

Seventh Meeting - Regular Session

The Town of Oakville Council reconvened in Committee of the Whole session this 5TH day of March, 2002 to complete consideration of the Planning and Development Council Meeting held on the 25TH day of February, 2002. The meeting took place in Council Chambers, 1225 Trafalgar Road, Oakville commencing at 7:30 p.m.

- Present: Mayor - Ann Mulvale
- Councillors - Keith Bird
- Janice Caster
- Allan Elgar
- Kevin Flynn
- Kurt Franklin
- Linda Hardacre
- Jeff Knoll
- Fred Oliver
- Ralph Robinson
- Jody Sanderson
- Tedd Smith
- Staff - M. J. Chechalk, CAO / Town Manager
- D. Cash, Commissioner of Planning and Development
- C. Best, Town Clerk
- M. Kitteringham, Council/Administrative Assistant
- D. Gates, Town Solicitor
- M. Lewis, Director of Finance and Treasurer
- S. Worley, Director, Strategic Services
- J. Ghent, Manager of Current Planning
- J. Kwast, Manager of Development Engineering
- R. Thun, Planner
- L. Taylor, Administrative Assistant, Finance
- J. Vlahovic, Supervisor, Drafting & Design
- J. Ryan, Goodmans
- C. Lyons, Goodmans
- R. Mathews, Hemson Consulting Ltd.
- F. Koenig, Hemson Consulting Ltd.
- D. Sawicki, Morrison Environmental Ltd.
- Regrets: Councillor - Janice Wright

The Mayor called for the continuation of questions from Members of Council.

At 8:25 p.m. Mayor Mulvale transferred the chair to Councillor Flynn

At 8:30 p.m. Mayor Mulvale resumed the chair

At 8:40 p.m. Mayor Mulvale transferred the chair to Councillor Flynn

At 8:42 p.m. Mayor Mulvale resumed the chair

1. **OPA 198**
- a - **Report from Planning Services Department, Revised OPA 198, February 20, 2002**

Moved by Councillor Caster

That Council resolve that the revised draft Official Plan Amendment No.198, as presented with the February 20, 2002 staff report, be approved;

That Environment/watershed studies be completed prior to the Secondary Plan process and further that the studies identify the Trafalgar Moraine, all wetlands, (i.e. Buttonbush Swamp), and natural corridors to sustain the wildlife and the natural features currently identified on Map F1 and F2;

That upon completion of these studies any proposed amendments to OPA No. 198 be brought before Council for further direction;

That the hospital site be included in the proposed amendment to OPA No. 198; and

That a report with respect to the employment and population numbers be presented to Council at the same time as the amendments to OPA No. 198 for further direction.

NO VOTE TAKEN

At 9:03 p.m. the Committee recessed and reconvened at 9:15 p.m.

Moved by Councillor Oliver

WHEREAS Council of the Corporation of the Town of Oakville has received many concerns from the public, developers, landowners and agencies including the Region of Halton, Ontario's Ministry of Municipal Affairs and Housing and the Ministry of Natural Resources regarding the adoption of Official Plan Amendment No. 198; and

WHEREAS Council notes that most of these concerns have arisen from a lack of sufficiently detailed environmental study of the environmental features and linkages and the hydrogeology of the lands north of Dundas Street; and

Whereas the Provincial Policy statement provides, "The diversity of natural features in an area, and the natural connections between them, should be maintained, and improved where possible"; and

WHEREAS the Ministry of Municipal Affairs and Housing in its review of Official Plan Amendment No.198 recommended that the natural heritage system, particularly linkages, of the area north of Dundas Street be identified on the Natural Features Schedule(s) to the amendment and has noted that the amendment should address the presence of the Trafalgar Moraine and its hydrogeological functions, and should identify the general location of major recharge and discharge zones; and

WHEREAS the Ministry of Natural Resources has not completed its wetland fieldwork for North Oakville nor assessed eligibility for life science ANSI status of all of the wetlands or forests in the North Oakville Study Area; and

WHEREAS the Part 2 Report of the O'Connor Commission dealing with the recommended changes to the regulatory and statutory regime in Ontario concerning its ground water resources has not yet been released and its conclusions could impact on headwater / recharge areas such as the Trafalgar Moraine; and

WHEREAS the Ecological and Environmental Advisory committee of the Region of Halton, in its review of the proposed Official Plan Amendment No.198, noted that the population quotas assumed for the area in the Region's Urban Structure Plan were assigned "prior to the assessment of the natural features in the area" and "the LGL study should be used to determine how much development the area can sustain" and it has not yet been so used; and

WHEREAS the Region of Halton has only just commenced its five year review of the Region of Halton Official Plan; and

WHEREAS the Province of Ontario has only recently appointed the Smart Growth Advisory Panel for the GTA; and

WHEREAS the Town of Oakville operates under the provision of a Cabinet Order providing that it not amend its Official Plan designation of the subject lands from agricultural until the area of the Town's Official Plan known as Phase Two reaches the stage of being 75% developed, and it is by all estimates at least two years before that amount of development will have been completed; and

WHEREAS Section 3 of the Planning Act requires that, in exercising any authority that affects planning matters, planning authorities "shall have regard to" policy statements issued under the Act, such as specifically 2.4; Water Quality and Quantity and 2.4.1; "The quality and quantity of ground water and surface water and the function of sensitive ground water recharge / discharge areas, aquifers and headwaters will be protected or enhanced" and this regard has not been demonstrated; and

WHEREAS the Council of the Town of Oakville is committed to an "Environment First" policy in its growth decisions in order to make sensible and sustainable land use decisions on behalf of its current residents and future generations.

THEREFORE, BE IT RESOLVED;

1. That Council receive the Planning Staff report dated February 20, 2002 and the comments made by the delegations at the February 25, 2002 public meeting which concluded on March 5, 2002; and

2. That Council resolve that the revised draft Official Plan Amendment No. 198, as presented with the February 20, 2002 Staff report, is not suitable for adoption at this time and that Council refer OPA No.198 back to Staff for a further report to be submitted within eight (8) weeks addressing the following proposals:
 - a. That Council direct Staff to hire new consultants in the disciplines of hydrology, hydrogeology and geology to provide an expansive definition and identification of the boundaries of the Trafalgar Moraine, such consultants to be drawn from those retained by the Province of Ontario and the environmentalists in the Richmond Hill Ontario Municipal Board (OMB) hearing concerning the Oak Ridges Moraine, and such work be done with full regard to the Chapman and Putnam map as presented with this motion;
 - b. That Council direct Staff in compliance with the Town of Oakville Purchasing By-law, to retain Jim Dougan and Reed Noss or experts nominated by them to prepare the Environmental Strategic Plan (ESP) which Council authorized in its motion passed on December 12, 2001;
 - c. That Council direct Staff to complete a thorough study to identify a Natural Heritage System (NHS) in the study area, including the provincially defined boundaries of the Trafalgar Moraine, and request the provincial government and the Ministry of Natural Resources to assist Staff in the identification of a NHS in the study area and along the length of the Trafalgar Moraine;
 - d. That Council direct Staff to prepare terms of reference for the Study of the Natural Heritage System of the area known as North Oakville in accordance with the MNR "Natural Heritage Reference Manual for Policy 2.3 of the Provincial Policy Statement, June 1999" in order to identify the natural heritage features and areas and the natural heritage system for the study area;
 - e. That Council direct Staff, following completion of the definition of the Trafalgar Moraine and the NHS, to prepare a recommended Council position on the redesignation of the subject lands consistent with those studies of the Moraine and the NHS and the ESP;
 - f. That Staff be directed to prepare an amended Schedule "F" to identify the natural heritage system and linkages in the amendment area including all wetlands and forests after obtaining the advice of the Ministry of Natural Resources Strategic Planning Section (Aurora District);
 - g. That Council request the Region of Halton Planning and Public Works Department to review the urban designation and population assumptions in the amendment area in the Regional Official Plan in light of the announced CN intermodal rail yard in the Town of Milton and its impact on the intention of the Regional Plan to create a separator between the Town of Oakville and the Town of Milton urban areas, as part of its present five year review of the Region of Halton Official Plan;
 - h. That Staff develop policies for the protection of natural features and maintenance and creation of natural linkages that are modeled on the best available science and with due regard for scientific work such as that used for the policies of the Oak Ridges Moraine Conservation Plan; and

- i. That Staff retain geologists and hydrogeologists from among those retained by the Province of Ontario in the Oak Ridges Moraine case to define and identify the boundaries and hydrogeological functions of the Trafalgar Moraine and the headwater reaches and discharge zones within the amendment area and develop policies that protect the hydrological function of the Trafalgar Moraine and the headwater reaches and discharge zone within the Amendment area from urban development that are consistent with the best available science and with due regard for scientific work such as that used for the policies of Oak Ridges Moraine Conservation Plan.
- j. That Staff be directed to prepare appropriate Schedules and develop policies for the protection of natural features and maintenance and creation of natural linkages that use the best available science and address the full range of means to protect these natural features (e.g., land use designations, acquisitions, easements, private stewardship or density bonusing, etc.)
- k. That Staff develop policies consistent with the best available science to protect the hydrological function of the Trafalgar Moraine and the recharge areas and discharge zone within the Amendment area from urban development.
- l. That Staff have regard for Provincial Policy Statement 2.4, Water Quality and Quantity, ensuring that we have all base line data as specified in 2.4.1., which states, "the quality and quantity of ground water and surface water and the function of sensitive ground water recharge / discharge areas, aquifers and headwaters will be protected and enhanced".
- m. That Staff be directed that upon receipt of an appeal of this matter to the OMB Staff is directed to write to the OMB and advise them that a hearing on this matter is premature until an Oakville Town Council position has been prepared and adopted; such position to be based on the completion of the amended policies as indicated above, including the proposed MNR field work and the NHS study and the conclusions of the Region's review of the urban designation and the proposed population and employment projections.
- n. That the Town of Oakville request the Ontario Realty Corporation to donate the ORC lands in the OPA No. 198 study area to the Town for parkland or similar open space use.

At 10:02 p.m. Mayor Mulvale transferred the chair to Councillor Flynn

At 10:26 p.m. Mayor Mulvale resumed the chair

At 10:53, it was

Moved by Councillor Robinson

That this meeting proceed beyond the hour of 11:00 p.m.

CARRIED

At 11:10 p.m. Mayor Mulvale called for the vote on the motion to refer put by Councillor Oliver.

CARRIED

- b - Report from Stakeholders Advisory Committee (S.A.C.) – Final Report and Recommended Changes to the Town Revised OPA 198**
- c - Additional Submissions Received**
 - (i) OPA 198 and Ontario Smart Growth Policies – Councillor Robinson, February 18, 2002**
- d - Report from the Planning Services -Sub-Watershed Studies for North Oakville – OPA 198**

Moved by Councillor Robinson

That the recommendations of the S.A.C. (Stakeholders Advisory Committee) as contained in its Final Report of February 14, 2002 be received;

That the recommendation of Councillor Robinson as contained in his submission of February 18, 2002 be adopted as amended that Oakville OPA No. 198 be referred to the Premier and the Central Zone Smart Growth Panel for review and opinion based on the criteria for the Panel's determination established by the provincial government and that in view of the Ontario Smart Growth Policies established by the Province, the Premier request the Ontario Municipal Board to defer any hearings on lands within the Town of Oakville OPA No. 198 boundaries until the Central Zone's Smart Growth Panel has completed its review; and

That Staff be directed to prepare Sub-Watershed Terms of Reference for the area of OPA No. 198, west of Sixteen Mile Creek and issue a proposal call for consulting services to undertake the Sub-Watershed Study.

CARRIED

Rise & Report

Moved by Councillor Knoll

That this Committee rise and report.

CARRIED

The Mayor arose and reported that the Committee of the Whole had met and had made recommendations with respect to Items 1 (a) through (d) pertaining to OPA No. 198 as noted by the Town Clerk.

Moved by Councillor Knoll

Seconded by Councillor Bird

That the report and recommendations of the Committee of the Whole be approved.

CARRIED

A recorded vote was requested on Item 1 (a)

Recorded Vote

Yeas

Linda Hardacre
Tedd Smith
Kevin Flynn
Fred Oliver
Allan Elgar
Ralph Robinson
Keith Bird

Nays

Jeff Knoll
Kurt Franklin
Jody Sanderson
Janice Caster
Mayor Mulvale

Not Present

Janice Wright

CARRIED

Reading of By-Laws

Moved by Councillor Flynn

Seconded by Councillor Knoll

That this be authority to give first, second, third and final reading to the following by-law:

2002-053 A by-law to confirm proceedings of a meeting of Council.

CARRIED

Adjournment

Moved by Councillor Smith

Seconded by Councillor Bird

That this meeting now adjourn.

CARRIED

The meeting adjourned at 11:20 p.m.

ANN MULVALE, MAYOR

CATHIE L. BEST, TOWN CLERK