

**3. ONTARIO MUNICIPAL BOARD APPEAL -
DRAFT PLAN OF SUBDIVISION 06T-99026,
WESTRIDGE PHASE 3B SUBDIVISION, TOWNSHIP OF GOULBOURN**

COMMITTEE RECOMMENDATIONS AS AMENDED

That Council approve that:

- 1. The Region support the position taken by the Ministry of Natural Resources, the Township of Goulbourn and the Goulbourn Wetlands Group with respect to the wetland boundary in Westridge Phase 3B, and;**
- 2. Should the Ontario Municipal Board determine to approve Phase 3B, that the list of conditions attached as Annex 3 be offered to the Board as appropriate conditions for draft approval.**

DOCUMENTATION

1. Planning and Development Approvals Commissioner's report dated 10 Oct 2000 is immediately attached.
2. An Extract of Draft Minute, 10 Oct 2000, immediately follows the report and includes a record of the vote.
3. Copy of submission from Christine Hartig, Goulbourn Wetlands Group dated 5 Oct 2000 follows. The original petition submitted by the Goulbourn Wetlands Group and containing some 230 signatures, is held on file with the Regional Clerk.
4. Documents submitted by Murray Chown, Novatech Engineering Consultants Inc., including a letter from Mr. Chown to the Ministry of Natural Resources dated 15 Sep 99 and a letter from the MNR to the Region dated 7 Dec 99, are attached.

REGION OF OTTAWA-CARLETON
RÉGION D'OTTAWA-CARLETON

REPORT
RAPPORT

Our File/N/Réf. Your File/V/Réf.	15-99-SD26
DATE	10 October 2000
TO/DEST.	Co-ordinator, Planning and Environment Committee
FROM/EXP.	Planning and Development Approvals Commissioner
SUBJECT/OBJET	ONTARIO MUNICIPAL BOARD APPEAL - DRAFT PLAN OF SUBDIVISION 06T-99026, WESTRIDGE PHASE 3B SUBDIVISION, TOWNSHIP OF GOULBOURN

DEPARTMENTAL RECOMMENDATION

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

- 1. The Region take no position with respect to the determination of the Wetland boundary in Westridge, Phase 3B, and;**
- 2. Should the Ontario Municipal Board determine to approve Phase 3B, that the list of conditions attached as Annex 3 be offered to the Board as appropriate conditions for draft approval.**

BACKGROUND

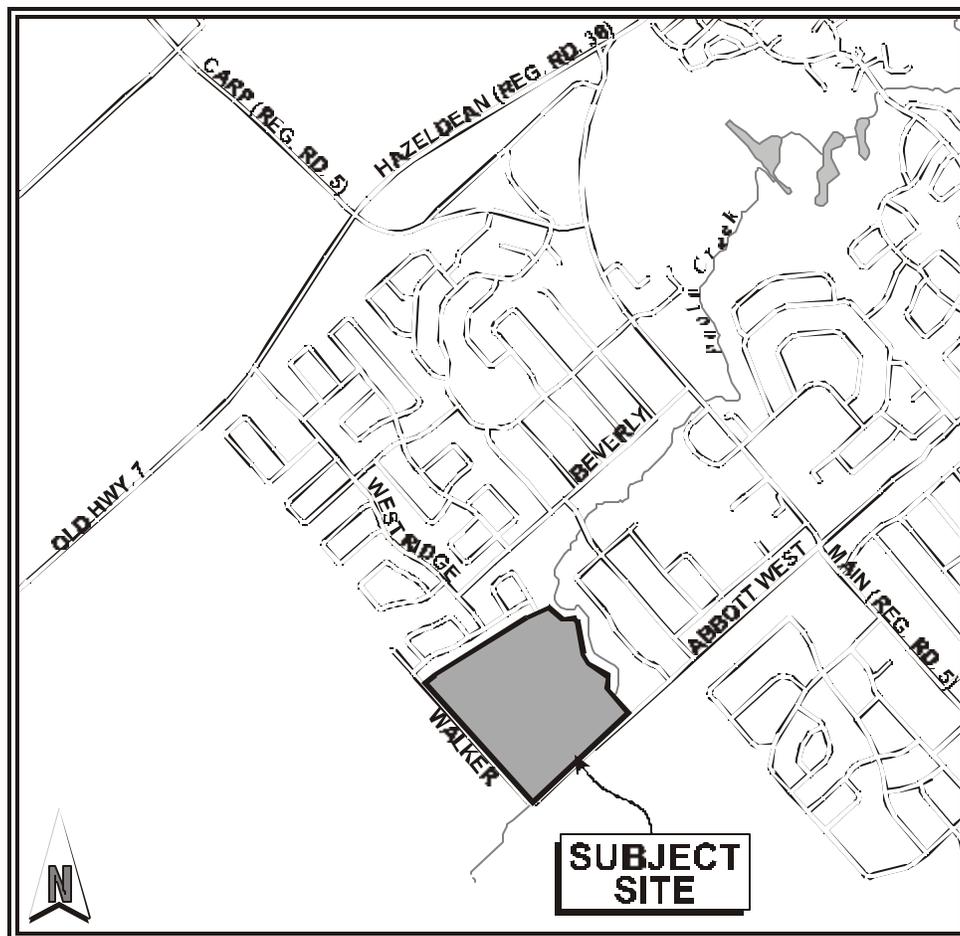
This matter would normally have been brought to the attention of PEC as part of the Summary of Delegated Functions Report notifying Committee of a pending appeal and Ontario Municipal Board (OMB) Hearing. A separate information report was prepared in recognition of the historical interest PEC has expressed in Goulbourn's Stage 2 wetlands.

This report is brought forward for the consideration of Planning and Environment Committee as a result of an appeal lodged by Douglas Kelly - solicitor for the applicant. The appeal is lodged under Section 51(34) of the Planning Act citing the failure of the Regional Municipality of Ottawa-Carleton to make a decision within 90 days of deeming the application complete. A copy of the appeal is attached as Annex 1.

Application for the approval of Subdivision (Draft Plan) 06T-99026 was submitted by Novatech Engineering Consultants Limited on 02 December 1999. The joint public hearing for the subdivision required by the Planning Act was held at the Township of Goulbourn on 14 March 2000 and after 2 deferrals, the subdivision was recommended for approval by Goulbourn Council on 06 June 2000. A subsequent application to rezone the subject property was denied by Goulbourn Council. This has also been appealed to the OMB by the applicant. An OMB pre-hearing has been set for 27 October 2000 and a full hearing is scheduled for 04 December 2000. Both the subdivision and zoning appeal will be joined and heard together at this consolidated hearing.

LOCATION

The subject property is approximately 16ha in area. It is located in the Village of Stittsville north of Abbott Street, and south of a residential subdivision under development. The property is bounded on the east by Upper Poole Creek and on the west by Walker Road. The parcel of land intended for development contains, and is adjacent to, a Provincially Significant Wetland. The boundary of this wetland is disputed and has precipitated the appeal.



The subject property is designated “General Urban Area” and “Significant Wetland” in the Region’s Official Plan is designated “Residential,” “Provincially Significant Wetland,” and “Adjacent Lands ” in the Goulbourn Official Plan.

Chronology of events

07 May 1999: Pre-consultation - it is determined through air photo interpretation and field investigations done by the biologists involved in the Upper Poole Creek Watershed Study that a feature, resembling a “finger” of wetland, may extend north through the subject parcel and that a site visit of both the Upper Poole Creek and Fernbank wetlands is warranted. At this point, the applicant is advised by regional staff that the wetland boundary must be confirmed and that a Wetland Impact Study (WIS) must be submitted in support of any proposed plan.

24 September 1999: Site visit - Regional, Goulbourn, Mississippi Valley Conservation Authority (MVCA), Ministry of Natural Resources (MNR) staff as well as landowner, his agents and biologists, conduct a site assessment. The MNR then conducts additional fieldwork and subsequently establishes the wetland boundary. The applicant then bases its WIS on this agreed upon wetland boundary and prepares all the necessary studies in support of their proposed plan of subdivision.

14 March 2000: Public Meeting at Goulbourn - Goulbourn Committee expresses concerns regarding the need to have the Upper Poole Creek Subwatershed Study and Safe Speeds for Stittsville Transportation Study complete prior to recommending draft approval of subdivision. Goulbourn Planning Committee recommends that the consideration of the matter be deferred. 21 March 2000 - Goulbourn Council ratifies deferral of subdivision.

23 May 2000: Goulbourn Planning Committee again considers subdivision - MNR confirms wetland boundary as established 24 September 1999, but is requested by Goulbourn Council to visit site to look for Provincially rare flora. Goulbourn Council on 06 June 2000 recommends approval of subdivision subject to 87 draft conditions.

June/July 2000: MNR conducts further field investigations after Goulbourn Council decision and determines that the boundary of the wetland has been incorrectly delineated and is more extensive than as established on site visit 24 September 1999. On 13 July 2000 MNR provides written confirmation regarding the proposed boundary change. This letter precipitates the appeal lodged by the applicant - it is attached as ANNEX 2.

18 July 2000: The applicant appeals subdivision (under 90 day provision). The applicant’s solicitor informs the Region of his intent to file a motion with the OMB arguing that it is inappropriate from a legal and procedural standpoint to change wetland boundary “mid-stream”.

12 September 2000: Goulbourn Committee recommends refusal of application to rezone subject lands and recommends that Council request the applicant to resubmit subdivision draft plan reflecting the new wetland boundary. The applicant appeals the refused zoning by-law to the OMB and the OMB sets pre-hearing date for 27 October 2000 and hearing date for 04 December 2000.

Staff Comment:

With respect to processing subdivisions, the Region performs two separate functions. The Region is delegated provincial approval authority and must also administer the provisions of the Regional Official Plan. Because of the appeal in this case, the approval authority is no longer vested with the Region, but with the OMB. With respect to the provisions of the Region's Official Plan, the Region cannot process the subdivision application further until the appropriate wetland boundary is established with certainty by the OMB.

If the applicant's motion is successful, and the OMB approves the subdivision in its current form, then staff recommend that the draft conditions contained in Annex 3, be forwarded to the OMB. If on the other hand, the applicant's motion is lost, the same basic conditions (modified as necessary) would apply, but the plan would have to be resubmitted showing the revised wetland boundary and the WIS would have to be revised and submitted for approval.

Legal Department Comments:

The predominant issue at the hearing will be the determination of the wetland boundary of a wetland whose designation in the Regional Official Plan is not in dispute. In dealing with this issue, Regional staff rely on the advice of the MNR. As such the major roles of providing evidence with respect to the wetland boundary rest with the MNR and the landowner. The Region need not play a role in the hearing, other than providing to the OMB the list of appropriate conditions should the Board determine to give draft approval to the plan of subdivision.

CONSULTATION

As Regional Staff have satisfied Council's delegated responsibility under the Planning Act, 1990 to confer with those agencies and individuals with an interest in Draft Plan 06T-99026, no further public consultation is necessary. Notice of the 10 October 2000 PEC meeting to consider Draft Plan 06T-99026 was communicated to the MNR, Goulbourn, Douglas Kelly - solicitor for the applicant, and to Christine Hartig - representative of the local ratepayers group seeking party status at the hearing.

FINANCIAL IMPLICATIONS

Should Council direct that Regional staff take part in the OMB hearing, the Region could be exposed to costs in the form of staff resources which would be required to prepare and give evidence on Council's decision as well as on matters of professional planning, legal, environmental, and engineering opinion. Such costs would most likely be absorbed within the budgets of the Regional departments concerned.

CONCLUSION

This report has been brought before PEC and Council for information because of the historical interest that Council has expressed in the Stage 2 wetlands. The Region cannot process the plan of subdivision until the wetland boundary is established with certainty. Should the applicants motion be successful and the OMB approves the subdivision, Regional staff recommend that the OMB adopt the conditions attached as Annex 3. If the motion is lost, then the OMB will likely require that the plan be revised and that similar conditions of approval (modified to reflect the changed plan) will apply.

*Approved by
N. Tunnacliffe, MCIP, RPP*

ONTARIO MUNICIPAL BOARD

IN THE MATTER OF an application by 1048219 Ontario Inc., 561125 Ontario Limited, 665028 Ontario Limited, 665029 Ontario Limited and 665030 Ontario Limited for approval of a plan of subdivision for Blocks 111 and 112 registered Plan 4M-1057 in the Township of Goulbourn in the Regional Municipality of Ottawa-Carleton;

AND IN THE MATTER OF Section 51(34) of the *Planning Act* R.S.O. 1990 c.P.13

NOTICE OF APPEAL

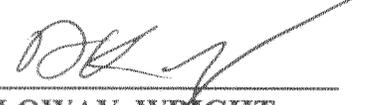
TAKE NOTICE that 1048219 Ontario Inc., 561125 Ontario Limited, 665028 Ontario Limited, 665029 Ontario Limited and 665030 Ontario Limited hereby appeal to the Ontario Municipal Board the failure of the Council of The Regional Municipality of Ottawa-Carleton to make a decision under Section 51(34) of the *Planning Act* within 90 days of the application for approval of a plan of subdivision on the following grounds:

1. On December 2, 1999, Novatech Engineering Consultants Limited, authorized agent for the Appellants, filed with The Regional Municipality of Ottawa-Carleton, an application for approval of a plan of subdivision for Blocks 111 and 112, Plan 4M-1057.
2. At the time of the application, the Appellants had filed all the material required under Section 51(17) of the *Planning Act*.
3. In addition to the requirements of Section 51(17) of the *Planning Act* the Appellants also filed the following reports with the Region:
 - (a) Phase 1 Environmental Site Assessment prepared by Golder & Associates Limited;

- (b) Wetland Impact Study prepared by Ecological Services;
 - (c) Existing Vegetative Conditions and Tree Preservation Plan prepared by Larocque, Levstek Consulting Services;
 - (d) Storm water site management plan prepared by Novatech Engineering Limited;
4. A evaluation referred to as (Upper Poole Creek Wetland Evaluation, 1998) prepared by Ecological Services was filed with the Ministry of Natural Resources on September 25, 1999 to confirm the mapping of the provincially significant wetland immediately to the south of the plan of subdivision.
 5. On December 7, 1999, the acting area manager of the Ministry of Natural Resources, Lanark-Ottawa-Carleton Management Area, advised Susan Murphy of the Policy and Infrastructure Branch of The Regional Municipality of Ottawa-Carleton Planning Department that the wetland boundary identified in the evaluation "best reflects existing wetland conditions"and accordingly "The Upper Poole Creek Wetland boundary will be adjusted to reflect the delineation" in the evaluation.
 6. On May 23, 2000, The Corporation of the Township of Goulbourn passed a Resolution recommending the approval of the plan of subdivision subject to 87 conditions.
 7. On July 10, 2000, my client was advised by The Regional Municipality of Ottawa-Carleton Staff that they had asked the Ministry of Natural Resources to review the wetland boundaries to determine whether or not they wish to re-evaluate them.

8. The Appellants state that they have followed the procedure of the *Planning Act* and the Official Plans of the Township of Goulbourn and The Regional Municipality of Ottawa-Carleton with respect to requirements for a plan of subdivision have filed with the Municipalities all the necessary reports including a Wetland Impact Statement for the Upper Poole Creek Wetlands.
9. The Appellants state that they have, based upon the approval of the Wetland Evaluation by the Ministry of Natural Resources, finalized the design of the Plan of Subdivision and submitted it for draft approval and that it is not now appropriate for the Region to ask a Ministry of Natural Resources whether it wishes to re-evaluate what they have already approved.
10. Such further and other reasons as counsel may advise.

DATED this 17~~th~~ day of July, 2000.


SOLOWAY, WRIGHT LLP
Barristers and Solicitors
900-427 Laurier Avenue West
Ottawa, Ontario
K1R 7Y2

Douglas B. Kelly (782-3215)
Solicitor for 1048219 Ontario Inc.,
561125 Ontario Limited,
665028 Ontario Limited,
665029 Ontario Limited and
665030 Ontario Limited

TO: Mary Jo Woollam, Clerk
The Regional Municipality of Ottawa-Carleton
11 Lisgar Street
Ottawa, ON K2P 2L7

AND TO: Mr. Robert Haller, Clerk
Township of Goulbourn
P.O. Box 189, 2135 Huntley Road
Stittsville, ON K2S 1A3

AND TO: Ontario Municipal Board
1500-665 Bay Street
Toronto, Ontario
M5G 1E5



Postal Bag 2002
Kemptville, Ontario
K0G 1J0

July 13, 2000

Ms. Sally Switzer
Deputy Planning Director
Planning and Economic Development Department
Township of Goulbourn
2135 Huntley Road
Stittsville, Ontario
K2S 1A3



Dear Ms. Switzer,

On June 20th of this spring I visited the area of Upper Poole Creek Wetland bounded by Walker Road and Abbott Street. This is the area under planning consideration for West Ridge Estates, Phase III. I was accompanied by another experienced ecologist and botanist from our office. We walked three transect lines into the area in question that lies north of the recognized wetland boundary at that time. Our first transect started approximately 77m southeast of Thresher Avenue along Walker Road and went into the wetland at right angles to Walker Road. We noted vegetation as we proceeded and recorded the location of the wetland boundary as encountered. This process was repeated two more times with starting points at 50m intervals measured down (southeast) Walker road.

Based on the wetland boundaries encountered during this process it was determined that there is indeed a "trough" of wetland joining the back of the developed area south of Thresher Avenue, running southeast to the wetland boundary as mapped in Mr. Snetsinger's 1999 wetland evaluation. The wetland in this area is predominately a mix of low shrub, tall shrub and treed swamp with a strong component of sedges, grasses and herbaceous species. There were numerous examples of wetland species such as sedges, shrubs and trees present which would take several (5-20 +) years to become established in the communities and mature state observed. I have provided a set of maps (3) illustrating the location of the wetland in this area based on this new information. Map 1 is a copy of the wetland map from Snetsinger, 1999, at a scale of 1:10,000 with the new boundary superimposed in orange. Map 2 shows the wetland boundary in red, based on this recent fieldwork in the area of concern. This boundary is drawn over a 1991 air photo base at a scale of 1:10,000. The third map (Map3) is essentially the same as Map 2, except the scale is reduced to approximately 1:4,200. The wetland is indicated in orange.

You will note that this new information compares, for the most part, very favourably with the information presented by GEAC in terms of the location and breadth of the area that they have been proposing. There have been some minor alterations to boundaries on the extreme south parts of this area of the wetland in the vicinity of Walker and Abbott, and again by the power line on the east side. Again these changes are similar to mapping provided by GEAC and result from observations in the field on June 20th.

Another purpose for this visit was to locate and confirm the presence of ram's-head lady's slipper (*Cypripedium arietinum*). The presence of this species was confirmed in the vicinity of the area suggested by GEAC. There were approximately two dozen specimens found in a semi-open, cedar forest community on the west side of the block, within 10-30m of the 'new' wetland. A more extensive search could reveal further individuals. Their approximate location is noted on Map 3 in red.

Please don't hesitate to contact me for clarification or further details regarding this issue.

Sincerely,



Shaun Thompson
District Ecologist
Kemptville District

ST/

c.c.

Mike Boucher -- Regional Municipality of Ottawa-Carleton

PLEASE NOTE:

MAPS 1 - 3

ISSUED SEPARATELY

Report No. 00 - 20 Plan - from Sally Switzer, Deputy Planning Director

RE: Proposed Plan of Subdivision, West Ridge Phase 3B, Stittsville
(Regional Group/Argue)

RECOMMENDATION:

The Committee of the Whole recommends to Council:

That staff be requested to initiate proceedings for the closure of Walker Road and Abbott Street West; and

That the draft subdivision proposal for West Ridge Phase 3B be approved subject to conditions as amended.

General

These conditions apply to the draft plan certified by, Paul Riddell, OLS, dated November 23rd, 1999 showing 133 lots for single detached homes, and 3 blocks for passive parkland and environmental protection.

- | | | |
|---|---|-----------------------------|
| 1 | The Owner(s) agree, by entering into subdivision agreements, to satisfy all requirements, financial and otherwise, of the Township of Goulbourn and the RMOC, including but not limited to, the phasing of the plan for registration, the provision of roads, installation of services and utilities, and drainage. | Goulbourn
RMOC
(PDAD) |
| 2 | The Owner(s) agree, in writing to satisfy all requirements, financial or otherwise, of the Township of Goulbourn, including among other matters: | Goulbourn |
| | a) roads; | |
| | b) curbs; | |
| | c) sidewalks and walkways; | |
| | d) storm sewer system; | |
| | e) sanitary sewer system; | |
| | f) storm and sanitary sewer service connections; | |
| | g) street name signs; | |
| | h) watermains; | |
| | i) water service connections; | |
| | j) fences and hedges; | |
| | k) shade trees; | |
| | l) park development; | |
| | m) underground utilities; | |
| | n) street lighting; | |
| | o) lot grading and landscaping; | |
| | p) private entrance paving; | |
| | q) lawn lamps; and | |
| | r) filling of lots. | |
| 3 | The Owner(s) shall revise the plan to be registered to: | Goulbourn |

- | | | |
|----|--|-------------------|
| a) | show Streets 5 and 7 as named West Ridge Drive; | RMOC |
| b) | show a pathway block between Lots 76 and 77; c) show daylighting triangles at the intersection of West Ridge Drive and Abbott Street; and | (PDAD) |
| d) | alter the lotting scheme associated with the cul-de-sac on Street Two to respect the wetland boundary and required buffer. | |
| 4 | The Owner(s) shall revise the plan to place 0.3 m reserves in the following locations: | Goulbourn
RMOC |
| a) | the street flankage of Lot Nos. 13, 16, 22, 34, 99, 100, 126, 133 | (PDAD) |
| 5 | The Owner(s) shall provide daylighting triangles at all intersections and at internal lot corners where roadway bends are less than 120 degrees. | Goulbourn |
| 6 | The Owner(s) agree to satisfy the requirements of the Township of Goulbourn's Building and By-law and Fire Departments. | Goulbourn |
| 7 | The Owner(s) shall ensure that there is capacity in the infrastructure for the ultimate development scenario. | Goulbourn |
| 8 | The Owner(s) agree to prepare/have prepared a pre-blast survey and a blasting effects report for review by the Township of Goulbourn, to address noise and vibration levels and any other potentially detrimental effect of construction blasting. | Goulbourn |
| 9 | The Owner(s) agree in the subdivision agreement between the Owner(s) and the Township of Goulbourn to implement the recommendations of the blasting report approved by the Township. | Goulbourn |
| 1 | The draft final plan to be registered shall be submitted to the Township of | Goulbourn |
| 0 | Goulbourn's Planning Director for approval prior to the development of the subdivision agreement for each phase. | RMOC
(PDAD) |
| 1 | Prior to any further division of lots or blocks, the RMOC or the Township of | Goulbourn |
| 1 | Goulbourn may require an additional agreement to address any new or amended conditions. | RMOC
(PDAD) |
| 1 | The Owner(s) agree to replace/upgrade any well off the property which may be | Goulbourn |
| 2 | disturbed due to the construction of the subdivision. | |

Zoning

- | | | |
|---|---|----------------|
| 1 | Prior to registration of the plan of subdivision, the RMOC shall be advised by | Goulbourn |
| 3 | the Township of Goulbourn that the proposed plan of subdivision conforms with a zoning by-law approved under the requirements of <i>The Planning Act</i> , with all possibility of appeal to the OMB exhausted. | RMOC
(PDAD) |

Highway/Roads

- | | | |
|----|--|----------------|
| 1 | The Owner(s) shall undertake a Transportation Impact Study for the subject | Goulbourn |
| 4 | subdivision and shall, at their cost, effect such traffic related improvements including traffic calming measures as the Township of Goulbourn and the RMOC may determine necessary: | RMOC
(PDAD) |
| | The Transportation Impact Study shall address the following: | |
| a) | the capacity and function of West Ridge Drive north of Beverly Street | |

- (in particular that portion adjacent to the existing park);
- b) the capacity and function of Beverly Street from West Ridge Drive to Main Street;c) the capacity and function of Renshaw Avenue between West Ridge Drive and Hobin Street;
- d) the effect of increased traffic volumes on the intersection of West Ridge Drive and Hazeldean Road;
- e) the effect of increased traffic volumes on the intersection of West Ridge Drive and Beverly Street;
- f) the effect of increased traffic volumes on the intersection of Beverly Street and Main Street;
- g) the provisions of sidewalks and pathways connecting existing and proposed open space, local schools and Main Street;
- h) the appropriate right-of-way width, and pavement width for the extension of West Ridge Drive; and
- i) future provision of public transit.

This Study shall be prepared in light of the findings of the J.P. Braaksma and Associates Limited Study, "Improving the Quality of Life on Stittsville's Streets".

- | | | |
|--------|--|-----------------------------|
| 1
5 | The Owner(s) acknowledge that finalization of the Transportation Impact Study shall include a public review process to the satisfaction of the Township of Goulbourn. | Goulbourn |
| 1
6 | The Owner(s) agree to design West Ridge Drive to ensure a minimum 60 kph design speed but to include speed control measures. | Goulbourn |
| 1
7 | The Owner(s) agree that the final plan shall show all interaction intersecting at 90 degrees and that all internal road bends to be at 90 degrees minimum. | Goulbourn |
| 1
8 | The Owner(s) agree to prepare a geotechnical report which will deal with the relative elevations of foundations and footings and the requirements for engineered fill based on existing subsurface conditions. The report will also address the requirements for road construction and confirm the adequacy of the Township of Goulbourn's minimum standard road design. | Goulbourn |
| 1
9 | Construction traffic associated with the West Ridge Phase 3 Subdivision shall use West Ridge Drive to Hazeldean Road. The Owner(s) agree to erect and maintain signs on Beverly Street and Abbott Street to indicate that construction traffic is restricted to West Ridge Drive. | Goulbourn |
| 2
0 | All streets shall be named to the satisfaction of the Township of Goulbourn and the Regional Planning and Development Approvals Department. | Goulbourn
RMOC
(PDAD) |

Public Transit

- | | | |
|--------|--|----------------|
| 2
1 | The Owner(s) shall design and construct, at no cost to the RMOC, West Ridge Drive, which has been identified for potential transit services, to TAC standards, including right-of-way width, horizontal and vertical geometry, and pavement structure and the construction of a sidewalk on at least one side of the street. | RMOC
(PDAD) |
| 2
2 | The Owner(s) shall orient dwellings and vehicular accesses in the vicinity of bus stops in a manner as to avoid traffic conflicts and visual intrusion and to submit plans for approval by the RMOC including the orientation of all dwellings and private accesses in the vicinity of all bus stop locations. | RMOC
(PDAD) |

- | | | |
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| 2
3 | The Owner(s) shall design and construct, at no cost to the RMOC, paved transit passenger standing areas, or shelter pads and shelters, to the specifications of OC Transpo when required by the RMOC. | RMOC
(PDAD) |
| 2
4 | The Owner(s) design and construct, at no cost to the RMOC, paved, public, all-season pedestrian walkways as required. | RMOC
(PDAD) |
| 2
5 | The Owner(s) shall ensure that the staging of the subdivision, including dwellings, roadways, walkways and paved passenger standing areas, or shelter pads and shelters, will be constructed in a sequence that permits the operation of an efficient, high-quality transit service at all stages of development. | RMOC
(PDAD) |

Sidewalks, Walkways, and Fencing

- | | | |
|--------|--|-----------|
| 2
6 | The Owner(s) agree to construct a 1.8 m wide paved walkway on Block Nos. 134, 135, 140 and that recommended between Lots 75 and 76 and to install a split rail fence and a cedar hedge on the property line of those new and existing adjacent lots and blocks to the satisfaction of the Township of Goulbourn. | Goulbourn |
| 2
7 | The Owner(s) agree to construct a concrete sidewalk on one side of West Ridge Drive. The sidewalk location shall be determined through the Traffic Impact Study. | Goulbourn |
| 2
8 | The Owner(s) shall provide a split rail fence along the rear property lines of all lots backing onto the wetland and Poole Creek. | Goulbourn |
| 2
9 | The Owner(s) shall construct a stonedust pathway within the Poole Creek corridor from the existing path at the stormwater pond on Beverly Street to the extension of West Ridge Drive. The Owner(s) acknowledges that they may be required to construct a stonedust pathway through the buffer to the wetland. Should a pathway through the buffer be deemed inappropriate, the Owner(s) will be required to post signs to inform the public of the sensitivity of the wetland and to restrict entrance. | Goulbourn |

Land/Streetscaping

- | | | |
|--------|---|-----------|
| 3
0 | The Owner(s) agree that any signs on the property are subject to Township of Goulbourn approval. | Goulbourn |
| 3
1 | The Owner(s) agree to provide street lighting consistent with adjacent developments. | Goulbourn |
| 3
2 | The Owner(s) agree to provide a cedar hedge along the side lot lines of Lot Nos. 13, 16, 22, 34, 99, 100, 126 and 133. | Goulbourn |
| 3
3 | The Owner(s) undertake to provide a minimum of one tree per interior unit and two trees per corner units within this subdivision or as otherwise specified in the Township of Goulbourn's Subdivisions or Site Development Agreement. | Goulbourn |
| 3
4 | The Owner(s) shall supply to the Township of Goulbourn's Planning Director, street scape planting plans for approval prior to acquisition of building permits in each phase. Such plans shall be prepared by a landscape architect and shall be implemented in accordance with the plans. | Goulbourn |
| 3 | The Owner(s) agree to meet the requirements of the Township of Goulbourn | Goulbourn |

- | | | |
|---|---|----------------|
| 5 | and Canada Post relating to the provision of community mailbox, mini-park/kiosk, lay-bys and pads to accommodate mail service. The location of said structures shall be situated so as to minimize the disruption to dwellings, and where possible, link with sidewalks and pathway system. | Canada
Post |
| 3 | The Owner(s) agree to: | Goulbourn |
| 6 | a) inform all prospective purchasers, through a clause in all agreements of purchase and sale, as to those lots identified for potential community mailbox, mini-park/kiosk locations and associated lay-bys; | Canada
Post |
| | b) provide, at the Owner(s) expense, curb depressions at the community mailbox site locations, 2 m in width and no higher than 25 mm; | |
| | c) provide, at the Owner(s) expense, a paved lay-by at the proposed community mailbox location when required by the Township of Goulbourn; | |
| | d) if a grassed boulevard is planned between the curb and the sidewalk where the community mailbox is located, install at the owners' expense, a walkway across the boulevard. The walkway is to be 1 m in width and constructed of material suitable to the Township of Goulbourn (e.g., interblock asphalt, concrete, etc.) in addition, the owners shall ensure, by forming or cutting the curb, that this walkway is handicapped accessible by providing a curb depression between the street and the walkway. This depression should be 1 m wide and no higher than 25 mm; and | |
| | e) provide Community Mailbox locations: | |
| | · on Street 6, side of Lot 116 | |
| | · on Street 2, side of Lot 54 | |
| | · in the Park across Street from Lot 45 | |
| | · on West Ridge Drive, side of Lot 126 | |

Environmental Constraints

- | | | |
|---|--|------------------|
| 3 | The WIS shall be revised in light of the recommendations of the Upper Poole | RMOC |
| 7 | Creek Subwatershed Study specifically to add a monitoring protocol. | Goulbourn
MVC |
| 3 | The Owner(s) agree to dedicate Block Nos. 136, 137 and 138 to the Township | Goulbourn |
| 8 | of Goulbourn in good and healthy condition. The Owner(s) acknowledge that the dedication of these blocks may or may not meet the 5% parkland dedication requirement pursuant to Section 51(5) of <i>The Planning Act</i> . Final calculations shall be made upon completion of the Wetland Impact Statement and the determination of the usability of the wetland buffer area for recreational purposes. | |
| 3 | The Owner(s) shall prepare and distribute to all new homeowners a | Goulbourn |
| 9 | Conservation Handbook describing the natural attributes of the subdivision and the importance of good stewardship practices to ensure the long term health and sustain ability of the Upper Poole Creek Wetland and Upper Poole Creek to the satisfaction of the Township of Goulbourn. | |
| 4 | The Owner(s) undertake to protect all existing vegetation on site until such time | Goulbourn |
| 0 | as a Detailed Tree Planting and Conservation Plan is approved by the Township of Goulbourn and the RMOC. The Detailed Tree Planting and Conservation Plan shall classify and evaluate the significance of existing natural vegetation on | RMOC
(PDAD) |

site and identify opportunities and appropriate techniques to protect natural vegetation, and to enhance the same through landscape design and replanting where necessary. Particular attention shall be paid to preservation of vegetation in the Poole Creek corridor and wetland buffer areas over the long term and measures to ensure their long term health and to the feasibility of protecting hickory and butternut trees on-site. The Detailed Tree Planting and Conservation Plan shall be prepared by a qualified horticulturist/landscape architect and shall be integrated with the Grading and Drainage Plan, the Site Management Plan and the Wetland Impact Statement. The Detailed Plan shall:

- a) recommend appropriate shoreline planting along Poole Creek where shoreline vegetation was removed during construction of Phase 3A, and
- b) recommend appropriate buffer planting in the old field area adjacent to the West Ridge Drive/Poole Creek crossing.

In the event that through the finalization of the Detailed Plan substantial areas that are indicated for conservation cannot be saved the detailed Plan will propose appropriate shoreline planting along Poole Creek between the Poole Creek Crossing the area of existing vegetation and enhance vegetation in the rear of lots 38 to 43 and 30 to 33. The detailed Plan shall include a monitoring strategy for the existing wetland buffer, and proposed planting along Poole Creek (including that portion in Phase 3A), in the open field/buffer area, and in the rear of lots 38 to 43 and 30 to 33.

- 4 The Owner(s) shall ensure that during site preparation and construction no harmful destruction, disruption or alternation of habitat will occur within Block 138, and no disruption, destruction or alteration will occur of the public corridor lands adjacent to Poole Creek through proper execution of mitigation measures as described in the approved Tree Planting and Conservation Plan. The plan shall recommend required snow fencing locations to indicate no disturbance areas in the field. Goulbourn

Stormwater Management

- 4 The Owner(s) agree that the final storm sewer design will incorporate drainage from the upstream westerly lands. Goulbourn

- 4 Prior to the commencement of construction of any phase of this subdivision (roads, utilities, etc.) or of any work necessary to meet any off-site requirements, the Owner(s) shall: Goulbourn
- 3 a) have an Erosion and Sediment Control Plan prepared by a Professional Engineer in accordance with current Best Management Practice and the Upper Poole Creek Subwatershed Study Final Report; RMOC
- b) said plan shall recommend erosion and sedimentation control measures for all phases of site preparation and construction - any measures shall be in accordance with the Provincial "Guidelines on Erosion and Sediment Control for Urban Construction Sites"; and (PDAD)
- c) Provide certification to the RMOC through a Professional Engineer that the plan has been implemented. MVC

Best Management Practices used during construction are intended to ensure no sediment/associated pollutants are released to the receiving watercourse which would degrade or impair water quality/fish or other aquatic life. Best Management Practices should be regularly monitored to ensure effectiveness of the methods and compliance with Provincial/Federal legislation pertaining to

water quality and habitat.

- | | | |
|---|--|-------------------------------------|
| 4 | Prior to registration, or prior to an application for a Certificate of Approval for any stormwater works (whichever comes first), the Owner(s) shall prepare a Stormwater Site Management Plan in accordance with the approved Conceptual Stormwater Site Management Plan (Stormwater Site Management Plan, West Ridge Estates, Novatech Engineering consultants Ltd., July 8, 1999), the Upper Poole Creek Wetland Impact Statement and the Upper Poole Creek Subwatershed Study. The Stormwater Site Management Plan shall identify the recommended stormwater management measures for Phase 3B, sequence of its implementation in relation to the construction of the subdivisions, and shall be to the satisfaction of the Township of Goulbourn, RMOC, and the Mississippi Valley Conservation Authority. | RMOC
(PDAD)
Goulbourn
MVCA |
| 4 | The stormwater Site Management Plan shall examine the feasibility and effectiveness for temperature mitigation of using a perforated pipe filtration system and redirecting stormwater to the wetland | RMOC
(PDAD)
Goulbourn
MVCA |
| 4 | On completion of all stormwater works, the Owner(s) shall provide certification to the RMOC, MVC and Township of Goulbourn through a Professional Engineer that all measures have been implemented in conformity with the Stormwater Site Management Plan. | Goulbourn
RMOC
(PDAD)
MVC |
| 4 | Prior to registration, or prior to an application for a Certificate of Approval for any stormwater works, whichever comes first, the Owner(s) will provide written confirmation to the RMOC from the local municipality that the Stormwater Site Management Plan which has been prepared for this subdivision and which shall identify the sequence for the implementation of the Plan in relation to the construction of the subdivision, is in conformity with the Upper Poole Creek Subwatershed Plan. | |
| 4 | The Owner(s) acknowledge that a financial contribution toward the protection of Poole Creek shall be made in accordance with the Upper Subwatershed Study Final Report. | Goulbourn
RMOC
(PDAD)
MVC |
| 4 | The Owner(s) shall monitor water quantity and quality of the stormwater facility per the MOE Certificate of Approval requirements as well as sediment accumulation, flow, temperature and channel erosion as outlined in the Stormwater Site Management Plan to the satisfaction of the Township of Goulbourn, RMOC and MVCA as required. The monitoring strategy should incorporate details of location of the sampling, type of sampling, frequency and a parameter list consistent with the needs of the receiving aquatic environment. Tests shall be completed by an independent and approved laboratory and the results shall be made available in the approved format and timing acceptable to the local municipality/RMOC/CA as required. | RMOC
(PDAD) |
| 5 | Any changes to the design of the subdivision that are required due to any stormwater management facilities shall be undertaken at the Owner(s) sole expense and to the satisfaction of the Township of Goulbourn, MVC and the RMOC. | Goulbourn
RMOC
(PDAD)
MVC |
| 5 | The Owner(s) acknowledge that before the start of any grading, within the fill regulated area of construction of any sort within the regulatory Flood Plain, or | MVC |

	alterations to Poole Creek or its tributaries a permit will be required from MVC under Ontario Regulation 159/90 (the Fill, Construction and Alteration to Waterways Regulations).	
5 2	The Owner(s) shall provide documentation to the MVC to illustrate that there is sufficient buildable area in Lots 11, 15, 64, 65, 66 and 67 outside of the floodplain.	
5 3	The Owner(s) agree to eliminate sump pumps as a means of footing drainage for dwellings wherever possible.	Goulbourn
5 4	The Owner(s) agree to obtain and convey drainage easements to the Township of Goulbourn in all areas which will be modified or altered as a result of the installation of the storm drainage system.	Goulbourn
5 5	The Owner(s) agree that all stormwater runoff is to be contained within the Poole Creek drainage basin.	Goulbourn
5 6	The Owner(s) agree that all foundation footings shall be located no lower than the 1:100 year water level as determined in the Stormwater Site Management Plan.	Goulbourn
5 7	The Owner(s) shall grant a blanket easement to the RMOC to permit future access to the site for water quality monitoring.	RMOC (PDAD)
5 8	The Owner(s) are responsible for the modification of any off site drainage works to accommodate stormwater flow from this subdivision.	Goulbourn
5 9	The Owner(s) acknowledge that the existing wet pond constructed to accommodate stormwater from the West Ridge Phases 1 and 2 Subdivisions may need to be rehabilitated/reconfigured at the Owner(s) expense to address the protection of the cold water fishery and stormwater issues related to the approval of this subdivision application and the associated Stormwater Site Management Plan. The final design of the stormwater management facility will incorporate the fencing, buffering, planting and access requirements of the Township of Goulbourn, while providing a safe and functional facility which can be integrated into the community.	RMOC Goulbourn
6 0	Prior to registration, or prior to an application for a Certificate of Approval for any stormwater works, (whichever comes first), the Owner(s) will provide written confirmation to the RMOC from the local municipality that a Stormwater Management Pond Planting Plan has been prepared to the Township of Goulbourn's satisfaction. Said planting plan shall be prepared by a qualified landscape architect.	RMOC
6 1	The Owner(s) agree to maintain the existing stormwater pond until such time as the final stormwater management facility is constructed including the planting recommended by the Stormwater Management Pond Planting Plan and assumed by the Township of Goulbourn. This will include the erection and maintenance of temporary fencing and siltation control works which have been or will be constructed.	Goulbourn
6 2	The Owner(s) agree to develop a comprehensive lot grading plan which will mitigate any grade differential between lots and blocks, including adjacent	Goulbourn

existing lots.

Fisheries

- 6 In recognition that Poole Creek and associated Provincially Significant Wetland
3 are fish habitat, prior to registration of the plan of subdivision, the RMOC shall
be advised by the Township of Goulbourn that:
- a) informing the Owner(s) that the purpose of the 30 metre setback is to
protect fish habitat and that the natural vegetation within the setback is
to be retained;
- b) informing owners that any unauthorized destruction or alteration to a
watercourse or an area of fish habitat is prohibited. Any proposed
alteration (such as a driveway crossing) must be reviewed in detail by
MVCA and may require authorization pursuant to the provisions of the
Federal Fisheries Act.

Goulbourn
RMOC
(PDAD)
MVCA

- 6 Prior to registration of the plan of subdivision, the Owner(s) shall submit
4 documentation to the Region demonstrating approval of the Fish Habitat
Compensation Plan by the Department of Fisheries and oceans in association
with the construction of West Ridge Drive and the removal of the existing farm
lane and associated culvert. Said Compensation Plan shall be prepared in light
of the recommendations of the Upper Poole Creek Subwatershed Study.

Goulbourn
RMOC
(PDAD)
MVCA

Pursuant to *The Fisheries Act*, the Owner(s) shall not undertake any instream
works (culvert within Poole Creek) between March 15th and June 31st.

- 6 The Owner(s) agree to pay particular attention to the aesthetics of the design of
5 the Creek Crossing.
- 6 The Owner(s) shall confirm that there is capacity in the downstream sanitary
6 sewers. The Owner(s) are responsible for any collect back charges related to the
oversizing of off-site services including the sanitary sewer.

Goulbourn
Goulbourn

Water Services

- 6 The Owner(s) shall design and construct all necessary watermains within the
7 subject lands to the satisfaction of the RMOC. The Owner(s) shall pay all
related costs, including the cost of connection, inspection and sterilization by
Regional personnel.
- 6 The details for water servicing and metering shall be to the satisfaction of the
8 RMOC. The Owner(s) shall pay all related costs, including the cost of
connections and the supply and installation of water metres by Regional
personnel.
- 6 Upon completion of the installation of all watermains, hydrants and water
9 services, the Owner(s) shall provide the RMOC with mylar(s) of the "as-built"
plan(s), certified under seal by a professional engineer, showing the location of
the watermains, hydrants and services. Furthermore, the Owner(s) shall provide
the "as-built" information and the attribute data for the water plan installation on
diskette in a form that is compatible with the Regional computerized systems.
- 7 Financial security, in the amount of 100% of the value of the water plant, in
0 accordance with the MOE Certificate, must be filed with the Regional Legal

RMOC
(PDAD)

RMOC
(PDAD)

RMOC
(PDAD)

RMOC(P
DAD)

department, pending preliminary acceptance of the water plant.

- | | | |
|--------|---|----------------|
| 7
1 | The installation of the water plant shall be subject to inspection by the RMOC at the Owner(s) expense. | RMOC
(PDAD) |
| 7
2 | The Owner(s) prepare, entirely at the Owner(s) cost, a hydraulic network analysis of the proposed water plant within the plan of subdivision and as it relates to the existing infrastructure. Said report shall be submitted to the RMOC for review and approval as part of the water plant design submission. | RMOC
(PDAD) |
| 7
3 | The Owner(s) shall install the necessary watermains in accordance with the staging schedule approved by the RMOC. | RMOC
(PDAD) |

Utilities

- | | | |
|--------|---|--|
| 7
4 | Such easements and maintenance agreements which may be required for electrical, gas, water, sewer, telephone and cablevision facilities, shall be proved and agreed to by the Owner(s), to the satisfaction of the appropriate authority; and that the Owner(s) shall ensure that these easement documents are registered on Title immediately following registration of the final plan; and the affected agencies are duly notified. | Goulbourn
RMOC
(PDAD)
Hydro
(Goul)
Bell
Cable
Gas |
| 7
5 | Where the relocation or removal of any existing on-site/adjacent utility facility, including water, sewer, electrical, gas, telephone and cablevision, is required as a direct result of the development, the Owner(s) shall pay the actual cost associated therewith to the satisfaction of the appropriate utility authority. | Goulbourn
RMOC
(PDAD)
Hydro
(Goul)
Bell
Cable
Gas |
| 7
6 | The Owner(s) shall coordinate the preparation of an overall utility distribution plan showing the location (shared or otherwise) and installation, timing and phasing of all required utilities (on-grade, below-grade or above-grade), including on-site drainage facilities and streetscaping)–such location plan shall be to the satisfaction of all affected authorities and shall consider their respective standards and specification manuals, where applicable. | RMOC
(Leg)
Goulbourn |

The Owner(s) agree that all utilities shall be located underground.

- | | | |
|--------|--|-----|
| 7
7 | The Owner(s) shall grade all streets to final elevation prior to the installation of gas lines, and provide necessary field survey information required for the installation of the gas liners, all to the satisfaction of Enbridge Consumers Gas. | Gas |
|--------|--|-----|

Schools

- | | | |
|--------|--|----------------|
| 7
8 | The Owner(s) shall be required to inform prospective purchasers in all Offer of Purchase and Sale Agreements that accommodation problems exist in the schools designated to serve this development and that at the present time thee problems are currently being addressed through the use of portable classrooms at local schools/by directing student to schools outside their community. | OCCSB
OCDSB |
|--------|--|----------------|

Purchase and Sale Agreements and Covenants on Title

- | | | |
|--------|---|---|
| 7
9 | The Owner(s) acknowledge that they and all future Owner(s) will direct all roof leaders to pervious areas such as lawns to enhance ground water recharge. The Owner(s) shall include this provision in all future Purchase and Sales Agreements. | RMOC
(PDAD) |
| 8
0 | The Owner(s) agree to include a clause in all Offer of Purchase and Sale Agreements with prospective purchasers of all lots and blocks adjacent to West Ridge Drive, advising that West Ridge Drive shall be constructed and utilized as a collector road facility and may be utilized in the future for transit service. | Goulbourn
RMOC
(PDAD) |
| 8
1 | The Owner(s) agree to indicate in all Offer of Purchase and Sale Agreements with prospective purchasers of lots and blocks as to the location of the Canada Post mail facilities. | Goulbourn
RMOC (PDAD)
Canada Post |
| 8
2 | All prospective purchasers will be informed, through a clause in all Agreements of Purchase and Sale, that no driveway shall be located within 3.0 m of an existing fire hydrant. No objects, including vegetation, shall be placed or planted within a 3.0 m corridor between a fire hydrant and the curb, nor a 1.5 m radius beside or behind a fire hydrant. | RMOC
(PDAD) |
| 8
3 | All prospective purchasers will be informed, through a clause in all Agreements of Purchase and Sale, that a fire hydrant may be located or relocated, at any time, in front of any lot within the plan of subdivision. | Goulbourn
RMOC
(PDAD) |
| 8
4 | The Owner(s) shall inform all prospective purchasers, through a clause in all agreements of purchase and sale and indicate on all plans used for marketing purposes, those streets identified for potential transit services, and that bus stops may be located in front of or adjacent to the purchasers' lots at any time. | Goulbourn
RMOC
(PDAD) |
| 8
5 | The Owner(s) agree to inform in all Offer of Purchase and Sale Agreements with prospective purchasers of all lots and blocks in the subdivision of the sensitive nature of the Upper Poole Creek Wetland and Pool Creek and the importance of good stewardship practices to ensure the long term health and sustainability of these natural features. | Goulbourn
RMOC |
| 8
6 | The Owner(s) agree to indicate in all Offer of Purchase and Sale Agreements with prospective purchasers of lots and blocks as to the location of adjacent pathways. | Goulbourn |
| 8
7 | The Developer shall secure a letter from the Ministry of Natural Resources confirming the presence/absence of provincially significant flora or fauna in the vicinity of Street 3. In the event that such flora or fauna are noted within this area, mitigation measures shall be implemented to the satisfaction of the Township. The developer agrees that there shall be no site disturbance in the area west of West Ridge Drive, until the foregoing has been addressed. | Goulbourn
MNR |



Goulbourn Wetlands Group
c/o 13 First Avenue
Stittsville, ON
Canada
K2S 1C3
613-836-7961
E-mail: jnbell@istar.ca

October 5, 2000

Chair and Members of the Planning and Environment Committee
Region of Ottawa-Carleton
Ottawa-Carleton Centre
111 Lisgar Street
Ottawa, ON
K2P 2L7

**Re: Ontario Municipal Board Appeal - Draft Plan of Subdivision 06T-99026
Westridge Phase IIIB Subdivision - Township of Goulbourn**

Dear Mr. Chair and Committee Members:

We would like to bring to the Committee's attention the concerns of the Goulbourn Wetlands Group (GWG) with respect to the matter of Westridge Phase IIIB in Goulbourn Township and to the staff report on the subject, to be before the Planning and Environment Committee on October 10th. Although there are a number of issues with respect to the content of the report, we are particularly concerned about the suggestion that the Region feels that it does not have a role to play in the Ontario Municipal Board appeal on the subject, in which the Region is specifically named.

For the information of the Committee, the GWG includes representation from the Goulbourn Environmental Advisory Committee, the Upper Poole Creek Subwatershed Study Steering Committee, and the Environmental Health Advisory Group, with members having professional backgrounds in a variety of disciplines such as biology, botany, cartography and engineering. Contrary to the staff report, our group is only *considering* seeking party status in the OMB hearing at this stage.

Over the course of the past seven months, our group has made written and verbal submissions to Goulbourn Township Council outlining our concerns with respect to the Westridge Phase IIIB plan of subdivision and rezoning applications, as did a number of other groups and individual citizens. Included among our submissions was one that detailed an alternate boundary for the portion of the Upper Poole Creek Wetland (provincially significant) located within the geographic area of the proposed plan of subdivision. A review of our submission, and subsequent research and field work conducted by the Ontario Ministry of Natural Resources, confirmed that the boundary of that portion of the wetland extends considerably further north than suggested by the applicants' ecological consultant. That confirmation was detailed in the July 13th letter from the OMNR attached to the staff report. It should be noted that wetland files *open*: that is, the OMNR will always consider new information.

As identified in the staff report, the matter of the wetland boundary will indeed be an issue before the OMB. However, given that the applicants have filed the appeal under the 90-day rule, other issues, such as the reasons for the delay in processing the application, will likely also be brought to the fore – as will the very important point that the applicants' plan of subdivision and rezoning request would allow

development and site alteration within a provincially significant wetland, in contravention of Sections 5.5.1.3-5 inclusive of the Regional Official Plan.

At its meeting of September 19, 2000, Goulbourn Township Council approved the recommendation from its Committee of the Whole in relation to the proposed rezoning related to Westridge Phase IIIB as follows:

“That Committee of the Whole recommend to Council that By-law 22-2000 be rejected for the following reasons:

1. The Council of the Corporation of the Township of Goulbourn hereby accepts the changes to the boundaries of the Upper Poole Creek Wetland, as submitted by the Ontario Ministry of Natural Resources by correspondence dated July 13, 2000.
2. The Applicant's subdivision application shows development and site alteration within the boundaries of the Upper Poole Creek Wetland, a Provincially Significant Wetland south and east of the Canadian Shield, contrary to the Official Plan of the Township of Goulbourn, and contrary to Policy 5.5.1 of the Official Plan of the Regional Municipality of Ottawa-Carleton.”

Further, according to ROP Policy 5.5.1, “.....Council will consider altering the boundaries of a Significant Wetland south and east of the Canadian Shield if the Province changes the extent of a Significant Wetland south and east of the Canadian Shield.” This reference in the ROP acknowledges that the Region very clearly has a role to play in and has an obligation to consider wetland boundary issues.

Based on the foregoing therefore, it would appear to be appropriate and necessary for the Region to seek party status in the OMB hearing on this matter.

Much time and effort on a number of fronts – including the community – has been dedicated to this issue. As citizens of this Region, we respectfully request, and would support, the Region’s full participation in the hearing, as further suggested by a petition (wording attached) which is currently in circulation.

Should you wish to discuss the foregoing in greater detail, feel free to contact me at 836-7961. Thank you for your consideration of these concerns.

On behalf of the Goulbourn Wetlands Group,
Yours sincerely,



Christine Hartig
Chair, Goulbourn Environmental Advisory Committee

Attachments

c.c. Coordinator
Planning & Environment Committee

Goulbourn Township

Ontario Ministry of Natural Resources
Kemptville District Office

PETITION
TO THE COUNCIL OF THE REGION OF OTTAWA-CARLETON
September 2000

We, the undersigned residents of the Region of Ottawa-Carleton, draw the attention of the Council to the following:

WHEREAS wetlands are the most diverse and productive ecosystems in Ontario;

WHEREAS wetlands are invaluable for purifying and filtering pollutants from water destined for lakes, rivers, streams, and our drinking water; for reducing flooding; for acting as natural reservoirs; for providing important fish and wildlife habitat; and, for providing opportunities for recreation and education;

WHEREAS wetlands are home to more than one-third of Canada's species-at-risk and to more than twice as many threatened or endangered species than any other habitat types;

WHEREAS wetlands in Ottawa-Carleton are under serious threat due to urban development and drainage, with 60%-80% of its wetlands having already been lost;

WHEREAS the Upper Poole Creek (Stittsville) Wetland is a provincially significant wetland south and east of the Canadian Shield in accordance with Provincial wetland policies;

WHEREAS development and site alteration in such a provincially significant wetland are contrary to the Official Plan;

WHEREAS the Council of the Township of Goulbourn rejected a rezoning application that would have allowed a draft plan of subdivision that showed development within the boundaries of the Upper Poole Creek (Stittsville) Wetland;

AND WHEREAS the landowners/developers have appealed to the Ontario Municipal Board to permit development in the Upper Poole Creek (Stittsville) Wetland;

THEREFORE BE IT RESOLVED THAT WE, THE UNDERSIGNED, REQUEST THAT:

- the Council of the Region of Ottawa-Carleton uphold its Official Plan and the Provincial wetland policies by not supporting development within the boundaries of a provincially significant wetland;
- the Council of the Region of Ottawa-Carleton support Goulbourn Township Council's decision not to permit development within the Upper Poole Creek (Stittsville) Wetland;
- the Region of Ottawa-Carleton participate fully in the Ontario Municipal Board hearing in this regard.

Prepared by the Goulbourn Wetlands Group

September 15, 1999

Ministry of Natural Resources
P.O. Box 2002
Campus of Kemptville Agricultural College
Concession Rd.
Kemptville, Ontario, K0G 1J0

Attention: Mr. Sean Thompson

Dear Sir:

**Re: Upper Poole Creek Wetland
Three Season Evaluation
Wetland Impact
Our File No. 99125-00**

The attached wetland evaluation, prepared by Ecological Services in the fall of 1998, was completed in accordance with the 3rd edition of the wetland evaluation manual. The purpose of this evaluation was two-fold.

Firstly, our client had appealed the wetland designation on their lands in the Village of Stittsville. Before pursuing the appeal, it was appropriate to complete a full re-evaluation of the Upper Poole Creek Wetland. Our client did not pursue the appeal.

Secondly, the study established the limits of the wetland and recommended a 30m buffer strip around the wetland.

As a result of recent discussions with staff from the Region, and Goulbourn Township, we have been advised that work associated with the Poole Creek Subwatershed Study, has raised some concerns with existing M.N.R. wetland mapping. Given the extensive fieldwork that has been undertaken by Ecological Services, we would expect that their findings, and mapping are acceptable. We have asked Rob Snetsinger to follow up with you to discuss the conclusions of Ecological Services.

We understand that a site meeting has been scheduled for September 23, 1999. This meeting may not be necessary, in so far as the lands north of Abbott Street are concerned, if agreement can be reached on the evaluation and mapping completed by Ecological Services.

Please do not hesitate to contact us with any questions or concerns.

Yours truly,

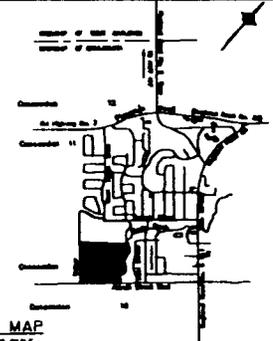
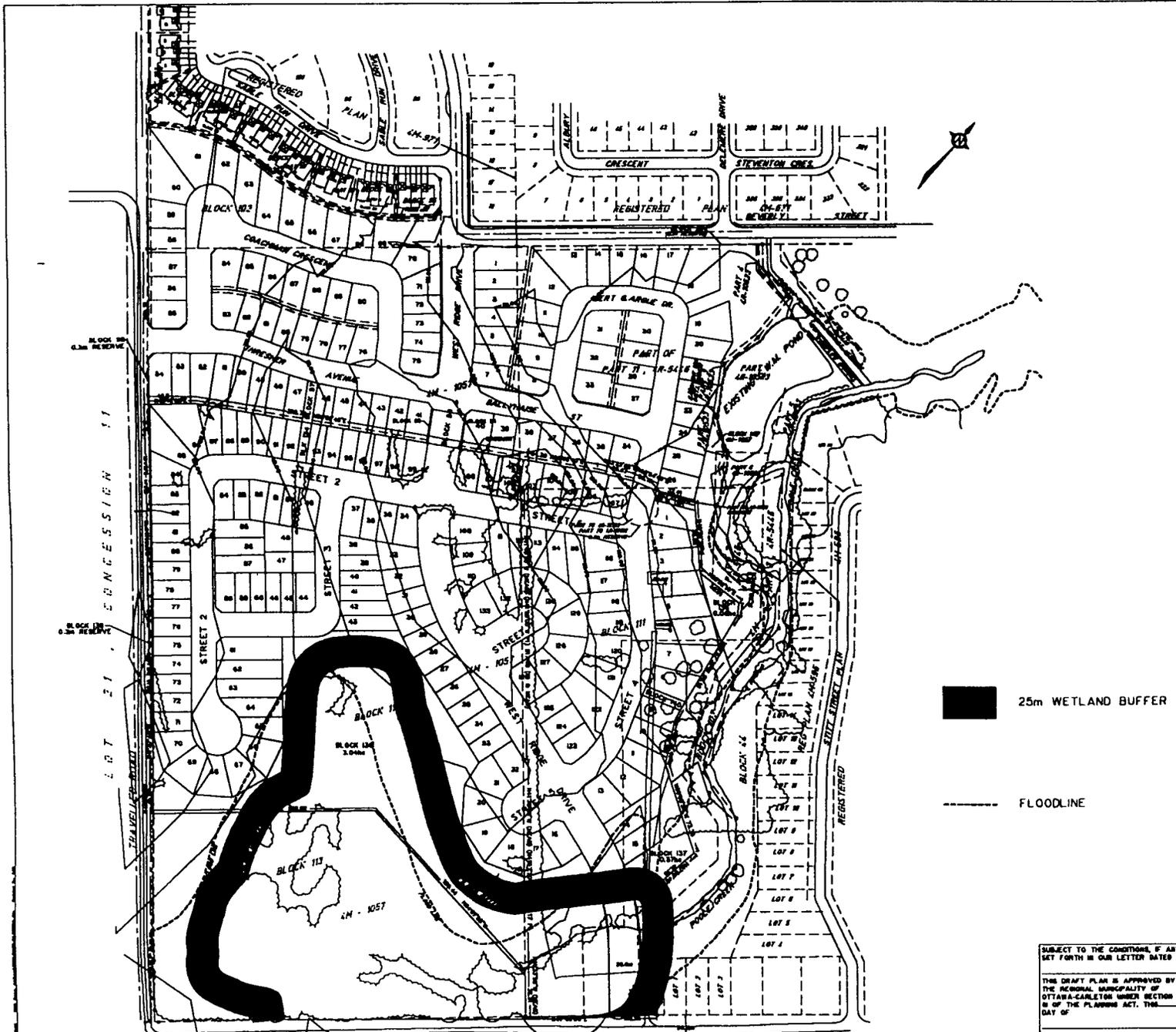
NOVATECH ENGINEERING CONSULTANTS LTD.



Murray Chown, MCIP, RPP
Senior Planner

MC/mm

- cc. Doug Andrews, Marshall Macklin, Monaghan
- Mike Boucher, RMOC (4 copies)
- Sally Switzer, Township of Goulbourn
- John Price, Mississippi Valley Conservation (2 copies)
- Rob Snetsinger, Ecological Services (letter only)



KEY MAP
1:1500 SCALE

METRIC - MEASUREMENTS SHOWN ON THE PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

DRAFT PLAN OF SUBDIVISION OF
BLOCKS III & II2
REGISTERED PLAN 4M-1057
TOWNSHIP OF GOULBOURN
REGIONAL MUNICIPALITY OF OTTAWA-CARLETON
SCALE 1 : 1500

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE MEASUREMENTS OF THE LINES TO BE DIVIDED AND THEIR RELATIONSHIP TO ADJACENT LINES ARE CORRECTLY SHOWN.

DATE: _____
PAUL A. GIBBLE, LTD.
OFFICIAL LAND SURVEYOR
NO. 01-0008

OWNER'S CERTIFICATE

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT THE LINES TO BE DIVIDED AND THEIR RELATIONSHIP TO ADJACENT LINES ARE CORRECTLY SHOWN AND THAT THE DRAFT PLAN OF SUBDIVISION IS IN ACCORDANCE WITH THE REGISTRATION ACT AND THE REGISTRATION REGULATIONS.

DATE: _____
THE WEST RIDGE ESTATES LTD.
FOR THE UNDERSIGNED

DATE: _____
THE WEST RIDGE ESTATES LTD.
FOR THE UNDERSIGNED

25m WETLAND BUFFER

FLOODLINE

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 31(7) OF THE PLANNING ACT.

- 41 AS SHOWN ON DRAFT PLAN
- 42 AS SHOWN ON DRAFT PLAN
- 43 AS SHOWN ON DRAFT PLAN
- 44 RESIDENTIAL, SINGLE FAMILY
- 45 AS SHOWN ON DRAFT PLAN
- 46 AS SHOWN ON DRAFT PLAN
- 47 AS SHOWN ON DRAFT PLAN
- 48 AS SHOWN ON DRAFT PLAN
- 49 MUNICIPAL WATER SERVICE
- 5 TOLL
- 4 AS SHOWN ON DRAFT PLAN
- 49 MUNICIPAL SEWER SERVICE
- 42 PART OF PLAN 40-000 - LAMBERT AS SHOWN ON PLAN

**WEST RIDGE ESTATES
PHASE III B**

SUBJECT TO THE CONDITIONS, IF ANY SET FORTH IN OUR LETTER DATES

THIS DRAFT PLAN IS APPROVED BY THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON UNDER SECTION 31 OF THE PLANNING ACT, THIS DAY OF _____



PROJECT No. W925-0



Ministry of
Natural
Resources

Ministère des
Richesses
naturelles

44125

Concession Street
Postal Bag 2002
Kemptville, Ontario
K0G 1J0

December 7, 1999

Policy and Infrastructure Planning Branch
Planning and Development Approval Department
Regional Municipality of Ottawa-Carleton
111 Lisgar Street, 2nd Floor
Ottawa, Ontario
K2P 2L7

Attention: Susan Murphy

Dear Ms. Murphy:

Subject: Upper Poole Creek Wetland

The Upper Poole Creek Wetland boundary will be adjusted to reflect the delineation prepared by Rob Snetsinger of Ecological Services (Upper Poole Creek Wetland Evaluation, 1998). This report was prepared in accordance with the 3rd Edition of the Southern Ontario Wetlands Evaluation manual. Based on the September 24th site visit by Shaun Thompson and subsequent review by the staff at our office it is believed that the new boundary best reflects existing wetland conditions. Overall, the wetland area has increased from 48 to 119.5 hectares. Most of this increase in size can be attributed to the swamp wetland located to the west, south and southwest of the existing wetland boundary.

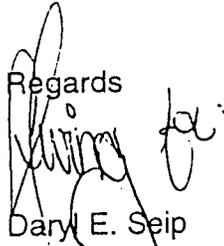
A broad finger of silver maple swamp that was reportedly located in the northeast corner of the map (north of Abbott St.) was not located or confirmed during the evaluation and site visit by Ontario Ministry of Natural Resources staff. This area was ground truthed on the day of the collective site visit.

The Ontario Ministry of Natural Resources has adopted Mr. Snetsinger's Upper Poole Creek Wetland score of 727, with the special features category exceeding 200 points. As a result, this wetland will remain provincially significant.

There are wetland areas to the north, west and south of Upper Poole Creek Wetland that may lend themselves to complexing. In fact, the new Upper Poole Creek Wetland boundary overlaps with portions of the existing Goulbourn Complex Wetland, another provincially significant wetland. Future evaluations will be conducted to accurately determine the extent and appropriateness of complexing these two wetlands.

Should you have any questions, please do not hesitate to give Shaun Thompson or myself a call.

Regards



Daryl E. Seip
A/Area Manager
Lanark/Ottawa-Carleton Management Area
(613) 258-8204 ext 375

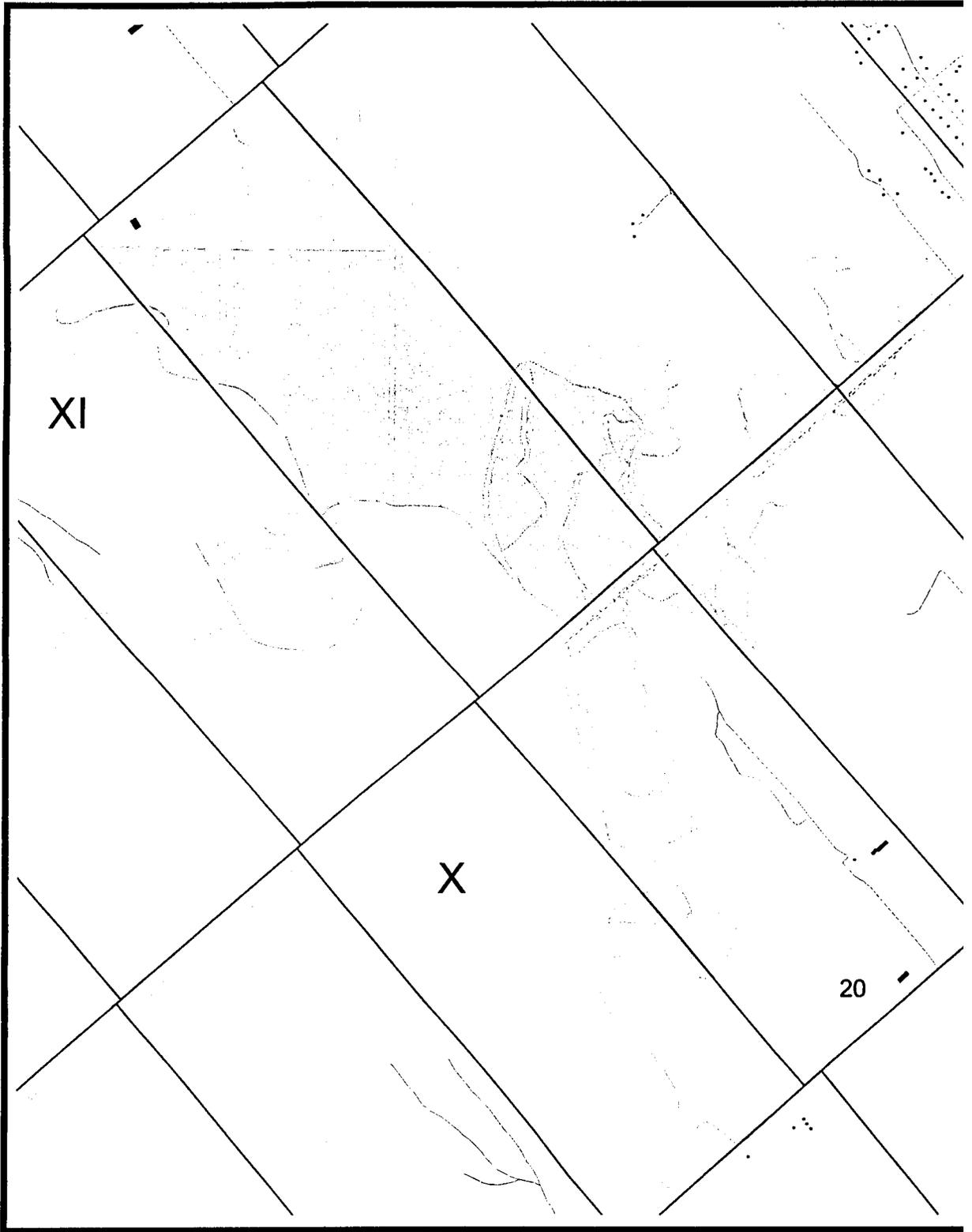
cc:

Phil Niblett
David Miller
Doug Andrews
Sally Switzer
Rob Snetsinger
Murray Chown

Niblett Environmental Assoc. Inc.
RMOC Planning
Marshall Macklin, Monaghan
Twp of Goulbourn Planning
Ecological Services Ltd.
Novatech Engineering Ltd.

POOLE CREEK / GOULBOURN TWP

1:10000




 Ministry of Natural Resources
 Ministère des Richesses naturelles



Legend	
	Roads
	County/Regional Road
	Expressway
	Local Road
	Parkway
	Primary Road
	Stream
	Drainage
	Railroad
	Upper Poole Creek Wetland
	Old Wetland Boundary
	Vegetation




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Extract of Draft Minute
Planning and Environment Committee
10 October 2000

ONTARIO MUNICIPAL BOARD APPEAL - DRAFT
PLAN OF SUBDIVISION 06T-99026, WESTRIDGE PHASE 3B
SUBDIVISION, TOWNSHIP OF GOULBOURN

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

Councillor Legendre referred to a statement in the report that the appeal was launched pursuant to Section 51(34) of Planning Act, citing the failure of the RMOC to make a decision within 90 days. He asked for a staff explanation. Tim Marc, Manager, Planning and Environment Law, advised the "90 day rule" is a means by which developers can get items to the Ontario Municipal Board (OMB) if they have not been considered within 90 days. He said he did not believe that in making this appeal, the developers wanted to cast aspersions on the Region, they simply felt it was going to the OMB in any event and they wanted to get it there expeditiously.

Mike Boucher, Planner, Planning and Development Approvals, advised the 90 days had actually expired before the application went to the Goulbourn Planning Committee (i.e. on 23 May 2000). He noted the 90 day clock starts ticking the day the application is deemed complete and put out on circulation. He drew the Committee's attention to the "Chronology of Events" on page 33 of the agenda and noted the 90 days expired before 14 March 2000. The appeal was precipitated by review of the wetland and a written submission from Ministry of Natural Resources (MNR) which was received on 13 July 2000; the appeal was lodged by the applicant on 18 July 2000.

Councillor Munter referenced the staff recommendation that the Region take no position with respect to the wetland boundaries. He asked for staff comment. Mr. Boucher noted the report was before Committee so that direction could be provided to the Solicitor. He advised it is the position of the Solicitor, that the issue before the OMB would be the determination of the wetland boundary. Mr. Boucher advised the Region does not identify wetland boundaries but rather relies on the MNR who has the expertise to do that. It is also the position of the Solicitor that the evidence in this case will largely be from MNR staff and from the appellant. He stated if there is a role for the Region to play, "as a friend to the Board", in terms of discussing matters of the Regional Official Plan or procedural matters, staff could be there to do what was required by the Board.

Councillor Munter pointed out the MNR and the Township of Goulbourn agree on the new wetland boundaries. If the Region depends on the MNR as to what wetland boundaries are, he felt the Region should be supporting the MNR's and the Township's position in this instance. Mr. Boucher replied the Region is in effect supporting their position by not approving the Plan of Subdivision. He went on to explain the Region has two functions to perform in terms of subdivisions. The first is to act as the approval authority (delegated by the Minister). However, this function was removed from the Region, when the appeal was lodged and approval is now

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vested appropriately with the OMB. The second function is to deal with the administration of the Regional Official Plan (ROP). The Region can no longer approve the plan of subdivision showing the old boundary (i.e. the 24 September 1999 boundary), until the OMB deals with the motion brought forward by the appellant to deal with legally establishing the wetland boundary. He noted further, if the OMB were to deny the appeal, the applicant would have to resubmit the plan of subdivision showing the new boundary, together with a new Wetland Impact Study (WIS). Mr. Boucher confirmed for Councillor Munter that Council could take a position in support of the Township of Goulbourn and the MNR.

Councillor van den Ham noted the developer had submitted their plan of subdivision and WIS in accordance with the wetland boundary shown in the ROP. Then, because someone discovered some type of rare flora, the Township of Goulbourn requested the MNR to revisit the wetland boundaries. The Councillor questioned the fairness of this. He said developers have to have concrete rules to work with and he felt the application had met the established requirements and then suddenly the rules were changed. Mr. Boucher stated the Councillor was in essence correct. He pointed out in the appeal (attached to the Agenda as Annex I on page 36), there were two matters that were not correct. Items 7 and 9, make reference to the Region having requested the MNR to review the wetland boundary. He said in fact it was the Township of Goulbourn who made this request.

The Committee then heard from the following delegations.

Murray Chown, Novatech, Doug Kelly, Soloway Wright and Dave Kardish appeared before the Committee on behalf of the landowners' group for Westridge Estates.

Mr. Chown provided the Committee with a background of this development application, noting this Phase (Phase 3B) was the fourth phase of this subdivision, that he had been working on with the Regional Group of Companies for close to 10 years.

Mr. Chown went on to say his clients had retained an environmental consultant (Rob Snetsinger of Ecological Services) to deal with an appeal they had before the Board with respect to the wetland boundary and in anticipation of the subdivision application for Phase 3B. The consultant did an intensive analysis of the Upper Poole Creek Wetland, which was completed in the fall of 1998 and determined the wetland boundary. Mr. Chown referred to a letter he had written to the MNR dated 15 September 1999, (held on file with the Regional Clerk), acknowledging that there was some dispute over the wetland boundary. The MNR was provided with the assessment completed by their consultant and this led to a subsequent letter from the MNR dated 7 December 1999, wherein they approved the wetland boundary as established by Mr. Snetsinger.

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Mr. Chown stated it was on this basis his client initiated the subdivision application for Phase 3B in December, 1999. He said the application was circulated by Regional staff for comment and comments were provided by all the technical agencies within a reasonable period of time, save and except the Township of Goulbourn. The Township deferred the application for some period of time while a number of studies were being completed (e.g. the Upper Poole Creek Subwatershed study, a transportation/traffic calming study, etc.). The Township ultimately approved the Draft Plan of Subdivision, however, there was a great deal of concern raised by the residents and the Goulbourn Environmental Advisory Committee with respect to the validity of the wetland boundary. These concerns ultimately led to the addition of condition No. 87 (of the draft conditions for approval), which speaks to the question of whether or not there are any rare or endangered flora or fauna on this property. The speaker advised the MNR was authorized to go on the property to determine whether or not there was any provincially significant flora or fauna on that property and they did find some orchids which are not classified as provincially significant or endangered. They were not however, authorized to go out and reevaluate the wetland boundary.

In concluding his remarks, Mr. Chown stated his clients had embarked upon a very lengthy and expensive planning process based on the wetland boundary that was established by their environmental consultant and approved by the MNR. He said he was hopeful the OMB at the hearing to be convened in December, 2000, would determine that this application should be processed on the basis of the wetland boundary that was in place at the time the application was filed.

Mr. Kelly stated the frustration the developer has in this instance is he followed the rules of the MNR and the Regional Official Plan. He noted his client had done all of the background work to establish the location of the wetland boundary and had not filed the subdivision application until the MNR had approved that boundary. Mr. Kelly felt the amount of rain that had fallen and the fact the area has a very shallow topography, had caused the wetland boundary to move around.

The speaker said his client's position with the OMB would simply be that the Board has ruled that the policies to observe, when dealing with a Plan of Subdivision application, are those in place at the time of application. He reiterated his client had confirmed the boundary on the date of application, submitted the application and proceeded to carry out the required studies. This is the boundary the Board should instruct the Region to use.

With respect to the options before the Committee, Mr. Kelly advised there were three. The Committee could accept the staff report; approve the subdivision based on the original established boundary; or, direct the Regional solicitor to be at the OMB hearing to support the Ministry's and the Township's position.

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Councillor Legendre inquired as to what had caused Goulbourn to question the wetland boundary. Mr. Chown recounted that a formal public meeting on this subdivision, held by Goulbourn Council earlier in the year, members of the Goulbourn Environmental Advisory Committee and a number of citizens raised concerns with respect to the validity of the wetland boundary. He indicated some of these people had been involved in the Upper Poole Creek Subwatershed Study.

Christine Hartig and Bill McKinnon, Goulbourn Wetlands Group (GWG) - Ms. Hartig advised her group included representation from the Goulbourn Environmental Advisory Committee (GEAC), the Upper Poole Creek Subwatershed Study Steering Committee, and the Environmental Health Advisory Group (EHAG); the members having professional backgrounds in a variety of disciplines including biology, botany, cartography and engineering.

Ms. Hartig stated the GWG was only considering seeking party status in the OMB hearing at this stage but was requesting that the Region participate fully in the OMB hearing on this matter. She felt the Planning and Environment Committee meeting was not the appropriate forum to debate the determination of the wetland boundary.

The speaker recounted that over the course of the past seven months the GWG had made written and verbal submissions to Goulbourn Township Council outlining its concerns with respect to the Westridge Phase 3B plan of subdivision and rezoning applications. As well, two of the group's members participated on the Subwatershed Steering Committee and had raised concerns about the wetland boundaries. Referring to the site visit on 24 September 1999, Ms. Hartig emphasized the Upper Poole Creek and Fernbank wetlands are very large wetlands (one of which is in excess of 130 hectares) and noted the difficulties in covering the entire wetland area during such visits.

Ms. Hartig clarified GWG was not against development in general, and recognized its need as Ottawa-Carleton flourishes economically. However, she said her group is concerned about development occurring within Provincially Significant Wetlands (PSW), the threat of which precipitated the formation of the GWG. The speaker explained that 60-80% of the wetlands in Ottawa-Carleton had already been lost.

With respect to the reasons Goulbourn had deferred consideration of this subdivision, Ms. Hartig noted that in addition to the issues of the Upper Poole Creek Subwatershed Study and Safe Speeds for Stittsville Transportation Study, identified in the staff report as outstanding items that caused deferral, two other items were also at issue: revisions to the Wetland Impact Statement (WIS) and revisions to the tree preservation plan. Speaking to Mr. Chown's

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reference to Condition 87 and the presence of significant flora, Ms. Hartig advised it was Ram's Head Lady Slipper that was identified as the Provincially Significant flora in question.

Ms. Hartig explained it had not been the Ministry that had noticed there was some issue with the boundary rather, it was the developer's consultant who had identified the presence of a "finger" of wetland north of the boundary. She said one compelling reason for the Region to support the relevant provisions of the Regional Official Plan (ROP) could be found in Section 5.5.1.3; "...Council will consider altering the boundaries of a significant wetland south and east of the Canadian Shield if the Province changes the extent of a significant wetland south and east of the Canadian Shield...".

The speaker said much time and effort had gone into this issue. She requested the Region's full participation in the hearing, and noted a petition was currently being circulated to this end. She submitted the petition (held on file with the Regional Clerk) gathered in September and bearing some 230 signatures.

Susan Waters, a resident of Goulbourn Township, residing in Westridge Phase 3A - Ms. Waters explained she had become aware of PSW issues in March of 2000. She said she had spoken before the Township on two occasions to express her concerns on issues surrounding the development of Westridge Phase 3B. Ms. Waters stated she was a lawyer and a biologist, and had about eight years' experience in environmental impact assessment. She too asked the Region to uphold its Official Plan and participate actively at the OMB hearing.

Ms. Waters said she had been informed that the ROP was one of the strongest and most prescriptive plans in the Province of Ontario with respect to PSW's. She said this was evidenced in Section 5.5.1.3.; "...the Council shall not approve development inside a Provincially Significant Wetland". She said this point also reflected that the boundaries of a wetland are not fixed, are dynamic and are always open to new information. When she appeared before the Township of Goulbourn in the springtime, she advised she had expressed concerns about the WIS the developer had submitted. She felt it was one of the poorest she had seen, in terms of a lack of detail and site specifications. She cited, by way of example, the vegetation study had been done in the month of December, a time when vegetation is normally scarce.

Ms. Waters stated she could not understand why the finger-like projection in this area had not been discovered during the course of the WIS. However, she felt that as the correct boundary had been determined, it should be retained and the subdivision be considered on this basis. In closing, she encouraged the Region's involvement in the OMB appeal and asked that the ROP be upheld.

In response to questions from Chair Hunter, Mr. Boucher explained the lands were identified as General Urban Area and Provincially Significant Wetland, or Significant Wetland in the ROP. He offered that as a practical matter, when wetlands were indicated on maps at a scale of 1:250,000, the width of a drawn line could span a significant distance. Mr. Boucher outlined the first task to be undertaken in support of an application is a WIS must be prepared. He explained that when within 120 metres of a wetland boundary, it must be demonstrated that development will not impact on the features or the function of the wetland. He noted the delineation of the boundary is the first thing to occur, although he added that quite often, the boundaries do change, but by metres, and not hundreds of metres.

Councillor Munter said he would be moving a Motion to replace the first recommendation of the staff report with the following:

That the Region support the position taken by the Ministry of Natural Resources, the Township of Goulbourn and the Goulbourn Wetlands Group with respect to the wetland boundary in Westridge Phase 3B.

Speaking to his motion, Councillor Munter said it was not Regional policy to perform wetland mapping, rather this was a function of the MNR. He noted the Region accepts the MNR mapping for incorporation into the ROP. The Councillor noted the Region was now in receipt of the more recent determination by the MNR and the position taken by the Township of Goulbourn. He believed the Region should support the Township's view at the OMB, as requested by area residents.

Councillor van den Ham said he would not support Councillor Munter's motion. He felt the ROP was a blueprint to guide development, which should include some flexibility. He noted the ROP spoke of quality of life and fairness, however he felt it was unfair the rules of development were being changed in mid-stream. The Councillor said the current year had been very wet in terms of precipitation, and he noted that wetland boundaries do change. He said he had yet to see the MNR address the issue of redrawing boundaries because of a retreating wetland. Councillor van den Ham felt it was necessary to be fair to the applicants, who had complied with what had been asked of them, based on the rules of the day at the time of the application.

Councillor Bellemare acknowledged staff's assertion the Committee had two roles to perform. He noted the role of approval authority was now vested with the OMB because of the appeal. He said this left the Committee with the role of administering the provisions of the ROP. He argued the Region did have a obligation to take a position compatible with the ROP. The ROP prohibits development on PSW's and therefore, he felt it appropriate for Committee and Council to support Goulbourn's position of refusing the application to rezone the lands and to

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support the request that the applicant resubmit the application taking the new and final wetland boundary determination into account, once it was finally determined by the OMB.

Councillor Legendre indicated he would support Councillor Munter's motion. He felt if one were to take the view it was more necessary to be respectful of the rights of those who had filed applications following due process over the rights of the environment, the result would be a loss to the environment which was irreversible. The Councillor felt that for the extreme value represented in such matters, and because of the irreversibility of making mistakes related to the environment, he believed it was always better to err on the side of caution.

Chair Hunter felt there were two arguments to this issue, both of which had valid points. He noted there was an issue of fairness which needed to be considered when a developer played by the rules in making applications. Although he acknowledged the ROP had existing wetland boundaries already identified in its schedules, he noted the Region also had a responsibility to follow the most up-to-date mapping as provided by the MNR. The Chair referenced both the ROP and the Legal's comments contained in the report and noted both sources spoke to the Region relying on the MNR for expert advice. He felt it did not behoove the Region to go to the expense of becoming involved in a hearing to simply echo the MNR's comments. He believed the approved ROP and the clauses contained therein would speak for the Region at the OMB hearing. The Chair believed the appropriate recommendation from Committee would be neither to take a position with respect to the determination of the wetland boundary nor in support of the developer.

Councillor Beamish asked what the Region's role would be if Committee were to support Councillor Munter's motion. Mr. Marc explained if the motion were to be adopted, either he or another member of the Legal Department would appear before the OMB to argue that the lands highlighted on maps in orange should be included within the wetland boundary, and that development should not be permitted on those lands. Mr. Marc said consideration would have to be given to whether witnesses would be called from the MNR or whether staff would independently retain a wetland consultant.

Councillor Beamish asked who the most significant witnesses would be in terms of determining PSW boundaries, if Regional legal staff did not appear before the OMB to call witnesses from MNR. Mr. Marc speculated that legal counsel of the Ministry of Municipal Affairs and Housing (MMAH) might appear, although he could not guarantee this, as he noted the Ministry has played a relatively "hands-off" role with respect to planning matters. Councillor Beamish then asked if staff at Goulbourn might not call the Ministry as expert witnesses. Mr. Marc said he had not had an opportunity to discuss the matter with the solicitor for the Township, and did not know if the Goulbourn solicitor was intending to appear at the hearing. The Councillor questioned who the opposing parties would be at the OMB hearing if the Region was not a

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party to the proceedings. Mr. Marc said this would become known at a pre-hearing on the 27th of October.

Councillor Munter noted the legal opinion offered two options. The first was to do nothing, while the other was to take over the case, hire wetlands experts and “lead the charge”. The Councillor believed there might be an alternative somewhere in between the two extremes. He said his motion proposed to support the position taken by the GWG and Township of Goulbourn, within the realm of what was reasonable in terms of the resources of the legal department and of planning staff. Mr. Marc felt it likely that if Councillor Munter’s Motion were adopted and the Region became involved, the Province would not send separate legal counsel. He said it was the Legal Department’s hope that under such a scenario, witnesses from the MNR could be used as experts to be called to the hearing in order to save costs. He added that if for some reason they were not willing to appear, staff would have to get independent witnesses. However, he did not believe this would be likely to occur.

Responding to a question from Councillor Munter as to cost and time implications in terms of the Region’s involvement, Mr. Marc believed Regional participation in the hearing in defense of the extended wetland, if the MNR were to agree to provide witnesses, would cost the Region under \$1,000.00, excluding staff time.

Commenting on Chair Hunter’s reference to the Region following MNR’s decisions on boundary changes, Councillor van den Ham said he agreed with this view, provided it applied to idle land. However, he did not agree with doing this in the middle of the process for land under an application for development, and believed the question of fairness was an important principle to be considered in this matter.

Councillor Hill recalled that during the Official Plan review in 1997 some members of Committee had argued to have the MNR reexamine disputed wetland boundaries. She noted the Ministry had refused, and these boundaries remain in the ROP. The Councillor stated since the adoption of the ROP in 1997, there have been no referrals to the OMB by GEAC or anyone else regarding wetland boundary changes, and she found it unfair that such a change was now being sought when a development was pending. In addition, she believed it was unfair to redesignate the wetland boundary due to the nature of a very wet summer, which she believed had served to expand the wetland boundary. She felt an equally dry summer would have served to reduce that same boundary.

The Councillor also questioned the logic of sending Regional staff to the hearing to serve as witnesses when staff had already acknowledged they possessed no expertise regarding wetland designation. She felt this decision should rest with the MNR. Although she wished she could

support the residents of Goulbourn, she could not do so in light of the circumstances, and said she would not support Councillor Munter's motion.

Councillor Legendre disputed the notion that either excessively wet or excessively dry weather could effect wetland boundaries. This was not the way a wetland is assessed, but rather by careful study of the types of vegetation present. He said it took decades for vegetative changes to occur, resulting in a possible change to a wetland boundary.

There being no further discussion, Committee considered the amendment.

Moved by A. Munter

That the Region support the position taken by the Ministry of Natural Resources, the Township of Goulbourn and the Goulbourn Wetlands Group with respect to the wetlands boundary in Westridge Phase 3B.

CARRIED

YEAS: A. Munter, M. Bellemare, P. Hume, J. Legendre, G. Hunter....5

NAYS: R. van den Ham, D. Beamish, B. Hill, B. Chiarelli....4

The Committee then considered the staff recommendation as amended.

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

- 1. The Region support the position taken by the Ministry of Natural Resources, the Township of Goulbourn and the Goulbourn Wetlands Group with respect to the wetland boundary in Westridge Phase 3B, and;**
- 2. Should the Ontario Municipal Board determine to approve Phase 3B, that the list of conditions attached as Annex 3 be offered to the Board as appropriate conditions for draft approval.**

CARRIED as amended