1. APPEALS TO MINISTER'S NOTICE OF DECISION
OF 1997 REGIONAL OFFICIAL PLAN

COMMITTEE RECOMMENDATIONS AS AMENDED

That Council:

1. **Sustain the appeal of the following:**
   a) **Modifications E 17 regarding refinements to boundaries of Natural Environment Areas (B),**
   b) **Modification L 7 regarding the designation of a site in the rural area of Gloucester,**
   c) **Modification H 11 regarding creation of a buffer between a regional road and any extraction activity on two lots designated as Limestone Resource Area in Kanata** *(originally staff recommendation 2d, recommending withdrawal of appeal)***, and**
   d) **Modification L 3 and L 29 regarding designation of a site in Kanata which is part of the Carp Hills Wetland Complex.** *(originally staff recommendation 2e, recommending withdrawal of appeal)*

2. **Withdraw appeals of the following:**
   a) **Modification H 4 regarding farm-related severances in Sand and Gravel and Limestone Resource Areas** *(originally staff recommendation 2b)***,**
   b) **Modification H 10 regarding environmental impact study requirements for pit and quarry zoning applications** *(originally staff recommendation 2c)***, and**
   c) **Modifications L16 and L30, regarding designation of a site in Kanata as Wetland.** *(originally staff recommendation 1c, recommending sustenance of appeal)*

3. **That the appeal for Modification E 34 which modifies requirements for Wetlands Impact Studies for land adjacent to Provincially Significant Wetlands be sustained if a suitable rewording cannot be agreed upon eliminating the 120 metre designation.** *(originally staff recommendation 2a, recommending withdrawal of appeal)*

DOCUMENTATION:

1. Planning and Development Approvals Commissioner's report dated 5 Jan 98 is immediately attached.

2. Extract of Draft Minute, 10 Feb 98, immediately follows the report and includes a record of the vote.

3. Documentation submitted by Mr. R. Charlebois issued separately under Clerk's memorandum dated 19 February 1998.

REGIONAL MUNICIPALITY OF OTTAWA CARLETON | REPORT
MUNICIPALITÉ RÉGIONALE D'OTTAWA CARLETON | RAPPORT

Our File/N/Réf. 11-97-0591
Your File/V/Réf.

DATE 5 January 1998

TO/DEST. Co-ordinator, Planning and Environment Committee

FROM/EXP. Commissioner, Planning and Development Approvals

SUBJECT/OBJET **APPEALS TO MINISTER'S NOTICE OF DECISION OF 1997 REGIONAL OFFICIAL PLAN**

DEPARTMENTAL RECOMMENDATION

That the Planning and Environment Committee recommend that Council:

1. **Sustain the appeal of the following:**
   a) **Modifications E 17 regarding refinements to boundaries of Natural Environment Areas (B),**
   b) **Modification L 7 regarding the designation of a site in the rural area of Gloucester, and**
   c) **Modifications L 16, and L 30 regarding designation of a site in Kanata as Wetland.**

2. **Withdraw appeals of the following:**
   a) **Modification E 34 which modifies requirements for Wetlands Impact Studies for land adjacent to Provincially Significant Wetlands,**
   b) **Modification H 4 regarding farm-related severances in Sand and Gravel and Limestone Resource Areas,**
   c) **Modification H 10 regarding environmental impact study requirements for pit and quarry zoning applications,**
   d) **Modification H 11 regarding creation of a buffer between a regional road and any extraction activity on two lots designated as Limestone Resource Area in Kanata, and**
   e) **Modification L 3 and L 29 regarding designation of a site in Kanata which is part of the Carp Hills Wetland Complex.**

BACKGROUND

Information memorandums dated 17 Nov and 9 Dec 97 respectively were previously provided to Regional Councillors and included a description of the modifications proposed by the Province which staff appealed on behalf of Committee and Council and an index of the appeals filed by other parties to either the 1997 Regional Official Plan or the Minister's proposed modifications.

This report discusses the appeals made by Legal staff on Council's behalf in greater detail and provides staff's recommendations as to whether the appeals should be sustained or withdrawn. It also provides some additional information on the appeals filed by other parties and advice on next steps. In particular staff recommend that mediation be used to resolve as many appeals as possible; this is consistent with Policy 15 of Section 1.6, "Wherever possible, Council will try to resolve planning disputes through mediation."

DISCUSSION

Regional Appeals

Legal staff filed eight appeals to modifications in the Minister's Notice of Decision. In making the appeal staff provided the opportunity for Council to consider their position. The appeals are discussed below.

1. Modification E 17

> "That Policy **5.4.2.2, page 81,** Natural Environment Areas (B), be modified by adding the following sentence to the end of the policy: **"Any refinements related to Significant Wetlands on the Canadian Shield, or Provincially Significant Areas of Natural and Scientific Interest shall be acceptable to the Ministry of Natural Resources."**

Appeal

In dealing with Significant Wetlands south and east of the Canadian Shield in Policy 5.5.1.3 of the Regional Official Plan, the Ministry of Municipal Affairs and Housing has accepted that, while Regional Council must consider the advice of the Minister of Natural Resources in determining the boundaries of such wetlands, it is not to be required that any such determination be "acceptable" to the Ministry. Lands designated Natural Environment Area (B) (Significant Areas of Natural and Scientific Interest and Significant Wetlands in the Canadian Shield) are given less protection from development in the Provincial Policy Statement than Significant Wetlands south and east of the Canadian Shield.

Recommendation

Staff recommend that the appeal be sustained and that the policy be modified per the wording in policy 3 of Section 5.5.1, i.e., that Regional Council should be required to seek the advice of the Ministry.

2. Modification E 34

"That Policy **5.5.2.3, page 88,** Policies for Adjacent Lands, be modified by deleting the words "for land abutting a" and by replacing them with **"involving lands within 120 metres of a".**

Appeal

The proposed modification changes the requirement for a full site Wetlands Impact Study for development proposals, other than a lot for a single-detached building, to include those within 120m of the boundary of a Significant Wetland south and east of the Canadian Shield as opposed to those which abut a Significant Wetland south and east of the Canadian Shield. The City of Gloucester has also appealed this modification.

This modification was appealed to reflect Council's position developed during review of the two previous wetland amendments (Amendment 45 and Amendment 61). During consultations on the original wetland Amendment 45 (under Bill 163), significant concerns were expressed about the use of the 120m adjacent land provision which would have required a Wetland Impact Study (WIS) for any development or alteration within 120m of a Provincially Significant Wetland (PSW). In addition, the new Provincial Government repealed Bill 163 and, while maintaining an adjacent lands policy, removed the explicit reference to 120m from the Provincial Policy Statement. This led to the approach taken in Amendment 61 of requiring a WIS within 30m for a severance, and for any subdivision which "abuts" a PSW.

The Province has not objected to the use of the 30m standard for severances, but did object to the use of the abutting provision for subdivisions as it could have potentially allowed development to proceed very close to a PSW without any study requirements. They have continued to suggest that 120m is a reasonable distance, but the proposed modification only applies this standard to plans of subdivision and other development proposals (e.g. commercial or industrial uses). As a result, the 120m provision is much more focused than the broad statements related to development and land alteration proposed during discussion of Amendment 45.

Recommendation

Having examined the background, staff recommend that Council withdraw the appeal of this modification for the following reasons:

- the 120m provision will only apply to plans of subdivision and other development applications which are likely to have to provide a number of supporting studies of which a WIS would be a one component.
- given that subdivisions have more impact than a severance, it would be difficult to argue for a distance of less than 30m.
- while it is difficult to arrive at a precise number with each case being a little different, the RMOC would have to propose and defend an alternative, presumably something between 120m and 30m. Given the Province's continued support of 120m, it can be anticipated that

significant effort and research (with an uncertain result) would be required to justify an alternative.

In conclusion, the modification would trigger the need for preparation of a WIS within 120m for development applications other than individual severances. This is considerably less onerous than the original provisions under Amendment 45 or Bill 163.

3. Modification H 4

"That Policy **8.2.3 b), page 118,** Policies for Mineral Aggregate Resources, be modified by adding the following to the end of the policy: **"provided that the lands are not licensed as a pit or quarry and technical information demonstrates that the aggregate resources on the land subject to severance are not suitable for exploitation. In addition, the technical information shall also demonstrate that the use of land for rural residential purposes will not restrict the possibility of mineral extraction from other lands designated Sand and Gravel Resource Area or Limestone Resource Area."**

Appeal

This policy deals with retirement severances for farmers in a Sand and Gravel or Limestone Resource designation. The approach of the Region has always been that all farmers throughout Ottawa-Carleton should be treated in an equitable manner, regardless of the official plan designation in which their lands are located. This modification places additional restrictions on farm-related severances for farmers located in the Sand and Gravel and Limestone Resource Areas beyond those found in section 7.3, Farm-related Severances, of the Official Plan.

While the modification proposed by the Minister will be less "equitable" in applying the same rules to farm-related severances across Ottawa-Carleton, it is very consistent with the Provincial Policy Statement, which does not permit development which would hinder the expansion of existing or establishment of new aggregate operations or hinder access to deposits of mineral aggregates. The proposed modification does not entirely preclude all severances. It does provide a strong incentive in the case of a farm property where only part of the property is designated Sand and Gravel or Limestone Resource to locate the new lot outside of these designations.

Recommendation

Staff recommend that this appeal be withdrawn.

4. Modification H. 10

"That Policy **8.2.10 (formerly 8.2.11), page 120,** Policies for Mineral Aggregate Resources, be modified by deleting it in its entirety and by replacing it with the following: "**Require completion of an Environmental Impact Statement as per Section 5.4.4 prior to decision on any application for rezoning for a pit or quarry which may**

potentially affect the significant features or ecological functions of the Environmental Designations or Environmental Features shown on Schedule K.".

Appeal

This modification replaces reference to an Environmental Impact Study (undefined in the Plan) with reference to an Environmental Impact Statement as defined in Section 5.4.4 of the Plan. It also limits the requirement for completion of a study to situations which the proposed pit or quarry may potentially affect the significant features or ecological functions of the Environmental Designations or Environmental Features on Schedule K. The policy as adopted by Council would have imposed the study requirement on all pit and quarry proposals and also explicitly stated that if the study revealed impacts which could not be mitigated, the rezoning cannot proceed.

The policy should be considered in context with the preceding policy 10, which makes explicit reference to studies of: noise, dust and vibration; haul routes, traffic volumes and entrance/exit design; impacts on surface and ground water; compatibility with existing land uses adjacent and nearby; agricultural rehabilitation, if applicable; and proposed afteruse and rehabilitation. Policy 11 replaced a reference in Policy 10 to "onsite and nearby environmental features, a description of anticipated impacts and proposed mitigation."

Recommendation

Staff recommend that the objection be withdrawn. The modification proposed by the Ministry is a needed and acceptable clarification which covers the intent of the previous reference in Policy 10 which the new Policy 11 replaced. Many of the environmental features on Schedule K were also candidate mineral resource areas. The Province has accepted Council's decision to give natural areas of high or moderate significance higher priority than mineral aggregate resources. Staff could not support a position which maintains that impacts on natural features which are not in the designations on Schedule K would be sufficient grounds to deny an application for a pit or quarry, when the Plan does not subject any other kind of development proposal to this test.

5. Modification H 11

"That Policy **8.2.13, page 121,** Policies for Mineral Aggregate Resources, be modified by deleting the words "Lots 22 and" and by replacing them with "**Lot**".

Appeal

Policy 13 requires that a 150m buffer area be located between any extraction activity and Regional Road 9 in the lands described as Lots 22 and 23, Concession III, Kanata. The proposed modification would only require that the buffering be in Lot 23, i.e. the buffering requirement would not apply to Lot 22.

The Region is the only party to appeal this modification. No corresponding appeal was received from the City of Kanata or neighbouring landowners. Homes are located along Regional Road 9 in both Lots 22 and 23. Therefore, given that the Ministry has accepted the principle of buffering

in Lot 23, the Region could argue that the same buffering ought to be extended in Lot 22. The Ministry will argue that the owner of Lot 23 (who intends to apply for a quarry license) has met with his neighbours and they reached agreement on the 150m separation. This is consistent with the recent amendments to the *Aggregate Resources Act*, which place the onus on a license applicant to address the concerns of potential objectors. No such meeting has occurred with respect to Lot 22, therefore the Ministry may argue that it is premature to apply a separation distance in official plan policy. This does not preclude the establishment of a separation distance, when and if a license application is submitted in Lot 22. Experience with the buffer in Lot 23 may indicate that a greater or lesser buffer is required.

Recommendation

Staff recommend that this appeal be withdrawn. An appropriate separation distance is better decided at the time of license application, when more information is available.

6. Modification L 3
Modification L 29

"That **Schedule "A"** be modified by designating the area outlined in part of Lots 16 and 17, Concession I, City of Kanata, (part of the Carp Hills Wetland Complex) as **"Natural Environment Area (B)".**

"That **Schedule "K"** be modified by changing the "Environmental Features" area shown in part of Lots 16 and 17, Concession I, City of Kanata (part of the Carp Hills Wetland Complex) as **"Environmental Designations (See Schedule "A")** to correspond with the area shown in Modification L3".

Appeal

These proposed modifications would redesignate the subject lands (Part Lots 16 and 17, Concession I, Kanata) from General Rural to Natural Environment Area (B) on Schedule A and amend how the lands are shown on Schedule K from Environmental Features to Environmental Designations (See Schedule A). The owner of the property, Mr. Charlebois, has filed a corresponding appeal (Appeal #19 in the Index of Appeals).

The subject lands are part of a Significant Wetland on the Canadian Shield (Carp Hills complex). Significant Wetlands on the Shield elsewhere in the Plan have been placed in a Natural Environment (B) designation. Mr. Charlebois argued that the designation of General Rural with an Environmental Features overlay on Schedule K provides a similar level of protection in that both designations would require the preparation of an Environmental Impact Study as a component of a subdivision proposal.

While staff confirmed that both approaches would require essentially the same studies and assessment during consideration of a subdivision proposal, staff also advised Committee when the draft Plan was before them that designating the area as General Rural with an Environmental Feature overlay was not consistent with the approach taken in other Significant Wetlands on the

Canadian Shield. It will be difficult to justify to the Municipal Board why an exception is being made in this case. Furthermore, Mr. Charlebois can proceed with a subdivision proposal on much the same basis in either case.

Recommendation

Staff therefore recommend that the appeal on this modification be withdrawn

7. Modification L 7

"That **Schedule "A"** be modified by designating the area outlined in Lots 28 and 29, Concession Broken Front, City of Gloucester, to **"Agricultural Resource Area".**

Appeal

The proposed modification would change the designation of the subject lands (owned by Booth and Keenan) on Schedule A from General Rural Area to Agricultural Resource Area. Studies submitted to the Region assert that the predominant soil classification of the property is less than Class 3 (but the study conclusions have not been accepted by OMAFRA). A predominant soil classification less than Class 3 would lead to the parcel not being within the term "prime agricultural land" as such term is defined in the Provincial Policy Statement.

The Region employed LEAR - Land Evaluation and Area Review, a methodology approved by the Ministry of Agriculture, Food and Rural Affairs, to determine which lands should be contained within the Agricultural Resource Area. With a predominant soil classification less than Class 3, the LEAR score would indicate that these lands should not be designated Agricultural Resource Area but rather General Rural.

The owners of the subject properties and the City of Gloucester have also appealed this modification (Appeals #29, #30, and #26). Fines Flowers has also appealed the Agricultural Resource designation on their property in part of Lot 27, Concession Broken Front (Appeal #5).

The appropriate designation for these properties revolves around the issue of the correct predominant soil classification. Although both these owners and Fines Flowers to the north have had soils studies done by MM Dillon, OMAFRA has indicated that the studies do not provide the information required to justify a change in soil classification. At this time, Council is in the position of having refused an application for a redesignation to General Rural for the Fines Flowers property in Lot 27 and having redesignated the Booth and Keenan properties in Lots 28 and 29 to General Rural. It would be difficult for Legal counsel to successfully argue both these inconsistent positions at the Ontario Municipal Board.

Recommendation

Staff recommend that Council sustain the appeal and request the applicants and their consultant and OMAFRA to do whatever additional investigation is required for the parties to agree on the correct predominant soil classification. When there is agreement on the soil classification for all

three properties (Fines Flowers, Booth and Keenan), staff will bring another report to Committee and Council advising on the recommended designation for all three properties.

8. Modification L 16
Modification L 30

"That **Schedule "B"** be modified by designating the area outlined in part of Lots 30 and 31, Concession VI, City of Kanata, (Stony Swamp Wetland) as **"Significant Wetlands south and east of the Canadian Shield".**

"That **Schedule "K"** be modified by delineating the area outlined in part of Lots 30 and 31, Concession VI, City of Kanata, (Stony Swamp Wetland) as **"Environmental Designations (See Schedule "B")** so as to correspond with the area shown as Modification L16.

Appeal

Modifications L 16 and 30 change the designation of some land in the Bridlewood portion of Kanata from General Urban Area on Schedule B to Significant Wetlands south and east of the Canadian Shield on Schedule B and Environmental Designation on Schedule K. The owner of the subject property, Urbandale, has also appealed this modification to the Schedules, as well as Section 5.5 regarding Significant Wetlands.

This property and adjacent lands are a deferred portion of a draft approved plan of subdivision by Urbandale. Urbandale was to do additional studies to address how adjacent lands to the wetland could be developed with mitigating measures for the remaining undisturbed wetland, which MNR maintained was still functionally connected to the adjoining Stony Swamp Wetland complex.

Regional planning staff have in the past argued against a wetland designation on this small property on the basis that the environmental features of the subject parcel do not warrant a determination that the lands are "Significant Wetlands" as that term is defined within the Provincial Policy Statement.

One of the conditions of the draft plan approval for Urbandale's subdivision was that there be no alteration to the wetland. MNR staff have verified that the wetland has now been filled.

Recommendation

While staff are disappointed at the unilateral action taken by Urbandale to fill the wetland, it is recommended that, consistent with their earlier position that these lands should not be designated Significant Wetland, the appeal be maintained.

Appeals by Other Parties

Annex A discusses briefly the appeals by other parties to the Plan as adopted by Council. In some cases staff have contacted appellants, who have provided additional clarification of their appeals. Each appeal has been indexed and included in a binder available at the Councillor's reception desk, the reception area of the Planning and Development Approvals Department, and in the Ottawa-Carleton Resource Centre.

Staff will be pursuing all appeals with each appellant individually and propose to use mediation prior to any formal OMB hearings.

CONSULTATION

Many of the issues discussed in this report were the topic of submissions and discussion at Committee during the Plan adoption process. The background information on appeals to the 1997 Regional Official Plan as adopted and as proposed to be modified has been made available in binders at the reception desk of the Planning and Development Approvals Department and in the Corporate Resource Centre. Copies of the Index of Appeals were sent to all the local municipalities, and copies of specific appeals have been provided to them and other parties upon request.

No specific consultation has been undertaken on the recommendations in this report concerning sustaining or withdrawing the Region's appeals, although staff will notify all interested parties of the availability of this report and its consideration at Planning and Environment Committee.

FINANCIAL IMPLICATIONS

There will be costs associated with formal mediation of appeals, as well as with presenting Council's position at the Board for any appeals which cannot be resolved through mediation. Accompanying this report is a separate report from the Legal and Planning and Development Approvals Departments on the question of mediation and the costs associated with mediation. The costs of defending the Plan before the Ontario Municipal Board are included in the Legal Department budget for 1998.

CONCLUSION

Mediation is the preferred approach for dealing with all appeals, including those which Council has filed. Tentative agreements on appeals will be brought back to Committee and Council for their concurrence.

Approved by
N. Tunnacliffe, MCIP, RPP

Annex A - Appeals by Other Parties

General Appeals

One appellant, David McNicoll, has appealed the entire Plan, primarily with reference to its ecological implications (Appeal # 31). Staff have met with Mr. McNicoll and requested that he narrow down his appeal. He has since advised of his decision not to do so. Staff have contacted the Ontario Municipal Board to request an early prehearing of this appeal, where they will attempt to have the appeal dismissed or scoped by the Board.

In its appeal of 30 items in the Plan, the City of Ottawa has provided alternate wording for the appealed policies and has proposed mediation as a means to seek resolution (Appeal #12). The City of Nepean has supported 19 items in Ottawa's appeal and the request for mediation (Appeal #1). The City of Ottawa has appealed several policies on the basis that the City believes they are too detailed and trespass on areas of local municipal authority, such as site plan approval or zoning. For example, it has appealed all of the specific measures to implement the personal security and safety policy (Section 3.2.14) and certain policies on retail development (within Section 4.7.2.2) which it feels raise issues related to site plan approval. Other appeals seek recognition of the role of local government and other jurisdictions; for example, the City is requesting a reference to the local Official Plan in policies regarding the Central Area as a focal point (Section 3.4.2.1). Several appeals seek a softening of the language so as to provide more latitude in interpreting the policy , substituting the words "encourage" or "request" for "require", or adding the words, "where appropriate".

The City of Ottawa has also appealed aspects of the rental conversion policy (Section 3.3.2.9). In addition, it proposes to introduce objectives and policies in Section 4.1.1 which recognize the importance of cultural activities in economic development.

The City of Gloucester appealed Table 6, Key Infrastructure Projects for Phase 1 Developments and Policy 4 of Section 6.2 on allocation of central services to Greenbelt Employment, as well as Modifications E 34 and L7 discussed above and Policy 4 of Section 11.6.1 on airport noise.

Lois K. Smith appealed specific policies in many sections of the Plan, as well as all of the Plan schedules with respect to graphic quality and other matters (Appeal #4). Staff have already met with Dr. Smith in an attempt to seek a resolution of her difficulties with the Plan schedules and she has now withdrawn her appeal of Schedules C1, C2, E, F, G and H, as well as some of the specific points in regard to the other Plan schedules.

Specific Appeals

The owners of part of Lot 27, Conc. IV, City of Kanata have appealed boundary interpretation policies in Sections 1.5 and 3.7.3 of the Plan and the designation of the property as General Rural (Appeal #9). They wish the property to be included in the boundaries of the village of Dunrobin.

Four appeals (Appeal # 8, #27, #20, 28) have been filed regarding urban designations in and around Stittsville. Several of these appeals address Council's decisions on amendments to the 1988 Official Plan which were considered along with the 1997 Plan and incorporated in it.

- 867718 Ontario Ltd. (Appeal #8) have appealed a change in designation of land within Stittsville to General Urban from Extensive Employment, as adopted by Council in Amendment 51 (Relocatable Homes). They have also appealed the urban designation of about 20 ha southeast of Stittsville adopted by Council in Amendment 69, to permit development of a high school and municipal recreation facility. They have also appealed the Agricultural Resource designation of about 160 ha southeast of Stittsville. Much of this land was included in proposed Amendment 67 (Fernbank Estates) to redesignate 232 ha for urban development, an amendment refused by Council. Portions of Section 2.6 Development Phasing regarding servicing capacity for dwelling units in Stittsville and other matters relating to Stittsville have also been appealed. The appellant has been asked to clarify various matters regarding this appeal.

- The Stittsville Homeowner's Association have also appealed the urban designation of the site for the high school and recreation facility (Appeal #27). Reasons for the appeal include the following: there is sufficient land within the urban area to accommodate the proposed use without designating additional land; the proposed development does not meet Regional Official Plan policies for major community facilities; the site includes important hydrological features and habitat for rare plants.

- Del Corporation (446341 Ontario Ltd.) (Appeal #20) have appealed Sections 1.6.10 and 1.6.11, which set criteria for considering amendments to the Plan such as the need for the proposed change and its effects on Regional services. They have also appealed the Agricultural Resource designation of about 96 ha east of Stittsville and two tables in Section 2, Regional Development Strategy, regarding the number of dwelling units permitted in Stittsville. Regional Council refused to adopt Amendment 72 to the 1988 Official Plan, which sought an urban designation for the Del Corporation property. Del Corporation has also appealed that decision.

- Grace Bell and Sid Bradley (Appeal #28) have asked that their land adjacent to the southern boundary of Stittsville be included in the urban area.

Policies on Regional-Scale Retail Facilities have been appealed by firms with an interest in developing retail facilities on two sites in Ottawa-Carleton. North American Realty Acquisition Corporation (Appeal #23) have appealed Section 4.7.3 Regional-Scale Retail Facilities because they are unclear whether the policies restrict their plans to develop retail warehouse facilities in Kanata. Regional staff will be reviewing the situation with the appellant.

Canril Corporation has also appealed this section, along with Section 4.3.3.1 Town Centres and the Business Park designation of a site on the southeast corner of Highway 416 and Fallowfield Road (Appeal #24). Canril Corporation has applied to amend the Regional Official Plan to develop retail warehouses and an entertainment complex on this site, with phased development totalling 85,000 to 91,000 square metres.

Canada Post has appealed policies in Section 4.3.2 on densities of development in Primary Employment Centres at transitway stations and the transit modal split targets for Confederation Heights development levels (Appeal #25).

The Association of Rural Property Owners (ARPO) has appealed all of Section 5, Natural Environment, although their specific comments all relate to Section 5.5, Significant Wetlands south and east of the Canadian Shield (Appeal #16). Their most recent correspondence states, "The concerns represented by that group (members who wish to be part of the appeal) will determine the section being appealed. I suspect that 5.5 will be the focus but reserve the right on behalf of any member to expand that." ARPO has been requested to provide precise information on the lands owned by ARPO members and designated as Significant Wetlands, which they are appealing.

Appeals #2, 13, 17, and 18 are all site-specific appeals of the Wetlands policies and designation of specific properties as Significant Wetlands. Appeal affects part Lot 25, Conc. 3, Osgoode (Perkins). Appeals 13 and 17 affect land within the urban boundaries of Stittsville. Appeal 18 affects part of Lot 23, Conc. 5 in Kanata (Sander).

R. Copeland et al have appealed the designation of their property in Lots 4-6, Conc. 1 (Fitzroy), West Carleton, as General Rural Area on Schedule A and Environmental Feature on Schedule K and requested a Limestone Resource designation (Appeal #7).

Jean and Marcel Bisson have appealed the Agriculture Resource designation of their property in Lot 4, Conc. 11, Cumberland. They have also appealed the Bearbrook floodplain mapping and the road widening policies with respect to Mer Bleue and Tenth Line Roads (Appeal #3).

Appeals #5 (Fines Flowers), #6 (Monahan), and #21 (Kent Currie) are all appeals of Agricultural Resource designations. Appeal #5 affects part of Lot 27, Conc. Broken Front in Gloucester; Appeal #6 affects part of Lot 11, Conc. 9, Ottawa Front in Gloucester; and Appear #21 affects Lots 31, 32 and part of Lot 33, Conc. Broken Front in Osgoode.

The Yzenbrandts have appealed the policy regarding development of land adjacent to mineral aggregates and the designation of Limestone Resource north of their property (Appeal #11). Their property is part of Lots 14 and 15, Conc. IX in Goulbourn.

There are several appeals of the Airport Noise policies, Section 11.6.1, including Ottawa-Carleton Home Builder's Association (OCHBA - Appeal #14), and City of Gloucester. The concern here is actually with transition provisions for implementing the new Provincial Policy, and a group (consisting of the Region, Ottawa, Gloucester, Nepean, the OCHBA, and the Ottawa Macdonald-Cartier International Airport Authority) is meeting to deal with this issue.

The owners of part of Lot 14, Broken Front, Rideau Front, Gloucester (Boyd) have appealed section 2.4.9 b) and c) regarding development on private services in the urban area and section 11.6.1 on airport noise (Appeal #10). The appeal corresponds to those matters dealt with in the recent Ontario Municipal Board Hearing on Regional Official Plan Amendment 35 and Gloucester

Official Plan Amendment No. 13. The Board ruled, in a decision dated 16 Nov 97, that new residential development on private services would not be permitted. In light of the recent decision, the appellants may choose to withdraw this appeal.

Extract of Draft Minute
Planning and Environment Committee
10 February 98

APPEALS TO MINISTER'S NOTICE OF DECISION
OF 1997 REGIONAL OFFICIAL PLAN
- Planning and Development Approvals Commissioner's report dated 5 Jan 98

Pamela Sweet, Director, Policy and Infrastructure Planning Division, Planning and Development Approvals Department (PDA), gave a brief presentation of the report, outlining the appeals and the basis for the recommendations to sustain or withdraw them.

Councillor Munter asked what the ramifications would be should Committee and Council overrule the Departmental recommendation to sustain or withdraw an appeal. The Councillor was concerned that the public report states PDA staff's reasons for withdrawal putting the Region in a weak position before the Ontario Municipal Board (OMB) if Committee and Council overrule the staff recommendation.

Mr. Tim Marc, Solicitor, Legal Department agreed with Councillor Munter's statement with respect to the five appeals that PDA staff have recommended the Committee withdraw. Should the Committee determine to proceed with the appeals, then PDA staff's reasoning would be used against the Region at an OMB hearing. It would be necessary for the Legal Department to hire outside planners to represent the Region. Mr. Marc noted this would not be the first time the Region has been required to do so.

Councillor Munter requested clarification on the history with respect to Modification L 16 and L 30 regarding Significant Wetlands south and east of the Canadian Shield. Ms. Sweet explained the City of Kanata's position was to have had this area designated as Significant Wetlands, however, they have since withdrawn that position. The area has always been excluded as a wetland in the two Wetland Amendments, including the latest Regional Official Plan Amendment (ROPA) No. 61.

Councillor Munter asked if given that Urbandale's legal representatives will be before the OMB, is it necessary for the Region to be there, essentially assisting them. Mr. Marc indicated that it has always been the Legal Department's recommendation the Region take the lead role in its Regional Official Plan (ROP), therefore, he recommends whatever position Committee and Council adopt, the Region be there to actively pursue that position.

Councillor Munter, referring to Modification H 11 regarding creation of a buffer between a Regional Road and any extraction activity on Lot 22 and 23 designated as Limestone Resource Area in Kanata, voiced his concerns regarding an inequity being created in this instance. As mentioned in the presentation, there had been extensive discussion with the nearby residents and part of a compromise that Committee and Council agreed to, with respect to quarry extraction, was the buffer in from the Regional Road. The recommendation to withdraw this appeal would effectively support the Ministry of Municipal Affairs and Housing's (MMAH) decision to have that buffer for half the quarry extraction, Lot 23, but not the other half, Lot 22.

Extract of Draft Minute
Planning and Environment Committee
10 February 98

Carol Christensen, Manager, Land Use Policy, Policy and Infrastructure Planning Division, PDA, explained the original position of the MMAH was to delete the policy in its entirety, however, the Region was able to leave it in for Lot 23 on the basis of the meetings Councillor Munter referred to. It was her understanding that the owner of Lot 22, being deleted from the buffer policy, was not at those meetings or party to the agreements generally reached. Ms. Christensen further explained that the Province recently made changes to the *Aggregate Resources Act*, which placed the onus on the applicant to resolve any objections received from neighbours. The owner proposing a quarry in Lot 23 has met with his neighbours and they have jointly decided their concerns would be met with a 150 metre buffer.

In response to questions from Councillor Munter on Modifications L 3 and L 29 regarding designation of a site in Kanata which is part of the Carp Hills Wetland Complex, Ms. Sweet confirmed there are basically the same requirements in the ROP as expressed by the MMAH in modifying the ROP. However, staff would have to agree with the MMAH that these lands have the same characteristics as the Carp Hills Wetland Complex and it makes sense to have it in Environment Area B along with the neighbouring properties. Ms. Sweet further indicated lands defined as wetlands in the Canadian Shield have always been designated Environment Area B and these lands should be treated the same way. This modification puts the property back into the category that all the complex owners in the Carp Hills are in.

Regarding the issue of environmental impact statements for pits and quarries referred to in the report, Councillor Munter understood staff's rationale, however, felt that in doing so the Region would lose environmental impact statements that it would otherwise have had on pits and quarries, by restricting them to ones that are coincident with Schedule K. Ms. Christensen confirmed Councillor Munter's statement; the application is limited to those instances where the impact on a natural feature would be on a natural feature that shows up in a designation on Schedule K.

Councillor Legendre, in reference to Modification L 16 and L30 regarding the Significant Wetlands south and east of the Canadian Shield, inquired if some of the lands subject to the appeal have been filled in by Urbandale. Ms. Sweet confirmed this.

In response to concerns that the Region was siding with Unbandale in the appeal, expressed by Councillor Legendre, Ms. Sweet explained that staff had, prior to the lands being filled in, recommended to Committee and Council not to approve this as a wetland area in ROPA No. 61 and the draft ROP. Previously, in reviewing wetlands across the Region, it was determined the area was not a Significant Wetland, therefore, it was recommended and subsequently approved to be in a General Urban category and Ms. Sweet believes the owner of the land basically understood that it would likely end up being General Urban. Staff were not party to the wetlands being filled in this past summer.

Councillor Legendre asked what redress there may be at the OMB for this unilateral action taken by Urbandale and if the OMB could assess damages against the landowner for doing

something that was in fact forbidden. Mr. Marc indicated that no action can be taken at the OMB.

While Councillor Legendre understood the Region and City of Kanata's position with respect to the lands not being a Significant Wetland, he was frustrated that as a Member of Council he is now effectively on the same side as someone who has broken a zoning designation and unilaterally changed the land. Mr. Marc confirmed that the Region's position has always been that these lands be designated General Urban, however, MMAH felt they should be Significant Wetlands. Councillor Legendre felt that Urbandale, aware of the fact the lands were in dispute; should have waited for a final decision before filling in the lands. Mr. Marc indicated it is his understanding Urbandale was not aware the lands were in dispute, they understood the matter had been resolved.

Councillor van den Ham asked if ROPA 61, approved by Council, had also been approved by the MMAH, or whether it had been part of the whole ROP process.

Ms. Sweet replied that ROPA 61 had not received Ministerial approval, as it was felt the issues involved were covered under the newly-approved comprehensive ROP.

The Councillor said it seemed that after negotiations on Wetlands issues with the Ministry of Natural Resources (MNR) and the Region's residents, MNR was attempting to return to its original position on the 120 metre boundary designation. He said he was hesitant in agreeing with staff that MNR should be allowed to do so, as this was the only place in the ROP where this designation was mentioned, and wondered if, through further negotiations, a more appropriate wording could be agreed upon. The Councillor said he agreed with the practical attempts to resolve the problem, but that he would like to see the elimination of the reference to the 120 metre boundary in the ROP.

Ms. Sweet explained that in negotiations with MNR, the Ministry wanted to have a 120 metre designation in place for severances in addition to subdivisions. Staff successfully argued that, as part of Council's policy, the designation should remain at 30 metres for severances, but conceded that 120 metre was not a particularly onerous requirement for subdivisions, as a subdivision might be asked to do this when close to an obvious environmental feature.

Councillor van den Ham requested clarification of staff's recommendation to withdraw the appeal to Modification L7, which recommended modification of Schedule "A", involving the Booth and Keenan lands and the Fines Flowers property, by recommending a designation of "Agricultural Resource Area". He noted Council had originally refused Fines Flowers' application for a redesignation to General Rural in Lot 27, but had so redesignated the Booth and Keenan properties in Lots 28 and 29. He believed these issues had been resolved at the time Committee had dealt with the ROP, with new or improved studies which were the basis of Committee and Council approving the change from Agricultural Resource to General Rural.

Ms. Sweet replied that studies of the Booth and Keenan lands by the agrological firm of M.M. Dillon determined a soil classification of less than Class 3. This was the information presented in June of 1997 when Committee dealt with the ROP. However, she said the Ontario Ministry of Agriculture, Foods and Rural Affairs (OMAFRA) had approved neither the studies nor the change in designation, and had left unclear to staff as to what was needed to resolve the issue. Since then, M.M. Dillon completed a study for the Fines Flowers property to the north of the Booth/Keenan lands. After reviewing this study, OMAFRA felt there was insufficient information to reclassify the land's soil capabilities. Ms. Sweet said staff were suggesting the parties get together, perform more soil testing, if necessary, and work towards an agreement between themselves and OMAFRA on a final designation, which would be brought back in a report to Committee. Ms. Sweet said the department had no final answer, but felt that in order to leave the Region's options open, the appeal should be sustained.

The Councillor said he agreed with staff's recommended approach.

Mr. Ron Charlebois, owner of Lot 17, Concession 1, Marchurst Road, Kanata, read from a prepared statement (on file with the Regional Clerk) asking Committee to sustain the appeal of Modifications L 3 and L 29 of the Minister's Notice of Decision of the 1997 ROP.

Referring to the speaker's assertion that the Minister's Notice of Decision attempted to designate 50 acres of Lot 17, Conc. 1, Kanata as Environmental Area B, Chair Hunter asked Mr. Charlebois how he had arrived at this figure.

Mr. Charlebois offered the figure as one-quarter of his 200 acre lot. He said three-quarters were designated General Rural, and an attempt was being made to redesignate the remaining quarter Environmental Area B, originally zoned as Marginal Resource and changed to General Rural with an Environmental Overlay. The speaker said he assumed this same piece of land was being reviewed for redesignation to Environmental Area B.

The Committee Chair felt the determination of 50 acres for the subject parcel was difficult in light of its representation by broad lines on a small-scale map. Mr. Charlebois agreed this vagueness could present eventual problems should he wish to do something with his land, and felt the outline should be determined.

Nick Tunnacliffe, Commissioner, PDA, said the Official Plan contained a statement referring to the flexibility of boundaries, so that when an owner wanted to do something in terms of development, the onus would be on the landowner to perform studies to determine the outline, offering that in this case, the subject area might prove to be anywhere from 20 to 50 acres.

Mr. Charlebois stated he did not necessarily want to do anything with his land, but wanted to know its outline in order to have a reasonable and fair assessment of his property. Mr. Tunnacliffe offered that in this case, the designation would not affect him in any way.

In response to questions from Councillor Munter, Mr. Charlebois pointed out that overall, his assertion was that the westernmost piece of his parcel designated in Schedule K as Environmental Area B was not 50 acres in size as identified by MNR. He also noted it was not wetland, but flooded due to beaver activity; the dams were even indicated on MNR maps. Although the land did contain environmental features, the speaker felt the most appropriate designation was General Rural with an Environmental Features Overlay.

Councillor Legendre asked the speaker of what significance the different designations were to him, as, according to staff, he would be affected in more or less the same way. Mr. Charlebois said if he were to accept the designation of Environmental Area B, he would be accepting that these lands were wetland; a designation of General Rural with an Environmental Features Overlay would not designate the lands as such. He believed his request for the removal of the Natural Environment Area B designation was fair, and felt everyone was in agreement except for those involved in the planning aspects.

Councillor van den Ham said he sympathized with the speaker, and compared the situation to that of the Provincially Significant Wetlands issue (ROPA 61). He suggested that if it did not matter whether the land were designated one way or the other, then it should be designated in the owner's favour. The Councillor also suggested the option of approaching MNR for a property reevaluation, but Mr. Charlebois said he had done so at one time, and that nobody had come to perform a reevaluation. He also noted that during the time of ROPA 61, his land was left out as it was not considered a Provincially Significant Wetland.

Councillor van den Ham said he would support a Motion allowing for the designation of Mr. Charlebois' lands as General Rural with an Environmental Features Overlay.

Mr. Willis Scanlon, representing Fines Flowers, said Fines Flowers supported the staff recommendations for Modification L 7.

Mr. Doug Kelly of Soloway, Wright, representing Urbandale Corporation, spoke regarding Modifications L 16 and L 30. Mr. Kelly said the issue of the Bridlewood wetland complex began with the 1974 Official Plan. He said at the time, a facility in the Official Plan called Ecosystem Diversion put the Bridlewood Community boundary to the east. This was subsequently deleted in the late 70's; Council then came forward with ROPA 12 which was the implementation of the study of Natural Environment Areas. This resulted in the northeast quadrant of Bridlewood being designated as Urban or Residential Area. Mr. Kelly noted the National Capital Commission (NCC), in order to protect the Stony Swamp area, expropriated land from Coscan and McDonald (developers) to the north and exchanged land with Urbandale to preserve a buffer area for the Stony Swamp. At that time, Mr. Kelly said Urbandale believed the matter had been put to rest. When Urbandale proposed their Phase 5 Bridlewood development, an Environmental Impact Study (EIS) was required to determine the impact on the Stony Swamp area. Out of that study came the development of part of Phase 5 and the deferral of the area subject to Modifications L 16 and L 30. Mr. Kelly said his understanding, in discussions with Urbandale representatives, was that when ROPA 61 came forward, MNR

had made no request to change the designation, and the recommendation of Committee and Council was that this land not be designated Provincially Significant Wetland, a decision reconfirmed in the new ROP. Therefore, he said, the Region had never designated this land Significant Wetland; it had always been designated for development as Urban Area. Mr. Kelly said Urbandale, believing the issue had been settled, proceeded as they did. In closing, he asked Committee to confirm the appeal the Region had launched with respect to Modifications L 16 and L 30.

Councillor Legendre quoted a paragraph on page 8 of the staff report which noted *"This property and adjacent lands are a deferred portion of a draft approved plan of subdivision by Urbandale. Urbandale was to do additional studies to address how adjacent lands to the wetland could be developed with mitigating measures for the remaining undisturbed wetland, which MNR maintained was still functionally connected to the adjoining Stony Swamp Wetland complex."* The Councillor emphasized MNR had wanted Urbandale to prepare additional studies which would have allowed Urbandale to proceed with development, but would have ensured that development would not disturb the functional connection to the Stony Swamp.

Mr. Kelly was unaware Urbandale had filled the wetland portion, and said their only mistake was in believing the issue had been settled, which he said would have been the case if not for the Modifications by MNR. Mr. Kelly felt Urbandale's position was that the land subject to the Modifications had not been designated wetland, a position he said was accepted by Council with ROPA 61 and the new Official Plan. He said assuming the land is designated General Urban Area, Urbandale would still have to carry out studies to ensure development would not impact on the wetland function of the adjacent Stony Swamp Wetland Complex.

Councillor Legendre noted both he and staff were disappointed that action had been taken to fill the wetland, and that by doing so, a disturbance had already taken place.

Mr. A. Bruce Benson, representing the Association of Rural Property Owners (ARPO), referred to a section on page 3 of the staff report, which stated *"Given the Province's continued support of 120m, it can be anticipated..."*, and felt there was a misunderstanding between Provincial and Regional staff and rural landowners. He quoted a letter from the Minister (of Natural Resources) dated 19 Aug 98 stating the Ministry had reduced the amount of wetlands covered by legislation by 40% or more. Mr. Benson said the wetlands situation described in the letter spoke of 33 metres instead of 120 metres, and noted 120 metres was in neither Bill 20 nor the Policy Statement. He wanted to know how the number got back in by way of the phrase *"...involving lands within 120 metres of a..."* in Modification E 34. Mr. Benson said the Province was no longer in support of 120m, as shown in correspondence from the Premier and the Ministry. He believed the Region's attitude was reasonable, acknowledging that plans of subdivision would require further studies, but noted the 120 metre provision was a problem for small landowners and people wishing to sell their land, who were told by real estate people their land was not worth anything. The speaker felt the bureaucracy involved was in some way circumventing the Minister's intent, and asked that the Region

communicate to the Province the understanding that as the Province no longer supported the figure, the Region would also leave out the reference.

Ms. Sweet introduced David Miller, Environmental Planner, Policy and Infrastructure Planning Division, PDA. Mr. Miller said it was agreed there was no one correct distance in every case for how development could affect wetlands. Acknowledging that the reference to 120 metres was in neither Bill 20 nor the Policy Statement, he said the issue was one of determining the correct number to use for the term "adjacent". Mr. Miller said the Province felt the original Policy's term of "abutting" was too indistinct and subject to interpretation. He noted some of the Province's previous work supported the Ministry's suggestion of 120 metres as a reasonable number to require a subdivision to address additional requirements, a point he felt the Region would find difficult to argue at the OMB.

Mr. Benson disputed the 120 metre figure as having been selected arbitrarily, and having no scientific basis, serving no useful purpose.

Councillor van den Ham noted this was the only place in the ROP which made reference to the 120 metres, and asked Mr. Benson if ARPO would remove its objection to the wetlands policy, should the reference been removed.

Mr. Benson felt that throughout the wetlands policy, the onus should be on the government to prove an impact exists, an expense that should not be borne by the small landowner.

In response to questions from Councillor van den Ham, Mr. Tunnacliffe confirmed that the Region is now the agency responsible for implementing the provincial policies regarding wetlands through a Memorandum of Understanding the Region signed last year.

Councillor Legendre clarified Mr. Benson's concerns that he does not agree with the words "120 metres" and that the onus is on the landowner to provide proof that whatever they want to do with the land is not going to disturb the wetlands. Mr. Benson agreed, however, wished to point out he is concerned for the small land owner, not the large developer.

Councillor Legendre further clarified Mr. Benson's position in the case of small land owners, irrespective of the distance, it would be the government's responsibility to do the study which would determine whether or not the land owner could do what he wants with his land. Mr. Benson agreed.

Councillor Legendre stated that the arbitrary figure of 120 metres was simply the trigger point to decide whether or not a Wetland Impact Study (WIS) would be required

Committee Chair Hunter pointed out the Provincial Policy Statement, which the Region must have regard to, used the statement "adjacent to"; the Region adopted "abutting". The MMAH had indicated that "abutting" is not good enough for lands so doing; a figure needed to be inserted, which had been rejected in the revision of the Provincial Policy Statement and Bill 20.

Councillor van den Ham remarked all that was necessary was a change to a couple of words, as the Province's concerns were interpretational and related to the Region building right to the edge of a wetland. The Councillor felt the Region should inform the MMAH this was a Regional responsibility and assure them that, unless studies indicated development was permissible, the Region would not allow land owners to build right next to a wetland or allow any negative impacts..

Mr. Harold Keenan, a landowner, speaking on his own behalf and on behalf of another landowner, Mr. Don Booth, told the Committee that OMAFRA continue to oppose what the Region approved in July 1997 on the basis that they did not have enough time to do site specifics and pointed out they would no longer do site specifics but would rely on existing maps. OMAFRA did not agree with how M.M. Dillon conducted their report. They felt it was not detailed enough and continue to object to it at MMAH. Mr. Keenan feels staff's approach of negotiation is better than going before the OMB. Mr Keenan and Mr. Booth are making a proposal to OMAFRA; if a further study is required using a pathologist that the Ministry would accept, they are prepared to hire a pathologist in the Spring when further soil samples can be taken. Mr. Keenan informed the Committee that on 13 Feb 98 he was encouraged by a phone call from the Minister indicating the Ministry's approach is to put this kind of issue in the local municipalities' jurisdiction, and that he would be speaking to his staff. If it can be done at the local level there would be no need for further studies or to go before the OMB. Mr. Keenan was encouraged the Region and City of Gloucester were supporting the appeal.

Mr. Mark Foley, owner of Lot 23, Concession III, Kanata, first indicated his support to withdraw the appeal to Modification H 10. With respect to Modification H 11, the speaker indicated in meetings with his neighbours, the item with regard to Lot 22, concerns the people living across the road. The Ministry has a buffer zone in their application of 15 metres, however, he did not believe the people living across the road were aware of this. The area residents feel that 150 metres is reasonable. The speaker said he had set up Lot 23 for 150 metres for a future subdivision of a lake after the quarry is gone, which suited everyone involved. If possible, a round table meeting with the Ministry and the Region could take place if 150 metres is not acceptable. Mr. Foley felt that possibly 100 or 75 metres would be acceptable to everyone rather than go back to the basis of 15 metres which the Ministry has in their guidelines.

Councillor Munter wished to note that Mr. Foley is a very involved member of the rural Kanata community and has worked very closely with his neighbours who have concerns about having a quarry at that location. The Councillor believed Mr. Foley had been very accommodating in terms of finding a compromise.

Councillor Munter indicated from previous remarks by Ms. Christensen, he understood the reasons for not including Lot 22; the owner not being at the discussion table, however, he inquired if there were any other reasons that we should not be defending our ROP on this basis.

Ms. Christensen responded the notion is that mineral aggregate resources are protected for their eventual extraction and that, there was no fundamental objection to a buffer policy.

Committee Chair Hunter commented that for an ROP policy, it was a very site specific clause, and asked staff to clarify the history of why the Region was designating a buffer zone in the ROP that might appropriately be there as a condition of license. Ms. Christensen responded that a specific motion from Councillor Munter at Committee had inserted this policy in the ROP.

Councillor Munter responded it was site specific and it was a completely new apparition of an aggregate resource designation. As a result, there were many meetings in the community to discuss and to try to come up with some protections for the populated area around there, in terms of that kind of use, recognizing that that use would likely go ahead. This was one piece of protection. The other was the requirement for an EIS which was the previous item staff were recommending not be appealed.

Committee Chair Hunter felt the reasons for putting this in the ROP were noble, however, he disagreed with them being part of the Plan. The Chair was concerned there may be more requests to include such site specific issues in the ROP.

Mr. Foley asked if it would be possible to have a round table meeting and bring it to 100 metres which would be better for everyone. Mr. Marc responded that if Committee and Council were to sustain the appeal, carry the report and provide funding, it would be possible.

Councillor Munter clarified that the dispute is with Lot 22 and not Lot 23. Lot 23 is already in the ROP and the buffer zone is 150 metres. The issue is Lot 22 and having an even playing field and the only way to change the 150 metres on Mr. Foley's property is through a Regional Official Plan amendment as it is not the subject of a modification or appeal. Mr. Marc responded that if the Region was able to sit down with the MMAH and resolve this issue before May 5, it would be possible to make this change to the ROP by the OMB at the pre-hearing and not require a full Amendment.

Committee Chair Hunter thanked the speakers for their comments and introduced a motion from Councillor Munter to withdraw the appeal to Modification L 16 and L30.

Councillor Munter, speaking to his motion, felt that since Urbandale and the Ministry were going to the OMB regarding Modification L16 and L30, there was no need for the Region to appeal this Modification as well under the circumstances outlined in the report.

Mr. Marc responded that if this appeal is withdrawn, then he would have to support the wetland on those lands when before the OMB. He felt the Region should take a position on the ROP when going before the OMB and the only options were to recommend General Urban or Significant Wetlands. Councillor Munter felt the Region did not need to file an appeal on this Modification in light of the appeals filed by Urbandale and the Ministry.

There being no further discussion, the Committee voted on Councillor Munter's motion.

Moved by A. Munter

That the appeal of Modification L 16 and L 30 be withdrawn.

CARRIED

YEAS: D. Beamish, B. Hill, J. Legendre, A Munter...4
NAYS: R. van den Ham, G. Hunter...2

Committee Chair Hunter then read a motion from Councillor van den Ham with respect to Modification E 34.

Councillor van den Ham, speaking to his motion, explained that he would like the Region to go back to the Ministry to attempt to agree upon some close wording to "abutting", specifically, omitting the number of 120 metres in the policy. If new wording cannot be agreed upon, then the motion recommends sustaining the appeal of Modification E 34.

Ms. Christensen explained that the 120 metres was not a separation distance, rather a trigger for a study to determine what, if any, separation distance is required. Ms. Christensen understood the Ministry's concern to be that the current wording in the ROP was "abutting a wetland"; if the property submitting a development application did not literally abut the wetland but was separated by only a few metres, the Ministry felt they might not be subjected to a study requirement. She believed it was necessary to find a wording that assured the Ministry the Region would trigger a study in circumstances other than literally abutting a wetland.

The Committee then considered Councillor van den Ham's motion:

Moved by R. van den Ham

That Planning and Environment Committee recommend to Council to sustain the appeal of Modification E 34, if a suitable rewording cannot be agreed upon eliminating the 120 metre designation.

CARRIED (J. Legendre and
A. Munter dissented)

The Committee Chair then read two motions from Councillor Munter recommending sustaining the appeals of Modification H 11 and L 3 and L29.

Extract of Draft Minute
Planning and Environment Committee
10 February 98

Councillor Munter felt the Ministry, in agreeing to half of, rather than to the whole buffer, had been unfair to Mr. Foley, as the buffer was on his property. He also believed it was unfair to residents who had been part of a long consultative process which had arrived at this solution to ensure the extraction was removed 150 metres from their homes. He said he was asking Committee to defend what was in ROP, and to ensure there was a level playing field for quarry operators. He believed this was going further than what was in the Aggregate Resources Act, rather than against the Act.

The Committee Chair noted the intention of the Act was that each newly licensed quarry operation might have a different appropriate distance. He felt Committee could not make this determination.

Councillor Munter said the Ministry was penalizing landowners and future quarry operators by removing the buffer requirement on half of the aggregate.

Committee then considered the following Motions:

Moved by A. Munter

That the appeal of Modification H11 be sustained.

CARRIED (G. Hunter and R. van den Ham dissented.)

Moved by A. Munter

That the appeal of Modifications L3 and L29 be sustained.

CARRIED

Committee then Carried the staff report as amended:

That the Planning and Environment Committee recommend that Council:

1. **Sustain the appeal of the following:**
   a) **Modifications E 17 regarding refinements to boundaries of Natural Environment Areas (B),**
   b) **Modification L 7 regarding the designation of a site in the rural area of Gloucester,**
   c) **Modification H 11 regarding creation of a buffer between a regional road and any extraction activity on two lots designated as Limestone Resource**

Area in Kanata *(originally staff recommendation 2d, recommending withdrawal of appeal)***, and**

d) Modification L 3 and L 29 regarding designation of a site in Kanata which is part of the Carp Hills Wetland Complex. *(originally staff recommendation 2e, recommending withdrawal of appeal)*

2. Withdraw appeals of the following:

a) Modification H 4 regarding farm-related severances in Sand and Gravel and Limestone Resource Areas *(originally staff recommendation 2b)***,**

b) Modification H 10 regarding environmental impact study requirements for pit and quarry zoning applications *(originally staff recommendation 2c)***, and**

c) Modifications L16 and L30, regarding designation of a site in Kanata as Wetland. *(originally staff recommendation 1c, recommending sustenance of appeal)*

3. That the appeal for Modification E 34 which modifies requirements for Wetlands Impact Studies for land adjacent to Provincially Significant Wetlands be sustained if a suitable rewording cannot be agreed upon eliminating the 120 metre designation. *(originally staff recommendation 2a, recommending withdrawal of appeal)*

CARRIED as amended