

**1. SUMMARY OF ASSIGNED FUNCTIONS: ANNEX VII: OMB APPEAL SUMMARY REPORT  
RE: COMPREHENSIVE ZONING BY-LAW #40-99, TOWNSHIP OF GOULBOURN**

**COMMITTEE RECOMMENDATIONS AS AMENDED**

**That Council approve:**

- 1. That the position of the Region with respect to Item 1 (Jock River Flood Plain - Richmond) of the Region's appeal of the Goulbourn Comprehensive zoning by-law be to support an amendment which would recognize existing uses and permit a single dwelling on lots of record;**
- 2. That staff be directed to withdraw Items 2 (Organic Soils) and 4 (Wetlands - Adjacent Lands) of the appeal; and,**
- 3. That Items 3 (Commercial Zones), 5 (Wetlands) and 6 (Lot 15, Concession 10 - Specific Open Space Zone) be sustained.**

**DOCUMENTATION**

1. Co-ordinator, Planning and Environment Committee report dated 13 Apr 2000 is immediately attached. (*Item deferred from Planning and Environment Committee meeting of 11 Apr 2000.*)
2. An Extract of Draft Minute, 25 Apr 2000, immediately follows the report and includes a record of the vote.

REGION OF OTTAWA-CARLETON  
RÉGION D'OTTAWA-CARLETON

REPORT  
RAPPORT

Our File/N/Réf.                    03 07-00-0119  
Your File/V/Réf.

DATE                                    13 April 2000

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

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

SUBJECT/OBJET                    **SUMMARY OF ASSIGNED FUNCTIONS: ANNEX VII:  
OMB APPEAL SUMMARY REPORT RE: COMPREHENSIVE  
ZONING BY-LAW #40-99, TOWNSHIP OF GOULBOURN**

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**REPORT RECOMMENDATION**

**That the Planning and Environment Committee recommend that Council sustain Regional staff's appeals 1,2,3,5 and 6 of ZBL 40-99 to the Ontario Municipal Board and withdraw appeal 4.**

**BACKGROUND**

At the Planning and Environment Committee meeting of 11 Apr 2000, the Committee considered a report from the Commissioner, Planning and Development Approvals Department entitled "Summary Of Assigned Functions: Official Plan Amendments, Subdivisions, Condominiums, Part Lot Control By-Laws, Zoning By-Laws, Site Plans And Severances, And Appeals Of Four Zoning By-Laws And One Committee Of Adjustment Decision" and dated 28 Mar 2000. Councillor Betty Hill put forward a motion to defer that portion of the report dealing with the Regional staff appeal of the Township of Goulbourn Comprehensive Zoning By-law 40-99. The Planning and Environment Committee approved Councillor Hill's motion and the staff report, as amended.

Attached is the Appeal Summary Report prepared by staff (Annex VII of the 28 Mar 2000 report). This matter is now before the Committee for your consideration.

*Approved by  
Dawn Whelan*

ONTARIO MUNICIPAL BOARD  
APPEAL SUMMARY REPORT

Re: Comprehensive Zoning By-law 40-99  
Township of Goulbourn

Summary of Appeal

By-law 40-99 is a new Comprehensive Zoning By-law for the Township of Goulbourn which received final reading on January 18, 2000. The Zoning By-law is required to implement the official plan policies of the Township of Goulbourn and the Region of Ottawa-Carleton. The following summarizes the specific issues of the OMB appeal, the reasons why Regional staff are appealing it and the progress to date on resolving the issues of appeal.

1. Jock River Flood Plain - Richmond

The flood plain shown on Schedule A, Map 3 should be amended to correspond to the Regional Official Plan, Schedule G.

Grounds for Appeal

The extent of the flood plain is not shown accurately on Schedule A, Map 3 of the Zoning By-law. This affects existing residential development within the flood plain in the village of Richmond. The zoning does not conform to the Regional Official Plan, section 11.2 and Schedule G nor to the Goulbourn Official Plan, section 10.5.2.

Potential for Resolution

There appears to be limited potential for resolution of this issue as Goulbourn staff acknowledge the residential zoning does not conform the Regional or Goulbourn Official Plan(s). It should be noted that the Rideau Valley Conservation Authority attempted to provide a reasonable solution to this issue whereby the existing residential or commercial zoning would remain in place but with a "flood plain overlay" which would require new construction to be approved by the conservation authority. The final by-law did not provide for any changes to the existing zoning which would have recognized the full extent of the floodplain. The Rideau Valley Conservation Authority is supporting the Region's appeal and would provide expert witness testimony at a future hearing.

2. Organic Soils

A constraint area should be established in the Zoning By-law reflecting the Organic Soils shown in the Regional Official Plan, Schedule G. In addition, a provision should be inserted in the text of the Zoning By-law identifying under which circumstances buildings can be erected on lands within the Organic Soils areas.

### Grounds for Appeal

In order to conform to the Regional and Goulbourn Official Plan, the Goulbourn Zoning By-law should identify those lands identified as having organic soils. For such areas, the Zoning By-law should identify the studies/information required in respect of such soils before a building permit will be issued.

### Potential for Resolution

Goulbourn staff acknowledge that By-law 40-99 does not reflect the Organic Soils shown in the Regional and Goulbourn Official Plans. Goulbourn staff did not deem it necessary to reflect organic soils in the zoning by-law as it is not explicitly stated as a requirement in the Regional Official Plan. Goulbourn staff consider that the main issue with adding it to the by-law now is the cost of mapping. Regional staff have confirmed that the mapping can be undertaken by the Region at no cost to Goulbourn.

### 3. Commercial Zones

Insert limits on Gross Leasable Area consistent with the Regional and Goulbourn Official Plan retail hierarchies into section 13 of the Zoning By-law. Also insert a definition of Gross Leasable Area into the Zoning By-law.

### Grounds for Appeal

Section 13, Commercial Zones (CH, CC and CMU zones) of the Zoning By-law do not contain limits on gross leasable area. Such limits are required by the Regional Official Plan, section 4.7. In addition, the Goulbourn Official Plan also establishes a retail hierarchy that is not reflected in the Zoning By-law. A definition of gross leasable area that conforms to the Regional Official Plan is also required to provide such meaning to such limits.

### Potential for Resolution

In meeting with Goulbourn Planning staff it was acknowledged that the retail hierarchies reflected in the respective official plans were not reflected in the comprehensive zoning by-law. Goulbourn did not feel there was a need to incorporate these provisions into the zoning by-law on the basis that there were no sites large enough in Richmond or Stittsville where the maximum retail levels would be compromised. Goulbourn also indicated that the necessary land assemblies to reach the retail caps were also unlikely to occur. The Region has consistently incorporated the retail caps in the Regional Official Plan in other municipal zoning by-laws and believes an exception is not warranted here. A simple amendment to the general commercial zone provisions or shopping centre/plaza definitions would suffice.

The addition of these retail limits (maximums of 35,000m<sup>2</sup> in Stittsville and 10,000m<sup>2</sup> in Richmond) would not constrain development of existing sites based on information provided by Goulbourn Planning staff. It would make conformity the Regional Official Plan explicit and ensure that any party contemplating a land assembly is aware of these upper limits.

#### 4. Wetlands - Adjacent Lands

Insert a prohibition on development, as defined in the Provincial Policy Statement, in lands within 30 metres of the wetlands shown on Schedule A to the Zoning By-law. Also insert a definition of development consistent with the Provincial Policy Statement.

##### Grounds for Appeal

In the absence of studies indicating where development is possible on lands adjacent to a wetland, the Zoning By-law, to have regard to the Provincial Policy Statement and to conform to the Regional Official Plan, section 5.5.2, should prohibit such development.

##### Potential for Resolution

Given that the Ontario Municipal Board order re adjacent lands has not yet been issued, Regional Staff recommend that this specific appeal be withdrawn.

#### 5. Wetlands

The Zoning By-law should zone all Significant Wetlands South and East of the Canadian Shield designated in Schedules “A” and “B” of the Regional Official Plan as Wetland.

##### Grounds for Appeal

In order to conform to the Regional Official Plan, the Zoning By-law must zone as Wetland all Significant Wetlands South and East of the Canadian Shield. With the fact that the Association of Rural Property Owners are no longer pursuing their appeal in respect of Significant Wetlands South and East of the Canadian Shield within Goulbourn, all such lands should be zoned as Wetland in the Schedules to the Zoning By-law.

##### Potential for Resolution

Goulbourn properly included all significant wetlands which were not under appeal in the zoning by-law. In the week preceding the final adoption of By-law 40-99 the appeal affecting other significant wetlands in the Township of Goulbourn was withdrawn. The Region acknowledges that the timing of events were such that Goulbourn did not know of the appeal status and could not have made the necessary changes in advance of the scheduled meeting where final reading of the by-law occurred. Notwithstanding the above, the Region believes that the simplest way of appropriately zoning the outstanding provincially significant wetlands would be by order of the Board. As in the case of organic soils, the Region is prepared to assist with the necessary mapping

#### 6. Lot 15, Concession 10 - Specific Open Space Zone

This parcel should be zoned to permit only existing uses.

### Grounds for Appeal

These lands are designated as “Limestone Resource Area” in the Regional Official Plan. The permitted uses should be restricted to reflect the existing uses only as was done in the abutting OS-1 zoned property.

### Potential for Resolution

The above issue reflects the presence on an existing use on the property. Notwithstanding the recognition of an existing use and that no uses should be rendered non-conforming, there are other permitted uses in the proposed zone which could in fact sterilize the limestone resource. The By-law should be restricted to permit only existing uses or other uses which do not compromise the eventual extraction of the limestone resource. Regional staff have contacted the affected landowner who indicated that his plans for the property involved mineral extraction and that he did not anticipate any problems with what the Region is proposing.

### Recommendation

**That Planning and Environment Committee recommend that Council sustain Regional staff's appeals 1, 2, 3, 5 and 6 of ZBL 40-99 to the Ontario Municipal Board and withdraw appeal 4.**

Extract of Draft Minute  
Planning and Environment Committee  
25 April 2000

1. SUMMARY OF ASSIGNED FUNCTIONS: ANNEX VII:  
OMB APPEAL SUMMARY REPORT RE: COMPREHENSIVE  
ZONING BY-LAW #40-99, TOWNSHIP OF GOULBOURN  
- *Deferred from Planning and Environment Committee meeting of 11 Apr 2000*  
- Co-ordinator, Planning and Environment Committee report dated 13 Apr 2000

At the outset, Committee Chair Hunter indicated that Councillor Hill would be putting forward a motion to resolve the Region's appeal of this zoning by-law.

Tim Marc, Manager, Planning and Environment Law and Don Herweyer, Senior Project Manager, Development Approvals appeared before the Committee on this item.

Mr. Marc advised that he, Mr. Herweyer and Barry Edgington, Director, Development Approvals had met with staff from Goulbourn on two occasions to discuss the appeal. He noted, in view of the approaching amalgamation, staff are acutely aware of the need to avoid expending time and resources at the Ontario Municipal Board (OMB). Mr. Marc stated that while he understood the official position of the Township of Goulbourn to be that the Region withdraw its appeal, he felt the compromise position proposed by Councillor Hill's motion, was one that Regional staff can agree with and is the second best position for the Township. He said that while certain portions of the appeal will remain outstanding, he was hopeful these could be dealt with by way of affidavit evidence and would likely be resolved at a pre-hearing.

Mr. Marc went on to highlight the six aspects of the appeal and the resolution proposed by Councillor Hill in her motion. With respect to the first appeal dealing with the Jock River Flood Plain in Richmond, he said the Region would support an amendment to the zoning by-law whereby existing uses would be recognized and dwellings would be allowed within the Jock River Flood Plain on lots of record. On the second appeal regarding Organic Soils, Mr. Marc stated the appeal would be withdrawn. He noted on the third aspect, Commercial Zones, a couple of sentences would be inserted in the zoning by-law which would recognize the Regional Official Plan policies that a shopping centre of more than 35,000 square metres would not be allowed in Stittsville and no more than 10,000 square metres in the Village of Richmond. Item 4, Wetlands - Adjacent Lands would be withdrawn. On item 5, the Region would provide the necessary mapping to incorporate all of the wetlands within Goulbourn in the zoning by-law. Finally, Item 6, the site specific appeal, Mr. Marc stated he understood the landowner was content with what the Region proposes and once a letter is received from him confirming this, item 6 would go forward as presented.

Councillor Hill noted as a matter of course, it is her usual practice to meet with Goulbourn and Regional staff on matters such as this, before an appeal is filed, however, this did not happen in this instance. She said she was hoping Regional staff could have withdrawn the appeal

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completely, however, Mr. Marc has advised this cannot be done. The Councillor said she met with planning staff, and Mr. Marc and discussed what could be done to alleviate their concerns about these sections of the comprehensive zoning by-law and as a result, Mr. Marc drafted this motion.

Councillor Legendre sought clarification with respect the first appeal concerning the Flood Plain in Richmond. Mr. Herweyer explained the Region's position would be to recognize existing uses and permit the building of a single dwelling on lots of record. He said the alternative would be to have zoned the area as Environmental Protection Area, which would have made all of the uses non-conforming. He said this caused a lot of difficulty with the residents of Richmond.

The Councillor questioned why staff had changed from their original position. Mr. Herweyer stated the new position recognizes the existing residential development within the Village. He said it was acknowledged that the mapping should be updated and some of the tributaries off of the Jock River extend quite far (several blocks) into the Village, through a number of homes. Staff agreed it was not reasonable to implement the Environmental Protection Area zoning, with respect to the tributaries of the Jock River.

Councillor Legendre felt existing residential areas were one thing but lots of record where there is no construction now, he felt this would essentially be "allowing a situation that is not good, to get worse". Again he asked why this would be allowed. Mr. Herweyer advised that staff relied on the Conservation Authority's comments on this and they indicated they were prepared to accept a compromise solution whereby single dwellings would be permitted on lots of record, but their advise and input would be sought in terms of clearances.

Councillor Legendre noted in the staff report, the Conservation Authority indicated they supported the Region's appeal of this and would provide expert testimony. Mr. Herweyer replied the compromise solution initially proposed by the Conservation Authority was not included in the Goulbourn zoning by-law, so there was no recognition of the Flood Plain whatsoever in the by-law passed by Goulbourn Council. He stated the compromise before the Committee, is very similar to the one the Conservation Authority submitted to Goulbourn Council.

Responding to further questions from Councillor Legendre, Mr. Herweyer explained on a technical basis, staff relied on the Conservation Authority's comments that they were satisfied this would not be a health and safety issue. They felt this was a reasonable compromise given the existing development and the very limited number of lots of record that are not built on. On that basis, staff were prepared to recommend it.

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Lesley Patterson, Acting Director, Development Approvals pointed out the Regional Official Plan permits the two zone development approach in flood plains. She said where the flow is slow or low, the Conservation Authority will permit a building on a lot of record. In this circumstance, if the flow were really rapid and very deep during a flood, the Conservation Authority would make that comment at the time an application came forward.

Councillor Legendre commented that he was of the opinion the Region was the planning body and the Conservation Authority were the advise givers. Mr. Marc advised that in the context of a zoning by-law, both the Region and the Conservation Authority are commenting bodies.

Councillor Legendre then had questions concerning the second appeal on Organic Soils. Mr. Herweyer stated the recommendation before the Committee is that the Region withdraw from this appeal. He explained the Regional Official Plan does not state that it is necessary to reflect organic soils in the zoning by-law. He noted that Goulbourn currently implements it through their existing Official Plan. He said staff looked at the land uses that were affected and it is not an issue in terms of development pressures. Mr. Herweyer pointed out this has never been required in any of the other comprehensive zoning by-laws and staff feel it would be best to look at this Region-wide or City-wide next year and deal with it on a comprehensive basis. Mr. Marc added the language in the Regional Official Plan does not make this mandatory. At an OMB hearing, Goulbourn would be able to point to this fact and as well, they would also be able to point to the fact the Region has not appealed on this basis elsewhere. These would be two pretty significant factors that would favour Goulbourn's success.

With respect to Appeal 4, Councillor Legendre commented it appeared to him staff were recommending this appeal be withdrawn at this time but the implication is that it could come up again in the future. He asked for staff comment. Mr. Marc advised it would be possible to come back and look at this again in the future, when an OMB order is issued with respect to adjacent lands. However, he pointed out the Provincial Policy Statement only requires that the issue of setbacks be looked at when a planning application is before the body in question. He noted Goulbourn's position is that there is no need to actually put the setbacks in the zoning by-law but rather allow it to be addressed when a planning application is made and a wetland impact statement can be submitted at that time.

Councillor Legendre could not understand why the municipality would not want to include the setback in their zoning by-law. Mr. Herweyer reiterated the Provincial Policy Statement does not require the setbacks to be set out in the comprehensive zoning by-law, rather it is a condition of development (e.g. subdivision, site plan, etc). He stated the Region would be on tenuous ground appealing this. Further, Mr. Herweyer pointed out the setback is not fixed (e.g. the impact study could determine that a 50 metre setback is needed instead of 120 metres) and this would be difficult to deal with in a zoning by-law.

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Councillor Stewart, referring to appeal number 1 (Jock River Flood Plain - Richmond) asked if this took into account the newest flood plain mapping that has just been completed and adopted by the Conservation Authority. Mr. Herweyer advised the mapping dated back to 1979 but there was an update in 1996 (not a complete study but a review of the hydrology) and that indicated only negligible changes through Richmond.

Councillor Stewart advised this was not the new mapping and noted the new mapping that was recently carried out and adopted by the Conservation Authority did show some changes in this area. The Councillor indicated she would require more information before she could make a decision on this.

Councillor Stewart went on to say that as far as she knew, the Conservation Authority Board was not in agreement with building on lots of records in the flood plain. She explained as well, the extent of new building that could occur was also very important as there is a cumulative effect. When fill is added and construction takes place, the waterway is altered and it can have a profound effect downstream. She said where you once did not have a problem and people were able to build very safely away from flood water, a new subdivision in the flood plain upstream will displace the storage capacity for the flood water and will cause the formerly safe area to flood.

Responding to further questions from Councillor Stewart, Danny Page, Planner, Township of Goulbourn, advised there are approximately 12 lots of record. He said more importantly, the subject area is in the upper reaches of the tributaries, that tend to coincide with the flood fringe. These are the areas that are least susceptible to flooding and might only see flooding once every one hundred years. Mr. Page explained the actual portion of the flood plain along the Jock River would be zoned Environmental Protection Area. Mr. Page also pointed out that Conservation Authority approval would still be required to secure a building permit within these areas.

Councillor Stewart stated she was somewhat assured by this information, however, she noted in the last 30 years, we have learned "it is far more cost effective to keep people away from water, than to keep water away from people". She said as well the beginnings of climate change within our watersheds were starting to be seen and although, this may sound safe she did not want to make any big decisions on the eve of what may be some serious change in water quantity levels in this Region.

Responding to questions from Councillor van den Ham, Mr. Herweyer confirmed in this area of the flood plain, the possibility of flooding is once in 100 years. The Councillor felt too much

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was being made of the danger when the probability was only once in 100 years. He also pointed out that the Conservation Authority would have to approve any building permits.

Councillor Munter stated he was quite skeptical about the one in 100 year parameter, as it is known those parameters are changing and the previous 100 years are not a reliable basis to go on. The Councillor felt it was very unwise for people to build houses in flood plains but he asked if wording could be included in the zoning by-law which would in effect allow property owners who decide to build in flood plains to assume liability and render the municipality (and ultimately the taxpayer) harmless. Mr. Marc replied this would not be possible.

Referring to a response given by Mr. Herweyer to a question posed by Councillor Legendre, with respect to the appeal on the Wetlands - Adjacent Lands, Councillor Munter stated he did not understand the argument that because the buffer varies, there is no point in putting a reference to the buffer in the zoning by-law. He questioned why wording such as “the greater of 30 metres or whatever is determined by the impact study” could not be included. Mr. Marc advised that a zoning by-law, is significantly different than an Official Plan. An Official Plan can speak to generalities and can contain this type of provision. Whereas, a zoning by-law is much more a document, where you “dot your i’s and cross your t’s”; it has to be precise so that the building official can answer a question with certainty. One must be able, on reading the zoning by-law, with just that document in front of them, to come to a conclusive decision as to whether or not a building permit shall be issued.

In response to further questions from Councillor Munter, Mr. Herweyer advised he was not aware of any other area municipality zoning by-laws that contained a reference to the wetland buffer. Mr. Marc added that given that the Adjacent Lands policy has yet to be approved in the Regional Official Plan, it is highly unlikely that it would be in any of the area municipality zoning by-laws.

The Committee then heard from the following delegations.

Nicholas Patterson relayed his opinion that the manner in which the report was written, was incomprehensible to him and most likely, to the average lay person. As well, he felt it was evident from the questions asked that some members of the Committee were having difficulty comprehending it. He felt there was a need for staff to receive instruction to improve their writing skills. Mr. Patterson referred as well to another item on the Agenda dealing with City of Ottawa LOPA 37 and felt this was another example of poor writing.

Chair Hunter explained the report on the appeal of Goulbourn’s zoning by-law had been part of a larger report and was intended to only be a brief summary. He suggested if there were anything the speaker would like clarified, staff would be happy to oblige.

Mr. Patterson then referred to the issue of the flood plains and offered his opinion that there was no need to put this land out of circulation and deprive the community of some of the best and most attractive land. He suggested that owners in such areas could be advised on a yearly basis, through a mailing, that they would not be entitled to compensation, should they suffer damage as a result of a flood.

Danny Page, Planner, Township of Goulbourn, indicated he concurred with Mr. Marc's comments that staff of the Region and Goulbourn have been working very earnestly on this matter and have had a number of meetings to try and sort out the issues of the appeals. He thanked staff for the opportunity to have had that dialogue.

Mr. Page went on to note he was appearing before the Committee on behalf of Goulbourn Council and Mayor Stavinga. He stated that Goulbourn Council's position is that they would like to see the entire appeal withdrawn. He said he understood the appeals were initiated on the basis of a principle, however, in terms of the substance of the appeal, Goulbourn Council believes there really is not a substantive issue involved in any of these appeals.

The speaker then went on to review the issues surrounding the appeals. He said with respect to the Richmond Flood Plain, the area referred to is the upper reaches of the tributaries; the principal flood way will be zoned Environmental Protection Area. Mr. Page explained part of the reason the upper reaches were not reflected by Council in its consideration of the by-law was because of the anxiety this was causing many of the residents. Many of these properties have had residences on them for one hundred and fifty years and the residents have never seen flooding and have therefore questioned the validity of the flood plain mapping. He said Council elected not to zone those areas flood plain but to leave them within the residential zoning and this was done after a great deal of thought and input from the Conservation Authority.

With respect to the appeal concerning the Organic Soils, Mr. Page stated this is not a requirement of either the Goulbourn Official Plan or the Regional Official Plan and is not reflected in most zoning by-laws.

Mr. Page advised the appeal submitted on the Commercial Zones, places limits on the size of commercial centres that may occur in Richmond and Stittsville. He said limits precluding centres in excess of 35,000 square metres from occurring in Stittsville and 10,000 square metres in Richmond, were not included because it is highly improbable facilities of this size could occur in either Richmond or Stittsville. The reasons being the primary market does not exist for these kinds of centres and there are no sites within Richmond or Stittsville to accommodate shopping centres of this magnitude. Mr. Page explained Goulbourn staff, in designing this by-law were specifically attempting to streamline it and not have "regulations for the sake of regulation".

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On the issue of Provincially significant Wetlands, (item 5) Mr. Page stated Goulbourn has zoned all of the Provincially Significant Wetlands and Goulbourn Council is committed to (when the OMB approves the rest of the Provincially Significant Wetlands) showing those wetlands on the zoning schedule.

With respect to the last issue, the site specific appeal, the speaker stated Goulbourn is of the view that the zoning simply reflects an existing use. He said the existing use, a shooting range has been in place for quite some time and he noted there had been discussions with the landowner as to whether they wished to have any additional uses. Mr. Page said it was his understanding the owner was to confirm in writing that they are prepared to go along with the exception zone that staff have indicated.

Councillor Stewart noted Mr. Page was representing Goulbourn Council's position. She asked what the Goulbourn staff's position was that was brought forward to Council on the first appeal regarding the Flood Plain. Mr. Page stated the initial staff position was to have the EPA zone extend all the way up the tributaries to the upper reaches. However, after the public consultation, where in excess of 100 individuals spoke on this issue, staff developed a revised by-law that was in effect the compromise solution presently before Committee. He noted this solution was developed in consultation with the Conservation Authority (i.e. the residential zoning would remain in place, with a Flood Plain overlay) and this was recommended to Goulbourn Council. The residents, however, were concerned with the implications of this and felt it would place a "black mark" on title to their properties that would prevent them from selling their homes at some point in the future or obstruct their ability to obtain a minor variance for an addition to their house. Mr. Page advised that Council elected not to go along with that compromise solution.

Having heard from all delegations, the matter returned to Committee.

Councillor Hill stated she could appreciate the concerns some of the members of the Committee had with respect to the flood plain, however, she noted the situation would be different if the Committee were dealing with a new development or a new subdivision. In this instance it is a village that has existed since 1818 and has a population in excess of 3000 people and the Councillor felt that common sense should prevail. She pointed out building permits require the approval of the Conservation Authority and they have been allowing houses to be built, since the flood mapping was done in 1979.

In concluding her remarks, the Councillor noted she had lived in the Village of Richmond for 35 years and it had not experienced flooding per se, during that time. She urged the Committee to support her motion.

Councillor Legendre offered his opinion that it was not a very good signal, when the professionals from both the local municipality and the Region are essentially saying, “we do not have to tell people who wish to buy property in this area that they are buying into a flood plain”. He said these people would have to find this out when it floods and the municipality does not want to assist because the residents do not want to put a “black mark” against their property. Councillor Legendre noted the Region is there to serve the people and provide information; hiding information is not useful and this is what this motion amounts to.

Councillor Hill pointed out the River runs right through the middle of the Village of Richmond, so there would be no way that people could not know there is a possibility of flooding.

The Committee then considered Councillor Hill’s motion. Councillor Legendre asked that the motion be separated.

Moved by B. Hill

**That the Planning and Environment Committee recommend that Council approve:**

- 1. That the position of the Region with respect to Item 1 (Jock River Flood Plain - Richmond) of the Region’s appeal of the Goulbourn Comprehensive zoning by-law be to support an amendment which would recognize existing uses and permit a single dwelling on lots of record;**

CARRIED

YEAS: M. Bellemare, B. Hill, P. Hume, R. van den Ham and G. Hunter....5  
NAYS: J. Legendre, A. Munter and W. Stewart....3

- 2. That staff be directed to withdraw Items 2 (Organic Soils) and 4 (Wetlands - Adjacent Lands) of the appeal; and,**

CARRIED

(J. Legendre, A. Munter and  
W. Stewart dissented)

- 3. That Items 3 (Commercial Zones), 5 (Wetlands) and 6 (Lot 15, Concession 10 - Specific Open Space Zone) be sustained.**

CARRIED

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Planning and Environment Committee  
25 April 2000

The Committee then approved Councillor Hill's motion in its entirety.

Moved by B. Hill

**That the Planning and Environment Committee recommend that Council approve:**

1. **That the position of the Region with respect to Item 1 (Jock River Flood Plain - Richmond) of the Region's appeal of the Goulbourn Comprehensive zoning by-law be to support an amendment which would recognize existing uses and permit a single dwelling on lots of record;**
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3. **That Items 3 (Commercial Zones), 5 (Wetlands) and 6 (Lot 15, Concession 10 - Specific Open Space Zone) be sustained.**

CARRIED

(J. Legendre, A. Munter and  
W. Stewart dissented)