informed on the issues, receive the minutes, etc.

Acting Chair Stewart asked staff if they would take Councillor van den Ham's suggestions as a direction to give some priority to the water supply for villages in the rural area. Ms. Sweet confirmed this would be done. She also noted one of the studies' outcomes would be to set a priority list of villages, with information outlining the specific needs unique to each village.

Councillor Hill also said she wished to be kept informed on issues dealing with servicing to villages or the rural areas, and that she wished to receive copies of local committee meeting minutes. She also expressed interest in attending such meetings when possible.

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

RECEIVED

ENVIRONMENTAL SERVICES ITEM

5. TOWNSHIP OF CUMBERLAND - WASTEWATER
PUMPING STATIONS, OPERATION AND MAINTENANCE
- Director, Water Environment Protection Division, Environment

Councillor Legendre noted discussions had taken place between Regional staff and the City of Cumberland, to ask the Region to perform some work at the City's cost. He also noted that Cumberland had considered contracting out for external services. The Councillor asked if, when the opportunity arises, there is a possibility of having the work performed by the private sector, rather than by Regional staff.

Nancy Schepers, Director, Water Environment Protection Division, Environment and Transportation Department, explained the City of Cumberland had examined the possibility of contracting out for services, but had been unable to find a private sector provider to perform the services required. She said the City had approached the Region to ask if the Region could work with them and undertake to perform the maintenance. Ms. Schepers further explained that the City had been unable to find a private sector service delivery partner because the City had been performing the work itself, and had not had the time to put together a detailed description of the work to be performed. She said the City had been doing the work without documented procedures that would be required for contracting. In addition, she noted the City realized it needed certified operators to run the operation, and had been unable to find them in the private sector.

Councillor Legendre suggested some of this kind of activity was currently occurring in the private sector elsewhere within Ottawa-Carleton.

Ms. Schepers believed the City of Nepean was contracting for very specific services at pumping stations, and noted the Region did as well, for specific preventative maintenance activities, but that these were clearly defined, tendered, and contracted for. She offered that given the City's time restraints, and the fact that it wanted to get into an agreement quickly, the City began discussions with the Region in January. Ms. Schepers noted it would have taken at least six to nine months for the City to put together a contract, requests for interests, and to look at proposals, by which time municipal restructuring would be well underway. She stated that to get into a multi-year contract at such a time would be difficult.

Councillor Legendre said he wanted assurance, on record, that the Region would not be entering into a long-term agreement with the City of Cumberland which would prevent the new

amalgamated City, shortly after its formation, and if it so desired, to privatize this kind of function.

Ms. Schepers confirmed the agreement was for the short term, and intended only to cover until the end of the current year.

That the Planning and Environment Committee recommend that Council approve the use of staff of the Region of Ottawa-Carleton to perform operation and maintenance activities, on a cost-recovery basis, for the five wastewater pumping stations and associated forcemains of the Township of Cumberland.

CARRIED

NOTICE OF MOTION

6. **PROTECTION OF WILDLIFE POLICY**

- Committee Coordinator's report dated 14 Mar 2000
- Councillor Alex Munter's Motion tabled at Planning and Environment Committee meeting of 22 Feb 2000 for discussion at Committee meeting of 28 Mar 2000

Lois K. Smith conveyed in writing, her support for this motion and her desire to be part of the process. The Committee carried this item without discussion.

Moved by A. Munter

WHEREAS larger-scale development in suburban and other outlying communities often displaces wildlife; and

WHEREAS it is consistent with the Regional Official Plan's "design with nature" provisions to consider such impacts as part of the development process; and

WHEREAS it is inevitable that construction will occur on lands designated and approved for development, thus requiring some planning for how such construction can be made to be as least-disruptive as possible;

BE IT RESOLVED THAT regional planning staff be directed to consult with stakeholders such as the Ottawa-Carleton Homebuilders Association and the Ottawa-Carleton Wildlife Centre on a protocol to be included in the development/subdivision approval process to minimize needless injury and death of wildlife; and

FURTHER THAT staff report back within 90 days on a proposed policy.

CARRIED

INQUIRIES

Councillor Beamish submitted the following inquiry in writing.

“Ottawa’s Greenmap” is a project under the auspices of Ottawa 2000. The Region has invested a contribution of staff time and electronic data into the project. Could the staff please provide a brief update on the project on one of the upcoming agendas.

Councillor Legendre referred to a memorandum to members of Council from the Environment and Transportation Commissioner, about an article in the Globe & Mail entitled “Cost of Spending a Penny, Proof Privatization Works”. The article had to do with privatization in Britain and, as the Commissioner points out, the cost history in Britain does not support the headline at all. He noted Britain has privatized and yet their costs are double what the Region’s are and are going up, while ours are going down. The Councillor felt that Mr. Sheflin’s comments should be sent to the Globe & Mail to be published. Councillor Legendre offered the Region is doing things very well and this message should get out to the public.

Councillor Legendre’s second inquiry related to a call he received from a constituent, who had already raked their lawn and bagged the yard waste and then found out the first pick-up of the season for leaf and yard waste is the end of April. Recognizing the unusually early end to winter, the Councillor asked if there was anything staff could do to start the program earlier.

Pat McNally, A/Commissioner, Environment and Transportation Department, advised when the schedule is set, it is really a “best guess”, based on historical information. He noted the contract calls for a certain number of leaf and yard waste collections during the calendar year. Last year the collections did not run late enough, so they were extended little longer this year, which means they start a little bit later. Mr. McNally advised staff could have discussions with the contractors however, he cautioned that contractors gear their programs (i.e. staffing, maintenance, equipment, etc.) based on the Region’s established schedule.

Mr. McNally noted as well, 220,000 calendars had just been distributed to the residents and therefore they know when the first collection is scheduled. If earlier collections were instituted, it might not be very efficient. Mr. McNally confirmed that staff would look into what avenues might be available to address this situation.

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Councillor Legendre complimented staff on this year's collection calendar, noting it was very well done.

Councillor Legendre's third inquiry had to do with a regional water main that broke in front of a constituent's house, causing the man's basement to flood. The constituent, Mr. St. Martin, called the Region for service and staff responded promptly and repaired the break. The Councillor noted that thankfully, not a lot of damage was done to Mr. St. Martin's property, however, he did incur some expenses to have the carpet in his finished basement, steam cleaned by a professional. Mr. St. Martin was seeking to recover these costs from the Region, however, Regional legal staff have advised that the Region is not responsible to pay for these damages. Councillor Legendre stated he wanted to raise this issue because he said he considered the fact the Region would not cover costs of damage caused as a result of failure of its equipment/infrastructure, to be "fundamentally unjust".

Councillor Legendre indicated he had already received two memos from the A/Regional Solicitor, Eric Johnston, on this matter and noted Mr. Johnston had explained, because the Region did nothing to cause the break to the water main, it was not at fault and therefore not liable for damages. The Councillor went on to say an amendment to the Municipal Act occurred as a result of flooding that took place in the Region a few years earlier. These floods resulted in many claims and, even though the lower tier municipality was primarily responsible, the Region assumed 25% of the responsibility in that instance. He noted subsequently, someone requested that the Province "fix the law" and now a homeowner is liable when something breaks in the Region's system.

Councillor Legendre opined that although the law allows the Region to deny liability in such claims, this was not the way in which a responsible municipality should act. The Councillor stated he would like to have a report brought back to the Committee on the possibility of having the corporate policy reviewed on claims arising from watermain breaks and sewer back-up.

Councillor Beamish concurred there was something fundamentally wrong with such a policy. He pointed out there was no law that says a person has to insure their home and he said if he did not have insurance and something happened to a municipality's water line that caused damage to his home, he would expect the municipality to be responsible for the damage. Councillor Beamish suggested this matter should be referred to the Corporate Services and Economic Development Committee (CSED) for consideration.

Councillor Legendre agreed with Councillor Beamish that the matter should be referred to CSED for a policy discussion. The Councillor concluded his remarks by thanking Mr. St. Martin for attending the meeting.

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Councillor Stewart had an inquiry concerning water taking from the Tay River. The Councillor offered the following details.

The Ministry of the Environment has posted, on the Environmental Bill of Rights (EBR) registry, notice of an application for a water-taking permit from the Tay River by OMYA (Canada) Inc. it is requested that approximately 1 million gallons per day (roughly equal to the consumption of the town of Perth) be channeled for use in OMYA's calcium carbonate crushing facility. The end product is sold in a slurry form, a mixture of calcite with water, to US. Markets. Approximately 80% of the water used will be transported out of the watershed - in fact, out of the country.

The Tay River has historically been a regulated-flow watercourse controlled by a dam at the outlet of Bob's Lake. The flow controls are monitored and operated by Parks Canada as a component of the Tay Canal System.

The Tay River is the only major tributary in the upper sub-basin of the Rideau River watershed. It has a drainage area of about 875 square km, representing 33% of the upper sub-basin, but only 11% of the entire Rideau River watershed. It is significant however, because during normal summer flows this upper portion of the watershed contributes approximately 87% of the total Rideau River flow at Ottawa (as per the Intermin Watershed Plan, prepared by the Rideau Valley Conservation Authority, June 1983, page 15). During the spring freshet, it generally contributes less than 10% of the total flow at Ottawa.

The summer of 1999 was very dry, and the Tay River reported extremely low flows. This spring Bob's Lake is still experiencing low water levels due, in part, to lack of snow melt. There is also speculation about the potential for a drought situation in Ontario in the summer of 2000.

The Councillor asked that staff investigate how mid-summer water levels in the RMOC be affected if this water-taking permit is approved by the province and what is the Region's role if it is determined that this proposal may exacerbate water quantity problems with our municipality.

Councillor Stewart noted the Ministry had extended the comment date to 9 April 2000 so there may be an opportunity for the Region to have input. She asked that a report come back to the Committee on this.

Pat McNally, A/Commissioner, Environment and Transportation Department advised staff did not have information on this issue but stated he would see to it in a timely fashion and report in due course.

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Councillor Munter questioned if indeed there would be time for the Region to comment on this. Nancy Schepers, Director, Water Environment Protection Division, responded that, given the time constraints (i.e. comments by 9 April 2000), staff would look into this matter and if it merits commenting, staff will do so and provide Committee with this information.

Councillor Legendre inquired as to how Councillor Stewart had learned of this matter. Councillor Stewart advised she sits on the Board of the Conservation Authority and this item was on their agenda at the last meeting. She noted the Conservation Authority monitors the EBR on a regular basis.

Councillor Legendre questioned whether Regional staff should be monitoring this registry more directly. Ms. Schepers advised the Department does actively monitor the EBR, however, there is a lot posted on there and it is not easy to discern what might be of significance.

ADJOURNMENT

The meeting adjourned at 5:05 p.m.

COMMITTEE COORDINATOR

COMMITTEE CHAIR