

MINUTES

PLANNING AND ENVIRONMENT COMMITTEE

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

CHAMPLAIN ROOM

23 MARCH 1999

3:00 P.M.

PRESENT:

Chair: G. Hunter

Members: D. Beamish, M. Bellemare, B. Hill, P. Hume, J. Legendre, A. Munter,
W. Stewart

Regrets: R. van den Ham

CONFIRMATION OF MINUTES

Councillor Legendre noted his name was spelled incorrectly on page 7, second paragraph, and asked that this be corrected.

That the Planning and Environment Committee confirm the Minutes of the Meeting of 09 March 1999 as amended.

CARRIED as amended

ENVIRONMENTAL SERVICES ITEM

1. ASSUMPTION OF A SECTION OF THE CITY OF OTTAWA SANITARY SEWER (RIVERSIDE DRIVE AREA)

-Director Engineering Division Environment and Transportation Department
dated 08 March 1999

Councillor Legendre indicated the problems outlined in the staff report exist elsewhere in the Region and referred to areas in his own ward. He said there were floods in the

- Notes:
1. Underlining indicates a new or amended recommendation approved by Committee.
 2. Reports requiring Council consideration will be presented to Council on 14 April 99 in Planning and Environment Committee Report Number 29.

McArthur and Coventry areas and these were traceable to the Rideau River collector. He asked whether or not the type of solution proposed might be available elsewhere.

Nancy Schepers, Deputy Commissioner, Environment and Transportation Department, indicated the Department works very closely with the City of Ottawa and recognizes there are issues with the Rideau River collector. She said there are a number of initiatives the Department is working on with the City to deal with specific issues, some of which have been triggered by flooding in certain areas. As well, Ms. Schepers advised Regional staff are working to identify areas for improvement and noted the City does a lot of work on its own to remove storm drainage from the system. She said the Riverside Drive initiative was one the Department could move very quickly on and felt it could proceed in isolation of the other areas.

Councillor Legendre indicated he had no problem approving the staff recommendation. However, he expressed dissatisfaction with the City of Ottawa, noting he had not seen any movement to remedy the situation in his ward, since the flooding occurred.

There being no further discussion, the Committee considered the staff recommendation.

That the Planning and Environment Committee recommend Council approve the assumption of the Riverside Sanitary Sewer from the intersection of Neil Way and Riverside Drive to the Rideau River Collector.

CARRIED

PLANNING ITEMS

2. CITY OF OTTAWA COMPREHENSIVE ZONING BY-LAW (20/20Z) -
RESOLUTION OF REGION'S APPEAL - WATERWAY CORRIDOR AND LEISURE
AND OPEN SPACE ZONES

-Planning and Development Approvals' Commissioner report dated 08 March 1999

Nick Tunnacliffe, Commissioner Planning and Development Approvals, reminded Committee, staff had appealed (as confirmed by Planning and Environment Committee and Council) several sections of the City of Ottawa Comprehensive Zoning By-Law. Mr. Tunnacliffe noted it would not be very productive for different levels of governments to fight each other in front of the Ontario Municipal Board (OMB) and so the Department entered into negotiations with the City of Ottawa and the National Capital Commission (NCC). He said although the negotiations were difficult, the parties were able to reach a resolution, which is before the Committee for consideration.

Nigel Brereton, Senior Planner, Development Approvals Division, then provided Committee with an overview of the staff report.

Committee Chair Hunter asked how binding an agreement to lift a holding (“H”) designation, subject to certain conditions, would be. He said his understanding was a holding designation would not provide much protection, as it could be lifted at the will of Council, without the right of appeal. Tim Marc, Manager, Planning and Environment Law, advised the NCC would be the only body having the right to appeal the lifting of the holding by-law; the Region would not have appeal rights. Mr. Marc felt Committee and Council could take comfort in the fact that before the “H” is lifted a study will be required that confirms the criteria set out in item 10, on page 11 of the report (which go a long way in meeting the policies of the Regional Official Plan (ROP)), have been met.

Chair Hunter then asked if City of Ottawa Council could lift the holding designation if only some of the criteria were met. Mr. Marc indicated theoretically this could happen, however, he felt it would be unlikely. He said if the City were acting in an unreasonable fashion, the Region could seek recourse through the courts; he pointed out however, the purpose of this exercise was to avoid the municipalities and NCC fighting one another.

Councillor Legendre expressed concern with some of the conditions of the agreement, specifically the first point under item 11 - existing zoning. He felt this did not offer enough protection and indicated to him that staff had “caved in completely”. Mr. Marc referred to item 6 ii) (at the top of page 11) and noted the three points listed in item 11 are additional factors, however, independent development proposals would still have to be evaluated on the basis of the nine criteria under item 10.

Councillor Legendre indicated he would be more comfortable if point 11 i) was removed. He suggested it would be unlikely the existing zoning would meet all nine of the criteria listed in item 10 and he felt this would be a problem. Mr. Brereton concurred with Councillor Legendre’s comments, however, he suggested the Committee hear from the delegations before making any decisions.

Councillor Hume referred to item 13, which speaks to the secondary planning process being initiated and managed by the City of Ottawa and he questioned the inclusion of corridors such as Alta Vista, which is a regionally owned corridor. Mr. Brereton indicated that Councillor Hume’s concern is addressed by point 16 in the staff report, noting the Region would reserve the right to initiate secondary planning of any corridors under its ownership such as the Airport Parkway and the Alta Vista Parkway.

Mr. Marc added there would be an obligation on the City to do these secondary planning studies and, if the Region did not want to devote staff resources to do the studies, it could wait for the City to do the secondary planning studies on the corridors. He said, however,

the expectation of staff is that there may be a desire to move quickly through the corridors owned by the Region, conduct the necessary studies and report through Committee and Council. He assured the Committee, the Region would remain “master of the process”.

Councillor Hume pointed out the Region has already agreed it would retain the residual lands on these transportation corridors as green space and he therefore questioned the necessity of a secondary planning study. Mr. Brereton concurred this land would not be developed for diplomatic missions or similar uses and therefore the Region would not have to do detailed studies, such as the NCC would have to do for the land they own. He said although it is referred to as a secondary planning study, it would basically involve a review of the zoning and could be completed very quickly.

Councillor Hume stated he felt very uncomfortable giving the City any indication they could do anything with the corridors owned by the Region and he said he would prefer not to have the Regionally owned land included in the list. He asked if there was a problem eliminating these corridors from this list. Mr. Brereton indicated if the NCC did not object, he did not see a problem with removing them.

There being no further questions of staff, the Committee heard the following speakers.

Peter Vice, Vice and Hunter, François Lapointe, Director of Planning, NCC, and Ted Fobert, Fotenn Consultants appeared before the Committee representing the NCC.

Mr. Lapointe stressed the report before Committee was a reflection of a collaborative effort between the three levels of governments and he acknowledged the lead role Mr. Tunnacliffe played in the negotiations.

Mr. Lapointe advised the NCC’s appeal of the City’s By-law was done on principle. He said the NCC has always supported the City’s Greenway system and noted during discussions with the City on their Official Plan, in the early 1990’s, the NCC espoused moving from a conceptual designation to firm boundaries for these corridors, through zoning and the secondary planning studies. However, since that time nothing had been done and the NCC felt its wishes in this regard, were ignored by the City.

In closing, Mr. Lapointe stated the NCC is committed to the municipal process and noted it had capitulated a great deal in the negotiations. He offered his opinion the interests of all three levels of government are well served with this agreement.

Mr. Fobert, referring to Chair Hunter’s earlier comments on the holding provision, explained the holding provision freezes development until secondary planning is completed; the secondary planning can only be lifted by City Council. Mr. Fobert pointed

out secondary planning would be implemented by way of an Official Plan Amendment and rezoning approval, and these processes could be appealed.

In answer to Councillor Hume's earlier objection to including the Alta Vista corridor, Mr. Fobert pointed out all the corridors were simply stated; there was no particular interest in one versus another. He noted there is still a temporary zoning on the Alta Vista corridor that would allow all of the uses under the "P" (Public) designation and this must be resolved through the secondary planning process.

Mr. Fobert also addressed Councillor Legendre's question with respect to the criteria on the existing zoning in point 11. He said this was included because of an existing policy in the City's Official Plan which requires secondary planning to determine the boundaries, in advance of the zoning. In the interim, if a development proposal comes forward the criteria that would be looked at to determine its appropriateness would include the existing zoning or current use of the property. This policy was simply reiterated in the staff report, as it is in the current Official Plan. Mr. Fobert indicated the NCC would not object if the Committee requested this item (11 i) be removed.

In reference to concerns expressed by Committee Chair Hunter, Mr. Vice indicated the NCC would be prepared to supply the Region with a letter stating that should the NCC apply to have the holding designation removed, and if the City refused and the matter went before the OMB, the NCC would consent to having the Region included as a party to the hearing. He pointed out although he had not seen this done with regards to a holding by-law, there is a body of law saying that for a site plan an extra party can be added on consent. He felt this would be applicable to holding by-laws as well.

Councillor Hume felt Mr. Fobert had not understood the point he was making. He said he did not trust the City in this regard and he did not want them to be given any indication they could initiate or manage any study for corridors under Regional ownership. The Councillor then asked if the NCC would have any objection to removing the corridors owned by the Region from item 13. Mr. Fobert confirmed the NCC would not have a problem with this and noted removal would not affect the holding zones, as these apply only to NCC lands.

Councillor Hume indicated he would be putting forward a motion to remove the Regionally owned corridors from item 13. Mr. Fobert indicated, if Councillor Hume's motion were approved by Committee and Council, the NCC would be prepared to present the new list to the City of Ottawa Planning Committee on 30 March 1999 and would also speak with City of Ottawa staff on this matter.

In response to further questions from Councillor Legendre concerning item 11 i) "the existing zoning", Mr. Fobert concurred with the Councillor's analysis that the Region was

objecting to having the current zoning locked in for three years, yet this clause would allow existing zoning to be considered. He noted “P” and “G” (Public and Government) zoning currently in place, have uses such as cemeteries and civil airports and do not have any uses for leisure or future development. Mr. Fobert indicated if this clause were removed from the agreement, it would “not be the end of the world”.

Lois K. Smith appeared before Committee and indicated some of her concerns on this item had been addressed by previous speakers. She expressed her thanks to the Region for preventing the City from removing green space in the Alta Vista Corridor for the purpose of housing.

Miss Smith went on to commend the parties for resolving this situation in a constructive and positive manner before it went to the OMB. In her opinion, this allowed the residents the opportunity to add their input and possibly “sway” someone enough that a little more could be given back to the community. She thanked Councillors and staff for their efforts to resolve the situation, as well as the NCC for their participation in this agreement.

Amy Kempster, Federation of Citizens Association (FCA) indicated she was pleased with the proposal and noted although the FCA had not yet had the opportunity to formulate a formal position on this matter, she felt there was general support for the agreement among the members. Ms. Kempster stated the essential aspect of this agreement was the citizens of the Region will be involved in whatever happens to these lands, noting there will be a public process for any significant changes in these corridors. She said the FCA may make representations at the City of Ottawa to emphasize this point and to ensure that any site plans that come outside of the secondary planning process, are not delegated to staff.

There being no further public speakers, the matter returned to Committee and the following motion put forward by Councillor Hume was considered.

Moved by P. Hume

That Point No. 13 of Annex 1 be amended to delete the corridors under Regional ownership.

CARRIED
(G. Hunter dissented)

The Committee then turned their attention to a motion put forward by Councillor Legendre to remove point 11 i) from the agreement. Committee Chair Hunter asked what the implications of approving this motion would be.

Councillor Legendre pointed out the NCC had indicated they had no difficulty with this. The proposed conditions are exactly the same as those currently contained in the City of

Ottawa's Official Plan. He noted this particular condition was part of the reason Regional staff were uncomfortable with the City of Ottawa's approach to begin with.

Mr. Marc advised that, given the NCC's indication they did not oppose removing the reference to the existing zoning, it is likely the City of Ottawa would agree to it as well.

Committee Chair Hunter then asked what the existing zoning was on the Aviation Parkway and Eastern Parkway. Mr. Marc indicated the existing zoning would permit such things as a cemetery, a community centre, an airport or diplomatic mission. If 11 i) were left in the agreement, it would be necessary to consider these uses.

Responding to further questions from the Chair, Mr. Brereton indicated there are only two zonings under the old zoning by-law; the "P" zone (Public) (the more widespread of the two) and the "G" zone (Government). With respect to Miles Circle, Mr. Brereton indicated it is a "P" zone and this would allow for a cemetery, community centre, community health centre, social services centre, courthouse, dwelling unit for elderly persons, ecclesiastical residence, firestation, home for the aged, jail, municipal information office, municipal or regional yard, park, playground and, police station.

There being no further discussion, the Committee then considered Councillor Legendre's motion.

Moved by J. Legendre

That Point no. 11 i) the existing zoning be removed as one of the considerations when assessing independent development proposals brought forward in advance of the completion of the appropriate secondary plan.

CARRIED

Councillor Stewart commended all parties for attempting to avoid an OMB hearing, however, she sought assurance the ROP would not be eroded by this agreement. She noted there were specific principles in the Regional Development Strategy and one of the principles was to object to any redesignation of any green space in and inside the Greenbelt. She then asked if Vincent Massey Park is currently protected against the uses mentioned previously by Mr. Brereton. Mr. Brereton indicated it is not protected through the zoning, to the extent it is expected to be under the Water Front Open Space designation in the ROP.

Councillor Stewart went on to ask if this agreement was "moving in the right direction" to protect the lands designated Water Front Open Space in the ROP. Mr. Brereton

confirmed this and noted the City's zoning does not currently reflect the restrictive uses. This settlement will impose a holding zone, which will mean any proposed change in the uses for Vincent Massey, would require an Official Plan or Zoning Amendment, which the Region would be involved in. He said once this process is over, the zoning by-law will be in conformity with the ROP and will be an improvement over what currently exists.

Responding to further questions from Councillor Stewart, Mr. Marc indicated the City of Ottawa's Official Plan is not the problem in this instance but rather it is some of the proposed uses under the zoning by-law. He said through the criteria under item 10 of the settlement, staff are comfortable the zones will be in conformity with both the Regional (Water Front Open Space and Urban Open Space policies) and Local Official Plans.

Councillor Stewart noted many water way open spaces have been declared surplus to the national interest; she asked if item 10 ii) would apply in this instance. Mr. Marc indicated as part of the process, what the landowner wished to do with the lands would have to be considered (point 10 ix) but, at the same time, this would have to conform to the ROP pursuant to point 10 i). At the end of the process, where changes are likely to be made, is at the boundaries of the ROP designation where there is some flexibility in interpretation. He said areas that clearly fall within the Water Front Open Space and Urban Open Space designations, landowners would have a very difficult time having their lands zoned for any of the uses previously referred to by Mr. Brereton.

There being no further discussion, the Committee considered the staff recommendation, as amended.

That the Planning and Environment Committee recommend that Council endorse the proposed settlement of the appeals by the Region and the National Capital Commission of the temporary use provisions in the Leisure and Waterway Corridor Zones in the City of Ottawa Zoning By-law, as amended by the following:

- 1. That Point No. 13 of Annex 1 be amended to delete the corridors under Regional ownership;**
- 2. That Point No. 11 i) the existing zoning, be removed as one of the considerations when assessing independent development proposals brought forward in advance of the completion of the appropriate secondary plan.**

CARRIED as amended
(W. Stewart dissented)

3. BROOKSIDE GARDENS, PLAN OF SUBDIVISION TOWNSHIP OF RIDEAU
-Commissioner Planning and Development Approvals Department report dated
09 March 1999

Committee Chair Hunter indicated Councillor Hill had submitted a motion to defer this item. He advised, however, delegations would have the opportunity to address the Committee on the issue of deferral before Committee's consideration of the motion.

Speaking to her motion, Councillor Hill advised the Township of Rideau and other interested parties had only received the staff report the Friday prior to the meeting. She indicated the Township of Rideau Council would review the staff report and provide their comments for the next meeting of the Planning and Environment Committee.

In response to questions posed by Committee Chair Hunter, Lesley Paterson, Senior Project Manager, Development Approvals Division, indicated the associated zoning by-law had been appealed to the OMB, however, the setting of a date for the hearing had been delayed pending the Committee's consideration of the subdivision. Ms. Paterson pointed out a public meeting was held by the Township of Rideau and submissions were made at that time. She said Township staff were aware of the staff report and the Committee meeting. Ms. Paterson stated deferral of this matter to the next Committee meeting would not impact Regional staff.

Bill Holzman, Planner, Simmering and Associates, appeared on behalf of the applicant and stated he was not surprised by the request for deferral; he said it reflected the way in which this proposal had been dealt with over the last three years. He said although no date had been set for the OMB hearing, the Board had indicated a hearing could be held 6 to 8 weeks after a decision of the Region's Planning and Environment Committee, regardless of the outcome of this Committee's decision.

Mr. Holzman felt the deferral request was not warranted. He said over the long history of this project, other deferrals had been granted at the local level. Mr. Holzman asked that the Committee deny the request for deferral and proceed with their mandate as approval authority to deal with the question of draft approval on this subdivision.

Committee Chair Hunter stated he was surprised with the request for deferral as he had recently spoken with Township of Rideau, Planning and Development Director, Mr. Humphrys, who had indicated his agreement with the report and felt it would be approved without any problem.

Bob McKinley, appeared before Committee and pointed out the request for deferral for a two week period was reasonable, to allow the opportunity to consider the 31 page report made available to his clients the Friday before the meeting. He said a number of issues

were “wrapped up” in the report which his clients would like the opportunity to seriously review and make informed comments on.

Mr. McKinley said no date had been set for the OMB hearing or even the pre-hearing. In his opinion, a two week deferral would not prejudice the owner; it simply allows Committee to receive better and more informed input from a group of very concerned individuals and the local municipality.

Committee Chair Hunter questioned if the concerns were with the draft plan conditions, pointing out Mr. McKinley’s client had the opportunity to provide their comments to the Township of Rideau on the conditions imposed by the Township. Further, he noted as of Monday, 22 March 1999, the Township of Rideau seemed happy with the conditions.

Mr. McKinley indicated in his discussions with Mr. Humphrys, he received the impression Rideau was not very satisfied with the report. Mr. McKinley pointed out one of the significant concerns for his client had to do with the suitability of the density of the project and the impact it will have on the health, safety and environment of the adjacent community. This project proposes a well and septic field system in a community that has been plagued for a number of years by problems with septic tank and well failures. Chair Hunter felt the points raised by Mr. McKinley did not speak to nor support the request for deferral (i.e. his concerns were not with conditions imposed after the Township had considered this subdivision).

Councillor Legendre indicated he did not have a problem with the deferral, however, he stated he had been informed by staff the Township had received the report well in advance of the meeting.

Ms. Paterson commented it is common practice, when conditions of draft approval are being developed, to work with the local Municipality in changing the wording of the conditions. The reason for this is that conditions are coming from various sources on the same issues and, as the approval authority, the Region has to ensure the conditions make sense. She said although the conditions proposed by staff are not word-for-word the same as the Township’s, the changes were reviewed with Township staff prior to the writing of the report before Committee.

Don Steeves, Chairperson, Secondary Plan Study Committee, Township of Rideau advised a secondary plan and servicing study was done over a year ago and was not accepted. As a result, a committee was struck by Rideau Council to develop a secondary plan that would be acceptable to its citizens. This Committee is about to receive a demographic study and will then seek public input in the community. Mr. Steeves said deferral of this item would allow his Committee the opportunity to receive the

demographic study and formulate a public meeting. He asked, on behalf of the Secondary Plan Study Committee, that the Committee approve the request for deferral.

There being no further discussion, the Committee considered Councillor Hill's motion.

Moved by B. Hill

That Item 3 of the P& E Committee agenda, Brookside Gardens, be deferred to the next Planning and Environment Committee meeting .

CARRIED
(G. Hunter dissented)

ADJOURNMENT

The meeting adjourned at 4:25 p.m.

Original signed by Dawn Whelan

COMMITTEE COORDINATOR

Original confirmed by Gord Hunter

COMMITTEE CHAIR