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DATE 29 April 1998

TO/DEST. Coordinator, Planning and Environment Committee

FROM/EXP. Planning and Development Approvals Commissioner

SUBJECT/OBJET **SUBDIVISIONS - CLYDE/MERIVALE**

DEPARTMENTAL RECOMMENDATION

That Planning and Environment Committee revise its direction made with respect to the Clyde/Merivale lands at the meeting of 9 September 1997 to permit the registration of Phase 1B provided Ashcroft Development Inc. has filed letters of credit for the full value of the stormwater pond prior to Planning and Environment Committee on 12 May 1998.

BACKGROUND

Planning and Environment Committee adopted the following motion on 9 September 1997:

That staff be directed to report back to Planning and Environment Committee should the developer of the Clyde/Merivale lands wish to make changes to the conditions of the Subdivision Agreement with respect to the storm water treatment pond.

The conditions of draft approval for the lands formerly owned by the Region on Merivale Road, now owned by Ashcroft Development Inc., requires the construction of a stormwater management facility to service both those lands and the adjacent lands to the West.

In the spring of 1997, Ashcroft made representations to Regional and City Staff in support of Phase 1 for its lands. The stormwater from Phase 1 would flow not to the stormwater management pond but rather untreated to the existing storm sewers in Merivale Road. To compensate for being permitted to take this approach, Ashcroft agreed to have the stormwater management pond designed so as to increase the treatment of the stormwater discharged to the pond beyond that contemplated by the engineering reports filed in support of the original draft plan approval.

Pursuant to the subdivision approval authority delegated to the Planning and Development Approvals Commissioner, the request by Ashcroft was approved. At the same time, Ashcroft was required to sign a subdivision agreement with the Region containing the following clauses:

- (8) The Owner acknowledges and agrees that no interim stormwater treatment measures, will be entertained for the next Plan of Subdivision being the balance of the lands on the draft approved Plan of Subdivision (Provincial File Number 06T-92026), to the satisfaction of the Ministry of Natural Resources, the Rideau Valley Conservation Authority, The Corporation of the City of Ottawa and the Environment and Transportation Commissioner.
- (9) The Owner covenants and agrees to provide the Certificate of Approval from the Ministry of the Environment and Energy for the detailed design for the ultimate solution for Stormwater Management Facility with respect to the draft approved Plan of Subdivision (Provincial File Number 06T-92026) within one (1) year of the implementation of the interim stormwater treatment measures, prior to the registration the next Plan of Subdivision being the balance of the lands on the draft approved Plan of Subdivision (Provincial File Number 06T-92026), with the construction of the ultimate solution being initiated, to the satisfaction of the Ministry of Natural Resources, the Rideau Valley Conservation Authority, The Corporation of the City of Ottawa and the Environment and Transportation Commissioner.
- (10) The Owner acknowledges and agrees that the Stormwater Design Plan for this Plan of Subdivision and the next Plan of Subdivision being the balance of the lands on the draft approved Plan of Subdivision (Provincial File Number 06T-92026) must make provision for the treatment requirements of the entire draft approved Plan of Subdivision (Provincial File Number 06T-92026) and the adjacent lands (Provincial File Number 06T-90036), to the satisfaction of the Ministry of Natural Resources, the Rideau Valley Conservation Authority, The Corporation of the City of Ottawa and the Environment and Transportation Commissioner.

As shown by the minutes of the meeting of 9 September 1997, some members of Committee were concerned, that notwithstanding the above provisions, there was a possibility that the pond might never be built. Accordingly, the above motion was adopted by Committee. This motion is in effect a partial removal of delegated authority from staff, allowing staff to continue to deal with issues other than stormwater treatment but requiring amendments with respect to the stormwater treatment pond to be brought to Committee.

Ashcroft now wishes to proceed with a Phase 1B on its lands. Ashcroft has requested that these lands initially drain, untreated, to Merivale Road but ultimately flow to the stormwater management pond. Ashcroft has reaffirmed its commitment to building the pond and will file a letter of credit with the Region for the full value of the construction of the pond prior to the Planning and Environment Committee on 12 May 1998.

The prime reason for the deferral of the commencement of the construction of the pond is the negotiations that have been taking place between the City of Ottawa and Ashcroft with respect to the land where the pond is to be located, found in the middle of the Ashcroft lands. The original draft approvals for the Ashcroft lands and the former Assaly lands to the west contemplated that a

soccer field would be located on the Assaly lands. The City of Ottawa has stated a strong desire to have this field along with a baseball diamond located in a central park along with the pond. Because of the significant land requirements for each of the pond, the baseball diamond and the soccer field, extensive discussions were required between Ashcroft and the City to arrive at a workable solution.

As a result of the time taken by these discussions, the passage of time has been such that closings in late summer of 1998 would be in jeopardy if Ashcroft continued to be required to meet the existing terms of the subdivision agreement, in particular the requirement for a certificate of approval prior to the registration of the next phase.

In the opinion of staff, the provision of the financial security provides sufficient commitment by Ashcroft to assure the Region and other interested agencies that the pond will be built. With the imminent resolution of the pond/park/sport field issues, there is now no impediment to the finalization of the drawings for the pond, submission of an application to the Ministry of the Environment for a Certificate of Approval and the commencement of construction of the pond. It is therefore expected by staff that the pond will be constructed within the 1998 construction season.

OTHER ISSUES

Transportation

Concerns have been expressed as to the fact that the roadway modifications at Merivale Road and Central Park Drive North have not yet been installed. Ashcroft will provide full security for these works prior to registration of Phase 1B and has further agreed to submit detailed drawings to the Region by 31 May 1998 and commence construction by 13 September 1998. Again, this will permit these works to be completed in the 1998 construction season.

Adjacent Lands

The lands to the West of the Ashcroft lands, formerly owned by T.C. Assaly Corporation Ltd. have been purchased by a company affiliated with Ashcroft Development Inc. A concept plan for the development of the balance of the Ashcroft lands and the adjacent lands has been prepared. Staff anticipate receiving, over the next few weeks, a new draft plan application with respect to the adjacent lands.

CONSULTATION

The design of Phase 1B is consistent with the original draft plan approval for the subdivision application made by the Region (06T-92006). The original subdivision application was the subject of an extensive public consultation program. As this is a matter between the developer and the Region, i.e. implementation of a previously draft approved subdivision, further consultation is not necessary.

*Approved by
N. Tunnacliffe, MCIP, RPP*

NT/TCM