

Report to/Rapport au :

**Planning Committee
Comité de l'urbanisme**

and Council / et au Conseil

**March 14, 2013
14 mars 2013**

**Submitted by/Soumis par : Nancy Schepers, Deputy City Manager/Directrice
municipale adjointe, Planning and Infrastructure/Urbanisme et Infrastructure**

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Barrhaven (3)

Ref N°: ACS2013-PAI-PGM-0043

**SUBJECT: OFFICIAL PLAN AMENDMENT – BARRHAVEN SOUTH
LANDOWNERS COST SHARING AGREEMENT**

**OBJET : MODIFICATION AU PLAN OFFICIEL – ENTENTE DE PARTAGE DE
COÛTS DES PROPRIÉTAIRES DE BARRHAVEN-SUD**

REPORT RECOMMENDATION

That Planning Committee recommend Council approve and adopt an amendment to the Official Plan to add a special policy that requires all landowners within the Barrhaven South Community Design Plan area to enter into private agreements to share the costs of infrastructure projects and associated costs required to develop the Barrhaven South Community Design Plan area as detailed in Document 2.

RECOMMANDATION DU RAPPORT

Que le Comité de l'urbanisme recommande au Conseil d'approuver et d'adopter une modification au Plan officiel pour ajouter une politique spéciale qui exige que tous les propriétaires résidant dans les limites du secteur du Plan de conception communautaire de Barrhaven-Sud signent des ententes privées afin de partager les coûts des projets d'infrastructure et des coûts connexes requis pour l'aménagement du secteur du Plan de conception communautaire de Barrhaven-Sud, comme il est expliqué en détail dans le document 2.

BACKGROUND

The subject lands are located in the Barrhaven South Community Design Plan (CDP) area and consist of approximately 500 hectares of land. The area is generally south of the Jock River, east of Highway 416, north of Barnsdale Road and west of Jockvale Road and the existing Stonebridge Community as shown in Document 1.

The Barrhaven South CDP and accompanying Official Plan Amendment were adopted by City Council in June 2006 to guide future development and growth of the area. The Plan provides the land use concept and the servicing and transportation structure for future development. The subject lands have multiple owners. Four of the landowners (Mattamy Homes, Monarch Corporation, Tamarack (Nepean) Corporation, and McNeil Farm Limited Partnership) have registered plans of subdivision in place and are under construction. The other remaining parcels stand idle and have either subdivision or site plan applications pending or have no development applications before the City at this time.

As a result of implementing the CDP and approval of subdivision applications, there were mutual concerns with regard to the sharing of certain costs that would in effect benefit some/all throughout the Barrhaven South area. These common costs do not qualify for consideration as development charges and include items such as the construction of roads, piped services, stormwater management ponds and channels, and pedestrian bridges. The landowners also have agreed to share in a portion of the soft costs including the completion of plans and supporting technical studies and engineering soft costs.

In recognition of landowners wanting to cost-share major infrastructure projects, associated studies and plans required for development of the City's new growth areas, Policy 5.3.5. (Other Implementation Policies) was approved to permit Council to consider the use of private agreements between landowners to cost-share infrastructure:

- “5. Subject to City Council approval, the City may consider the use of private agreements among landowners to cost-share roads, piped services, and other infrastructure identified in Community Design Plans or comprehensive servicing studies approved by Council. Such agreements are initiated by landowners within a defined area and provide for the fair sharing of infrastructure costs among the benefiting parties, to complement or replace the provisions of a Development Charges By-law. Where such agreements are in place, the City will require evidence of paid-up membership in the agreement as a condition of approval for plans of subdivision and condominium, site plan or severance applications.”
[Amendment #13, September 8, 2004]

The Barrhaven South “Participating” landowners have entered into a cost-sharing agreement to ensure that costs incurred by the participating landowners, above and beyond their own proportionate share, will be reimbursed by all benefiting landowners.

As such, an application has been submitted on behalf of the Participating landowners to amend the Official Plan to add a new policy to recognize the Barrhaven South Landowners Cost Sharing Agreement. There are four “Non-Participating” landowners within the subject area who have neither been active in the process and /or have not advanced their lands through development applications, or their lands are entirely located within the Jock River flood plan and are not developable. These “Non-Participating” landowners are not party to the cost sharing agreement.

DISCUSSION

The purpose of the subject Official Plan amendment application is to amend the Official Plan to add the Barrhaven South area as another area to which the General Cost Sharing Agreement Policy, Policy 5.3.5 applies to.

Costs associated with the Barrhaven South Cost Sharing Agreement have been apportioned on the basis of land ownership within the CDP area. The proposed new Official Plan policy will ensure that costs incurred by the Participating landowners will be reimbursed by Non-Participating landowners as their land develops. The amendment also provides for the apportionment of cost between Participating owners where appropriate.

This proposed new policy is similar to existing policies within Policy 5.3 which permits private cost sharing arrangements for other new growth areas within the city including Kanata West and the Fernbank lands.

To ensure that all of the landowners participate in the cost sharing of the items deemed beneficial for all, the City will require evidence of their paid-up portion (as per cost sharing agreement) as a condition of approval for all plans of subdivision and condominium, site plan or severance applications in the Barrhaven South CDP area. A representative (Trustee) will be required to provide notification to the City that the owner is party to the agreement and has paid its share of the costs.

It should be noted that staff notified the non-participating owners to ensure they were aware of the proposed Official Plan amendment.

Staff support the proposed amendment to the Official Plan as it ensures that all necessary infrastructure and public service facilities will be available to meet the entire Barrhaven South CDP area and all land owners within the community fairly share in the costs of the development of the community.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

CONSULTATION

Notice of this application was carried out in accordance with the City's Public Notification and Consultation Policy.

COMMENTS BY THE WARD COUNCILLOR

The Ward Councillor is aware of the application.

LEGAL IMPLICATIONS

There are no legal implications associated with this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no direct accessibility impacts associated with this report.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications with this report.

TECHNOLOGY IMPLICATIONS

Information Technology approved this report without comment.

TERM OF COUNCIL PRIORITIES

As the purpose of this Official Plan amendment is simply to permit the use of private agreements among the landowners to cost share those items that will benefit all owners in the Barrhaven South Community, it does not directly further any of the City's strategic objectives. It does, however, provide a mechanism to ensure that the appropriate infrastructure is constructed in a timely fashion.

APPLICATION PROCESS TIMELINE STATUS

This application was not processed by the “On Time Decision Date” established for the processing of the Official Plan amendment due to the complexity of the issues associated with multiple land ownership.

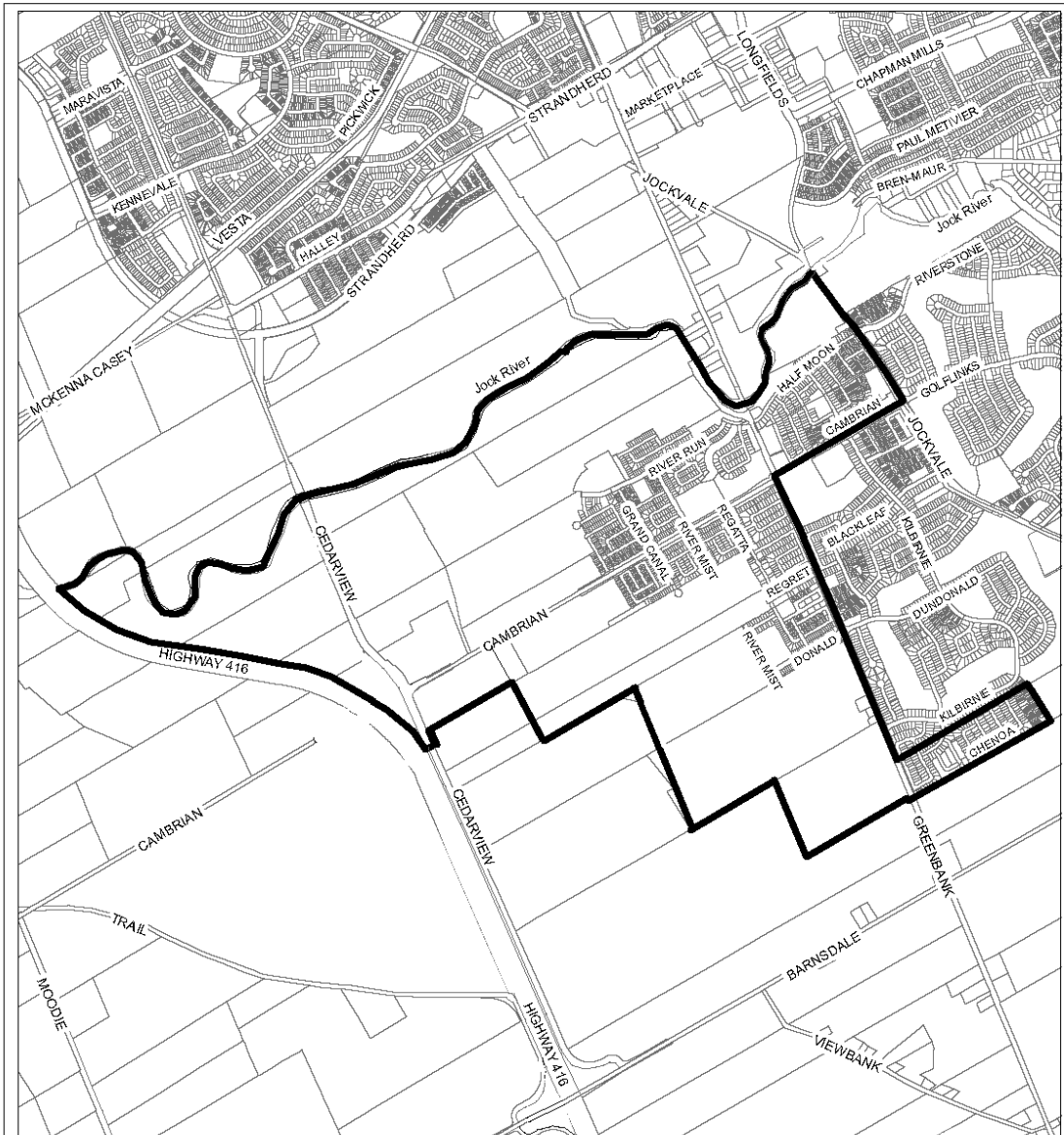
SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Proposed Official Plan Amendment

DISPOSITION

City Clerk and Solicitor Department, Legislative Services to notify the owners, applicant, Ghislain Lamarche, Program Manager, Assessment, Financial Services Branch (Mail Code: 26-76) of City Council’s decision. Planning and Growth Management to prepare the by-law adopting the OPA, forward to Legal Services, and undertake the statutory notification. Legal Services to forward the implementing by-law to City Council.



Produced by Planning and Infrastructure Services
Produit par le Service de planification et des infrastructures

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11/CO/2013/OPA/ BarrhavenCostSharing

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**LOCATION MAP / PLAN DE RÉVISION
OFFICIAL PLAN AMENDMENT / MODIFICATION AU PLAN OFFICIEL**

BARRHAVEN SOUTH LANDOWNERS COST SHARING AGREEMENT





Official Plan Amendment XX
to the
Official Plan for the
City of Ottawa

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PART A – THE PREAMBLE

PART A – THE PREAMBLE introduces the actual amendment but does not constitute part of Amendment No. XX to the Official Plan for the City of Ottawa.

PART B – THE AMENDMENT constitutes Amendment XX to the Official Plan for the City of Ottawa.

1. Purpose

The purpose of this Amendment is to amend the text of Section 5.3.5 (Cost Sharing Agreements), to add a policy that requires all landowners within Barrhaven South to enter into private agreements to share the costs of major infrastructure projects and associated studies and plans required for the development of Barrhaven South.

2. Location

The subject lands, comprising the lands in the Barrhaven South Community Design Plan (CDP) area, consist of approximately 500 hectares of land. The area is generally south of the Jock River, east of Highway 416, north of Barnsdale Road and west of Jockvale Road and the existing Stonebridge Community.

3. Basis

Background

The subject lands are currently in multiple-ownership. Four of the landowners (Mattamy Homes, Monarch Corporation, Tamarack (Nepean) Corporation, and McNeil Farm Limited Partnership) have registered plans of subdivision in place and are under construction. The other remaining parcels stand idle and have subdivision applications pending or have no development applications before the City at this time.

With much of the infrastructure in place the landowners would like to bring closure to the cost sharing arrangements to ensure that the costs are shared by all. As such an Official Plan Amendment has been filed with the City.

The proposed Official Plan Amendment will add a policy to the Official Plan which will require all landowners within the Barrhaven South area to enter into private agreements to share the costs of infrastructure projects and associated costs to develop the Barrhaven South area.

To ensure that all of the landowners participate in the cost sharing of the items deemed beneficial for all, the City will require evidence of their paid-up portion (as per cost sharing agreements) as a condition for all plans of subdivision and condominium, site plan or severance applications in the Barrhaven South area. A

representative (Trustee) will be required to provide notification to the City that the owner is party to the Agreement and has paid their share of the costs.

PART B – THE AMENDMENT

1. Introduction

All of this part of this document entitled Part B – The Amendment consisting of the following text constitutes Amendment No. XX to the Official Plan for the City of Ottawa.

2. Details

The following changes are hereby made to the Official Plan for the City of Ottawa:

Section 5.3 - Other Implementation Policies is amended to add the following as a new policy 5 (b) and the subsequent policies be renumbered accordingly:

“(b) Barrhaven South, Area 5, as indicated on Annex 5”

3. Implementation and Interpretation

Implementation and interpretation of this Amendment shall be in accordance with the policies of the Official Plan for the City of Ottawa.