

MEMO / NOTE DE SERVICE



To / Destinataire	Mayor O'Brien Members of Council	File/N° de fichier:
From / Expéditeur	John L. Moser Director, Planning Branch Planning, Transit and the Environment	
Subject / Objet	Carp River Audit	Date: May 2, 2008

This memorandum is provided in response to the question of whether the City can postpone processing planning applications within Kanata West until resolution of the Carp River Restoration Environmental Assessment (EA). The City is obliged to process *Planning Act* applications within timelines specified in the Act. Should the City not process planning applications, there is the risk that the failure to process would be appealed to the Ontario Municipal Board (OMB) on the basis of the delay in the City making a decision. Failure to process the planning applications and a resulting decision by the OMB results in much less opportunity for public and agency consultation and input, and as such is not considered to be in the public interest.

Processing a planning application should not be construed as an automatic approval or ability to proceed to construction. In fact, in the case of Kanata West, conditions would be established that would restrict the ability to proceed to construction until it has been satisfactorily demonstrated that there is no adverse impact by proceeding, and that such agencies as may be required have issued clearance to proceed. This is common practice, and should the OMB hear an application, it would be a requirement to demonstrate that there is no adverse impact by proceeding. Regardless, there are areas that cannot proceed until resolution of the Carp River Restoration EA.

The principles upon which the City would respond to planning applications are as follows:

- Lands within the current regulatory flood plain, including lands within the proposed "to be reclaimed" 28 ha of flood plain are frozen until resolution of the Carp River Restoration Works EA.
- Any lands outside of the flood plain needed in order to comply with the Carp River Restoration Works EA, such as ponds, are frozen until resolution of the Carp River Restoration Works EA.
- Should it be determined that the Master Infrastructure Plan could require revisions, those affected lands would be frozen.
- Lands not impacted by the foregoing *may* be permitted to proceed to construction subject to fulfilling the following, consistent with my memorandum dated April 21, 2008.
- Thresholds must be established, to the satisfaction of the City, Mississippi Valley Conservation (MVC) and the Ministry of Environment (MOE) which specify acceptable limits for such things, but not limited to: allowable volumes at key locations, release rates, quality targets, maximum water elevations etc.

- Detailed Planning and Engineering rationale must be submitted and approved by the City, MVC and MOE which clearly outline and demonstrate that the proposed development can proceed without adverse impact to the Carp River Restoration project or existing conditions.
- Incremental monitoring consistent with the Kanata West Implementation Plan must be in place to ensure targets are being achieved.
- Planning conditions will be required when processing applications under the *Planning Act*, which may freeze lands or possibly allow certain unaffected lands to proceed to construction.

The following are sample planning conditions which may be applied to proposed developments:

- 1) The owner shall not commence or cause the commencement of construction of any works, nor shall the City be obligated to issue a commence work notification for any works, or issue any building permits for any lands within the current Carp River Regulatory Flood Plain until the Carp River Restoration EA receives final approval by the Minister of Environment, and only in accordance with said approval. Lands situated within the current Regulatory Flood Plain shall not be Draft Approved and the Draft 4M-Plan shall be revised accordingly. Lands within the current Regulatory Flood Plain shall not be zoned to allow development.
- 2) The owner shall not commence or cause the commencement of construction of any works, nor shall the City be obligated to register the plan, issue a commence work notification for any works, or issue any building permits for any lands not situated within the current Carp River Regulatory Flood Plain until:
 - a) The MOE renders a decision in favour of the Carp River Restoration EA, or
 - b) The MOE issues conditions to be satisfied in order to approve the Carp River Restoration EA and such conditions are met to the satisfaction of the City, MVC and MOE, or
 - c) The results of the City of Ottawa third party review of the Carp River Restoration EA is complete and demonstrates to the satisfaction of the City, MVC and MOE that development can proceed and pursuant to any recommendations of the third party reviewer, or
 - d) The owner submits a Planning and Engineering rationale with detailed supporting engineering and environmental reports, to the satisfaction of the City, MVC and MOE, which clearly outline and demonstrate that the proposed development can proceed without adverse impact to the Carp River Restoration project or existing conditions.
- 3) The owner shall implement a monitoring/implementation program consistent with the Kanata West Implementation Plan and satisfactory to the City, MVC and the MOE and shall submit regular reports of the findings of the monitoring/implementation program to the City, MVC and MOE for review. Should the results of the monitoring/implementation plan not meet approved performance standards, the owner shall halt all construction until the City, MVC and the MOE are satisfied that a solution can be found. The owner shall post securities to guarantee the foregoing.

Should you have any question, please contact me at extension 28869.

John L. Moser

cc: Nancy Schepers, Deputy City Manager

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To / Destinataire	Mayor and Members of Council	File/N° de fichier:
From / Expéditeur	John L. Moser Director, Planning Branch Planning, Transit and the Environment	
Subject / Objet	Status of Applications within Kanata West Lands	Date: April 21, 2008

The purpose of this memorandum is to provide you with an update of my February 8, 2008 memorandum regarding the status of the planning applications with the Kanata West Lands.

Due to the recent information regarding an error in the modeling related to the Environmental Assessment (EA) of the Carp River Flood Plain, it was decided that no development impacted by the EA will occur until the City is satisfied that all risk assessments have been completed. Both Planning Branch and Environmental Sustainability staff are continuing to work on the Carp Environmental Assessment and modeling matter in conjunction with the MOE and representatives of the Kanata West Owners Group.

The City has received 10 plans of subdivision applications with associated Zoning By-law Amendments and Site Plan Control applications. Of the applications received, some relate to lands that are not impacted by the EA for the Carp River Flood Plain, while others are potentially impacted by this EA. For ease of reference, these applications have been categorized in terms of the impact of the EA for the Carp River Flood Plain, and are identified on the attached map.

Applications not impacted by the Carp River Flood Plain EA

The development applications which follow are not, in the opinion of City staff, impacted by the issues surrounding the Carp River Restoration Environment Assessment. For these applications, the City will be requiring confirmation that the stormwater from the development can be dealt with adequately in the event the works identified in the Carp River Restoration Environment Assessment do not proceed. Staff also will require further transportation analysis where it appears that the development may be contingent on road works that may be delayed if the Carp Restoration Environmental Assessment is not approved.

Mattamy Fairwinds Limited Lands

Mattamy has submitted three applications for plans of subdivision, referenced on the attached map as locations 1, 2 and 3. These lands are on the north and south sides of Maple Grove Road in proximity to Huntmar Road, and east of John Wood Street. The Carp River Flood Plain EA does not impact these lands.

Taggart/Loblaws

Taggart/Loblaws has submitted one plan of subdivision application, referenced as location 7. These lands are located west of Didsbury Street, and will be south of the future Campeau Drive extension into the Kanata West Lands. While a portion of these lands is within the Carp River Regulatory Flood Plain, there is no impact as these lands have the appropriate zoning for flood plain lands and commercial lands.

Status: Draft Plan Approved. Detailed engineering drawings have been submitted for the subdivision as well as for a stormwater management facility. When the development proceeds, a portion of the arterial road called Campeau Drive will be required to be constructed under a possible Front Ending arrangement. Talks are continuing with the developer on the terms of this Front Ending and staff will be presenting a report to Council in the near future for approval to enter into the agreement.

A site plan control application has been received within this subdivision.

The above-noted applications will continue to be processed in accordance with the Planning Act and City policies and procedures. Any Zoning By-law Amendment applications will be subject to decision by Committee and Council. Any applications subject to delegated authority will follow the regular process and be forwarded to the Ward Councillor for concurrence.

Applications impacted by the Carp River Flood Plain EA

Minto Development Inc.

Minto Development Inc has submitted one plan of subdivision application (location 6). These lands are located east of Huntmar Road, north of the future extension of Campeau Drive and west of the Carp River. A portion of these lands is within the existing Carp River Regulatory Flood Plain, and any decision on this application will depend on the resolution of the Carp River Flood Plain EA.

Status: Draft Plan Application on hold. Minto has initiated discussions on the possible development of a portion of their land holdings not affected by the Carp River Regulatory Floodplain and may decide to pursue approval for a revised draft plan of subdivision.

Rona

Rona has submitted one plan of subdivision application, referenced as location 8. These lands are located west of Didsbury Street, north of Campeau Drive and east of the Carp River. A portion of these lands is within the existing Carp River Regulatory Flood Plain, and any decisions on this application will depend on the resolution of Carp River Flood Plain EA.

Status: Draft Plan Application on hold

Richcraft

Richcraft has submitted one plan of subdivision application, referenced as location 5. These lands are located south of Maple Grove Road, west of the Carp River, east of the future north-south arterial, and north of Hazeldean Creek. A portion of these lands is within the existing Carp River Regulatory Flood Plain, and any decisions on this application will depend on the resolution of the Carp River Flood Plain EA.

Status: Draft Plan Application appealed to the Ontario Municipal Board.

Trinity

Trinity has submitted one plan of subdivision application, referenced as Location 9. These lands are located west of the Carp River, north of Hazeldean Road, east of the north-south arterial, and south of the Hazeldean Creek. A portion of these lands is within the existing Carp River Regulatory Flood Plain, and a holding zone is proposed in the Zoning By-law for the lands within the floodplain. Any decisions on the development of the lands within the floodplain will depend on the resolution of the Carp River Flood Plain EA.

Status: Draft Plan approved and Zoning Application appealed to the Ontario Municipal Board.

One site plan control application has been received within this plan of subdivision, and any decisions on this application will depend on the resolution of the appeal to the proposed zoning and the Carp River Flood Plain EA. The developer is currently working on the site undertaking pre-loading of the lands where the proposed buildings are to be located. These works do not require any municipal approval to be undertaken.

Finally, it should be noted that there are certain works that can be carried out on lands which are not subject to Planning Act or Building Code Act requirements. These works might include clearing and grubbing, pre-loading, or earth works. In some instances, depending on site specific conditions, permits under other legislation may or may not be required. Regardless, such works are not permitted within the Regulatory Flood Plain without applicable permits or approvals. Furthermore, erosion and sedimentation control plans are standard requirements where earth works are occurring.

If you have any questions or concerns in relation to the applications identified in this memorandum, please contact me at 613 580-2424, ext. 28869.

Original signed by John L. Moser

John L. Moser
JLM/ ps

Attach. Location Map

cc. Kent Kirkpatrick, City Manager
Nancy Schepers, Deputy City Manager, Planning, Transit and the Environment
Rob Mackay

