

MINUTES

PLANNING AND ENVIRONMENT COMMITTEE

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

CHAMPLAIN ROOM

10 DECEMBER 1996

3:00 P.M.

PRESENT:

Chair: G. Hunter

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

CONFIRMATION OF MINUTES

Councillor Munter, referring to the last paragraph on page 21, felt the Minutes did not accurately reflect the intent of his comments. He asked that the minutes be amended to read: "Noting that developers and landowners seeking to sell to developers would be required to carry out these types of studies in any event, as a condition of development, Councillor Munter felt such a fund should be used by the "little guy"." The Committee agreed to this amendment.

That the Planning and Environment Committee confirm the Minutes of the meeting of 26 November 1996, as amended.

CARRIED

ENVIRONMENTAL SERVICES ITEMS

1. CONSERVATION AUTHORITY CORE SERVICES REVIEW
- Environment and Transportation Commissioner's and Planning and Development Approvals Commissioner's joint report dated 26 Nov 96

Ms. Nancy Schepers, Director, Water Environment Protection Division (WEPD), Environment and Transportation Department, introduced Mr. Dell Hallett, General Manager, Rideau Valley Conservation Authority (RVCA). Mr. Hallett, in turn, introduced Ms. Ann Scott-Smith, Chair, Mississippi Valley Conservation Authority (MVCA), Mr. Charles Long, Vice Chair of the RVCA, and Messrs. Paul Lehman and

- Notes:
1. Underlining indicates a new or amended recommendation approved by Committee.
 2. Reports requiring Council consideration will be presented to Council on 22 Jan 97 in Planning and Environment Committee Report Number 49 (except as noted in "Other Business").

Dennis O'Grady, General Managers of the MVCA and South Nation Conservation Authorities, respectively.

Councillor Legendre referred to the Service Delivery Models section of the staff report, which stated that staff are looking at the option of consultant pre-qualification, and asked who would be hiring the consultant, and whether the consultant would be working for the Region or the proponent. Mr. Barry Edgington, Director, Development Approvals Division, Planning and Development Approvals Department, replied the Region would prepare a list of consultants for use on a rotational basis, but the proponent would have their choice of consultant. The work would be done for the Region, but would be paid for by the proponent. The Region would provide a set of criteria that the consultant would use to ensure that Regional Official Plan and Provincial Policies are addressed. The Councillor wondered why the proponent would have a preference from amongst equally-qualified people. Mr. Edgington responded that providing a list was one alternative to avoid showing preference for one firm, and that this method was currently being used in Durham Region. Councillor Legendre said he felt comfortable with the Region adopting the rotational method, but not with the idea of giving the proponent the choice. Mr. Edgington offered that often, depending upon the nature of the study, the list of those qualified might not be very long, as the expertise could be scarce. The Councillor stated his preference that staff, and not the proponent, be responsible for choosing, and said he would prepare a Motion to this effect.

Councillor Cullen, referring to the Plan Review Functions listed on page six of the staff report, posed questions concerning the fee structure. Mr. Edgington informed that, in most cases, this type of review is what a developer would normally undertake for land development purposes, as part of the cost of doing business. He noted, if the Region did not possess the in-house expertise or did not enter into a servicing agreement with the conservation authorities to perform the review, there would be a charge in addition to the user-pay cost associated with the peer review study. In most cases, Mr. Edgington offered it is not a matter of re-doing the study, but of reviewing and confirming what the previous engineer's study has certified, to ensure conformity with the policies of the (Regional Official) Plan and Provincial Policies.

Councillor Cullen asked for clarification of what was meant by the potential for future decreases to the general municipal levy, pertaining to "Basic Services" (staff report, page eight). Mr. Hallett opined that the conservation authorities had come a long way in the past year with respect to alternate sources of funding. He cited examples of the conservation areas and their associated user fees and discretionary services. He offered that through continued review and acceleration of their efforts, better performance would be realized in the future. In the past year, Mr. Hallett said that despite a dramatic decrease in funding to conservation authorities by the Ministry of Natural Resources, the RVCA

had earned more than \$100,000.00 in conservation areas. He said he foresaw continued progress, with less reliance on municipal levies and greater reliance on other revenues.

Councillor Cullen asked what was meant by “conservation authorities reviewing their land ownership in support of their mandate”. Mr. Hallett outlined that the conservation authorities would look at all of their land holdings and, if the lands were deemed to be surplus to their needs, they would be sold. The Councillor then asked which process of public consultation would be used to set the criteria. As a comparison, he offered the example of the NCC, which had been engaged in reviewing its lands for development potential, contrary to the public will, and opined that most people think conservation authority lands are reserved for conservation purposes. Mr. Hallett assured the Councillor that financial reasons would not be paramount. He believed very few properties would be considered surplus, and that most of the lands which the conservation authorities had acquired were important, significant natural areas, and would be retained. He offered the example of roadside parks, with little significance from a natural importance point of view, which might be declared surplus.

Councillor Stewart reminded Committee that decisions pertaining to disposal of land have to go before a board of directors, of which the Region has at least 50% membership on all conservation authority boards. She stated if the Region wanted to give direction with regard to the disposal of land owned by conservation authorities, then it was within the Region’s ability to do so. The Councillor stated that under present policies, such decisions would not automatically be brought before the Region, but directions to do so could be given. Councillor Cullen was given assurance that criteria for the determination of surplus land status would be established prior to its consideration for sale, would go out for public consultation, and would also be brought before Committee.

Councillor Stewart congratulated both staff and the conservation authorities on the progress made in the past year. She lauded the conservation authorities for the way in which they, with the Region’s support, had stepped in to raise funding and generate revenue in spite of Provincial funding cuts, all the while maintaining public support. The Councillor emphasized that the Region’s plan for the integration of watershed planning with the Regional Official Plan was on the cutting edge of land use planning in Ontario.

Councillor Legendre, referring to his Motion regarding the Region’s selection of a consultant, explained he believed this was a protection for both the consultants and the Region. He offered that the Region was paying for professional unbiased work, and believed that if a proponent favoured one consultant over another, there would be a suggestion of bias.

Chair Hunter asked for a staff opinion. Mr. Edgington believed Councillor Legendre's Motion was viable, but he reminded Committee the method of using a prequalified list was still an option at this point.

Councillor Cullen said he was uncomfortable with dictating the choice of consultant to the proponent. He believed the safeguard would be to ensure the Region had a number of qualified professionals from amongst whom a proponent could choose.

Councillor van den Ham believed that, as costs would be borne by the proponent, it was only fair the proponent should have the right to choose, and that staff were helping by providing a list of qualified people.

Councillor Legendre offered that the perceived impartiality of consultants' work could be called into question when they were in the employ of opposing parties. He noted oftentimes, equally qualified professionals had come to opposite views when being paid by parties with opposing interests. The Councillor said this should not be an adversarial process, and his intention was to maintain the purity of the selection process.

The Committee considered Councillor Legendre's Motion.

Moved by J. Legendre:

That, as part of the options for service provision outside of the services that would be provided by Conservation Authorities, the consultants be selected from a prequalification list by staff of the RMOC.

LOST

NAYS: W. Stewart, R. van den Ham, D. Beamish, A. Cullen, B. Hill, P. Hume,
G. Hunter....7

YEAS: J. Legendre, A. Munter....2

Committee then considered the staff recommendation:

That the Planning and Environment Committee recommend Council:

- 1. Receive this report on the Conservation Authority summary of services listed in Table 1 and described in the document entitled Regional Conservation Authorities 1997 Conservation Action Plan for the Regional Municipality of Ottawa-Carleton and approve;**

- a) that the “Basic Services” continue to be funded through the general levy with opportunities for streamlining to be pursued as outlined in the Action Plan, and;
 - b) that for the “Discretionary Services” as described in Table 2, the Conservation Authorities continue to seek out alternative funding sources and delivery mechanisms to minimize the levy requirements in the future;
2. Request that as part of the 1998 Budget process, the Conservation Authorities provide a status of efforts to secure alternative funding sources and delivery mechanisms for discretionary services;
 3. Approve the “Principles” described in this report to guide future agreements regarding further realignment and re-evaluation of water resource roles and responsibilities;
 4. Authorize the Regional Municipality of Ottawa-Carleton to enter into purchase service agreements with the Conservation Authorities, as necessary, to provide plan review functions.

CARRIED

Committee Chair Hunter thanked the representatives of the Conservation Authorities and staff for their efforts in bringing the report together.

2. **ONTARIO POTATO PROCESSORS
APPLICATION FOR A CERTIFICATE OF APPROVAL
FOR AN ORGANIC SOIL CONDITIONING SITE**

- Director, Solid Waste Division, Environment and
Transportation Department report dated 22 Nov 96

1. That the Planning and Environment Committee on behalf of and acting in its delegated authority from Regional Council, decline to object to the application for a Certificate of Approval by Ontario Potato Processors with respect to its Organic Soil Conditioning Site/Potato Processing Facility located at 2730 Goodstown Road, in the Township of Rideau, provided that the Certificate of Approval issued by the Ministry of Environment and Energy (MOEE) is in accordance with the written information provided to the Regional Municipality of Ottawa-Carleton;
2. That the Planning and Environment Committee confirm that recommendation number one of this report is contingent upon (a) the

support for the facility of the local municipality in which it is located and (b) an engineering study done to the satisfaction of the MOEE to ensure no adverse environmental impact, including groundwater and surface water impact and odour from the spreading or storage of the food waste.

CARRIED

3. DESIGNATION OF BY-LAW ENFORCEMENT OFFICERS -
SOLID WASTE COLLECTION BY-LAW

- Director, Solid Waste Division, Environment and
Transportation Department report dated 21 Nov 96

That the Planning and Environment Committee recommend Council approve the appointment of persons' named in Schedule "A" as By-law Enforcement Officers for the purpose of enforcement of the by-laws, rules and regulations of the Regional Municipality of Ottawa-Carleton relating to the collection, removal and disposal of solid waste within the Regional Municipality of Ottawa-Carleton.

CARRIED

PLANNING ITEMS

4. REFERRAL #1 AND #5 TO ROPA 35 SOUTH URBAN CENTRE,
GLOUCESTER, RIVER RIDGE

- Planning and Development Approvals Commissioner's
report dated 22 Nov 96

Responding to a question from Councillor Cullen about the waterfront corridor, Nick Tunnacliffe, Commissioner, Planning and Development Approvals Department, clarified the floodplain was adjacent to the river's watercourse, and the 10 to 15 metre corridor would be adjacent to the floodplain boundary.

Councillor Legendre asked what was meant by the designation "Transportation Special Study Area" on the land across River Road to the east of the site. Ms. Judy Flavin, Planner, Planning and Development Approvals Department, said that the boundary of the Transportation Special Study Area followed a proposed routing for a corridor along the south. Chair Hunter added that a large piece of land had been set aside opposite the effluence of the Jock River to the southern boundary of the South Urban Centre, as an exact location for the Outer Provincial Highway Bypass or Southern Ring Road had not yet been identified. The consultant's study was not complete, and therefore development

could not take place until the location of the road is determined. Once a route had been identified, the area would be redesignated.

Mr. Peter Vice, representing Mr. Don Booth (landowner) in trust, said he had been instructed by Mr. Booth to accept the settlement after lengthy negotiations with the Planning Department. Mr. Vice's client, a gentleman in his 80's, had also instructed him to give relevant background information about events within the last couple of years. In 1992, 10 acres of Mr. Booth's land had been designated "waterfront open space". Mr. Vice referred to the policy, which stated, in effect, that *someday, some* authority might purchase the land, and noted that the matter had only been resolved approximately two weeks ago. He opined it was unfair for his client's land to have been tied up with the waterfront open space designation for four years. Mr. Vice then said that although happy with the settlement, his client would probably never be able to dispose of the land, due to circumstances with regard to the ability of landowners to sell development land. Mr. Vice said that only after spending much money, the landowner had his land back in a situation where he could deal with it, and believed that the situation had been unfair to his client.

Councillor van den Ham felt it was deplorable to have put a landowner through such a lengthy procedure, and asked Commissioner Tunnacliffe if the process could be streamlined so there would not be a repeat in future. Mr. Tunnacliffe agreed it had taken a long time, and offered that an apology was due. He outlined that this land, along with other land, had been identified as potential recreational land for the City of Gloucester. He said the Region had had an understanding with the City of Gloucester that the City would be undertaking negotiations, with the possibility of purchasing the lands. Negotiations fell apart some months ago, after which the Region stepped in and negotiated a settlement agreeable to all. Mr. Vice said that with current policy wording, there was no obligation on anyone to purchase the land. He clarified that his client had been prepared to accept what Gloucester staff considered to be a fair price for the land, but that the City did not have the money to purchase.

Councillor Beamish pointed out a similar situation in the South Urban Community which had previously been brought before Committee. He noted when the City of Gloucester had arrived at a negotiated agreement with the landowner, the Region stepped in to dispute the agreement. He expressed his belief that everyone wants to designate land, but are not willing to compensate.

Committee then considered the staff recommendation.

- 1. That Planning and Environment Committee recommend and Council approve a request to the Ontario Municipal Board or the Minister of Municipal Affairs and Housing, with respect to Part of the South Half of Lot 21, Broken Front Concession, that:**

- a) **The lands now in the flood plain continue to be designated flood plain in Schedule G of the Regional Official Plan.**
- b) **The land designated Flood Plain on Schedule G plus a band approximately 10 m to 15 m in width adjacent to the flood plain be designated “Waterfront Open Space” on Schedule B.**
- c) **The City of Gloucester, RMOC and the owners enter into an agreement which will be registered on title to the effect that any public dedication of land due to the City of Gloucester at the time the site is severed or subdivided will be taken in a continuous strip between the boundaries of the property along the flood plain line, generally in the area designated “Waterfront Open Space”.**
- d) **The balance of the lands be designated General Urban Area on Schedule B, which would permit residential development on full urban services at such time in the future as servicing is extended to the site.**

CARRIED

5. **LOCAL OFFICIAL PLAN AMENDMENT 5
CITY OF NEPEAN (CENTREPOINTE - TALLWOOD DR.)
AND MINTO DEVELOPMENTS INC.
DRAFT PLAN OF SUBDIVISION 06T-96003**

- Planning and Development Approvals Commissioner's
report dated 25 November 1996

Rob McKay, Planner, Development Approvals Division, provided an overview of the staff report.

Councillor Stewart asked when the proposed transitway Station at Tallwood could be expected. Mr. McKay said he could not give a specific response to this; it was anticipated the station would be built in 1998, however, because of a substantial reduction in funding from the Province it is not clear when it will happen. The Councillor offered the proposed station was rather close to the existing station at Baseline Road. Mr. McKay advised that Baseline Road Station is not a permanent station and it is anticipated it will, in the future (i.e. when the Shoppers' City West redevelopment occurs), be moved further north. Transitway staff have indicated their belief that both stations will be necessary. Planning and Development Approvals Commissioner, Nick Tunnacliffe, noted the Environmental Assessment of the proposed transitway, as far as Strandherd Ave. had been completed and

the station at Tallwood is part of that. He added the funding problems would be worked out in the next little while.

Responding to further questions from Councillor Stewart, Mr. McKay noted that although there is no absolute guarantee the Tallwood Station will be built, once this subdivision is established, the option of higher density is gone forever. Councillor Stewart felt that staff's push for "higher density" appears to contradict other principles of the Regional Development Strategy (RDS), namely, compatibility with existing neighborhoods and market driven development. With respect to compatibility, Mr. McKay pointed out there currently exists an attractive medium density townhouse development opposite the subject property, on Arbourdale. Staff felt options for a mix of housing could be explored, that would satisfy some of the concerns of the Pinetrail residents and meet the transitway density goals. Minto, however, has advised repeatedly they would not consider any type of alternative to what is proposed. He noted staff were also of the opinion the trees on site could have been used as a form of buffer between the subject property and the adjoining Pinetrail subdivision; however, as the trees have been removed, this opportunity has been lost.

Councillor Munter noted the issue being portrayed by a number of people, is a dispute over 11 units. He asked if the Department's concerns would be satisfied if Minto were prepared to submit a plan for 80 units. Mr. McKay stated he was not sure where the issue of "11 units" had come from; and, in his view, the number would be greater than 11 units considering the potential this area offers. Staff are looking for a more innovative approach for development of this location given it is within 150 metres of the future transitway.

Councillor Loney questioned why the park space is proposed to be located at the road. Mr. McKay, stated it was his understanding this was a compromise; if the property is to be all residential, the houses' backyard fencing would be an unattractive entrance into the community. A landscaped park would be a more aesthetically pleasing entrance into CentrepoinTE.

Committee Chair Hunter expressed concern with the use of the word "encourage" in the RDS policy pertaining to denser, more compact development in the vicinity of transitway stations. He asked for staff's interpretation of "encourage" and whether they consider it to be a "carrot" or a "stick". Mr. McKay admitted he too had problems with the wording of the policy as written; he pointed out the policy states "shall encourage" - the shall seems to be a mandatory requirement and encourage seems to be some form of a "carrot". He went on to say, there are clear policies in the Official Plan which state the Region must plan for higher densities in the vicinity of transitway stations. In this case, as the approval authority of the Local Official Plan and the plan of subdivision, the Region has a responsibility to implement the principles of Provincial policy and of the Nepean and Regional Official Plans. Chair Hunter felt it could be argued that the proposed

development is “denser and more compact” than the Pinetrail development. Mr. McKay agreed, however staff are of the opinion it should go even further. He noted the Regional Official Plan (ROP) and Nepean’s Official Plan do not have specific standards (e.g. specify exact number of units per hectare) but rather, allow some flexibility for urban design and innovative work. Clearly, the principle is that the number of people living within close proximity of the transitway station should be maximized.

Referring to Modification No. 3, Chair Hunter noted staff are proposing to redesignate a piece of land in the transitway corridor (similar in size to Minto’s land), by modification rather than by way of a public hearing. He reprimanded staff for attempting this as he felt it totally out of line for any agency to be proposing such a major modification without recourse to a public hearing. Mr. McKay responded that staff, on June 6, 1996 (prior to the public meetings), made this request to the City of Nepean. He explained staff’s reasoning for proposing to redesignate these surplus lands as residential, noting, as it was determined the subject land was not suitable for a primary employment area and Tallwood would be used as the boundary between future commercial office space and future residential development, it seemed sensible that the Region’s surplus lands should also be redesignated residential. In response to questions from Chair Hunter concerning the ROP designation of the surplus lands, Mr. McKay advised that on Schedule B the lands are part of a conceptual circle designated as general urban and part of the primary employment area; on Schedule E, they are shown as part of the transitway corridor. Chair Hunter felt the proposed modification was therefore contrary to the ROP.

Committee Chair Hunter pointed out there were three items before the Committee for consideration, the first being Local Official Plan Amendment No. 5 (with 3 modifications), the second the staff recommendation to refuse Minto’s draft plan of subdivision and the third, staff’s appeal of Nepean’s Zoning By-law 71-96 (reference Item 6, Summary of Assigned Functions).

The Committee then heard from the following public delegations:

Rick Chiarelli, Councillor, City of Nepean noted this application went through a number of public information meetings that attracted hundreds of residents from all parts of the CentrepoinTE community. He advised there were significant concerns with any residential development going into this site at all. The proposed plan represents what the community believes is a fair compromise between what it would have liked to see and the Region’s concerns. Mr. Chiarelli expressed concern about the manner in which staff are proposing to redesignate the surplus lands without public notification. He felt the Region should follow the normal process of applying for a redesignation which includes public notification and a public hearing. He said it is was upsetting to him, that the matter could end up at Ontario Municipal Board (OMB), using tax payer’s dollars in an attempt by the Region to overturn a community consensus.

Councillor Munter asked the speaker what the impact on the community would be if there were 80 units developed, as opposed to the proposed 69 units. Mr. Chiarelli advised a completely different housing form would be necessary in order to accommodate 80 units and this would not fit in with the objectives of the community. He noted the community had to be convinced to support the switch from employment area to residential; if it were to become another executive townhome type of development (which Nepean has been criticized for having too many of), then people would not support it at all. Mr. Chiarelli went on to say this type of development would worsen the existing traffic problem in CentrepoinTE.

Jack Stirling, Planning Commissioner, City of Nepean pointed out the City of Nepean has gone through a very comprehensive process with regards to LOPA 5 and the subdivision application, including several public meetings. He advised the Committee that at least seven variations of the Plan of Subdivision were proposed before a solution was arrived at to the satisfaction of the community and the City of Nepean.

Mr. Stirling went on to explain the City of Nepean did not look at this from the broad parameters of the Regional Official Plan, rather this subdivision was designed having regard to the transition of densities and the different types of housing units that could be placed on this site. He explained the problems associated with placing higher density dwelling units along the southern boundary of the site (next to the Pinetrail development) or along the parameters along Tallwood. He noted a design solution could not be arrived at that would introduce a variety of densities on the site; it would have to be either all medium density (which was unacceptable to the Pinetrail community) or all single family which could incorporate some of the concepts of alternative standards. Referring to the open space area incorporated in the plan, Mr. Stirling noted this is a very unique opportunity that Nepean will be looking for in all of its communities as it expands. Nepean envisions this park as a very people oriented, urban park with a very interesting design opportunity that will set this community apart.

The speaker expressed his frustration with respect to Regional staff's comments about Nepean having lost an opportunity to buffer the site with trees. He pointed out if the site had been developed under the Employment Area designation, there would have been an office tower with a parking lot and some buffering around the edges but there would not have been a tree remaining on the site when it was complete. Nepean examined the possibility of saving the trees as a buffer, however it was determined this was not possible because of urban servicing issues and the layout of the trees. Mr. Stirling advised that Minto established an Arbor Day and transplanted trees out of the woodlot into the community, at their cost. As well, Mr. Stirling said he found it offensive that Regional staff would suggest that, if this subdivision were approved, the landowner might use it as a precedent for development of other land it owns in south Nepean, adjacent to the

transitway. Finally, the speaker stated Nepean found it unacceptable the Region would suggest adding a significant parcel of land into the City of Nepean's Official Plan, by way of modification, without going through the public process. Mr. Stirling noted when Regional staff asked Nepean about this in June, they were advised that if the Region wanted to amend the designation of this land they would have to make application and follow the established Official Plan process.

Don Herweyer, Planner, City of Nepean, noted there was no dispute about taking the lands out of the Primary Employment Centre nor was there a dispute that high density is not appropriate in this location; the issue revolves around the question of what is the appropriate density. The City of Nepean is of the opinion that an appropriate development would balance the needs of the community and the needs of the Region with respect to the transitway policies. Mr. Herweyer went on to say concern about integration of this plan of subdivision with the adjacent lands owned by the Region, has been addressed by one of the draft plan conditions imposed by the City of Nepean. The condition stipulates that a roadway connection be provided from the subject land to the lands to the east (the Region's surplus lands).

Dan Paquette, Senior Planner, Minto Developments expressed his discontent with comments made by Mr. McKay, particularly the notion that Minto is not innovative. Mr. Paquette offered that Minto has led the way in the Region with respect to innovation and this plan is the culmination of three years of research with respect to new lot sizes, road dimensions and park space.

Mr. Paquette went on to explain why Minto believes their proposal is reasonable. He referred to his letter to the members of the Committee dated 3 December 1996 (on file with the Regional Clerk), and noted Minto is of the opinion the proposal addresses both Regional and local concerns and is based on considerable input from the community, who overwhelmingly were looking for low-density housing. He stated although the proposed plan is not at the low end of low density, it satisfies the community because it is consistent in form and character with the units adjacent to it. Mr. Paquette stated the proposed plan addresses the conclusion drawn by Regional staff that this property should be developed at a density somewhere in between the density to the north and south. He advised the land to the south is developed at a density of 6.5 units per acre, medium density uses in Centrepointhe range between 11 to 13 units per acre and the proposal is at 8 units per acre. As well, he stated the proposed plan, in Minto's opinion, strikes a balance between the Regional principles of higher density development near the transitway and compatibility and the need to respect the sensitivities of the existing population when affected by infill development. In conclusion, Mr. Paquette stated he felt the parties were not that far apart and saw no need for the matter to be referred to the OMB. He asked for the Committee's support for the applications submitted, as approved by the City of Nepean.

Responding to questions from Councillor Stewart, Mr. McKay stated it would be unusual for a six acre site, with development only to the south and the west, to be classified as infill; infills are usually smaller sites, surrounded by existing communities. He stated that although this issue could be debated, he would argue against it being considered an infill. Councillor Stewart expressed concern with the RDS principle on infill development noting if this is perceived by the development community as infill, the Region could have a problem. Mr. Paquette pointed out the site is in fact 9 acres in area. Mr. McKay confirmed the staff report was incorrect in this regard.

Karen Scott, Vice-President, CentrepoinTE Community Association advised she has been a member of this Community Association for 7 years. She noted when people bought homes in the Pinetrail development it was on the understanding that if a development were to be built on the subject property, there would be a berm of a certain height, and trees would be planted all along the perimeter as a buffer. Ms. Scott noted the trees were a major stumbling block in this matter, however, once Minto explained to the community the many factors that have to be taken into consideration when building near trees (e.g. water tables go down, trees die), the community came around. She commended Minto for the initiative of Arbor Day and for delivering the trees to the residents at their own expense.

Ms. Scott stated she was surprised to learn about the Region's proposed redesignation of its land adjacent to the subject property and said she did not believe the community would support this. She felt the Region should seek the community's approval prior to making any changes to the designation of its surplus land. In conclusion, Ms. Scott said the type of homes Minto is proposing will be very attractive and are accepted by the community.

Councillor Munter asked Ms. Scott to elaborate on the problems the community would face if the number of units were increased above 69. Ms. Scott noted traffic would be a problem but she also pointed out CentrepoinTE has too many townhouses and the residents just do not like them. She also noted the proposed houses will not be as large as those in the adjacent development and will therefore be more affordable.

Councillor Cullen stated although he could understand the staff motivation for Modification No. 3, he felt that following the prescribed process (e.g. public input) was very important and for this reason, he would support an amendment in this regard. With respect to the staff recommendation to refuse this plan of subdivision, he said although the arguments from the City of Nepean and the community were good ones, he felt the principle of promoting public transit to be paramount. He also noted that although he had introduced the notion of compatibility of infill development during consideration of the RDS, the intent was to stop inappropriate development such as apartment buildings in a single family residential community. He pointed out that townhouse complexes currently

exist in Centrepointhe. For these reasons, he stated he would be moving the staff recommendations and asked that there be a separate vote on Modification No. 3.

Councillor Loney felt the Region would be doing a disservice to both the planning process and to the community if this official plan amendment and plan of subdivision were not approved. He said although the process was not perfect, he felt the important issue was to ensure that, in approving this development, the proper and sensible development of the adjacent lands should not be blocked. He noted the adjacent lands will have a very important impact on the units about to be built by Minto as well as the ones already built along Pinetrail and felt it vital that the Region proceed with dealing with the Official Plan Amendments that address the changes to the Region's surplus lands. He agreed the proper process should be followed.

The Councillor urged the Committee to support the amendment and the plan of subdivision. He relayed the community's concerns that there are too many townhouses in the area already and he stated his belief the plan before the Committee, which offers innovative smaller lot single family dwellings, provided the answer to the problem.

At this juncture, Councillor van den Ham put forward the following motions:.

That Planning and Environment Committee recommend that Council:

- a) Approve LOPA 5;
- b) Direct staff to withdraw it's appeal of Nepean's Zoning By-law 71-96 (*reference Item 6*); and
- c) Direct staff to process Draft Plan of Subdivision 06T-96003.

Councillor Munter noted there were two issues to address. The first was the issue of process and he expressed agreement that redesignation of the Region's surplus lands by way of a modification to a local official plan is not the proper process and he could therefore not support this. The second issue relates to the proposed development. The Councillor noted he had attempted to ascertain from the delegations how 11 additional units would impact on the existing community and was advised that traffic and the look/compatibility of townhouses would create problems. With respect to the problem of traffic, the Councillor felt that increasing the number of units from 69 to 80 would not create a traffic catastrophe. Regarding the issue of the look of townhouses and the lack of compatibility, Councillor Munter stated, that as the same developer who built the rest of this community would be constructing this development, he did not believe it unreasonable to expect they would do a good job in building this development. He went on to say he was confident that Minto, who clearly works very closely with the community, could develop an impressive human-scale community and he felt there was no reason to believe the difference of 11 units would affect this. He concluded by saying he would support the staff recommendation, with the exception of Modification No. 3.

Councillor van den Ham expressed agreement with much of what Councillor Loney said. He noted when the topic of discussion is urban sprawl, all of the criticism is against extra cars however, in this instance when the subject is “infill sprawl”; 11 additional units does not matter. The Councillor stated although the proposal does not comply with the specifics of the Regional Official Plan, he could not see the sense in “jamming in” another 11 units just to make it conform to the ROP. This is particularly true when the community is willing to accept the proposal and the developer has proposed this subdivision based on what they feel they can sell and what fits into the community. For these reasons, he asked that the Committee support his motions.

Councillor Stewart felt it unreasonable to put the Region’s taxpayers to the expense of an OMB hearing when only 11 units are at issue. Referring to the recent Governance report and the proposal to consolidate all Local Official Plans under the Region, the Councillor stated one of her concerns is that the Region will be reactive and responsive to communities’ inputs. Clearly, the community likes this development and the Region has no real problem with it in principle; the Councillor therefore expressed her support for it. She noted she was pleased there is agreement to protect the regional right-of-ways, so the surplus lands can be serviced in the future.

Committee Chair Hunter expressed strong disagreement with the views expressed by staff; he felt this was the wrong plan of subdivision “to draw the line in the sand” about conforming with the policies of the ROP. He stated, if the issue is intensification and densification, it does not make sense to fight over 11 units in Centrepoinette, when there are a number of redevelopments in Centretown Ottawa, where the approved zoning permits up to 16 stories of apartments and developers are being allowed to redevelop at 3 stories.

Chair Hunter stated he was amazed to find out staff were proposing to go to the OMB over this particular parcel for a minor increase in the number of units and were basing their arguments on such wording as “encourage”. The Chair also expressed his opinion that Minto would be able to demonstrate absolutely, this plan does have an increased level of housing density and they have therefore conformed to the ROP. He echoed earlier comments concerning the inappropriateness of redesignating the Region’s surplus lands by modification. Chair Hunter felt the draft plan of subdivision should be referred back to the Planning and Development Approvals Commissioner to work with Minto and the City of Nepean to modify the plan of subdivision so that all interests are protected.

Councillor van den Ham confirmed, at Chair Hunter’s request, it was his intent that LOPA 5 be approved as adopted by the City of Nepean and agreed to amend his recommendation to clarify this. He felt the three modifications suggested by staff would reduce what Nepean and the proponent are trying to accomplish. Mr. McKay advised that if the Committee wished to approve the subdivision as proposed by Minto, then there would be

no problem in deleting the three modifications. However, if the Committee is of the opinion this is not an appropriate location for this housing development because of the Regional policies, then he would recommend that the modifications be approved.

The Committee then considered each part of Councillor van den Ham's motion separately.

Moved by R. van den Ham

That Planning and Environment Committee recommend that Council approve Amendment No. 5 to the Official Plan of the City of Nepean, as adopted by the City of Nepean.

CARRIED

YEAS: D. Beamish, B. Hill, P. Hume, G. Hunter, W. Stewart, R. van den Ham....6
NAYS: A. Cullen, A. Munter....2

Moved by R. van den Ham

That Planning and Environment Committee recommend that Council direct staff to withdraw its appeal of Nepean Zoning By-law 71-96.

CARRIED

(A. Cullen and A. Munter
dissented)

With respect to the next motion, Councillor van den Ham clarified at Committee Chair Hunter's request that the intent of his motion was not to approve (necessarily) the Draft Plan of Subdivision as proposed, but to move on with processing it.

Moved by R. van den Ham

That Planning and Environment Committee recommend that Council direct staff to process Draft Plan of Subdivision 06T-96003.

CARRIED

(A. Cullen and A. Munter
dissented)

6. SUMMARY OF ASSIGNED FUNCTIONS
OFFICIAL PLAN AMENDMENTS, SUBDIVISIONS,
CONDOMINIUMS, PART LOT CONTROL BY-LAWS,
ZONING BY-LAWS AND SEVERANCES
- Planning and Development Approvals Commissioner's

report dated 21 Nov 96

The Committee discussed the appeal of Zoning By-law 71-96 as part of the discussion of Item 5, Local Official Plan Amendment 5, City of Nepean (see above).

Moved by R. van den Ham

That Planning and Environment Committee recommend that Council direct staff to withdraw its appeal of Nepean Zoning By-law 71-96.

CARRIED
(A. Cullen and A. Munter
dissented)

The Committee then considered the staff recommendation, as amended.

That Planning and Environment Committee recommend that Council:

1. **Receive this report for information purposes; and**
2. **Direct staff to withdraw its appeal of Nepean Zoning By-law 71-96.**

CARRIED

7. **AMBERLAKES DEVELOPMENT CORPORATION**
ZONING BY-LAW AND OFFICIAL PLAN AMENDMENTS
- Regional Solicitor's report dated 04 Dec 96

Danny Page, Township of Goulbourn noted in the past, Goulbourn had not supported the Phase II proposal of Amberlakes development, largely due to concerns about a locally significant wetland. In anticipation of the impending Ontario Municipal Board (OMB) hearing, Goulbourn retained an independent environmental planner who undertook a review of the development proposal and of the wetland itself.

On December 3, Goulbourn Council considered the findings of the consultant, heard extensive feedback from the public and received an opinion from its legal counsel. Taking all of this into consideration, Goulbourn Council determined it would be appropriate to support Phases I and II, subject to some modifications to the development proposal. These modifications included a provision that the maximum number of units for both Phases I and II would not exceed the development capacity that was previously accorded to Phase I, which Goulbourn determined to be 230 units (the developer was proposing 261 units in Phases I and II). The other modification was that the lake that was being

proposed by the developers not take the form of a lake, but rather take the form of a wetland surrounded by a buffer. With these two principles in mind, Goulbourn Council also supported a series of draft conditions for subdivision approval, which have been conveyed to Regional staff. Mr. Page pointed out that correspondingly, this means that Goulbourn will be before the OMB in January, supporting the proposal subject to the aforementioned modifications.

Mr. Page then pointed out an inconsistency in the staff report on page 68, namely, the last sentence of the second to last paragraph indicates Goulbourn designated the lands as residential when in fact, Goulbourn deferred placing any designation on these lands. He went on to say this is of some consequence because Referral No. 1 also encompasses several properties in addition to the Amberlakes proposal and Goulbourn would be before the OMB arguing that not all of the lands within Referral No. 1 be designated as residential. He suggested that Recommendation 1 of the staff report be amended to clarify it applies only to the lands that are the subject of the Amberlakes application.

In light of Mr. Page's comments, Councillor Hill put forward a motion to amend Recommendation 1 to refer specifically to the Amberlakes lands.

At the Committee's request, Tim Marc, Solicitor, Regional Legal Department, noted Councillor Hill's motion would be consistent with what staff are recommending and they would have no problem with it. The position of Regional Council is that it remains opposed to the Amberlakes Development because the total dwelling unit allocation for this subdivision would cause Stittsville to be in excess of the dwelling unit allocation in the Regional Official Plan (Section 2.2 (5) as implemented by Council in October 1994). He clarified that, with respect to the Amberlakes subdivision, the Region and Goulbourn are now in opposition.

Ken Murchison, Legal Counsel for Woodside, (one of the four developers on the land south of Fernbank) advised that his client considers this to be a reasonable position for the Region to take in honouring the commitment it made to various people; not just the four developers at the draft approval stage, but others who have subdivided land. When Council established this policy (implementing the 6,000 dwelling unit cap on the basis of allocating residential units at the building permit stage), it committed to the four developers at the draft approval stage that they would have access to the available allocation. Problems subsequently arose when Amberlakes tried to amend its plan from the original figure of 131 units in Phase I.

Mr. Murchison expressed surprise at Mr. Page's comments that Goulbourn suddenly has decided to support 230 units in Phases I and II. He pointed out the commitment made by the Region, was confirmed by the Township and at the time it was clear the total unit allocation for Amberlakes was 131 units. The speaker stated the Committee was now

being asked to confirm this commitment and he expressed his client's support for the staff recommendation.

Councillor Hill asked if the problem identified with the number of units would be resolved at the OMB. Mr. Marc explained that the Amberlakes Phase I plan of subdivision consisted of only 131 dwelling units and he understood this was agreed to by all parties at the time Regional Council approved the dwelling unit allocation report. He said he was confident the Region's planning consultant will illustrate this clearly at the OMB hearing.

The Committee then considered Councillor Hill's motion.

Moved by B. Hill

That Recommendation 1 be amended to read: "That the Region request the Ontario Municipal Board approve as residential the lands owned by Amberlakes Development Corporation and referred to the Board pursuant to Referral No. 1 to the Goulbourn Official Plan.

CARRIED

The Committee then considered the staff recommendation as amended.

That Planning and Environment Committee recommend that Council:

- 1. Request the Ontario Municipal Board approve as residential the lands owned by Amberlakes Development Corporation and referred to the Board pursuant to Referral No. 1 to the Goulbourn Official Plan;**
- 2. That the Region request the Ontario Municipal Board amend the proposed Zoning By-law 59/94 to provide for a holding zone which would be lifted once the ultimate dwelling unit allocation for Stittsville in the Regional Official Plan is 8,000 dwelling units;**
- 3. That the Region request the Ontario Municipal Board not approve Goulbourn Official Plan Amendment No. 121.**

CARRIED

- 8.. REGIONAL OFFICIAL PLAN REVIEW - PROPOSED
REGIONAL DEVELOPMENT STRATEGY: SELECT LINK
ANALYSIS AND SOUTHEAST GROWTH ANALYSIS
(Referred to Planning and Environment Committee by Council
at its meeting of 13 Nov 96)
- Planning and Development Approvals Commissioner's report
dated 22 Nov 96
 - Annex A, Select Link Analysis and Annex B, Potential for
Residential Growth in Leitrim issued separately

Councillor Beamish put forward four motions for the Committee's consideration. He noted the first motion deals with the use of the Select Link Analysis (SLA) as one piece of data, to arrive at conclusions on how phasing should occur. The other three motions deal with the allocation of units in the growth areas, as a result of the SLA; he felt they would provide direction to staff as to what Council will expect to see in the Draft Official Plan when it is presented in January.

Councillor Cullen asked for staff comment on these motions. Nick Tunnacliffe, Commissioner, Planning and Development Approvals Department advised the first motion would not create a problem, as the results of the SLA (and other data) would be examined carefully, as a matter of course. Referring to motions 2, 3 and 4, Councillor Cullen noted these deal with the allocation of units and, as this matter was not before the Committee for consideration, he suggested these motions should be considered as Notices of Motion. Mr. Tunnacliffe confirmed these motions encompass matters, staff were proposing to deal with in the Draft Official Plan.

At Committee Chair Hunter's request, Tim Marc, Solicitor, Regional Legal Department, advised that, as motions 2, 3, and 4 deal with matters that have already been considered by Council as part of the Regional Development Strategy (RDS), it would not be order for the Committee to consider them at this time. He noted the appropriate time for these motions to be considered would be when the Draft Regional Official Plan first comes to Planning and Environment Committee for review.

Upon hearing this advise, Chair Hunter ruled Councillor Beamish's motions 2, 3 and 4 out of order.

Councillor Hume asked Mr. Tunnacliffe if staff would be taking into consideration the results of the SLA in the phasing strategy, including increasing the dwelling counts in River Ridge to 3500 and in Leitrim to 1500. Mr. Tunnacliffe replied that all of the information will be looked at (not just the SLA). He pointed out the SLA deals only with the final stage and that phasing actually occurs in between. Councillor Hume stated he was attempting to achieve a "comfort level" that staff would be coming forward with these

numbers in the Official Plan. He asked the Commissioner if he was in support of these recommendations. Mr. Tunnacliffe responded that 1500 units in Leitrim could be supported from a transportation aspect, however there are other issues that must be taken into account such as the fact that Leitrim has the highest costs for water and sewer. With respect to the Gloucester South Urban Community (River Ridge), Mr. Tunnacliffe advised that staff are currently examining this area. He noted if the number of units are increased to 3500 in Phase I, additional transportation capacity will have to be found (an additional link would have to be identified) and this would require additional money.

Councillor van den Ham, noting the first motion was in order, asked Legal staff if it could be amended to capture the essence of Motions 2 and 3 and still be considered in order. He suggested the following wording be added to the first motion, "Be it also resolved that the application of these conclusions would indicate an appropriate number of units in the Gloucester South Urban Community of 3500 and 1500 in Leitrim, in the determination of development priorities". Mr. Marc advised this would not be in order as it merely states the same thing in another way.

At this juncture, Councillor van den Ham challenged the Chair's ruling regarding Councillor Beamish's motions 2, 3 and 4. The Chair was overruled on a vote of 4 Nays and 3 Yeas.

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

Councillor Munter, referring to Table 4 of the Select Link analysis, noted the cost per door is \$12,000 dollars. He asked staff to confirm then, that Motion 4 would translate to a price tag of \$108 million dollars. Brendan Reid, Manager, Transportation Master Plan, noted, if 9,000 additional dwelling units were to be introduced in Nepean South at the year 2021, it would require a substantial amount of additional infrastructure that has not yet come into the costing at this point. As the costing has been based on 27,000 units at 2021, staff would have to arrive at an estimate of the additional infrastructure needed to support these additional 9,000 units and the calculation would have to be redone to work out the unit cost; this could result in a cost of more or less than \$12,000 per unit.

Councillor Munter asked where the 9,000 units would come from. Pamela Sweet, Director, Planning and Infrastructure Policy Division advised the 9,000 units would be in addition to what was approved by Council through the RDS and they would have to come from either another urban area or inside the Greenbelt. She stated she would not recommend this.

Responding to further questions from Councillor Munter, Mr. Reid advised that motions 2 and 3 would not have the effect of adding transportation costs but rather would require that the money be spent sooner (i.e. 2008 rather than 2021).

Councillor van den Ham noted he could not support Motion 4 as it represents an additional 9,000 units however, he indicated he would be supporting motions 1, 2 and 3.

Councillor Hill felt that common sense will prevail at the time these applications come forward. She pointed out the motions stipulate that all of these things are to be done in the context of or subject to, the five year review, the availability of Regional services and the Region's Capital Budget of the day.

Chair Hunter felt the first motion to be sensible as it puts the SLA into perspective and will provide another source of information. He went on to say the other motions fall out of the conclusion that there is another source of information available other than what was presented as part of the RDS.

Referring to recommendation 4, Chair Hunter pointed out that 9,000 additional units would not result in an increase to the boundaries of the Nepean South Urban Community. He suggested this should be viewed as a means of doing a complete and final study for the Nepean South Urban Community at one time. The Chair felt this would be a sensible thing to do and would enable the Region to know what the final form of this community will be so there would be no further expansion of the boundaries into the prime agricultural land that surrounds it. Chair Hunter went on to point out that economies of scale could be realized by allocating the extra units. As well, the allocation of these additional units would provide for a more intensified use of the land. Having said this, Chair Hunter stated he did not feel motions 2, 3 and 4 should be dealt with at this time.

Councillor Cullen, at this point, put forward a motion that motions 2, 3 and 4 be tabled. The Committee then considered the motions put forward.

Moved by D. Beamish

Whereas, the results of the Select Link Analysis apply directly to, and are valid only for the year 2021;

Whereas, the cost differential between the development areas is still within the margin of error of the estimate, and the overall costs for all areas outside the Greenbelt would be relatively equal;

Whereas, the assumptions made regarding how costs are apportioned has been a major influence on these revised costs;

Whereas, differing analytic assumptions, and refinements to the model, would yield dramatically different results;

Whereas, the Transitway cost distribution fundamentally results in Transitway costs which are essentially constant;

Be it resolved that notwithstanding the RDS, the assumptions and conclusions of the supporting documentation (including those of the Select Link Analysis), should be interpreted carefully.

Be it also resolved, that the application of these conclusions in the determination of development priorities should be done in the context of a five year review, the availability of Regional services and the Region's capital budget of the day.

CARRIED

Moved by A. Cullen

That the following motions be tabled:

Whereas the new official plan will be based on development proceeding in the suburban growth areas, subject to a 5 year review, the availability of regional services and the Region's capital budget of the day;

- 1. Be it resolved that the dwelling unit count for Gloucester SUC (River Ridge) be increased to 3500 units, that these proceed in the first part of Phase I.**
- 2. Be it resolved that Leitrim be included in Phase I at 1500 units.**
- 3. Whereas the City of Nepean is in the final stages of completing Secondary Plan Studies for a comprehensively planned community in South Nepean, supported by Master Plan Servicing Studies, master Drainage Studies, Master Transportation Studies and marketing analysis, be it resolved that Nepean be allocated an additional 9000 units in Phase II.**

TABLED

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

RECEIVED

OTHER BUSINESS

Moved by A. Munter

That Council be requested to waive the Rules of Procedure to consider Items 4, 5, 6 and 7 at its meeting of 11 December 1996.

CARRIED

INQUIRIES

Councillor Legendre, referring to a report he had received from the Environment and Transportation Department, noted staff were reacting to an article that had appeared in the 5 Dec 96 Ottawa Citizen regarding radioactive waste seeping into the Ottawa River. He noted the report indicated there was additional information still to come and asked if staff were prepared to provide this information. André Proulx, Director, Water Services Division, advised he was prepared to brief the Councillor or the Committee on the matter, however the response would be quite detailed. Councillor Legendre requested that the update be relayed in writing.

Councillor Legendre took the opportunity to congratulate staff on their thorough and prompt reaction to the situation, noting they had immediately contacted the relevant agencies such as the Atomic Energy Chalk River Laboratories (AECL), the Atomic Energy Control Board (AECB) and Health Canada, to garner the necessary information.

Councillor Munter, noting that the Provincial Government has pulled out of new social housing construction and the Region is selling off land it had once earmarked for this purpose, asked: 1) what is the future of the RMOC Revolving Fund; and 2) how will proceeds from land sales be put towards the goal of increasing the affordable rental housing stock?

Councillor van den Ham asked staff to confirm that, if a landowner wants their land re-evaluated by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA), the request must come from the Region. Pamela Sweet, Director, Planning and Infrastructure Policy Division, advised that OMAFRA will reevaluate land when they are circulated on a planning application (i.e. subdivision) however, re-evaluation on request would be dependent on OMAFRA's work-load. The Councillor indicated he would speak with staff directly on this issue. He then asked staff to provide him with a list of consultants (agrologists) who would re-evaluate the capability of agricultural land.

Councillor Cullen asked if the Committee would be receiving an information report on the new Development Charges Act, 1996 so that Council can take a position and communicate it to the Provincial Government. Ms. Sweet stated that Kent Kirkpatrick, Deputy Treasurer, Finance Department, had indicated his intent to provide an information report on the Development Charges Act, 1996, to Councillors, however she could not say when this would be forthcoming. The Councillor submitted a formal inquiry that staff provide an information report on implications on the RMOC as a result of the new legislation "The Development Charges Act, 1996".

Councillor Cullen noted the Minister of Municipal Affairs had introduced the Tenant Protection Act and one of the things Council had previously expressed concern about, was the proposal dealing with conversions. In this regard, he put forward the following inquiry: That staff provide a report indicating the status of municipal control over rental housing stock conversions as a result of the introduction of the "Tenant Protection Act".

INFORMATION PREVIOUSLY DISTRIBUTED

1. **Councillors Enquiry -
Ontario New Home Warranty Program -
Private Sewage Disposal Systems**
 - Planning and Development Approvals Commissioner's memorandum dated 12 Nov 96

ADJOURNMENT

The meeting adjourned at 6:40 p.m.

*Original signed by
Dawn Whelan*

COMMITTEE COORDINATOR

*Original confirmed by
Gord Hunter*

COMMITTEE CHAIR