

MINUTES

PLANNING AND ENVIRONMENT COMMITTEE

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

CHAMPLAIN ROOM

12 JANUARY 1999

3:00 P.M.

PRESENT:

Chair: G. Hunter

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

Regrets: P. Hume and M. Bellemare

CONFIRMATION OF MINUTES

That the Planning and Environment Committee confirm the Minutes of the Meeting of 8 December 98.

CARRIED

PLANNING ITEM

1. LOCAL OFFICIAL PLAN AMENDMENT 22
CITY OF GLOUCESTER

- Planning and Development Approvals Commissioner's report
dated 14 Dec 98

Lesley Paterson, Senior Project Manager, Development Approvals - District 1, Planning and Development Approvals Department, and Joe Vincelli, Manager, Engineering Services Branch, Environment and Transportation Department, provided Committee with an overview of the staff report.

Councillor van den Ham noted excess capacity had been found in the Carlsbad Springs Water System and the City of Gloucester had developed a list priorities for new development connecting to this system. He questioned whether the Region had the right

- Notes:
1. Underlining indicates a new or amended recommendation approved by Committee.
 2. Reports requiring Council consideration will be presented to Council on 27 January 99 in Planning and Environment Committee Report Number 24.

to challenge this list of priorities. Ms. Paterson stated staff are of the opinion, if the uses conform to the Regional Official Plan (ROP) and provided the commitment to the existing lots of record is met, then it is really a local decision. Nick Tunnacliffe, Commissioner, Planning and Development Approvals Department added Regional Council does however, have the authority to modify the amendment if they so choose.

Councillor Legendre had questions concerning the public consultation carried out by the City of Gloucester. Ann Tremblay, Planner, City of Gloucester advised the City met the requirements as set out in the Planning Act, of advertising (in The Citizen and Le Droit) and holding a public meeting (14 July 1998). She acknowledged this was the only formal consultation, as the City felt time was of the essence. Ms. Tremblay explained once the excess capacity for limited development was found in the system, a number of requests for severances were received at one time. To enable the Committee of Adjustment to deal with these applications and to prevent infill lots from being created on an ad hoc basis, the City felt it had to develop, as quickly as possible, some development criteria.

The Councillor asked staff to expand on the third issue (on page 2 of the staff report) concerning residents of Farmer's Way connecting to the system. Mr. Vincelli stated because this is a new technology (the first in the Province), staff have made certain assumptions. Over the next three to five years, the system will be monitored and it will be determined whether or not these assumptions were correct. Mr. Vincelli stated it is staff's belief the monitoring will reveal extra capacity in the system, which could allow additional connections.

Responding to further questions from Councillor Legendre, Ms. Paterson explained the design capacity of the system is 731 connections in Gloucester and 44 in Cumberland. She noted last year, staff counted the existing lots of record; those fronting on the system were committed (regardless of whether they opted to connect or not) and landowners located at the ends of the pipes (for example on a side road) were given the opportunity to connect (but capacity was not committed to them). After all of these connections were accounted for, excess capacity exists for 52 additional connections (49 in Gloucester and 3 in Cumberland).

Referring to Issue 5, Councillor Legendre noted the proponents of a subdivision on Anderson Road are contending their subdivision should not be treated any differently than the proposed retirement home. He questioned whether the Region's position would be defensible at an Ontario Municipal Board (OMB) hearing. Pamela Corrigan, Solicitor, Regional Legal Department, advised the proposed LOPA 22 (including the retirement home) conforms to the Regional Official Plan (ROP). She also pointed out that ROPA 57, specifically states that no development by plan of subdivision would be permitted to connect to the system.

Referring to staff's comment that landowners with property located at the ends of the system were given the opportunity to connect, Councillor Munter questioned if one of these properties were sold at some point in the future, would the new owners be allowed to connect to the system. Mr. Vincelli replied it is hoped through the monitoring program that excess capacity will be found, but he acknowledged the Region would be under no obligation to allow them to connect should there not be sufficient capacity.

Councillor Munter had questions of staff concerning the role of the City of Gloucester. He asked why, when the system is owned and operated by the Region, would the City be responsible for assigning the excess capacity. Ms. Paterson explained the City of Gloucester, in approving LOPA 22, was developing policies in accordance with their land use policies and identifying priorities in their community. She stated the Region has as much input in this instance as in any other land use planning decision. Mr. Vincelli added the Region is prepared to listen to the wishes of the local municipality however, the Region is responsible for ensuring that capacity is not exceeded.

The Councillor then asked Ms. Tremblay to provide the City of Gloucester's rationale for approving the retirement housing. Ms. Tremblay stated the City, through its Municipal Housing Statement had identified a weakness in its provision of seniors housing, in both the urban and rural areas. It was felt with the excess capacity in the water system, seniors could be provided with housing in their community (meeting the demands for aging in place). Ms. Tremblay commented this type of housing in the community would address the needs of more mobile seniors.

Councillor Beamish added that people who have lived their whole life in the rural area and whose families live nearby, do not necessarily want to move to the urban area just so they can access services such as transit. Many want to continue to live in their community and the proposed retirement housing would allow them to do so.

Councillor van den Ham asked Ms. Tremblay if the applicants for the subdivision proposal would be allowed to "reconfigure" their application to sever lots pursuant to the provision allowing rural residential infill development. Ms. Tremblay replied, although there is always the potential for landowners to come in on a "piecemeal" basis to create strip development, the City of Gloucester would try to discourage this approach.

The Committee then heard from the following speakers.

Sean Ketcheson, expressed his satisfaction with the water system, saying it was excellent. Mr. Ketcheson then advised the Committee of the circumstances surrounding his application to sever two lots from his property. He stated he started work on the severance approximately 18 months ago, after being assured there would be sufficient capacity in the system for his infill lots. When he submitted his application to the

Committee of Adjustment he was advised it was premature and should wait for the ROP to be approved by the Province. He said approximately one month before he was to appear before the Committee of Adjustment, City of Gloucester staff indicated their support for Mr. Ketcheson's application however, a few days before his hearing, staff advised him they would not be supporting him. Mr. Ketcheson stated he did receive the severance of two lots conditionally, however, this is now being appealed by City.

Mr. Ketcheson felt this was a very complicated process. He said he supports the priorities set out in LOPA 22 (i.e. the retirement home and the special needs housing) and would not want to take a "unit of water" away from them. However, he said had he not been advised there was sufficient water, he never would have proceeded with the severance.

At Committee's request, Ms. Tremblay advised staff's recommendation to the Committee of Adjustment was that it would be better to wait until the development policies (contained in LOPA 22) were approved before approving severances. Mr. Ketcheson's conditional consent is subject to a number of conditions, two of which are the approval of LOPA 22 and also a redesignation of the property from Agricultural (in the City of Gloucester's Official Plan) to an appropriate land use designation which would be in conformity with the ROP designation of General Rural Area.

Responding to questions from Councillor Beamish, Ms. Tremblay explained once LOPA 22 is approved, the intent is that 20 connections would be in place for the seniors' development (for 10 years) and 5 connections for retirement lots (for 20 years). There have already been 9 connections committed through severance, leaving approximately 15 connections that would be available on a "first come, first serve" basis.

Councillor Beamish had further questions of Ms. Tremblay concerning whether or not these 15 remaining connections would be prioritized and whether Mr. Ketcheson would be on the list. Although Ms. Tremblay could not provide a specific answer, it was her belief the Committee of Adjustment would have established some type of priority list and, by virtue of his application for severance, Mr. Ketcheson would be on that list. Ms. Tremblay went on to explain once LOPA 22 and the LOPA redesignating the property (which Gloucester has already begun work on) are in place, Mr. Ketcheson's severance could proceed, providing of course, he had satisfied the other conditions of his severance.

However, Ms. Tremblay pointed out there could be other severances approved without conditions (i.e. that meet the requirements of the existing Gloucester and Regional Official Plans) that could use up the remaining 15 connections, before the conditions of Mr. Ketcheson's severance are satisfied. Ms. Tremblay stated the fact the Committee of Adjustment is granting severances without having these policies in place, causes Gloucester staff concern (i.e. applications are being granted without knowing whether the cut off has been met or passed in terms of the available connections). She said it would be

staff's preference to see a moratorium on approvals until the policies are in place, however, other than the appeal process, there is no way for the City to prevent the Committee of Adjustment from granting severances.

Ms. Paterson confirmed, at Councillor Munter's request, there was nothing (other than approving LOPA 22) the Region could do for Mr. Ketcheson, as the City of Gloucester is allocating capacity on the water system and it is the City's Official Plan which must be amended to reflect the appropriate land use designation.

Bob Tennant and Leanne McGovern, FoTenn Consultants and Ross Nicholson, the proponent of the retirement residence, appeared before the Committee to express their support for LOPA 22. Mr. Tennant explained Mr. Nicholson is proposing a 60 unit seniors' residence in South Gloucester to be connected to the trickle feed system. The residence will be a blend of care and independent living all under one roof. Mr. Tennant pointed out this application conforms to the ROP designation and if LOPA 22 is approved, the residence would then conform to Gloucester's Official Plan. As well, a zoning by-law to permit this application was made to Gloucester and approved in November 1998, conditional upon LOPA 22 being approved. He noted the appeal period on the zoning by-law had lapsed and no appeals were filed. Mr. Nicholson intends to go forward with the site plan for this seniors complex in the spring.

Mr. Tennant went on to say Mr. Nicholson has spent much time, energy and money in support of this application. Numerous studies were carried out by professionals retained by Mr. Nicholson, including an analysis by Flet Consulting Group, a group of experts in seniors' housing, to determine whether such a residence was necessary and feasible in South Gloucester. This report supports the development and makes recommendations on facilities/services that, given the rural location, should be located in the complex (e.g. library, health facilities, etc.). Mr. Tennant emphasized the report concluded that rural seniors want to continue to live in the rural areas, close to their families, friends, churches, etc. and, while public transportation is important, rural seniors (who tend to drive longer than the norm), want use of their own cars.

In conclusion, Mr. Tennant said the retirement residence has had full and continued support and opined this application and LOPA 22 were good planning. He felt it would meet the needs of the community and the design would be compatible with the neighborhood. He urged the Committee to support LOPA 22.

Responding to questions from Committee Chair Hunter, Mr. Nicholson confirmed, if the facility were not able to connect to the trickle feed system, the retirement residence would not be able to proceed, as the capacity of the aquifer would be insufficient to support such a development.

Doug Gadiant, Solicitor and Suzanne Bourne the proponent of a subdivision located on Anderson Road. Mr. Gadiant felt it was important to point out his clients' land was zoned residential for this type of development prior to the installation of the trickle system. The development was to occur through estate lot development on private services and it is widely recognized this type of development is no longer feasible due to market conditions (relating to lot size) or in this instance due to water quality problems existing in the area. The trickle system was designed to meet an existing problem for those landowners living in the area or owning lots of record at that time.

Mr. Gadiant stated the Bournes have one connection to their lands but this one connection is worthless insofar as a 14 to 25 lot subdivision is concerned. He noted Mr. Nicholson's lands would also have had only one connection prior to the rezoning of his land and would have been limited to the same capacity as the Bournes. Mr. Gadiant went on to say his clients did not have a problem with infill or farm retirement lots as these are the uses the excess capacity were always intended for. He stated there was no real indication the retirement residence was needed in this particular area and noted the provision for farm retirement lots addressed the needs of aging seniors in the area. He felt, however, the Amendment did not speak to other end of system, namely, new families who have grown up in the area and who would like to remain in it. The only options for them would be to purchase a resale property (which would not likely be affordable) or some type of new housing (with rebate programs, i.e. land transfer rebate program and CMHC 95% financing). He felt the needs of both segments should be balanced.

In closing, Mr. Gadiant stated the result of LOPA 22 and the rezoning of Mr. Nicholson lands, is that the City of Gloucester will be subsidizing private development through public fees (i.e. Mr. Nicholson will be paying for one connection but using the water of 20 units). He felt it unfair for a municipality to favour one form of private development over another and he requested his client be afforded the same consideration as the retirement residence.

Ms. Bourne provided Committee with a copy of a letter from Charlotte Greer, the Chairperson of the South Gloucester Community Association (held on file with the Regional Clerk).

Chair Hunter noted LOPA 22 refers to ROPA 57, which states that new development for either farm retirement or rural residential infill purposes must occur by way of severance and provides that no plan of subdivision is permitted to connect to the system in recognition of the system's demonstration project status and related provincial funding provisions. He asked Mr. Gadiant to address these clauses (outside of LOPA 22) that prohibit development by way of subdivision.

Mr. Gadiant noted the system was installed to address an existing problem for those landowners that lived in the area and/or own lots of record at the time the system was

installed. He said it was his understanding the Ministry of the Environment was concerned only that these people were taken care of, beyond that they did not care what happened to the capacity.

Councillor Munter asked the delegation to clarify what he was asking the Committee to do with LOPA 22. Mr. Gadiant replied he would like that portion of the amendment that reserves 20 connections for the retirement residence to be rejected.

Responding to questions from Councillor Munter, Ms. Bourne stated she did participate in community meetings when the system was being proposed. Her solicitor at the time wrote to the Region advising the Bournes' land had development rights and this should be considered when designing the system. The Region wrote back advising the system was not intended for new development. Ms. Bourne said she accepted this until the application for the rezoning for the seniors' residence came to her attention and she felt the rules had been changed at that point.

Ms. Bourne went on to say she was not advised of the public hearings for the Regional Official Plan Amendments for Carlsbad Spring trickle feed water system and therefore was not aware of the provision that subdivisions were prohibited, for this reason they did not appeal the ROPA.

Councillor Beamish asked staff, if the provision that provides for retirement housing in LOPA 22 were deleted, would this advance a subdivision for the Bournes' property? Ms. Paterson offered her opinion it would not, as plans of subdivision are not permitted. It would however, free up additional connections for infill. Ms. Tremblay confirmed this and added another reason the creation of farm retirement lots along the system is being encouraged by Gloucester, is to encourage farmers that are in an agricultural designation to create their lot in this limited development designation where the soils are of a lower class.

Councillor Beamish had further questions of staff concerning the monitoring of the system. Mr. Vincelli stated staff believe within 5 years (from time of commissioning, i.e. two years ago), the monitoring program will reveal any additional capacity (beyond the 49 additional connections). He suggested, depending on the timing for development of this subdivision, the Committee could overturn the decision regarding the prohibition of plans of subdivision following staff's confirmation of excess capacity sufficient for this subdivision.

The Councillor asked if three years of monitoring would not be sufficient. Mr. Proulx replied it could be possible to have data within three years that gives an average use of water consumption in this area, however, he expressed concern the system could be "maxed out" if everyone was requesting water at the same time. The only possible

solution to this would be to reduce the capacity of water flowing into the homes, but this would require alterations to each house. Mr. Vincelli added that currently the existing dwelling units have wells for non-domestic purposes and the trickle feed system for domestic use. He suggested there is the possibility the wells could go dry and the homeowner would then be depending entirely on the trickle system. He opined that to be able to analyse that impact, three years would be too short a period, five years would be more appropriate.

Councillor Beamish asked how the Bournes could advance their subdivision project once it is established that there is sufficient capacity. Ms. Paterson replied, if at that time, there is reason to consider additional development, the policy on subdivisions would have to be revisited.

Committee Chair Hunter noted the City of Gloucester is saying plans of subdivisions are not permitted due in part to Provincial funding conditions. He asked for staff comment on this. Jim Miller, Director, Engineering, Environment and Transportation Department, said funding for this project was specifically provided on the basis it was a demonstration project and when the grant was provided it specified it was not for strip development. Ms. Paterson stated it is now the position of the Ministry that it is the Region's decision as to how the 49 excess capacity is distributed provided it works and does not take away from the original commitment. Chair Hunter questioned how the amendment could be approved when the Provincial funding provisos referred to by Gloucester, no longer apply. Staff noted the provision for no subdivisions was included in ROPA 57.

Councillor van den Ham stated although he supported the motion before Committee, he expressed sympathy for the landowners in the area, such as the proponents of the subdivision. He said he hoped that once excess capacity is confirmed, the prohibition on subdivisions in this area would be lifted.

The Committee then considered the staff recommendation.

That the Planning and Environment Committee recommend that Council approve Official Plan Amendment 22 to the City of Gloucester Official Plan subject to the modification outlined in this report, and that the Regional Clerk issue the 'Notice of Decision' attached as Annex 4.

CARRIED

ENVIRONMENTAL SERVICES ITEM

2. DETAILS ON PROVINCIAL WASTE DIVERSION FUNDING

- Response to Motion No. P&E - 3 (98)
- Environment and Transportation Commissioner's report dated 24 Dec 98

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

- 1. The support, in principal, of the waste diversion organization to be established by the Ministry of the Environment (MOE), and the encouragement of the Minister of the Environment to work towards full product stewardship for municipal blue box programs;**
- 2. The request of the Minister of the Environment to appoint a delegate from the Region of Ottawa-Carleton to the waste diversion organization.**

CARRIED

COUNCILLOR'S ITEM

3. SHADOW RIDGE SUBDIVISION
- Councillor van den Ham's report dated 8 Jan 99

Councillor van den Ham referred to his memo and explained this item was before the Committee because of an impasse between the developer and Regional staff on condition number 23 of the subdivision agreement. Condition 23 states "The owner covenants and agrees to provide backup power for this water sewage system". Staff are insisting on a permanent power backup system to be installed right away; while the developer agrees to provide a backup power system but in a portable manner. The Councillor indicated he would be moving a motion which would provide the developer with 2 years or until 45 units are built to supply backup power in a portable manner.

André Proulx, Director, Water Division, Environment and Transportation Department indicated all of the Region's communal well systems are supplied with an immediate power system, which allows the generator to kick in immediately in the event of a power failure. The reason for this is directly related to health. Mr. Proulx explained the communal water systems do not have elevated storage and when there is a power failure, there is no power to the pump and therefore no pressure. Because of the depth of pipes in the ground, leaks occur in the system. Without constant pressure in the pipes, if there is a leak, any ground water going into the pipes poses a health hazard. For this reason, an immediate backup power system is required.

Councillor Beamish stated it was his understanding the Region would not be responsible for the system until two years after it was working. Joe Vincelli, Manager, Engineering Services Branch, indicated once a system is commissioned, although it remains the property of the developer, the operation and maintenance is done by the Region or its

designated agent. As the operator, the Region would be liable if there was a health problem.

The Committee then heard from Steve Simmering, Simmering & Associates Limited and Don Cardill the owner of Shadow Ridge Subdivision. Mr. Simmering advised this subdivision has been underway for over four years, during which time this issue has been the subject of numerous meetings with Regional staff. He went on to explain the development includes in the design, a facility where portable backup power can be brought in to the water works to provide the power necessary to run the pumps in case of power failure. The system is based on hydromatic storage, such that water is lifted off the ground supply and put in tanks, this provides a significant amount of time between the loss of power and the loss of pressure in the water system. He said for this particular phase, two thousand gallons of pressure storage is proposed which the developer feels is more than adequate to maintain some pressure in the system, given that water usage drops off, when there is a power outage. As well, the system does not have a fire supply which is satisfactory to the township.

The speaker disputed staff's argument concerning the possibility of leaks; noting fusion welded polyethylene pipes for the complete system all the way into the house are used. There is in essence no joint found in the normal urban system where leaks can occur when there is negative pressure. The portable generator can be made available in quite a short period of time (within three hours) and can provide the safety that is required. In addition to this, each home is equipped with a backflow preventer to prevent the flow of water back into the water system, as is required by the plumbing code.

Mr. Simmering pointed out there is a unit of mobile homes in the vicinity of the subdivision which has a communal water system approved in 1997 and there is no backup power system at all, portable or otherwise. As well there is no backup power system in Munster Hamlet, which is a larger and more sophisticated sub-urban development. He felt these examples supported his belief that staff were being overly cautious in this instance.

In conclusion, Mr. Simmering stated the additional cost associated with the permanent backup power, could be the "straw that broke the camel's back" for this subdivision. He felt in the urban area, all of these things are subsidized, while in this instance, the developer is providing all the capital works with no subsidy whatsoever and the homeowners who will live there will provide all the costs of the maintenance and operation for this system. He opined these things are creating an uneven field between urban and rural development.

Councillor Munter asked if there was a legally enforceable way of assigning all liability to the developer in perpetuity. Mr. Vincelli advised this was not possible. Mr. Proulx added legislation requires the Region to be responsible for the operation of the system.

In response to questions from Councillor Munter concerning the Munster Hamlet system, Mr. Vincelli advised it is a different system than the one proposed here. In the case of Munster, there is a low lift and high lift pump. The low lift pump takes water from the aquifer and puts it in the tank and this part does not have backup power. However the high lift pump which brings the water into the houses has backup power.

Councillor Legendre requested staff respond to comments made by Mr. Simmering concerning leaks in the system. Mr. Proulx advised the proposed system is very similar to what was used in Carlsbad Springs (i.e. polyethylene fused pipes). He said because there are valve connections at the property line at every home, there is always a possibility one of these components having a leak. Mr. Proulx stated the proposed system is dependent on too many variables (i.e. duration of the power outage, how quickly they can get the generator up) and because of these variables, he indicated he was not comfortable with what was proposed.

Councillor Legendre then asked staff to comment on the trailer park example provided by Mr. Simmering. Mr. Vincelli indicated a mobile park is a private communal system owned and operated by a private individual. The Region, as the guarantor, would hold a letter of credit and in the event the private owner and operator walks away from his responsibilities, the Region would be able to step in and run the system until a new owner was found. With respect to this project, the Region will be the owner and operator of the system.

Committee Chair Hunter stated it would appear staff are imposing a different set of rules in this instance; not so much because of the health risks but rather because of liability.

Mr. Simmering noted that in designing the system, the developer had regard to Regional guidelines and policies. He pointed out Regional Design Guidelines for Private Systems says in part “a stand by power source satisfactory to the RMOC shall be provided to operate high lift pumps in case of power failure”. The mobile park with 100 units actually exceeds the definition of a private system and they therefore felt there was guidance by past practice.

Referring to the RMOC Communal Servicing Objectives, Mr. Simmering noted a provision sets out if a developer does not provide for the elements listed as backup power, then the developer is to ensure the limitations of the reliability of the system are included in the purchase and sale agreement, are registered on title and are accepted by the private owners. Any statements regarding exceptions which are to be registered on title and included in the sales agreement will be written by the RMOC. The speaker said he had written to the Region requesting to use this clause but staff would not allow this.

At Committee Chair Hunter's request, Mr. Simmering confirmed that at least until permanent and immediate backup power was available, the prospective owners would be signing an acknowledgment that in the case of power failure, there could be a water supply interruption and there could also be some remedial measures (e.g. bleeding the lines or running water for a while to make sure a potable supply is available).

Mr. Proulx commented although this could be a viable alternative, after each power failure, the Region would have to assume the system was "unhealthy" and the entire system would have to be flushed.

Councillor Munter had questions concerning the 100% security required for Regional works. Mr. Vincelli indicated this would be \$600,000.00 for water and waste water distribution and treatment in total. Councillor van den Ham's motion suggests the letter of credit be augmented by the value of the standby power. For example, if the backup power is \$60,000.00, the total letter of credit would be \$660,000.00.

In response to a question from Councillor van den Ham, Mr. Proulx indicated although he could not guarantee 100% that a permanent generator would kick in, he advised there had not been any instances in the last eight years when there was a power interruption and a generator did not start. He said regular maintenance is performed on the generators weekly to ensure they are in good operating order.

Councillor Legendre, noting the houses will sell for between \$100,000 and \$125,000, commented the average cost per house would be \$2,200 (based on the permanent generator costing \$100,000, divided by 45 houses). He suggested this would appear to be a small amount. Mr. Cardill commented that having to put a permanent generator in immediately, would result in the delay of the project for another year.

Responding to further questions from Councillor Legendre, Mr. Cardill indicated he currently has a 20 kW diesel generator on site that would run the water system. He said in the event of a power failure, there is an alarm system built in the pump house. The instant the water goes down an alarm would sound and the generator would immediately be moved from wherever it was on the site, to the pump house. In addition, Mr. Cardill advised he also has an agreement with BNR Equipment Rentals, who could supply them with a generator within in 3 hours. The speaker said eventually, he would like to put in a natural gas generator, to be located in the pump house building. However, as gas is new to Greely it will not be supplied to this location until Phase 2 of the subdivision.

Speaking to his motion, Councillor van den Ham stated it would provide some flexibility to the developer. He felt perhaps staff were being overly cautious in trying to guarantee total assurance for the Region in terms of risk and although he could appreciate their attempts to protect the Region, he felt his motion represented a reasonable compromise.

He felt the issue boiled down to the Region being a little bit flexible on its number one communal service demonstration project.

Councillor van den Ham explained his motion asks for two years or until 45 units are built and occupied (whichever comes first) to allow the developer to get under way. He felt the Region would be sufficiently protected by the conditions in the subdivision agreement and if there is a problem (i.e. too many power interruptions) the Region would have the option and the security, to deem that the portable power supply was not working. He urged the Committee to support his motion.

Chair Hunter suggested a friendly amendment to Councillor van den Ham's motion and the Councillor agreed to add the following to his motion: "subject to notification of purchasers of the potential for service interruption in the case of power failure".

Councillor Legendre asked staff to comment on Councillor van den Ham's motion and whether, in the event the portable system does not work, the Region could step in and insist that a permanent backup system be put in place right away. Mr. Vincelli felt this would have to be added to Councillor van den Ham's motion. Otherwise, staff would have to come back to Committee. He said there were currently no draft conditions in the subdivision agreement that speak to this.

Referring to the second paragraph of page 2 of Tim Marc's report, Councillor Legendre asked staff to expand on the proposal to reduce the amount of security to 75%. Mr. Vincelli said, because of the developer's cash flow problem, staff advised Mr. Cardill the Region would be willing to accept a letter of credit for 75%. Mr. Cardill, however, did not accept this offer as he felt reducing the letter of credit from 100% to 75% would not equal the value of a generator (approximately \$50,000).

Councillor van den Ham clarified his intent was that staff would come back to the Committee and advise if the system was not working. He did not think specific conditions, that would further restrict the developer, should be added to the agreement.

Councillor Munter stated he would be moving a motion directing staff to add any further conditions necessary to protect the Region and limit its liability.

Councillor Legendre then put forward an amendment to Councillor van den Ham's motion to add to the notification clause that a potential danger for water contamination exists, in the event of a power failure.

Councillor van den Ham felt Councillor Legendre's motion was going too far and noted the entire Regional system is subject to contamination yet not everyone in the Region would have this warning registered on title.

Councillor Legendre explained the purpose of his amendment was to focus on staff's main concern, namely, health and not liability. Flagging for the potential homeowners that there is a possibility of power and water interruption, does not flag for them the real concern - contamination.

The Committee then considered the motions before them.

Moved by J. Legendre

That the words "and to the potential for water contamination as a result." be added to the modified van den Ham motion.

LOST

NAYS: D. Beamish, B. Hill, R. van den Ham and G. Hunter....4

YEAS: J. Legendre, A. Munter and W. Stewart....3

Moved by R. van den Ham

Whereas the RMOC will have 100% security including the back-up power supply;

And whereas the assumption of the communal system by the RMOC is conditional upon a minimum two year warranty period and to the satisfaction of the Regional Environment and Transportation Commissioner;

Therefore be it resolved that the Shadow Ridge Estates Communal Services Demonstration Project be allowed portable back-up power during the minimum two year warranty period or until 45 units are built and occupied subject to notification of purchasers of the potential for service interruption in the case of power failure.

CARRIED

YEAS: D. Beamish, B. Hill, G. Hunter, J. Legendre, A. Munter and R. van den Ham6

NAYS: W. Stewart....1

Moved by A Munter

That staff be directed to draft any further conditions that may be required to protect the Region's interest and limit the Region's liability.

CARRIED

YEAS: D. Beamish, G. Hunter, J. Legendre, A. Munter and W. Stewart5
NAYS: B. Hill and R. van den Ham.....2

INFORMATION PREVIOUSLY DISTRIBUTED

1. Ontario Municipal Board Decision - City of Gloucester
Committee of Adjustment Application DP151/B9816 (Applicant: Mr. Gas)
- Acting Regional Solicitor's memorandum dated 1 Dec 98

OTHER BUSINESS

Committee Chair Hunter advised staff of the Environment and Transportation Department would be holding a briefing session on the Water Division's Supervisory Control and Data Acquisition (SCADA) Upgrade Programme on 13 January 99 at 10:00 a.m. in the EMU Boardroom.

ADJOURNMENT

The meeting adjourned at 5:45 p.m.

COMMITTEE COORDINATOR

COMMITTEE CHAIR