

MINUTES

PLANNING AND ENVIRONMENT COMMITTEE

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

CHAMPLAIN ROOM

24 JUNE 1997

3:00 P.M.

PRESENT:

Chair: G. Hunter

Members: A. Cullen, B. Hill, P. Hume, J. Legendre, A. Munter and R. van den Ham

Regrets: D. Beamish and W. Stewart

CONFIRMATION OF MINUTES

**That the Planning and Environment Committee confirm the Minutes of the Meeting of 10 June 1997.**

CARRIED

At the outset, Committee Chair Hunter informed those present he had been asked by the Canadian Water and Wastewater Association (CWWA) to make a special presentation to this year's winner of the CWWA Steve Bonk Scholarship. He then introduced Mr. Bonk, a past Director of the Region's Water Division, past President of the American Water Works Association, and the past Executive Director of the CWWA. Upon Mr. Bonk's retirement from the CWWA, the organization's executive committee announced the creation of the Steve Bonk Scholarship to recognize his guidance and development of the CWWA, and his roles as leader and ambassador of the water and wastewater industries.

Mr. Bonk then gave a brief overview of the CWWA's history. He noted the organization was created in 1986, and that Ottawa-Carleton had been one of its charter members, the late Robert Pickard, former Commissioner of Environmental Services, also having been on its first board of directors. Mr. Bonk commended the Region for having one of finest water systems in world and stated he felt honoured to have played a small part in it.

- Notes:
1. Underlining indicates a new or amended recommendation approved by Committee.
  2. Reports requiring Council consideration will be presented to Council on 09 July 97 in Planning and Environment Committee Report Number 63.

Recounting his five-year involvement with the CWWA, Mr. Bonk said he felt privileged to have been the organization's second Executive Director, which culminated at his retirement with the inception of the \$500.00 annual scholarship dedicated to secondary school students intending to advance their post-secondary education in the fields of water or wastewater. This scholarship has been given for three years; the first went to a student from Moose Jaw, Saskatchewan; the second to student in Gander, Newfoundland; and this year it is being presented to student from the Ottawa area.

Chair Hunter then introduced Sarah. Turnen, the 1997 winner of the scholarship. He noted it was a nationwide competition, with an extensive selection process; the applicants were judged on their academic achievement, work experience and extracurricular activities as well as on an essay (Ms. Turnen's essay will be published in the summer edition of the CWWA Bulletin). The Chair then asked Ms. Turnen to say a few words.

Ms. Turnen thanked the CWWA for honouring her with this scholarship. She advised she was studying Environmental Engineering at Carleton University and felt this was providing her with an excellent background to work in the municipal water industry in Canada. Ms. Turnen offered that people often use water without thinking, as it is always available in great supply. She noted however, in the future the supply will be greatly diminished and therefore people must learn to conserve water consumption and protect water sources to prevent significant pollution. She expressed hope that as an Environmental Engineer, she will be able to protect the environment and make it economically viable for society.

Committee Chair Hunter advised that Ms. Turnen is a resident of Kanata and attended A.Y Jackson Secondary School and is employed for the summer as a Process Operator at the Britannia Water Purification Plant. He noted staff at the Plant have nothing but praise for Ms. Turnen's professionalism and conscientiousness. The Chair then presented Ms. Turnen with the 1997 Steve Bonk Scholarship.

#### ENVIRONMENTAL SERVICES ITEMS

1. AMENDMENTS TO BY-LAW NO. 44 OF 1996  
FOR THE COLLECTION, REMOVAL AND DISPOSAL OF SOLID  
WASTE, AND TO BY-LAW NO. 58 OF 1995 - DESIGNATION OF  
BY-LAW ENFORCEMENT OFFICERS  
- Regional Solicitor's and Director, Solid Waste Division's joint report  
dated 4 Jun 97

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

1. **That By-Law No. 44 of 1996 be amended accordingly as outlined in Annex “A”, to change the set-out times for waste and blue boxes in the downtown core and to better reflect the administrative function of the By-law;**
2. **That By-law No. 58 of 1995 be amended accordingly as outlined in Annex “B”, in order to include the appointment of two additional By-law Enforcement Officers.**

CARRIED

2. SUNOCO INC. - APPLICATION FOR A WASTE TRANSFER AND PROCESSING SITE FOR SITE REMEDIATION  
92 BENTLEY AVENUE, CITY OF NEPEAN  
- Director, Solid Waste Division, E&TD report dated 06 Jun 97

Councillor Legendre, referring generally to the Region’s involvement with these types of applications, felt the Region abdicated part of its responsibility to the Ministry of Environment and Energy (MOEE) and part to the local municipalities and the Region’s only role was to concur. He felt the Region was not adding anything of value to the process and questioned why staff would bother to bring a report to Committee.

Mike Sheflin, Environment and Transportation Commissioner, acknowledged the MOEE was the lead agency and the approval of the local municipality was necessary, however, he felt the Region does have a responsibility in this matter. Tim Marc, Solicitor, Regional Legal Department, agreed the Region’s concern in this area is limited to monitoring and controlling the amount of waste coming to landfill sites within Ottawa-Carleton. Pat McNally, Director, Solid Waste Division, Environment and Transportation Department, said the Region has tried to streamline this two-part process. The first part deals with declining to object on the Certificate of Approval, the second with comments with respect to the consent, noting the consent dealt with the impact on the solid waste system. He said the Region has obliged the proponent to report, as well as having put limitations on the disposal of material.

Joe Vincelli, Manager, Engineering Services Branch, Environment and Transportation Department, confirmed comments made by Chair Hunter that approximately three years ago, MOEE stated that without the Region declining to object to these transfer stations or recycling facilities, no Certificates of Approval would be issued to the applicant. In an effort to facilitate matters to this end, Committee was delegated the option of declining to object. Mr. Marc offered that the matter of whether this could be further delegated to staff could be looked into, if Committee so desired.

Councillor Legendre then put forward the following motion.

Moved by J. Legendre:

**That staff be directed to examine ways of transferring the delegated authority regarding approval of applications for Certificates of Approval for waste transfer and processing facilities to the Environment and Transportation Department Commissioner, and report back to Committee.**

CARRIED as amended

Committee then considered the staff recommendation.

1. **That the Planning and Environment Committee on behalf of and acting in its delegated authority from Regional Council:**
  - a) **decline to object to the application for a Certificate of Approval by Sunoco Inc. with respect to its waste transfer and processing facility located at 92 Bentley Avenue, in the City of Nepean, provided that the Certificate of Approval issued by the Ministry of the Environment and Energy (MOEE) is in accordance with the written information provided to the Regional Municipality of Ottawa-Carleton;**
  - b) **confirm that Recommendation 1 of this report is contingent upon the support for the facility of the local municipality in which it is located;**
2. **That the Planning and Environment Committee recommend that Council grant a Consent to Sunoco Inc. for the operation of the Engineered Bioremediation Cell Facility at 92 Bentley Avenue, Nepean, on the following conditions:**
  - a) **that Sunoco Inc. is issued a Certificate of Approval (C of A) from the Ministry of Environment and Energy (MOEE) for the construction and operation of this facility;**
  - b) **that the facility is constructed and operated in accordance with the C of A;**
  - c) **that the facility does not dispose of any solid non-hazardous waste within Ottawa-Carleton;**
  - d) **that Sunoco Inc. submit reports to the Environment and Transportation Commissioner of the RMOC which indicate, for the reporting period, the amount of soil received, the amount of**

**soil remediated and any residue from the facility's operation. If the facility operates for twelve months or less, Sunoco Inc. shall submit a final report for the period of operation. If the facility operates for more than twelve months, Sunoco Inc. shall submit annual reports for the immediately preceding twelve month period for each year the facility is in operation and a final report upon completion of the operation;**

- e) that the Consent shall terminate immediately on the breach of any of the above conditions or on the revocation of the C of A, or on the completion of the operation of the facility, or on cessation of the operation of the facility, whichever first occurs.**

CARRIED

3. MUNSTER HAMLET CLASS ENVIRONMENTAL ASSESSMENT

- Committee Co-ordinator's report dated 16 Jun 97
- Director, Engineering Division, E&TD memorandum dated 11 Apr 97 (Memo issued as "Information Previously Distributed" - 10 Jun 97; request from Committee member to add this item to the Agenda)

Councillor Legendre declared a conflict of interest prior to the start of discussion as a relative worked for the firm that prepared the report.

Councillor Cullen, who had asked that this information report be placed on the Agenda, detailed the history of the Munster Hamlet Class Environmental Assessment commencing in February, 1995, when Committee received a report on the class environmental study beginning. This report contained eight options, and it was anticipated a report could be finalized with a preferred alternative by December 95. In May, Committee received a verbal status report, and the Councillor said he was told a report outlining all of the alternatives as well as the preferred solution and recommendation would be presented to Committee. This report eventually went to Corporate Services and Economic Development Committee (CSED), with a preferred solution and appointment of consultant; CSED approved the report, which subsequently went on to Council.

Councillor Cullen noted the report before Committee was merely a status report and he said staff have advised that even though an environmental assessment process may have been initiated at Planning and Environment Committee, it was not necessarily the case that the report identifying recommended solutions would come back to Planning and Environment Committee. The Councillor felt such reports should be presented to Planning and Environment Committee and indicated his intent to move a motion to this effect.

Jim Miller, Director, Engineering Division, Environment and Transportation Department, advised the process followed in this instance was the norm (i.e. approval of consultant appointment and process by CSED and Council), however, he advised that staff would have no difficulty with Councillor Cullen's direction.

Committee then considered Councillor Cullen's Motion:

Moved by A. Cullen:

**That during the conduct of an Environmental Assessment (E.A.) for an issue within the jurisdiction of Planning and Environment Committee, all reports satisfying the E.A. process be presented to Planning and Environment Committee, in particular the identification of the recommended solution, for recommendation to Council.**

CARRIED as amended

Committee then considered the staff recommendation.

**That the Planning and Environment Committee receive this report for information.**

RECEIVED

4. **FINANCE - COMMUNAL SEWER SYSTEM, VILLAGE COURT**  
- Finance Commissioner's, Environment and Transportation Commissioner's and Planning and Development Approvals Commissioner's joint report dated 10 Jun 97

Tim Marc, Solicitor, Regional Legal Department, provided an overview of the staff report and noted that Regional Council, on 23 October 1996, approved a number of conditions regarding the development of Village Court in Manotick. In the spring of this year, the developer came forward with a request that staff consider alternate financial schemes. In particular, what was proposed was rather than the developer paying for the capital cost of the sewage treatment works to be installed (approximately \$550,000), that the debt be taken on by the Region and recovered from the future residents and commercial entities that might be present at Village Court.

Mr. Marc advised staff have reviewed this proposal in detail and are recommending against what the developer is requesting and rather are asking Committee and Council to confirm the normal practice for developments in the Region (i.e. that capital work is paid for by the developer, given to the Region for a nominal cost of \$1.00 and at the same time that the work commences on the capital infrastructure, a letter of credit is posted in the full value of the works to be done). This approach is taken to ensure the works are done,

are done properly and that there is a financial tool available to ensure that if the developer does not carry out the warranty work, or if the developer does not complete the work, that work can be done. Mr. Marc pointed out in the case of Village Court, the nature of the technology to be used for the sewage treatment is a further concern as there are elements that are experimental. If the technology were not to work and if there were not a letter of credit in place, then the Region would stand exposed, because the citizens would likely look to Regional Council to find a means of dealing with the sewage.

Responding to questions from Councillor van den Ham, Mr. Marc advised if the system meets the standards imposed by the Ministry of the Environment and Energy (MOEE), under the terms of agreement with the developer, the Region is obligated to assume the system. He explained that the two year warranty period in this instance is necessary because of the increased risk to the Region; Regional Council must be assured that this technology works.

Councillor Hume questioned why the Region would require a letter of credit prior to it assuming ownership of the system; he noted the system would have to be completed and operating to the satisfaction of the MOEE before the residents could move in. Mr. Marc advised, if the system were to fail after it were installed and if the Region had not required a letter of credit up front, the Region would have no security to deal with any problems that might result from the failure of the system. He offered the example of Lynwood Gardens, in Osgoode where there was a failure of a privately owned communal water system and the Region was required to step in and remedy the situation. Mike Sheflin, Commissioner, Environment and Transportation Department, added the Regional Health Department directed that the Region step in to protect the health of the residents; in such an instance the Region would perform whatever work was necessary and then try to recover its costs through legal means.

Joe Vincelli, Manager, Approvals Branch, added, in the case of Village Court, the MOEE will not issue a Certificate of Approval (C of A) to the proponent if the Region will not act as a guarantor.

The Committee then heard from George Brown and John Cathrae, Teamco Holdings, the proponents of the Village Court development. Mr. Brown referred to a package of material he had provided to members of Council. He stated he could understand staff's nervousness about this development as it is a pilot project, however, he reminded the Committee of the reasons Regional Official Plan Amendment 47 was approved by Council.

Mr. Brown went on to outline Teamco's proposal, namely, that Teamco maintain the system for two years and then when the Region assumes ownership of the system, it would collect the operating costs as well as the financing portion of the development. In

this way, the \$557,000 cost of the sewage system to the homeowners could be financed over twenty-two years. He noted a major financing company, Newcourt Capital, has agreed to finance the development and when Teamco first approached the Region with this proposal, it was received positively by staff, who in fact indicated they were prepared to recommend it to Committee and Council. Mr. Brown indicated it was on this basis that Teamco has been proceeding for the last month and a half, confident the development would go ahead.

On the issue of the letter of credit, Mr. Brown opined that the Region is basically asking the proponents to pay for this development twice. He explained that in addition to cost of the system, \$557,000 the developer must also put up another \$557,000 to secure a letter of credit. He noted the company retained to build the sewage system, has built over 1,600 plants throughout Canada and has never been asked for a letter of credit.

Mr. Brown noted the 97 units proposed are 100% affordable (under Canada Mortgage and Housing guidelines) and are aimed at the seniors market.. He pointed out that if for whatever reason, the development does not proceed in the next year, no one will have taken up occupancy (the MOEE will not issue the C of A until the system is completely built and proven to work) and therefore no residents will be approaching the Region demanding remediation of a failed system.

In conclusion, Mr. Brown reminded the Committee this is a pilot project, urged them not to consider it as "business as usual" and requested their cooperation in seeing this project realized.

Responding to questions posed by Councillor Legendre, Mr. Cathrae advised that Teamco had proposed that, after the Region assumes ownership of the system, Teamco could continue to collect the monies from the residents (both capital and operating costs) and make payments to the Region to alleviate the administrative burden. Councillor Legendre suggested, in the alternative, that Teamco could retain the financing debt, and the Region could collect the monies and make payments to Teamco. Mr. Cathrae stated Teamco would be agreeable to this, however, Don Gray, Director, Treasury and Customer Accounts, advised the financing company would not likely agree to this as they would require the facility as security and would require the owner of the plant to be the lendee.

Mr. Cathrae pointed out that when Teamco first talked to staff, they were happy to collect operating costs annually which they estimated would be \$150,000 per year. He noted that if Teamco financed the system and contracted the builder of the plant to operate it, the total cost including financing, would only be \$100,000 per year. He questioned why, if the Region was willing to collect \$150,000 per year without Teamco's involvement and charge the individual uses one-third more, why would it not be willing to charge one-third less and help the overall project.



Councillor Legendre expressed his agreement with the proponents concerning the letter of credit and indicated he would be moving a motion to reduce the amount to one-tenth of the estimated cost of the project.

Councillor Munter stated although he could not agree that the amount of the letter of credit proposed by Councillor Legendre was reasonable, he felt it should be reduced to an amount that would not threaten the viability of the project while protecting the Region's interests. In this regard, he suggested the proponents meet with staff to work out a mutually agreeable figure. Mr. Brown agreed this could be done, however, on the issue of the assumption of liability for the capital costs, he stressed the urgency of Committee and Council making a decision on this immediately as the development's equity partners have indicated all of the paperwork must be in place by 3 July 97, or they will be pulling out.

Committee Chair Hunter questioned why the developers would not include the costs for the sewage treatment system in the purchase price, which in turn would be amortized over a number of years in the purchasers' mortgages. Mr. Cathrae stated that adding the cost of the plant would hurt the market price of units and jeopardize Teamco's ability to sell the units. As well, it would be unfair to the purchasers of the initial ninety-seven units to assume the total cost of the system that should be shared by future users as well (e.g. the units in phase two). The method proposed by Teamco would allow the initial ninety-seven purchasers to pay only their pro-rata share over a period of 22 years.

At the Chair's request, Mr. Marc confirmed that Teamco is asking the Region to take on the debt for the capital cost of the sewer treatment system. Mr. Gray added the original proposal supplied by Newcourt Capital, suggested the developer would be the lessee for the first two years, until the system was proven in and then, when ownership reverts to the Region, it would be the lessee for the next twenty years. The project would be user-pay, in the sense that the Region would be assessing a charge against each unit for the cost of the capital works. Mr. Gray pointed out, if in two years when the Region takes over ownership, and some of the units are not occupied, there is a concern about who will pay that debt.

Mr. Marc stated it is his understanding that, in order to increase the developer's financing capacity, as soon as it makes the first draw on the loan to build the system, the Region must assume this debt. Mr. Chathrae disagreed with this, and indicated the letter from Newcourt Capital says otherwise. He stated if the Region would provide clear guidelines on what it wanted, Teamco would have the financier respond to these.

Councillor Hill asked staff if the Region could use the development charges to assist this development. Mr. Sheflin, responded that in effect, because they are not being charged the sewage portion of the development charge, Teamco has use of this money.

In response to questions posed by Councillor Munter, Mr. Marc advised this project differs from a local improvement, in that with a local improvement there is an existing tax base and the residents have indicated their willingness to pay. This is not the case in this instance; the residents are not there yet and their willingness to pay is not known. Secondly with local improvement, those monies have the status of real property taxes, therefore if the property owner defaults the money can be collected as real property taxes. In the case of Village Court, while the monies can be collected through the tax collection process they do not have the same status (i.e. it is a personal debt as opposed to a real property debt) and this adds to the risk. Mr. Marc indicated, if it is the will of Committee and Council to support the developer's proposal, staff would recommend that the charges be included as a condominium fee in order to boost the legal status of these charges.

Mr. Brown responded to questions posed by Chair Hunter noting that all potential purchasers will be advised they are responsible for the costs of the operation of the sewage facility as well as a portion of the financing costs.

The Committee then considered the motions put forward.

Councillor van den Ham indicated he would not support a reduction in the letter of credit in this instance, unless Council were to revisit ROPA 47 and adjust the policies therein dealing with letters of credit.

Moved by J. Legendre

**That the letter of credit mentioned in the report be set at \$50,000.00.**

LOST

NAYS: A. Cullen, P. Hume, G. Hunter, A. Munter and R. van den Ham....5  
YEAS: B. Hill and J. Legendre....2

Moved by A. Munter

**That staff be delegated to negotiate mutually agreeable terms for a letter of credit with the developer of Village Court; and that this item return to Planning and Environment Committee only in the event that agreement cannot be reached.**

CARRIED  
(R. van den Ham dissented)

The Committee then considered the following motion from Councillor Hume.`

“That the RMOC accept the developer’s model of financing for the Village Court communal sewer system project based on the Region only being responsible for the debt after assumption of the system.”

Mr. Marc explained this motion would mean the financing cost of the sewer treatment system would be borne by the developer for the first two years and the Region would not become responsible in any way for the debt until the system was assumed by the Region. Once the system was assumed by the Region, the intent would be that the cost of the system would be apportioned to the residents and commercial entities that use the system.

Councillor Munter expressed concern about the Committee approving such a general motion and suggested that the rules of procedure be waived to allow staff to bring to Council, at its meeting of 25 June 1997, wording that would accomplish what the developer is looking for while protecting the Region’s interests. Mr. Sheflin suggested that the words “as detailed by staff” be added to the motion. Mr. Marc assured the Committee that staff and the developer would be able to agree upon wording prior to consideration by Council. The Councillor indicated that although he would vote in favour of Councillor Hume’s motion, he would not support it at Council if a detailed proposal that explains clearly how the Region’s interests are protected, is not presented.

Moved by P. Hume

**That the RMOC accept the developer’s model of financing for the Village Court communal sewer system project based on the Region only being responsible for the debt after assumption of the system, as detailed by staff.**

CARRIED

YEAS: B. Hill, P. Hume, J. Legendre and A. Munter....4  
NAYS: A. Cullen, G. Hunter and R. van den Ham....3

Moved by J. Legendre

**That Council be requested to waive the rules of procedure to consider this item at its meeting of 25 June 1997.**

CARRIED

PLANNING ITEMS

5. CONSIDERATION OF DRAFT REGIONAL OFFICIAL PLAN  
AMENDMENT 46 EAGLESON-FLEWELLYN INVESTMENT  
PARTNERSHIP, PART OF LOT 30, CONCESSION VIII,  
TOWNSHIP OF GOULBOURN

- Planning and Development Approvals Commissioner's report dated 12 Jun 97

Joseph Phelan, Senior Project Manager (Land Use), Project & Infrastructure Planning Branch, reminded Committee that in April, staff had been directed to seek comments from the City of Kanata and Township of Goulbourn on the proposed ROPA 46. He noted the staff recommendation contained in the report dated 12 Jun 97, proposed a site-specific policy change as a method to deal with the change in land use to accommodate the proposed outdoor recreational facilities. However, he advised that Goulbourn Council, at a special meeting held the previous evening, had reconsidered its position and were recommending the area, subject to the policy change, be reduced from approximately 30 hectares to approximately 16 hectares (which would include the garden centre).

In this regard, Mr. Phelan drew Committee's attention to the supplementary staff report dated 24 Jun 97, which included a revised staff recommendation, Goulbourn Council's resolution and an alternative ROPA 46, for Committee's consideration. Mr. Phelan said if Committee wished to adopt the alternative Amendment, staff would recommend a similar change be introduced in the Draft Regional Official Plan.

Responding to questions posed by Councillor Legendre, Mr. Phelan advised staff are proposing the Agricultural Resource Area designation remain on the property (on Schedule A of the Official Plan) with a notwithstanding clause that would allow for a site-specific exemption for the specific proposed use (i.e. outdoor recreation area). This would be more restrictive in the scope of permitted uses, and would still leave the Official Plan Schedule integrity of Agricultural Resource Area designation in place.

Marianne Wilkinson, representing the Eagleson-Flewellyn Investment Partnership, introduced Cathy Meerins, one of the owners of the subject property. Ms. Wilkinson stated she was aware of Goulbourn Council's recommendation to reduce the area to 16 ha and said this could create problems in terms of access (as she did not believe the Region would allow access to Eagleson Road) and as well, the reduced area would not allow for the soccer fields the proponent was proposing for the community. Ms. Wilkinson said her preference would have been to have the whole property designated, however, she stated if Committee adopted this recommendation, the Partnership would accept this and not appeal the decision to the Ontario Municipal Board.

The Committee Chair commented that the revised position was an improvement over a General Rural designation, however, he expressed concern that one could seek to gain from the partitioning of land in the middle of one of the most productive agricultural areas of the western region, the Richmond Plain.

Councillor Hill agreed with the Committee Chair, saying she was not in favour of turning agricultural land into a recreational area. The Councillor felt this was just the beginning of a trend towards development of the agricultural land, and although not in favour of the proposal, she was prepared to put forward Goulbourn's position regarding designation of the 16 hectares of land and in this regard, moved the staff recommendation contained in the report dated 24 June 1997.

Moved by B. Hill

**That, having held a public meeting, the Planning and Environment Committee recommend that Council:**

- a) enact a by-law to adopt Regional Official Plan Amendment 46, attached as Annex F to this report;**
- b) approve the addition of a new sub-section 3 to section 7.2 of the draft Regional Official Plan to reflect the intent of Amendment 46:**

**“3. Notwithstanding the permitted uses in policy 1 above, outdoor recreational uses not directly related to agriculture will be permitted on a 16 hectare parcel of land described as Part 1, Plan 5R-12771; and the east Part of Lot 30, Concession VIII, Township of Goulbourn”.**

CARRIED as amended  
(A. Cullen dissented)

- 6. MODIFICATIONS TO DRAFT REGIONAL  
OFFICIAL PLAN AMENDMENT 66 - LEBRETON FLATS  
- Planning and Development Approvals Commissioner's report  
dated 10 Jun 97

Nick Tunnacliffe, Planning and Development Approvals Commissioner, said negotiations between staff, representatives of the community and the National Capital Commission (NCC) had led to agreement on revised road widths on all of the roads except for

Scott/Wellington, between Empress and Booth Streets. At issue is whether the Region should be providing lanes for buses (an extension of the existing transit lanes) traveling interprovincially, making a right turn at the intersection of Booth and Scott/Wellington. The Commissioner noted the staff recommendation was to provide for extra lanes, leaving a right-of-way width of 39 metres, but the community wanted a width of 30 metres.

Councillor Legendre indicated his intent to move a motion removing seven metres from the bus lanes, leaving a 32 metre right-of-way with separate lanes for bicycles.

Committee then heard from public delegations.

Kate Harrigan, Civic Hospital Neighbourhood Association (CHNA), said the Association's executive committee had lobbied several Councillors to refer the LeBreton Flats right-of-way issue back to Committee to allow them time to study both the original 40 metre plan and the amended recommendation for a 21.5 metre right-of-way. In reviewing ROPA 66, Ms. Harrigan noted the CHNA discovered some of the provisions for cycling facilities had been left out and as well, the Amendment did not address downstream traffic impacts.

Ms. Harrigan went on to express dismay that the LeBreton Flats plan is proposing 2400 housing units, office towers and government buildings but that no downstream traffic studies had been performed. She stated it is likely the new residents of LeBreton Flats would own vehicles (the NCC's land use plan brochure for the LeBreton Flats had taken this into account) and she opined, even with an optimistic modal split of 45% for cars, this would create more traffic than currently exists. Ms. Harrigan stressed the adverse effect this development would have on adjacent communities, noting the north-south roadways south of Scott Street were already heavy with fast-moving traffic and, with no major north-south road to route traffic around rather than through the neighbourhoods, all downtown residential neighbourhoods are suffering.

In conclusion, Ms. Harrigan acknowledged the need for the LeBreton Flats Plan and expressed support for its general concept, however, she stated it is the CHNA's position that the Plan, including the right-of-ways, must be completed responsibly by including the downstream traffic impacts on the adjacent communities.

Councillor Cullen asked staff what the boundaries of the traffic impact study were. Brendan Reid, Manager, Project and Infrastructure Planning Branch, advised the first study done, the LeBreton/Bayview transportation study, focused only on LeBreton Flats and the road network in its immediate vicinity; it did not examine the downstream implications or possible mitigation effects.

Laurene Wagner, City Living, advised she was representing City Living's interest as a landlord (they have 3 rental communities adjacent to Scott/Albert Streets, between Preston and Lorne Streets), as well as the interests of the 118 tenant households in the City Living communities. She stated although City Living is generally pleased with the development of LeBreton Flats, they still have concern on the issue of the road widths, which would allow six lanes along Scott/Albert Streets. City Living is concerned about its ability to rent the units along this street but they are also concerned about the safety of the tenants, particularly small children and persons with physical disabilities.

In conclusion, Ms. Wagner stressed the importance of integrating the proposed development with the existing community and noted six lanes of traffic between the two communities will prevent this.

David Gladstone, Centretown Citizens Community Association, referring to comments made by the delegation representing the CHNA, pointed out all three abutting Community Associations (Hintonburg, Dalhousie and Centretown) fully support the LeBreton Flats Plan, notwithstanding the unresolved concerns.

On the issue of the right-of-way on Scott/Albert Streets, east of Booth Street, Mr. Gladstone stated the consolidated Community Associations' position is that they do not understand why there is a need for dedicated bus lanes on those three blocks, paralleling the transitway. He stated the houses on the south side of this section of Scott/Albert are verging on being not habitable; if dedicated bus lanes are added, it will make it impossible to live in this location. He expressed strong opposition to the dedicated bus lanes.

Lois K. Smith proposed, if the extension of the Ottawa River Parkway, from the junction of the proposed extension at Preston Street and LeBreton Boulevard across the inlet, were changed to go around where the bridge is now (at the neck of the inlet), there would be less cost to build and maintain it. As well, this alternative route would protect this beautiful area so the traveling public could enjoy looking at it. Ms. Smith provided members with written documentation and photographs to support her presentation (on file with the Regional Clerk).

Janet Bradley and Judie Smith-Dakin, representing the National Capital Commission. Ms. Bradley expressed support for the staff recommendation and indicated she and Ms. Smith-Dakin were present to answer any questions the Committee might have on this issue.

Frank de Jong advised he was a homeowner/landlord, living at the corner of Empress and Albert Streets. Mr. de Jong relayed to the Committee the impacts the residents of the area experience on a daily basis as a result of the large volume of traffic (both cars and buses) and the motorists' disregard of the speed limits. He cited safety concerns, as well as concerns about the air quality as a result of automobile exhaust.

Mr. de Jong stated he did not want to see the road widened and suggested if a bus lane is added, the automobile lanes should be reduced. He urged the Committee to support the green transportation hierarchy, namely, pedestrians first, bicycles second, buses third and cars last. He opined that LeBreton Flats should be a pedestrian community, a model for future communities, and that no further development of roads or communities should be made without looking to “sunset” the private automobile as a form of transportation. Mr. de Jong stated the proposed development will make this neighbourhood virtually unlivable and urged the status quo, with the addition of bicycle lanes and a reduction in existing car lanes.

Josh Moon, Equity Management advised, when the City Centre Secondary Employment Centre Official Plan Amendment and zoning were put in place, the holding provisions in the OPA and zoning were driven by specific studies done by Equity Management International, the NCC and the Region. Those studies encompassed LeBreton Flats and City Centre and it was estimated that approximately 90% of the traffic growth over the next ten years would come from the background growth of LeBreton Flats. Mr. Moon noted when it became apparent that Planning and Environment Committee and Council were prepared to change the standards for the road right-of-ways and the intersection performances in the LeBreton area, he indicated it would be equitable for City Centre to be treated in the same way. It is on this basis, that Equity Management supports the added provisions to ROPA 66 that relate to City Centre and respectively submitted that they equitably address the competing interests involved.

Councillor Legendre, referring to a question raised by a delegation, asked staff why they were recommending designated bus lanes on a road parallel to the transitway. Helen Gault, Manager, Planning and Development Division, OC Transpo, advised this is the major interprovincial transit link over the Chaudiere Bridge and there are a substantial number of people traveling on this link (approx. 2,500 in peak hours). She stated staff looked at the minimum OC Transpo would need to ensure that transit service was not disrupted and feel the bus laybys on Booth Street are needed as well as a link between the Albert/Slater corridor and Booth Street for the interprovincial transit services.

Councillor Cullen, citing two other recent incidences where down stream traffic impacts were not considered in transportation studies, asked what would be needed to ensure that transportation impacts on adjacent communities are incorporated in transportation studies. Mr. Reid advised that primarily, a great deal more money would be needed to expand the study areas. In this case, the original study was done in 1992 and its primary purpose was to identify the infrastructure in LeBreton Flats that would provide transportation service for the proposed development. This study was updated earlier this year due to minor changes to the scale of development, but it confined its attention to LeBreton Flats and the surrounding road network.



Councillor Cullen asked if the terms of reference for these studies are circulated to both the impacted communities and the adjacent communities. Mr. Reid replied not necessarily, however, he advised in most cases terms of reference are approved by Transportation Committee, so there is opportunity for modification. Councillor Cullen advised he would be filing an inquiry with the Transportation Committee to find out what the exact process involves.

Councillor van den Ham asked staff what the implications would be if the right-of-ways on Scott/Albert/Wellington are reduced to 30 metres. Ms. Gault advised, if the bus lanes are removed, the buses on the main interprovincial transit link will be in congestion with the rest of the traffic, which would be a deterrent for people to use transit.

Diane Holmes, the Ward Councillor, thanked staff for their work on this matter resulting in the recommendation before the Committee. She pointed out there was compromise by both staff and the community to resolve many issues. The one remaining contentious point is these three blocks on Albert Street; the community groups want the right-of-ways to be in the vicinity of 30 metres and staff would like 39 metres.

Councillor Holmes urged the Committee to take into account the points raised by the community, and the effect of staff's proposal on the existing and proposed neighbourhoods. With respect to staff's comment that the Chaudiere Bridge is a major interprovincial transit link, the Councillor opined the majority of the buses presently use the Portage Bridge. She expressed the hope the Committee would agree with a 30 metre right-of-way, to make this community more livable for existing and future residents.

Councillor Legendre put forward a motion to reduce the right-of-way on Scott/Wellington/Albert from Booth to Empress, to 32 metres. As well, he moved a motion specific to the area between the CPR overpass and Booth Street to set it at 32 metres to accommodate bicycle lanes. Speaking to his motions, Councillor Legendre advised he arrived at the width of 32 metres, by removing 3.5 metres on both sides (one lane on each side), leaving in place a buses-only lane and a general traffic lane. He felt his proposal for four lanes of traffic rather than six, would create a more pedestrian-friendly environment. Speaking to his second motion, Councillor Legendre noted it addressed the issue of separate bicycle lanes and, as suggested by Commissioner Tunnacliffe, applies to that portion of Scott/Wellington/Albert between the CPR overpass and Booth Street.

The Committee then considered these motions.

Moved by J. Legendre

**That the right-of-way on Scott/Wellington/Albert from Booth to Empress be set at 32 metres.**

CARRIED

YEAS: A. Cullen, B. Hill and J. Legendre....3

NAYS: G. Hunter and R. van den Ham....2

Moved by J. Legendre

**That the right-of-way on Scott/Wellington/Albert from the CPR overpass to Booth Street be set at 32 metres to accommodate bicycle only lanes.**

LOST

NAYS: A. Cullen, B. Hill and R. van den Ham....3

YEAS: G. Hunter and J. Legendre....2

**That, having held a public meeting, the Planning and Environment Committee recommend that Council enact a bylaw to adopt Regional Official Plan Amendment 66, attached as Annex A to this report, and reflect these changes in the new draft Regional Official Plan, as amended by the following:**

**1. That the right-of-way on Scott/Wellington/Albert from Booth to Empress be set at 32 metres.**

CARRIED as amended  
(G. Hunter dissented)

7. **CITY OF OTTAWA OFFICIAL PLAN AMENDMENT NO. 18**  
- Planning & Development Approvals Commissioner's report  
dated 9 Jun 97

**That the Planning and Environment Committee recommend that Council approve Official Plan Amendment No. 18 to the City of Ottawa Official Plan as modified by the Approval Pages attached as Annex I.**

CARRIED

8. DAWN MARIE FIRESTONE  
DRAFT PLAN OF SUBDIVISION 06T-94001  
TOWNSHIP OF WEST CARLETON (TORBOLTON)  
- Planning and Development Approvals Commissioner's report dated 11 Jun 97

Councillor van den Ham, noted the staff reports states this subdivision conforms with the Regional Official Plan; he asked if Regional staff would be present at the Ontario Municipal Board (OMB) hearing to take a position on this.

Mr. Tunnacliffe stated if staff are requested to be at the hearing, they will be there. Rob McKay, Planner, Planning and Development Approvals Department, stated staff are generally in support of the subdivision application, however, it has only proceeded mid-way through process. He noted the applicant has requested it go to the OMB because the zoning and Local Official Plan Amendment have already been referred; it is the preference of the applicant and the OMB to have all of the planning applications before the Board at the same time.

Tim Marc, Solicitor, Regional Legal Department, added that it is often the case, where Regional staff have written a report in support of a particular development, they are usually subpoenaed. If the Region is to take a formal position at the hearing (with representation by legal counsel) a report would come back to the Committee on this.

Responding to questions from Councillor Hill, Mr. Marc advised, it is usually the case, if Regional Council does not appear at a hearing (through legal counsel) the costs would not be awarded against the Region. He offered that if Mr. McKay were subpoenaed as a witness, it would be in his professional capacity as a planner and not as a Regional employee. Mr. Marc further advised that on applications made prior to 28 March 1995, the old tests (frivolous, vexatious, made for the purpose of delay) still apply; for applications made after this date, generally, Regional Council can no longer apply those tests, as it is an automatic appeal to the Board.

**That the Planning and Environment Committee recommend that Council refer Draft Plan of Subdivision 06T-94001 to the Ontario Municipal Board as requested by Dawn Marie Firestone pursuant to Section 51(15) of the Planning Act, 1990.**

CARRIED

#### INQUIRIES

Councillor van den Ham drew the Committee's attention to the Fines Flowers property which Committee and Council had previously turned down for a Regional Official Plan

Amendment (ROPA 64, 22 Oct 96). He referred to the May, 1997 Regional Official Plan public meetings, where Committee recommended redesignation of the Booth and Keenan properties, in the vicinity of River Road, from Agricultural Resource to General Rural, noting the Fines Flowers property immediately to the north had poorer soil capabilities. The Councillor also noted ROPA 64 had been referred to the Ontario Municipal Board (OMB), and he believed it was appropriate for staff to revisit the issue so the Region would not be seen to be giving the Booth/Keenan lands, which had better soil capabilities than those of Fines Flowers, a lower agricultural capability designation. Councillor van den Ham therefore asked that staff prepare a report to come back to Committee with recommendations of what can or should be done.

Nick Tunnacliffe, Commissioner, Planning and Development Approvals Department, said he had spoken with Tim Marc, Solicitor, Legal Department, and confirmed that information would be forthcoming to allow Council to deal with the issue.

Responding to a question from the Committee Chair, Mr. Marc noted that revisiting the issue did not necessarily constitute a reconsideration of the issue, as the whole of the Regional Official Plan would be before council in July.

Councillor Legendre said he recalled from previous discussions regarding the Keenan and Booth properties that a "light" study had been performed on the Fines land, whereas a very detailed study had been done on the Keenan/Booth lands. He noted this difference led to an OMB referral for the Fines lands, whereas Committee dealt with the Keenan/Booth issue. The Councillor asked staff to take this into account.

Mr. Tunnacliffe informed that the same soil consultants used by Messrs. Keenan and Booth had also undertaken a more detailed study for the Fines property. The study results had been given to him a few days earlier, and had also been forwarded to the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) for analysis.

#### ADJOURNMENT

The meeting adjourned at 6:25 p.m.

*Original signed by*  
*Dawn Whelan*

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COMMITTEE COORDINATOR

*Original confirmed by*  
*Gord Hunter*

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COMMITTEE CHAIR