
KANATA WEST OWNERS GROUP INC.

**A RESPONSE TO THE AUDITOR GENERAL'S AUDIT
REPORT OF THE CARP RIVER WATERSHED STUDY
AND RELATED PROJECTS**

**PREPARED BY
THE KANATA WEST OWNERS GROUP**

MAY 5, 2008

KANATA WEST OWNERS GROUP INC.

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Mayor O'Brien and Members of Council
Ottawa City Hall
110 Laurier Avenue West
Ottawa, Ontario
K1P 1J1

Dear Mayor O'Brien and Members of City Council:

On April 23, the City of Ottawa's Auditor General (AG) released his report on the Carp River Watershed and Related Projects.

The Kanata West Owners Group (KWOG) feels that many of the findings, and the recommendations flowing from these findings, were based on misconceptions, and in some cases, a lack of understanding for the development process as outlined through provincial legislation.

In order to provide the Members of Council with a counter balance to the Auditor General's report prior to committee debates, KWOG is providing this summary of the land owners' response to each of the 13 recommendations found in the AG's report.

We look forward to participating in the committee discussions and providing Council Members with any additional material or information required. Should you wish to discuss our report in more detail, please do not hesitate to contact me directly.

Respectfully submitted,



Michael Green
Project Manager
Kanata West Owners Group
613-225-1929

Recommendations and KWOG Responses

The following responses to the Auditor General’s Report have been prepared for the Mayor and Members of Council to assist in their committee and council deliberations. Many of the Auditor General’s recommendations do not reflect the existing policies and development framework that are in place for this large and complicated development. Should you require further explanation of KWOG’s position on the various recommendations in the AG report, please contact the project manager, Mike Green at 613-225-1929.

Recommendation 1

That the City develop a policy to preserve flood plains as a flood damage reduction measure.

KWOG Response

Floodplain development such as Kanata West is permitted and KWOG understands an OPA for new Flood Plain Management policies is currently underway.

The “Technical Guide – River and Stream Systems: Flooding Hazard Limit” (MNR 2002) does contain specific provincial criteria for defining flood fringe or flood way areas. It states in Section 2.7 –Two-Zone Concept of the guide: “The extent of the floodway is to be determined based on local watershed conditions, such as critical flood depth and velocity, existing and proposed development and the potential for upstream or downstream impacts. Generally flow depth in excess of 1 m and/or flow velocities above 1 m/s can create significant hazards for development” These factors have been assessed and addressed in the analysis completed.

Recommendation 2

That the City develop a policy for Council approval to apply the Two-Zone Concept only to areas of the City with existing development and not to areas that heretofore are undeveloped.

KWOG Response

One of the main benefits of the application of the Two Zone concept for the KWDA is the restoration of this reach of the Carp River.

Recommendation 3

That the City ensure that the evaluation of the flood fringe for development includes examination of all potential hazards, including slope stability and risk incurred by the City as a consequence of reduced design standards.

KWOG Response

A reduced design standard was not applied to development of lands in Kanata West. Detailed geotechnical assessments have been concluded and further study will be conducted as necessary as development proceeds. KWOG further agrees with management's approach to ask for advice from the third party engineering firm on the appropriate timing within the process for examination of geotechnical hazards.

Recommendation 4

That the City develop a policy for Council approval to not participate in landowners groups, including selling the subject lands or putting them in a blind trust.

KWOG Response

KWOG does not support this recommendation by the AG and agrees with the Management response. Approving this recommendation would limit the City's ability to fulfil programming needs and restrict the City's ability to under take large development initiatives such as Lansdowne Park. It is also important to remember that the establishment of an owners group was an Official Plan requirement. ROPA 9 also cited unprecedented co-operation between industry leaders, developers and local and regional governments to meet the growing needs of the community.

Recommendation 5

a) That the City ensure that the benefit of additional tax revenues should be measured against the costs of preparing the lands for development, including the cost of the land, and the potential liability exposure by permitting development in lands that do not meet the existing municipal standards.

b) That a cost-benefit analysis be carried out with respect to the additional lands gained by applying the Two-Zone Concept.

KWOG Response

Since this recommendation deals with City of Ottawa general policies on tax revenue and cost-benefit analyses, KWOG will not comment on this recommendation.

Recommendation 6

That the City require consultants to discuss in detail the potential impacts of discharging sanitary sewer overflow to the proposed stormwater management pond, including confirming that this procedure is acceptable to the Ministry of the Environment.

KWOG Response

KWOG disagrees with the AG's recommendation and agrees with the Management response that this is an accepted emergency practice and is supported in the City of Ottawa's Sewer Design Guidelines.

Recommendation 7

That the City re-evaluate the total suspended solids removal criteria and requests the developers' engineers to address in qualitative terms the potential effects of the river restoration on sedimentation in downstream reaches.

KWOG Response

KWOG agrees with the recommendation in principle and offers the following comments:

The restoration plan as a whole is intended to transport sediment in the channel, minimize erosion, allow for efficient flow conveyance and natural flow regime, and enhance the aquatic and terrestrial habitats.

The proposed morphology of the Restored Carp River is intended to realize a balance between the erosion and sedimentation processes. Existing adjacent land use is predominantly exposed agriculture. During a rain event, loose material is transported to and deposited along the Carp River reach and contributes to channel sedimentation. Urban development would provide means to control runoff such that erosion of the contributing watershed can be significantly reduced in comparison with the existing conditions.

It is expected that the restoration, in combination with the storm water controls proposed in the development, will not only greatly improve sediment conditions in the downstream reaches, but will also improve overall water quality.

Recommendation 8

That the City ensure that the Restoration Project design provides a quantitative estimate of the volume of sediment that will be transported to downstream reaches as a result of the restoration, including a quantitative evaluation of the sediment transport capacity of the downstream reaches.

KWOG Response

KWOG agrees in principle with this recommendation but supports the assertion by Management's response that the AG's comment about a " cursory examination" of potential sediment impacts does not recognize the ultimate goal of a balance between the erosion and sedimentation processes.

Recommendation 9

That the City require consultants to correct the errors in the hydrology, hydraulics and other parts of the work, resulting from the errors in the drainage area, at no cost to the City.

KWOG Response

The consultants are addressing the error in the drainage area and the impacts on hydrology, hydraulics and other aspects at no charge to the City.

Recommendation 10

That the City require consultants to properly calibrate the runoff model and the hydraulic routing model to represent properly the response of the watershed to the rainfall input, at no cost to the City.

KWOG Response

KWOG does not agree with the AG that calibration needs to be undertaken to move the project forward. All of the necessary modeling work has been undertaken and ongoing monitoring will be carried out as the project is developed over the next 20 years.

Recommendation 11

That the City require consultants to re-evaluate the results of the subsequent analyses and designs, and to modify them as required, at no cost to the City.

KWOG Response

This activity is being undertaken now

Recommendation 12

That the City ensure that consultants not be allowed to work on the same project for the City and for the developers, even if the City is fully aware of the fact. This recommendation applies even if the initial assignment is complete.

KWOG Response

KWOG does not agree with this recommendation. The AG report did not identify any real conflict of interest, only the AG's personal perceptions. The Chair of the Steering Committee was a senior City employee. The firm(s) were selected based on their ability to undertake the identified scope of work and in the case on all City RFP, local knowledge and understanding of the conditions of the area is considered an asset.

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Recommendation 13

That the City ensure that a full evaluation of the risk of proceeding with detailed design on a project that is under review by the MOE based on a Part II Order request be submitted to Council for prior approval.

KWOG Response

KWOG and the City Council understood the risk involved in proceeding to the detailed design phase of the project pending the results of the Part II Order.

Conclusions

The Kanata West Owners Group is committed to designing and building a sustainable community that respects the environment and improves the Carp River. We are committed to fixing the over-stated modeling error and moving forward with a solution. We look forward to the third-party review and will participate fully in this review.

We believe strongly that key observations and recommendations of the AG report are based on a limited understanding of planning procedures, policies and development requirements. The site was the subject of a massive concept plan study directed by the City and subject to Environmental Assessments where the City and Owners were co-proponents and Provincial Agencies had approval authority.

In particular, the AG's recommendation and conclusions concerning the Two-Zone Concept are not correct. The application of this approach does satisfy the Official Plan requirements and all required studies and reports have been completed or in process.

The AG's comments around potential conflict of interest are not based in fact. This development process and the relationships between land owners, consultants and the City have been completely transparent and do not constitute any conflict of interest. The creation and incorporation of the Kanata West Owners Group was undertaken to remove this potential. City Council approved Amendment 13 to the 2003 OP that required the creation of a land owner groups to do these required studies and works. Council went further in passing an OPA specifically for Kanata West to ensure that all owners paid their fair share of costs. Most owners were offered the opportunity to sign the KWOG agreement including the City which is a significant owner and which was represented by RPAM which participated in Owners Groups' meetings to protect the City's interests. No approval staff were involved in the affairs of the Owners Group.

In summary, we intend to continue working closely with the City of Ottawa to promote our project and to discuss—and where appropriate, debate—the recommendations of the Auditor General's report. An open, transparent approach has been used throughout the planning of this project and we intend to continue with this approach through the peer review and into the detailed design phase. A development this important to the Carp River and our community deserves this level of assessment. We look forward to this process with confidence.