

REGION OF OTTAWA-CARLETON  
RÉGION D'OTTAWA-CARLETON

REPORT  
RAPPORT

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Our File/N/Réf. (23) 15-92-0207  
Your File/V/Réf.

DATE 30 April 1999

TO/DEST. Co-ordinator Planning & Environment Committee

FROM/EXP. Planning and Development Approvals Commissioner

SUBJECT/OBJET **ASHCROFT DEVELOPMENT INC.  
CENTRAL PARK SUBDIVISION  
CLYDE/MERIVALE - CITY OF OTTAWA  
REGISTRATION PROCESS - PHASE 2**

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#### **DEPARTMENTAL RECOMMENDATIONS**

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

1. That Regional staff be authorized to register the final plan of subdivision for the balance of subdivision application 06T-92026 (former Regional lands), subject to recommendations 2 and 3;
2. That prior to registration of the final plan for the balance of subdivision application 6T-92026, Regional staff ensure that the Owner satisfies all the requirements specified in the letter dated 24 December 1998 from the Region's Legal Department to the Owner's solicitor, and any other conditions it considers reasonable to impose;
3. That the Regional Subdivision Agreement applying to the final plan intended for registration for the balance of subdivision application 06T-92026 include a requirement that the construction of the Stormwater Management Facility will commence within 30-days of receipt of the Certificate of Approval from the Ministry of the Environment, and that satisfactory progress must be maintained before the Inhibiting Order for any part or parts of the final plan are removed.

## BACKGROUND

The Regional Municipality of Ottawa-Carleton issued draft plan approval to the former RMOC Subdivision on July 22, 1993. Draft plan approval was subsequently extended to 22 July 1999.

On 26 June 97 the Regional Planning and Development Approvals Department approved the registration of Phase 1 of the subdivision; Phase 1 was registered as 4M-970 by the Land Registrar on the same day. One of the conditions stipulated in the Regional Subdivision Agreement was that there would be no further approvals until the Certificate of Approval for the stormwater retention pond had been issued by the Ministry of the Environment.

Due to protracted negotiations with the Region and the City over the design of the stormwater pond, the developer asked for and received permission to register Phase 1B of the subdivision; Phase 1B was registered as 4M-1008 on 4 Aug 98. Prior to the registration of this subdivision Councillor Stewart moved the following motion at Planning and Environment Committee:

**"That no registration of any phase, subsequent to Phase 1B, be permitted until the Stormwater Treatment Pond is built and functioning to the satisfaction of the Regional Municipality of Ottawa-Carleton."**

To give effect to this motion, the Regional Subdivision Agreement for 4M-1008 included the following clauses:

**18. (4) The Owner covenants and agrees to provide the Certificate of Approval from the Ministry of the Environment for the detailed design of the Stormwater Management Facility prior to the registration of any subsequent Plans of Subdivision (Provincial File Number 06T-92026). The Owner further covenants and agrees to ensure that the Stormwater Management Facility is built and functioning, prior to the registration of any subsequent Plan of Subdivision (Provincial file Number 06T-92026), to the satisfaction of the Ministry of Natural Resources, the Rideau Valley Conservation Authority, The Corporation of the City of Ottawa and the Environment and Transportation Commissioner.**

**21. (1) The Owner covenants and agrees to include a clause in all Agreements of Purchase and Sale, advising prospective lot purchasers of a dwelling unit in any subsequent Plan of Subdivision that, until the storm water management pond is constructed and operational, the plan of subdivision cannot be registered, and that prospective purchasers should contact the Environmental Services Department to ascertain the timing of construction.**

The Owner has requested relief from the requirement that no further plan registrations be permitted until the Stormwater Management Facility is built and functioning, and that the necessity of reporting back to Planning and Environment Committee on the matter be removed from the approval process in order to expedite the final registration procedure.

## DISCUSSION

The Regional Planning and Development Approvals Department supports the Owner's request for relief from the above-noted requirement for the following reasons:

- a) The detailed design for the Stormwater Management Facility has now been approved by the Region and the City of Ottawa, and the application for a Certificate of Approval (C of A) was forwarded to the Ministry of Environment. The initial application by the Owner was made on 26 April 1999 (See **Annex A**). The deficiencies have now been addressed and it is anticipated that the C of A will be issued in the next 2-6 weeks, after which the construction of the pond could proceed.
- b) The Owner has provided a Letter of Credit in the amount of \$287,000 (G40006/107872) to the Region, and a Letter of Credit in the amount of \$233,100 (1/3 of \$761,431 specifically set aside for Stormwater Management Pond, as per Item 2 (e) of the City's Subdivision Agreement ref. 515-6606413) to the City of Ottawa; the combined amount of \$520,100 is sufficient to pay for the construction of the pond in the event that the Owner fails to proceed with its construction. To this end, Regional staff are proposing to require the Owner to commence construction of the Stormwater Management Facility within 30-days of the receipt of the C of A from the Ministry of the Environment, after which time the Region and/or the City could proceed to cash the Letters of Credit and construct the facility.
- c) The Owner, the Region, the City and representatives of the Central Park Citizens Group and the Carlington Community Association signed a Letter of Intent (See **Annex B**) which spells out the obligations of the parties in terms of the development review processes, including the requirement for full disclosure and adherence to due process. The signing of the Letter of Intent is regarded as an act of good faith on the part of all parties, and binding on the future actions of all parties with respect to this development.
- d) The delay in making application to the Ministry for the C of A was in large part due to protracted negotiations with the City on i) the need for the pond, ii) the location of the pond and iii) the detailed design and integration of the pond with the parkland.

The Regional Planning and Development Approvals Department can support the Owner's request for relief from the requirement to have the Stormwater Management Facility operational before the next subdivision could be registered, provided good progress is made towards its construction. However, there are still a number of other requirements which must be satisfied before the next plan of subdivision covering Phase 2 (i.e. balance of the former Regional lands) can be registered. Most of these requirements were itemized in a letter dated 24 December 1998 from Mr. Tim Marc to Mr. Paul Webber (See **Annex C**). All of the requirements stipulated in this letter, and any other conditions Regional staff consider reasonable, will have to be met to the satisfaction of the Region before the Phase 2 lands would be registered. This letter also requires the Owner to satisfy all requirements of the City of Ottawa

In addition, Regional staff recommend that an Inhibiting Order be placed over all or most of the Phase 2 area; this Inhibiting Order will be removed for portions of the registered subdivision plan only upon the satisfaction of all requirements of the Region as the development proceeds through the "build-out" process.

## CONCLUSION

The Owner's request for relief from the requirement that the Stormwater Management Facility be operational before any further subdivision registrations take place is considered reasonable, provided good progress is made towards its construction. A process whereby Regional staff would be given the authority to register a final subdivision for the Phase 2 lands without reporting back to Planning and Environment Committee has been outlined in this report. Subsequent to the final registration of the subdivision, the use of an Inhibiting Order is recommended to ensure that any additional conditions required as the "build-out" process proceeds will be met to the satisfaction of the Region and the City. As such, both the Regional and the City's interests are protected.

## CONSULTATION

The City of Ottawa and the Community Associations in this area (Central Park Citizens Group and Carlington Community Association) have been kept informed of the issues involved in this on-going development. A public meeting was held jointly by the City of Ottawa and the Region on April 28, 1999 at the Embassy West Hotel to specifically discuss registration of the Phase 2 subdivision.

## FINANCIAL IMPLICATIONS

There are no immediate financial implications to the Region.

*Approved by*  
*N. Tunnacliffe, MCIP, RPP*

Attach

RH/

## Letter of Intent – Central Park Development

At a meeting held on Monday, April 19, 1999, the undersigned agreed to the following:

1. To support Ashcroft in proceeding with the zoning application that will go to City Council on Wednesday, April 21<sup>st</sup>, and not object to the current application submitted for Phase 2 regarding the 136 3-story townhomes to be built in the south block, subject to the following conditions:

- a) that a full Development Plan/Composite Concept Plan be tabled by Ashcroft to the City and Region, with public review on April 28, 1999. All-party consultation and approval in principle could be achieved within two weeks following (no later than mid-May);
- b) that all processes be followed by all parties for these and future submissions, including full disclosure and public forums;
- c) the stormwater treatment pond be approved and construction started on it, prior to any permits being issued for the above applications. This is to guarantee that the facility is up and running to service Phase 2 and subsequent development.

2. Request that approvals for the development of the former Assaly lands, per the current draft plan of subdivision (Phase One and Two) and applicable zoning applications, not be granted until such time as:

- a) a stormwater treatment facility is completed and operating, or the Regional Conditions for Final Approval include a condition requiring the stormwater treatment facility to be operational prior to final registration of the plan;
- b) the Traffic Impact Study (TIS), with addendum(s) has been reviewed by all parties (preferably a working group) including the options identified (no exclusions as per the draft plan of subdivision);
- c) the public has had full opportunity to review and discuss the draft plan of subdivision, considering the TIS and all applicable options.

We believe that this plan is workable and fair. We also recognize that if all parties work at it, both points 1 and 2 (above) could be outlined and addressed, in large part, at the Public Meeting on April 28<sup>th</sup>. Future plans and milestones will be clearly identified (per the Composite Concept Plan) with desired/required amendments subjected to due course, including publication and consultation.

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David Choo, Ashcroft Homes

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Bruce Cole, Central Park  
Citizens' Group

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John Moser, City of Ottawa

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D. Kardish, for Ashcroft Homes

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Mark Lavinskas, Carlington  
Community Association

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Barry Edgington, RMOC

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Jim Bickford, Ottawa Councillor

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Wendy Stewart, Regional Councillor

**Original Document Executed April 28, 1999**