



City of  
Ville d' **Ottawa**

June 30, 1999

ACS1999-PW-PLN-0021  
(File: OLV1998/004)

Department of Urban Planning and Public  
Works

Ward/Quartier  
OT3 - Southgate

- Planning and Economic Development Committee / Comité de l'urbanisme et de l'expansion économique
- City Council / Conseil municipal

Action/Exécution

### **Subdivision - 1555 -1565 Johnston Road**

### **Lotissement - 1555-1565, chemin Johnston**

### **Recommendation**

That City Council approve the forwarding of the City's position, as contained in Document 1, to be included in the draft approval of subdivision by the Regional Municipality of Ottawa Carleton, for the property known as 1555-1565 Johnston Road.

July 5, 1999 (9:26a)

Edward Robinson  
Commissioner of Urban Planning and Public  
Works

July 6, 1999 (1:17p)

Approved by  
John S. Burke  
Chief Administrative Officer

DJ:dj

Contact: Douglas James - 244-5300 ext. 1-3856

### **Financial Comment**

All costs shall be the responsibility of the owner/applicant. Financial security will be retained by the City Treasurer until advised that all conditions have been met and the security is to be released.

July 2, 1999 (9:39a)

for Mona Monkman  
City Treasurer

BH:cds

## **Executive Report**

### Reasons Behind Recommendation

#### Background of Application

On September 3, 1997, City Council approved a set of conditions for the Regional Municipality of Ottawa Carleton to include in their draft subdivision approval for the subject site. Draft approval for a plan of subdivision was granted by the Region on August 17, 1998. The approval given by the Region was for a plan somewhat different than that considered by City Council the previous September. Furthermore, the conditions imposed by Council were not specifically mentioned within the Region's draft approval, nor could they all be accommodated by the revised plan. When the Department received a copy of the draft approval, certain concerns were raised, such as the location of the park and sidewalks. Consequently, the Department appealed the Region's draft approval on behalf of the City, in an effort to address the issues associated with the revised proposal.

Subsequent to this appeal, the applicant submitted a new application and plan, as per the Region's August 17<sup>th</sup>, 1998 approval. This plan was circulated by the City and this submission contains conditions specific to the plan of subdivision given draft approval by the Regional Municipality. The Department is recommending that these conditions be forwarded to the Regional Municipality for inclusion into the draft approval. Upon their inclusion, the appeal lodged against the subdivision by the City will be withdrawn.

The applicant is proposing to construct on the subject property a residential development consisting of 165 dwellings (80 single detached and 85 townhouses). In addition to the proposed dwellings, areas dedicated for park purposes and a buffer to the Greenboro Turtlehead Nature Area (GTNA) are also being provided. The areas of parkland and buffer are shown on Document 3 and are labelled as such.

#### Decision and Rationale

To the south of the subject property is the Greenboro residential community. The proposed development can be viewed as a natural extension of that residential community, across Johnston Road. The density of development proposed is compatible with that existing in Greenboro and the proposal conforms to the criteria as set out in the Planning Act [Section 52(24)] as well as the City's Subdivision Policy and Official Plan. The latter designates the subject property as Special Study Area, which allows the lands to be rezoned for residential purposes.

The plan of subdivision has three points of access to Johnston Road. The new public road system will contain a "P-loop" with cul-de-sacs, as well as an "S-shaped" road. All proposed units will have access onto a public street with no access being provided directly onto Johnston Road.

The proposed development can be easily serviced by all municipal services, which are of adequate capacity to accommodate the proposed development. As part of the conditions of subdivision approval, the applicant will be required to work with the Department of Urban Planning and Public Works to make improvements to upgrade Johnston Road to meet municipal standards (i.e. curbing, sidewalks, new paving) as well as implement measures to ensure noise from the marshalling yard to the north of the site is mitigated.

A concern raised about the proposed development of the subject property is the effect on the stormwater flow from the property to the GTNA; formerly known as Conroy Swamp. It was determined that a Stormwater Management Plan for the subject property and the lands to the north will be required, as a condition of subdivision approval, to ensure that surface water flow to the GTNA is maintained.

In addition to a stormwater management plan to protect the GTNA, the applicant will be dedicating a strip of land 10 metres wide, along the length of the eastern boundary of the site, to the City. This strip of land, along with a five metre strip adjacent to the east and already dedicated to the City, will act as a buffer between the GTNA and the proposed development. The width of the buffer required to protect the swamp has been determined by the Natural and Open Spaces Study (NOSS) recently completed for the City. With the previous application, Council had directed staff to report back on the appropriate setback from the GTNA.

In addition to the preceding, Council had approved some amendments to the previous plan of subdivision. These included:

- i) implementing all recommendations from the revised Noise Impact Report prepared for this development,
- ii) in addition to the sound attenuation wall, installing a chain link fence along the property line with the railyard,
- iii) changes to the existing drainage pattern affecting the railway property must receive approval from the railway and,
- iv) the reconstruction of Johnston Road must utilize appropriate roadway design practices intended to discourage excessive speed.

Conditions i), iii) and iv) are being implemented through this submission. Conditions ii) is already included in the Regional Draft approval of the subdivision.

### Conditions

The Department is recommending that the conditions in Document 1 be included in the Regional Municipality's subdivision approval, for the reasons listed below:

- 1.1 This condition includes the standard conditions for subdivision approval and results in the inclusion of all engineering conditions and standards and other items for the subdivision agreement.

- 1.2 The subject portion of Johnston Road is presently not constructed to municipal standards and sewers must be constructed under the subject property. As a result, the developer will be required to design and upgrade the services to the satisfaction of the City.
- 1.3 This condition will ensure that the road is constructed to discourage vehicles travelling at excessive speeds.
- 1.4 As part of the subdivision review, it was identified that sidewalks were required in certain areas to ensure safe pedestrian movement within and adjacent to the proposed development.
- 1.5 This condition will ensure that the sidewalks are constructed in a timely manner.
- 1.6 This condition will ensure proper drainage of stormwater from the site and it will also ensure the GTNA can be recharged from this proposed development.
- 1.7 This condition will ensure that the transfer of materials from the site to the surrounding properties, through the process of erosion, are controlled.
- 1.8 This condition will ensure that the integrity of the GTNA is not jeopardized as a result of this development.
- 1.9 This condition will ensure that the developer is able to implement the proposed method to recharge the GTNA on the Canadian National/Canadian Pacific railway lands to the north.
- 1.10 This condition will provide the opportunity for an alternative means to ensure recharge of the GTNA, should the proposal to use the railway lands not be successful.
- 1.11 This condition will ensure that the proposed sanitary sewer flow can be accommodated by the existing City sewers.
- 1.12 This condition will ensure the compatibility between necessary services for homes and the requirement for street trees.
- 1.13 This condition will ensure that a community park is constructed to meet the needs of residents of the proposed development.
- 1.14 This condition will provide for a park setting to meet the needs of the residents and to ensure the privacy of people living adjacent to the park.
- 1.15 This condition will ensure that the park is constructed to City specifications.
- 1.16 This condition will also ensure that the park facilities are constructed to City specifications.

- 1.17 This condition will maintain the quality of the environment of the surrounding community while construction is taking place.
- 1.18 This condition will ensure that future purchasers of the homes in the subdivision are aware of the surrounding land uses, zoning and transportation routes in the area.
- 1.19 This condition will ensure that the recommendations of the noise study are implemented and security is posted to the satisfaction of the City.
- 1.20 This condition will ensure that prospective purchasers are aware of the marshalling yard to the north and what mitigation measures are taking place to accommodate the proposed development.
- 1.21 This condition will ensure that noise mitigation measures have been satisfactorily implemented.
- 1.22 This condition will prohibit direct access to Johnston Road from adjacent homes.
- 1.23 This condition will ensure that the negative effects of processing soil on site are controlled and do not negatively effect the surrounding community.
- 1.24 The provision of a chain link fence will act as a privacy barrier to prohibit direct access to the GTNA, while allowing a view of this natural area.
- 2.0 This condition will ensure that adequate securities are collected for the works to be completed for the proposed development.
- 3.0 This condition is required to provide for a legal agreement between the developer and the City, incorporating all the recommendations and conditions pertaining to the approval of this application.

### **Economic Impact Statement**

Between the year 2000 and 2008, this proposal is expected to net the City approximately \$202,700. It is also estimated that this investment will generate 178 person years of employment over the construction period.

## **Environmental Impact**

A Municipal Environmental Evaluation Report (MEER) was completed for the Plan of Subdivision and Rezoning applications for 1555-1565 Johnston Road. The report identified a number of potential environmental impacts pertaining to: ground water, surface water, Greenboro Turtlehead Nature Area, noise, traffic, and the compatibility of the proposed zoning with the surrounding community. A number of mitigative measures were proposed to address these potential impacts. These mitigation measures are found to be acceptable, however, further details will need to be provided at the Site Plan Control stage of the planning process or prior to the issuance of a Building Permit, to ensure appropriate design and monitoring. Please refer to the MEER on file with the City Clerk for further information.

## **Consultation**

Three responses were received from the posting of the on-site information sign, which contained information about both the subdivision and rezoning applications. The concerns related to issues such as: the appeal to the Ontario Municipal Board regarding the previous proposal, the project's relationship with the marshalling yard to the north, the effect on the services of the existing community and maintaining the integrity of the Greenboro Turtlehead Nature Area, as well as water courses on the property. A response was also obtained from a local community association citing similar concerns.

### **Application Process Timeline Status**

This application was received on October 19, 1998 and was subject to a project management timeline, as recommended by the "A Better Way Task Force Report". A process chart establishing critical milestones was prepared and circulated as part of the technical and early notification process. This application was to proceed to Planning and Economic Development Committee on February 23, 1999. However, the need to resolve issues, such as the location of the park and the need for a revised noise study required that this submission be rescheduled to July 27, 1999.

### **Mandatory Information Exchange**

This application was not subject to the City's new mandatory information exchange, as it was submitted prior to the commencement of this policy. Nevertheless, the local community association was aware of the subject rezoning and subdivision applications prior to their submission.

## **Disposition**

Department of Corporate Services, Statutory Services Branch to notify:

- i) Agent (210 Gladstone Avenue, suite 2000, K2P 0Y6)
- ii) Department of Finance, Revenue Section, Assessment Control Supervisor and,
- iii) Regional Municipality of Ottawa-Carleton, Planning and Development Approvals Department, Development Approvals Division (please include a copy of the City Council approved submission and disposition).

## **List of Supporting Documentation**

- Document 1- City Conditions to add to Regional Approval
- Document 2- Location Map
- Document 3- Proposed Subdivision Map
- Document 4- Municipal Environmental Evaluation Report (on file with the City Clerk)
- Document 5- Compatibility With Public Participation

## Part II - Supporting Documentation

Document 1

### CITY CONDITIONS TO BE ADDED TO REGIONAL SUBDIVISION APPROVAL

The City has no objection to the draft approval of subdivision granted by the Regional Municipality of Ottawa Carleton on August 17, 1998 for 1555-1565 Johnston Road, for the plan listed below, subject to the inclusion of the conditions presented.

“Draft Plan of Subdivision Part of Lot 3 Concession 4 ((Rideau Front), formerly in the Township of Gloucester now in the City of Ottawa, prepared by Annis, O’Sullivan, Vollebeck Ltd. Ontario Land Surveyors for Novatech Engineering Consultants Ltd., dated June 19, 1998, revised to June 3, 1999 and dated received by the City of Ottawa on June 11, 1999, is approved subject to the following conditions:

#### 1.0 SPECIAL CONDITIONS FOR SUBDIVISION APPROVAL

- 1.1 The developer will develop the property in accordance with City of Ottawa subdivision policies except as otherwise amended herein.
- 1.2 The developer will be required to prepare a design report and subsequently undertake construction of local sewers and urban road cross-section, in accordance with City design standards, for the full length of Johnston Road fronting on the properties referenced in the application (1555-1565 Johnston Road). The phasing and provision of securities related to this condition shall be to the satisfaction of the Commissioner of Urban Planning and Public Works in advance of Site Plan Control Approval for the area to be occupied by townhouses or the issuance of a Building Permit for any of the single detached dwellings.
- 1.3 Notwithstanding the design requirement for the urban road cross section in special condition 1.2, construction of Johnston Road, over the full length of property frontage, shall utilize appropriate roadway design practices intended to discourage excessive speed and through traffic while maintaining proper standards for emergency vehicles and transit. The final design shall be subject to a detailed review and approval by the Commissioner of Urban Planning and Public Works and may include, but not be limited to, measures such as a reduced pavement width, narrowing at intersections and pedestrian crossings, and special signage.
- 1.4 The developer will be required to construct sidewalks in accordance with City design standards along the north side of Johnston Road for the frontage of the property owned by the developer as well as along the west side of Street 1, along the north side of Street 2, between Street 1 and the relocated park Block, along the east side of Street 4 and along the west side of Tapiola Crescent, to connect to the existing pedestrian system.



- 1.5 The phasing of these proposed sidewalks shall be to the satisfaction of the Commissioner of Urban Planning and Public Works.
- 1.6 Prior to Site Plan Control approval for any residential blocks or issuance of a Building Permit for any residential lots within the subdivision, the developer will prepare and submit for approval, a detailed design plan of the preferred stormwater concept (Alternative 5) as described in the Municipal Environmental Evaluation Report prepared by Novatech Engineering Consultants Ltd. (October 24, 1996) to the satisfaction of the Commissioner of Urban Planning and Public Works. Details to include, but not be limited to, the following:
- a) Detailed plan and profile of the east-west ditch system which will convey water runoff from lots along the northern perimeter of the subdivision;
  - b) Habitat enhancement and landscaping plan of the east-west drainage ditch conveyance system;
  - c) Description and illustration of the Best Management Practices (BMPs) that will be applied to the rear yards and open space drainage swales and subdrains
  - d) Monitoring program of BMPs and overland flow conveyance ditch;
  - e) Detailed plan and profile of the proposed impermeable clay dikes within the sewer trenches. Any associated monitoring requirements should be stipulated;
  - f) The overall subdivision drainage plan should include sufficient grading information and calculations to show control of the major storm flows within existing or proposed road rights-of-way to City standards of protection from flooding in the 1:100 year event;
  - g) The stormwater runoff coefficient should not exceed 0.65.
- 1.7 Prior to Site Plan Control approval for any residential blocks or issuance of a Building Permit for any residential lots within the subdivision, the developer shall submit for approval an Erosion and Sediment Control Plan to the satisfaction of the Manager of Environmental Management Branch and the Rideau Valley Conservation Authority, appropriate to site conditions and activities (i.e. soil stripping and dewatering) prior to undertaking any site alterations (filling, grading, removal of vegetation, etc.). The approved Erosion and Sediment Control Plan must be implemented during all phases of site preparation and construction in accordance with the current Best Management Practices for Erosion and Sediment Control.

- 1.8 As indicated on the subject draft plan of subdivision, the developer agrees to convey to the satisfaction of the Commissioner of Urban Planning and Public Works, at no cost to the City, a 10-metre setback from the eastern boundary of the subdivision in order to accommodate a buffer for the Greenboro Turtlehead Nature Area and this area shall be shown as Block 8 on the registered Plan.
- 1.9 Prior to the approval of an application for Site Plan Control Approval or the issuance of a Building Permit for any lot within the subdivision, the developer will be required to provide registered joint property use and maintenance agreements from adjacent property owners with regard to proposed off-site grading and ditching. Said agreement shall be to the satisfaction of the Commissioner of Urban Planning and Public Works.
- 1.10 Should the developer not provide registered joint property use and maintenance agreements with adjacent property owners with regard to proposed off-site grading and drainage in accordance with Condition 1.6, then the developer will ensure that the grading and drainage proposed off-site can be accommodated within the subdivision. Demonstration of on-site grading and drainage will be provided prior to the approval of a Site Plan Control Application or the issuance of a Building Permit along Streets 1,2 and 3 and will be to the satisfaction of the Commissioner of Urban Planning and Public Works.
- 1.11 The developer shall ensure that the sanitary sewer flow should not exceed 0.4 litres/sec/ha.
- 1.12 Prior to the signing of the subdivision agreement with the City, a composite utility plan shall be provided to the City for review. This plan shall include all hard and soft landscaping details including building locations, drives, utilities (above and below grade), trees and Johnston Road allowance details.
- 1.13 The developer agrees that the area displayed as parkland on the subject draft plan of subdivision shall be dedicated as parkland to the satisfaction of the Commissioner of Community Services, at no cost to the City, and shall be shown as Block 7 on the registered plan of subdivision.
- 1.14 The developer is required to plan, design and construct all park landscaping and recreational facilities to the satisfaction of the Commissioner of Community Services. These facilities shall be constructed and completed within one year of the issuance of any Building Permits for the development and shall include, but not be limited to, separate school-aged and pre-school-aged play areas; a lighted and paved pedestrian pathway where necessary; solid screen fencing between all residential properties and parkland; chain-link fencing along road frontages; park furnishings; signage; planting and landscaping.

- 1.15 The value of such park and facilities is to be based on a detailed, itemized cost estimate of the development projected to the year of its anticipated implementation, to the satisfaction of the Commissioner of Community Services.
- 1.16 All park landscaping and recreational facilities are to be designed and cost-estimated by a Landscape Architect.
- 1.17 The developer shall undertake the following measures during the construction of any development on any part of the proposed subdivision:
- a) That no parking of construction vehicles including the vehicles of any construction worker will be allowed on any local residential street.
  - b) That the developer shall be responsible for the cleaning, to include scraping and washing of Johnston Road and Albion Road at least once a week, to the satisfaction of the Commissioner of Urban Planning and Public Works.
- 1.18 The developer covenants and agrees that prospective purchasers are to acknowledge in writing in the agreement of purchase and sale of being notified of the following items by the developer:
- a) The location of the purchaser's lot on the registered plan of subdivision.
  - b) The location of the purchaser's unit on the plan showing the lot line and the existing proposed surrounding structures.
  - c) The drainage and topographical plan of subdivision.
  - d) The landscape plan for the area of the subdivision.
  - e) Information, such as brochures and plans explaining the whole development including, but not limited to the location of all future external roads leading to the proposed subdivision, the proposed land uses of all blocks, the proposed road alignment and land uses of the undeveloped areas of the subdivision and the proposed location for future transit routes and stops near the subdivision as well as the fact that further information pertaining the above is available from the City of Ottawa and the Regional Municipality.
  - f) The location of the purchaser's lot and/or block in relation to the surrounding area within 200 metres of the proposed lot and/or block.
  - g) A plan showing the ownership of the blocks and lots of land and proposed roads surrounding each individual proposed residential block and lot.

- h) The City Council and Ontario Municipal Board approved zoning for the plan of subdivision and the surrounding area.
  - i) The location and function of the pedestrian paths and parks in the surrounding area in relation to the purchaser's lot.
  - j) The location, type and size of any utility plant or easement including any hydro electric facility to be located on or near the purchaser's lot.
  - k) That the activities within the City park may be a nuisance to the enjoyment of the outdoor amenity areas for the properties in the vicinity of the City park.
  - l) That despite the inclusion of noise control features within the development area and within the individual dwelling units, the proximity of the subdivision to the CN/CP rail marshalling yards may result in noise levels that may occasionally interfere with some activities of the dwelling occupants.
  - m) That the purchaser whose lot and/or block is adjacent to any sound attenuation fencing is responsible to maintain the integrity of that fence in a good and safe condition, including the replacement and reconstruction of the fence.
- 1.19
- a) The Developer covenants and agrees to implement the conclusions/recommendations in the Revised Noise Impact Study for 1555-1565 Johnston Road prepared by Novatech Engineering Ltd. dated October 28, 1998 to the satisfaction of the Commissioner of Urban Planning and Public Works.
  - b) The Developer covenants and agrees to secure with the City's Legal Branch a Letter of Credit for the cost of the installed noise barrier. Prior to installation of the noise barrier, specifications details for installation, barrier cross sections and its construction are to be provided by the consultant to the satisfaction of the Commissioner of Urban Planning and Public Works.
  - c) The Developer covenants and agrees that the most current version of the RMO Standard for Noise Barriers will be complied with to the satisfaction of the Commissioner of Urban Planning and Public Works.
- 1.20
- The Registered Owner is hereby notified, acknowledges, covenants and agrees to notify all prospective purchasers of the dwelling units noted below of the following warning clauses:

- a) Single units 1-23, 26-38, 46-68, and 75-80 on the approved Subdivision Plan.

Purchasers/tenants are advised that noise levels due to increasing CN/CP rail traffic may continue to be of concern, occasionally interfering with some activities of the dwelling occupants as the sound levels exceed the City of Ottawa and Ministry of Environment and Energy noise criteria. Additional attenuation measures are not proposed.

These dwelling units are fitted with a forced air heating system and the fan, ducts, etc. sized to accommodate the installation of a central air conditioning system. In the event the owner or occupant wishes to install central air conditioning, the outdoor unit shall be located in a noise insensitive location, in conformity with the Zoning By-law 1998. The final installation shall meet the Ministry of Environment and Energy criteria in Publication NPC-216.

- b) Units within Blocks 1,2,3,4,5,6 on the approved Subdivision Plan: Units not adjacent to CN/CP Rail property or shielded by other units.

Purchasers/tenants are advised that noise levels due to increasing CN/CP rail traffic may continue to be of concern, occasionally interfering with some activities of the dwelling occupants as the sound level exceeds the City of Ottawa's and the Ministry of Environment and Energy noise criteria. Additional attenuation measures are not proposed.

These dwelling units are fitted with a forced air heating system and the fan, ducts, etc. sized to accommodate the installation of a central air conditioning system. In the event the owner or occupant wishes to install central air conditioning, the outdoor unit shall be located in a noise insensitive location, in conformity with the Zoning By-law 1998. The final installation shall meet the Ministry of Environment and Energy criteria in Publication NPC-216.

- c) Single Units 69-74 on the approved Subdivision Plan.

Purchasers/Tenants are advised that noise levels due to increasing CN/CP rail traffic may continue to be of concern, occasionally interfering with some activities of the dwelling occupants as the sound level exceeds the City of Ottawa's and the Ministry of Environment and Energy noise criteria. Additional attenuation measures are not proposed.

These dwelling units shall be supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City of Ottawa's and the Ministry of Environment's noise criteria. The outdoor unit shall be located in a noise insensitive location, in conformity with the Zoning By-law 1998. The final installation shall meet the Ministry of Environment and Energy criteria in Publication NPC-216.

- d) Single Units 24, 25, 39-45 and units adjacent to CN/CP Rail within Blocks 1, 2, 5 and 6 on the approved Subdivision Plan: Backing onto CN/CP Rail Property (Noise Barrier).

Purchasers/Tenants area advised that despite the inclusion of noise control features in this development and within this building unit, noise levels from increasing CN/CP rail will continue to be of concern, occasionally interfering with some activities of the dwelling occupants as the sound level exceeds the City of Ottawa's and the Ministry of Environment and Energy noise criteria. Additional attenuation measures are not proposed.

These dwelling units are fitted with a forced air heating system and the fan, ducts, etc. sized to accommodate the installation of a central air conditioning system. In the event the owner or occupant wishes to install central air conditioning, the outdoor unit shall be located in a noise insensitive location, in conformity with the Zoning By-law 1998. The final installation shall meet the Ministry of Environment and Energy criteria in Publication NPC-216.

These dwelling units have been supplied with a central airconditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City of Ottawa's and the Ministry of Environment's noise criteria.

The Registered Owners shall be responsible to maintain the integrity of the noise barrier which is illustrated on the approved Subdivision Plan in a good and safe condition, which maintenance shall include the replacement or reconstruction of the barrier as required.

- 1.21 Prior to the issuance of a building permit for single units 24, 25, 39-45, 64-74, the Developer shall submit building drawings of the required noise control measures as referred to in the Revised Noise Impact Report (Novatech Engineering, October 28, 1998) certified by an Acoustical Consultant as being in conformance with the recommendations of the Noise Impact Report, to the satisfaction of the Commission of Urban Planning and Public Works.
- 1.22 A 30- centimetre reserve shall be required along the Johnston Road right-of-way to prevent rear or side yard vehicle access for those residents whose property abuts Johnston Road.
- 1.23 The Registered Owners shall submit a report clearly describing the purpose, rationale, operational procedures, potential impacts, mitigation measures and monitoring associated with the peat moss processing proposed within the subject property, to the satisfaction of the Commissioner of Urban Planning and Public Works.

- 1.24 The developer shall construct a black vinyl coated chain link fence to a height of 1.5 metres along the eastern boundary of the subject property.

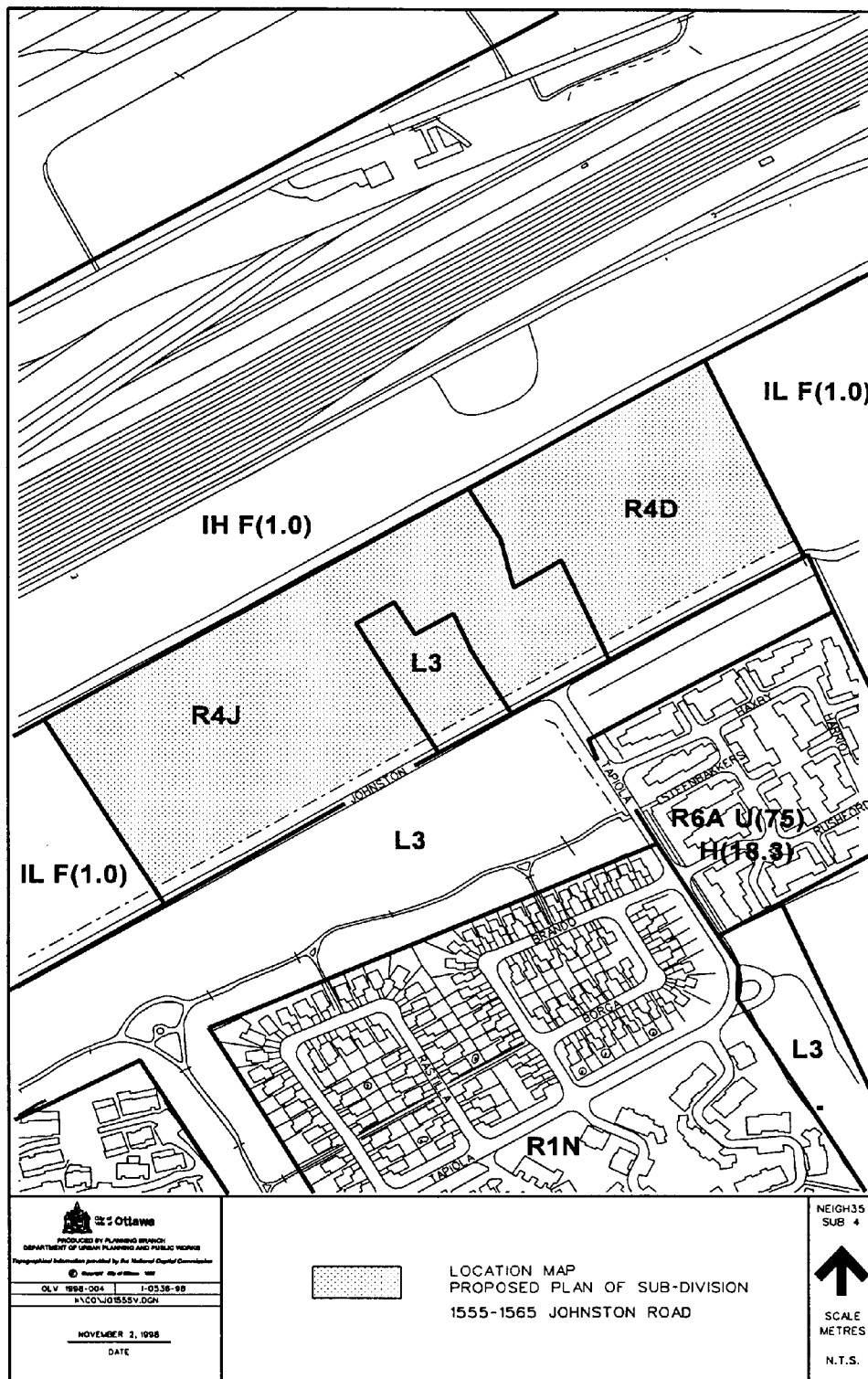
2.0 FINANCIAL SECURITY FOR SUBDIVISION APPROVAL

The following requirements shall apply regarding the provision of Financial Security for the subject subdivision:

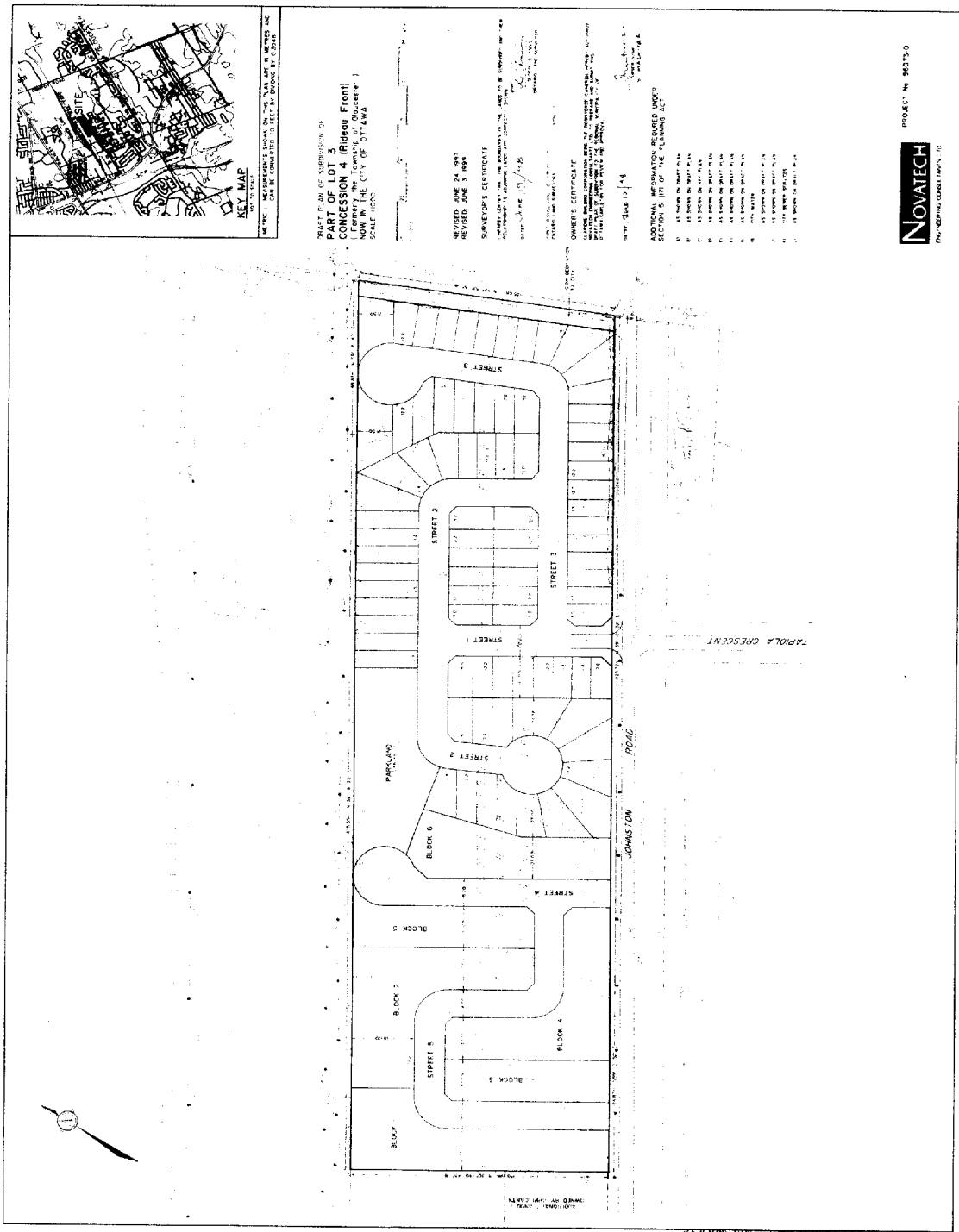
- 2.1 That the requirement and schedules for street trees and financial security requirements as per condition 1.1 shall not apply where Site Plan Control approvals apply.
- 2.2 That Financial Security for the amount of 100 percent of the action and works required in recommendations 1.1, 1.2, 1.4, 1.14, 1.19 and 1.24 shall be filed by the developer with the City Solicitor prior to the execution of the Subdivision Agreement by the Corporation.

3.0 AGREEMENT FOR SUBDIVISION APPROVAL

- 3.1 The Registered Owner shall sign a subdivision agreement with the City of Ottawa with respect to all matters contained in Conditions 1 and 2 above.







NOTIFICATION AND CONSULTATION PROCESS

Notification and consultation were carried out in accordance with the Early Notification Procedure P&D\PPP\N&C #1 approved by City Council for subdivision applications. The on-site information signs placed on the property were joint signs for both the rezoning and subdivision applications.

SUMMARY OF PUBLIC INPUT

Three responses were received from the posting of the on-site information signs, which contained information about both the subdivision and rezoning applications. Their concerns related to issues such as: the appeal to the Ontario Municipal Board regarding the previous proposal, the project's relationship with the marshalling yard to the north, the effect on existing community services, and maintaining the integrity of the Greenboro Turtlehead Nature Area as well as watercourses on the property. A response was also obtained from a local community association citing similar concerns.

Concerns From the Posting of the On-site Sign

1. Consideration of the proposed subdivision should be deferred until the outcome of the appeal of the rezoning amendment before the Ontario Municipal Board.
2. The developer must incorporate the one lot setback previously imposed by City Council, into the proposed plan of subdivision.
3. I disapprove of planning staff's position that the developer does not have to comply with providing the one lot setback, because the setback is zoned residential. This smacks of favouritism to the developer, is inappropriate and discourages the general public from participating in the planning process.
4. Why not have a one-lot depth setback that is a conservation easement.
5. I am pleased that the draft plan of subdivision appears to incorporate the provisions of an agreement worked out with a member of the community. A 10-metres buffer on the north might make living there more tolerable, but a 10-metre setback along the east is not an adequate buffer from the swamp.
6. There should be no cul-de-sacs. There could be hazardous materials on cars in the yard. There could be leaks and explosions. The site has to be planned for easy evacuation. Furthermore, the Region's Official Plan states that cul-de-sacs should be minimized.

7. The proposed streets do not provide adequate on-street parking.
8. The park as proposed, will only serve half the households in the community. The park should be connected to the greenway system to the south by some sort of path.
9. This subdivision should be laid out so as to protect the existing watercourses on the site. Preserving these creeks would make this a much more inviting place to live.
10. The circulation sent to Community Groups did not contain a large map showing the plan of subdivision.
11. I am not aware of any conditions of subdivision being circulated for public comment. We have not had the opportunity to comment on any conditions that are being imposed on by the developer.
12. There should be a sidewalk along the entire south end of the property and connect with the existing pathway system in the Greenboro Area.

#### Response to Concerns From Posting of the On-Site Sign

1. The developer has revised his application for development of the subject property. This revised application is to replace the previous proposal, which has been appealed to the Ontario Municipal Board. Revisions to a proposal are not uncommon, especially when it attempts to resolve outstanding issues. This revised amendment was fostered by negotiations with an appellant to the previous proposal. Nevertheless, it is unlikely the Ontario Municipal Board would entertain the possibility of having a hearing on the previous proposal, given the subject revisions.
2. During City Council's discussions for the previous development proposal, it was determined that staff would report back to Council on the recommended setback from the GTNA. It was also determined that the conclusions of the NOSS would specify the setback recommendations. The NOSS requires a buffer from the GTNA of 15 metres. The Department is recommending that 10 metres of the subject site along the eastern boundary of property be deeded to the City. The remaining five metres is outside the boundary of this site and has already been deeded to the City. Given the evidence from the NOSS, imposition of a larger setback does not seem reasonable and would be difficult to substantiate at the OMB. The setback necessitated by the NOSS will be zoned Environmentally Sensitive Area.
3. Recommendations to Council are made on sound planning principles, not on favouritism. By recommending a 10 metre setback from the subject property based on the findings of the NOSS, the Department is following the direction of Council.

4. As mentioned, the requirement of a one-lot depth (approximately 30 metres) from the GTNA is not required to maintain the integrity of this area. As part of the complementary rezoning submission, the Department is recommending that this land be rezoned to Environmentally Sensitive Area. As part of this submission, there is a recommendation requiring that the applicant deed this area to the City. Previous experience with conservation easements have raised concerns about this method's ability to actually protect that feature.
5. The requirement for a 10-metre setback along the northern boundary of the property has been accommodated within the Regional draft approval of the Plan of Subdivision. The developer has agreed to abide by this condition of draft approval. As mentioned above, the setback from the GTNA is 15 metres, 10 of which will be provided from the subject site.
6. Proposed cul-de-sacs are not expected to create any access and egress hazards for the community.
7. It is the Department's position that there is adequate parking on-street to meet the needs of the development.
8. The park for this proposed community has been relocated to a more central position. As part of the special conditions for the subdivision, the developer will be required to construct sidewalks which link to the existing pathway system.
9. The storm water management system proposed will preserve the existing watercourses on site. The ditch to the north will be relocated and the ditch to the east will be deeded to the City. The effect will be to maintain the current level of surface water flow to the GTNA.
10. A large map of a proposed subdivision is not included in the circulation to concerned community groups. However, at the request of the South Keys/Greenboro Community Association one was promptly provided to them.
11. The conditions of subdivision are not determined at the time of circulation. The notification informs Community Associations of an application. Comments are received and draft conditions are prepared. These conditions are circulated to everyone who commented on the early notification.
12. As a condition of subdivision, the Department is recommending that a sidewalk be constructed along Johnston Road, for the length of the subject property, as well as along Tapiola Crescent, to connect with the existing Greenway system.

### Councillor's Comments

Councillor Deans provided the following comments:

1. The outcome of the Ontario Municipal Board decision on the two 1555-1565 Johnston Road appeals (for rezoning and subdivision applications), should be applied to this new, combined rezoning and subdivision application. At this time, an O.M.B. hearing date for the first application under appeal has not been set.
2. The subdivision plan does not allow internal road, or path access from the west end of the site to the parkland. Could a road link, or pedestrian pathway be incorporated in the plan?
3. The proposed 10-metre setback, located in the backyards of the easterly lots, is not sufficient to allow for groundwater runoff to the Greenboro Turtlehead Nature Area (formerly known as the Conroy Swamp). The setback should be increased.
4. The setback, as noted in point 3, should not be deeded to private homeowners. It is inappropriate that an environmentally sensitive area be in private ownership. The setback should be in public ownership, deeded to the City of Ottawa and rezoned appropriately to reflect its environmentally sensitive status.
5. A warning clause should be incorporated in the purchase agreements notifying residents they are adjacent to a railway marshalling yard.
6. Please ensure that a sound attenuation fence has been included on the west and north boundaries of the site.

### Response to Comments From Councillor Deans

1. As mentioned above, these revised zoning and subdivision applications replace the previous applications. Consequently, it is unlikely that the OMB will have a hearing on the previous proposal. If this application is approved by City Council, citizens and agencies will have the opportunity to appeal this decision to the Ontario Municipal Board.
2. Through negotiations with the City, the developer has agreed to relocate the park to a more central location. The revised location for the park will better serve the entire development.
3. The NOSS requires a setback from the GTNA of 10-metres to ensure the integrity of the GTNA. The on-site stormwater management system for the property will be designed to capture water from across the site, not just in the 10-metre setback from the GTNA.
4. As stated in this submission, the proposed setback from the GTNA will be deeded to the City.

5. The draft approval of subdivision granted by the Regional Municipality contains a clause notifying residents that they are adjacent to a marshalling yard. Furthermore, the City's conditions to the Region contain a clause indicating that the rail yard may cause a nuisance to the use of outdoor amenity areas.
6. The revised noise report prepared by Novatech Engineering has indicated a need to construct a sound attenuation fence along the northern boundary of the property only. As part of the draft subdivision approval, the Regional Municipality has added a requirement for a privacy fence along the western boundary of the property.

#### South Keys/Greenboro Community Association

The South Keys/Greenboro Community Association provided a nine page response to the early notification circulation they received. They indicated that they did not agree with parts of the proposal. A summary of their response is presented below. The complete document is on file with the City Clerk for review.

1. **Future of Plan of Subdivision Should be Contingent on Outcome of Appeal of 1997 Rezoning of Property.** We feel that people who buy these homes will become disenchanted with their choice and complain to the City or the Region. The appeal to the Ontario Municipal Board (OMB) by the Canadian National Railway will determine the future zoning. We submit comments to this subdivision in the event that residential zoning is approved by the OMB.
2. **Inclusion of Warnings by CN and CP in all Agreements of Purchase and Sale or Lease of Buildings Should be Made a Condition of Subdivision.** In 1997, City Council voted against this. We are concerned about the quality of life and want to promote means to help people make the wisest choices possible. We also recommend that this be included in any agreement to build on the land, should it be zoned light industrial.
3. **Additional Warning.** We recommend that there also be a warning about diesel engine exhaust. We recommend this as some people are quite sensitive to odours. Even perfume causes health problems.
4. **Some Aspects of Plan of Subdivision Superior to Previous Plan.** We favour the reduced number of homes and the proposed ratio of townhouses to single detached dwellings (even more single detached dwellings would be better).
5. **Access to Park Not Socially Equitable.** The subdivision is separated into two areas, singles and townhouses. Only Johnston Road connects these areas. The proposed park serves only the area designated for singles. We recommend that a street or pathway connection be made so that the potential for social inequities is not fostered.

6. **Layout of Streets Needs to be Carefully Considered. Opinions of Experts in Accidents Involving Fires, Explosions and Spills of Hazardous Materials; of Experts in Emergency Preparedness; and of Railway Experts Should be Sought Concerning Street Layout.** Some of the community are satisfied with the street layout and point out that hazardous materials are transported along highways all the time. Others are concerned about the cul-de-sac nature of the streets close to an area where there may be hazardous materials. Lack of alternative routes could impede efficient evacuation. We recommend that the opinion of experts who might be involved be sought.
7. **Preservation of Watercourses.** The Natural and Open Spaces Study (NOSS) recommends the protection of all watercourses. The watercourses that run across the property should be protected in accordance with the NOSS.
8. **Setback Greater Than 10 Metres Recommended for Eastern Edge of Property. Plans Lack Council-Approved Undeveloped Setback from Conroy Swamp Area.** We want the swamp area to be adequately protected and for there to be no chance of it to be polluted from backyard runoff from the subdivision. We recommend an undeveloped setback of one lot deep as approved by Council in 1997.

We are not convinced that an undeveloped setback could not be residentially zoned. Couldn't the setback be called a park? Also, couldn't a conservation easement be applied.

9. **Stormwater Management. Maintaining Adequate, Unpolluted Flows into the Swamp Area. Measuring Pollutant Substances.** We are concerned that the removal of peat from the site, the digging of foundations and the laying of sewers and utilities will disrupt the proper flow of water from this property into the swamp area.  
  
We are also concerned about the types and amounts of hazardous materials that will be allowed to leave the site and run into the adjacent swamp. We recommend that the Environmental Management Branch determine these with the aid of the Environmental Advisory Committee.
10. **Conservation Easement.** If a conservation easement is approved by City Council, we recommend that the list of things that cannot be done within the easement area include the application of fertilizers as well as herbicides and insecticides.
11. **Integration with Existing Community.** We recommend two or three north-south pathways or sidewalks to connect to the southern edge of the east-west pathway to the south of Johnston Road. This will better integrate the proposal to the community.
12. **Links to Park Needed.** The park should be linked to the existing pathway system in Greenboro.
13. **Sidewalk.** There should be a sidewalk or pathway along the north side of Johnston Road.
14. **On-Street Parking.** We are concerned that there will not be enough space for on-street parking at the end of the cul-de-sac streets.

15. **Johnston Road Improvements.** The improvement of Johnston Road from Albion Road to the Hunt Club Enclave subdivision should be required as a condition of subdivision.
16. **Planned Development.** Development of the entire area should proceed in a well planned manner. We recommend that the development of this subdivision not proceed more rapidly than construction of Johnston Road from this subdivision to the adjoining Hunt Club Enclave. Without this, travelling to schools on Lorry Greenberg Drive will be done in a round-about way.
17. **Public Participation.** A draft plan of subdivision did not accompany the letter inviting comments from the Community Association. Procedures and policies of the planning process that make it difficult for the public to participate must change.

### Questions

1. What are the advantages and disadvantages of calling the Council approved, residentially -zoned, undeveloped setback a park in an R3 (this application) or R4 (approved in 1997) zone and leaving that park undeveloped.
2. Has the Hazardous Materials Response Unit, referred to in the letter from the Fire Chief Gary Richardson to Councillor Deans, been requested to submit an opinion about the draft plan of subdivision?
3. What is the opinion of the Fire Department concerning the draft plan of subdivision?
4. Have any agencies or experts concerned with hazardous materials and/or risk management been invited to comment on the draft plan of subdivision and on the concept of locating a residential subdivision next to an operating rail yard? If so, what is their opinion?
5. Have any emergency preparedness agencies been invited to comment on the draft plan of subdivision or on the concept of locating a residential subdivision next to an operating rail yard? If so, what was their opinion?
6. Have any experts in the health effects of noise been invited to comment on the draft plan of subdivision or on the concept of locating a residential subdivision or on the concept of locating a residential subdivision next to an operating rail yard. If so, what was their opinion?
7. Have any health experts of any kind been invited to comment on the draft plan of subdivision or on the concept of locating a residential subdivision next to an operating rail yard. If so, what was their opinion.
8. Have any experts in pollutants in urban runoff been invited to comment on the draft plan of subdivision or on the concept of locating a residential subdivision next to an environmentally sensitive swamp area? If so what was their opinion?



9. What is the proposed stormwater management plan for this subdivision?
10. What are the anticipated pollutants in the runoff from the proposed subdivision?
11. Will any of these substances be entering the swamp area?
12. Will the removal of peat from the site have any effect on the swamp area?
13. How will the water supply to the swamp be maintained?

Response to Concerns From the South Keys/Greenboro Community Association

1. As stated, this proposal replaces the one previously heard by City Council and appealed to the OMB. This is not uncommon and those who are interested will have the opportunity to appeal the new proposal.
2. The Department is recommending that residents be notified in their agreement of purchase and sale that the activities of the marshalling yard may be a nuisance to their outdoor amenity area.
3. Given the distance of the proposed development from the actual parked engines, diesel fumes are not expected to be a concern.
4. The proposed zoning allows the applicant the opportunity to construct single detached dwellings, as opposed to town houses.
5. The park proposed for this development has been relocated to a central location.
6. Cul-de-sacs in the proposed subdivision are not expected to create any safety concerns for the community.
7. As stated, the proposed stormwater management plan will preserve the existing watercourses on site. The effect will be to maintain the current level of surface water flow to the GTNA.
8. In accordance with the NOSS, the Department is recommending a setback of 15 metres from the GTNA, 10 of which will be from the subject site. This submission recommends this area be deeded to the City and zoned Environmentally Sensitive Area. It is not recommended that this area be zoned residential. While the subject lands will be owned by the City, a residential zoning allows more uses than just a park. It would be appropriate to zone the lands in accordance with its function, Environmentally Sensitive Area.
9. The major flow of water from the site to the GNTA is from surface water. The development of this site must ensure that stormwater continues to flow to the GNTA. A condition to ensure this has been included in this submission.

- During construction, the developer will have to abide by a sediment erosion control plan, to minimize the solid materials leaving the site and travelling to the GNTA. The provision for this has been included as a condition in this submission. After construction, the amount of material leaving the yards of the homes is considered to be minimal and is not expected to have any significant impact on the GNTA.
10. As the buffer to the GTNA will be deeded to the City, a conservation easement is not required. The amount of herbicides and pesticides leaving the yards of people and entering the GTNA is considered negligible and is not expected to have a negative effect on the GTNA.
  11. The developer will be providing a sidewalk along the Johnston Road frontage of the proposed development, as well as along the Tapiola Crescent, to link up with the existing pedestrian path system. The developer will also be providing sidewalks internal to the proposed development.
  12. The proposed sidewalks will link the proposed development to the existing pathway system.
  13. Answered in Number 11.
  14. It is anticipated by the Department that there will be sufficient on-street parking at the end of cul-de-sacs.
  15. The applicant will be required as a condition of subdivision, to improve the portion of Johnston Road adjacent to the proposal. The extension and construction of Johnston Road to the Hunt Club Enclave development is a condition of that subdivision approval.
  16. A traffic analysis for this proposal has not recommended delaying construction of this proposal until Johnston Road is extended to the east, to adjoin the Hunt Club Enclave subdivision.
  17. A large map of a proposed subdivision is not included in the circulation to concerned community groups. However, at the request of the South Keys/Greenboro Community Association one was promptly provided to them.

#### Answers to Questions

1. This question relates to the previous proposal. Nevertheless, if a piece of property is zoned residential, that zoning will allow a range of uses, not just a park. In 1997, there was a reluctance by Council to purchase the buffer between the GTNA as well as rezone it to conservation. If the land is to remain in the ownership of the developer and the zoning allows many uses, any one of those uses could be allowed on the property. This could be detrimental to the desire to keep this area as a natural buffer to the GTNA. Simply calling the land a park does not preclude development. The proposed Environmentally Sensitive Area zoning for this setback will help ensure that the buffer area serves that function

2. The Fire Department was circulated as part of this development proposal and did not have any concerns regarding the draft plan of subdivision. The proposed road network would be constructed to acceptable engineering standards and provides adequate access and egress to all of the proposed development
3. As stated, the Fire Department does not have a concern.
4. In addition to the Fire Department, the Environmental Management Branch has also not expressed a concern to the proposed development. The Phase I Environmental Evaluation prepared for this site also indicates there is a minimal hazardous risk from the marshalling yard. Any other agencies would have been notified by the Regional Municipality. No agencies involved in risk management appealed the Regional approval of the subject plan of subdivision.

It should be noted that the rail yard must be operated within the strict guidelines of legislative authority; such as the Transportation of Dangerous Goods Act, the Canadian Environmental Protection Act, the Provincial Environmental Protection Act and the Storage of Toxic Substances Act. Consequently, the Greenboro Marshalling Yard is not expected to be a hazard to the proposed development.

5. Answered in number 4 above.
6. Answered in Number 4 above.
7. Answered in Number 4 above.
8. As stated, run off from the homes in the proposed development is expected to have a negligible impact on the GTNA.
9. Special condition 1.6 of this submission describes the stormwater management plan for this property.
10. Answered in Number 8 above.
11. Answered in Number 8 above.
12. No, the removal of peat from the site will not have any effect on the adjacent swamp.
13. Special condition 1.6, related to stormwater management explains how the surface water supply from the site to the swamp will be maintained.