
Plan of Subdivision and Zoning By-Law Amendment – 7000 Campeau Drive

ACS2020-PIE-PS-0109

Kanata North (4)

Report recommendations

1. That Planning Committee recommend Council endorse the position that the Local Planning Appeal Tribunal not approve the Draft Plan of Subdivision for 7000 Campeau Drive as it is premature, inclusive of all matters as set out in this report.
2. That Planning Committee recommend Council refuse an amendment to the Zoning By-law 2008-250 for 7000 Campeau Drive to permit a residential subdivision that includes a mix of housing types, parks, stormwater management ponds, open spaces and roadways in Kanata North.
3. That Planning Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of Written and Oral Public Submissions, to be prepared by the Office of the City Clerk and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to the *Planning Act* 'Explanation Requirements' at the City Council Meeting of December 9, 2020," subject to submissions received between the publication of this report and the time of Council's decision

The following staff of the Planning, Infrastructure and Economic Development Department provided a presentation and/or responded to questions: Laurel McCreight, Planner II; Doug James, Acting Director, Planning Services.

Ward Councillor J. Sudds was present and took part in the discussion.

The committee heard 16 delegations in support of the staff recommendations (to refuse the application).

The following 10 persons spoke as individuals and as representatives of the Kanata Greenspace Protection Coalition (KGPC): Des Adam; Chris Teron; James Brockbank; Cyril Leeder; Terry Matthews; Denis A. Bourque; Dr. Heather McNairn; Dr. Meg Sears; Neil Thomson; Barbara Ramsay, Chair, KGPC

- Des Adam provided background on the planning of Kanata Lakes and the implementation and continuation of the Forty Percent Agreement (40% Agreement) on the subject site up to this point in time. He suggested the owner wants to disregard the Agreement and develop the golf course lands with residential housing because it is more profitable, even though he was aware of the Agreement at the time of purchase and even though the developer originally charged purchasers of their homes backing onto the golf course a premium to have that setting. He spoke to the detrimental and devastating effect this proposal and loss of the greenspace would have on the Kanata Lakes community.
- Chris Teron spoke his father, Bill Teron's vision and principles in building this part of Kanata to be a garden city with a mix of housing types and density counterbalanced by amenities, parks and open spaces. He planned the forty percent open space model, which others later documented and implemented in the 40% Agreement. His prime objective for the golf course lands was the natural environment and the open space, for the benefit of the community and to attract and serve the plans he had for Kanata's high-tech sector and its knowledge-based community. He indicated the current proposal to fill in the open space with more housing defies all his father's good planning principles and the reason people choose to live there. He suggested that even were the proponents willing and able to revise their plan and fix the many technical issues identified by staff and the Kanata Greenspace Protection Coalition (by fixing the grading, solving the stormwater, improving the street layouts and etcetera), it would still violate all of the planning principles of Kanata and destroy the essential features of the community that the residents cherish and rely on.
- James Brockbank spoke to residents' concerns about the proposal, including: compatibility with the existing neighbourhood; impact on property values; traffic congestion; demand on local schools and other infrastructure; noise; drainage and stormwater management; terracing and landscaping; risk to existing homes and foundations due to extensive blasting of the bedrock; the loss of essential greenspace, which is the heart of the community, and its impact on future

economic and social wellbeing as that greenspace is a key element in Kanata's global competitiveness that allows for attraction and retention of talent in the high-tech sector.

- Cyril Leeder suggested the paths, open spaces and golf course are integral parts of the community that have attracted thousands of residents to the area, many of whom have made important life decisions and investments based on the 40% Agreement and the previously made commitment to public access to the greenspace in perpetuity. He argued that ClubLink purchased the land, knowing about and accepted the Agreement, and have no legal, planning or moral basis to renege on it. He suggested the only reason for this application is greed in its purest form without any regard for consequence, and a strategy they have been employing on golf courses throughout the country.
- Terry Matthews took issue with the lack of integrity shown by the applicant in making this proposal. He spoke to the uniqueness of this area and its ability to attract and retain global tech leaders, who also have a global mandate for greenspace protection, which, in turn, gives Kanata the potential to become the leader in the 5G global area of new technology. He stressed the importance of the 40% Agreement and how important it is to the economic upside of the city.
- Denis A. Bourque suggested that ClubLink has deliberately ignored climate change requirements by undertaking a surgically selective interpretation of the recent Provincial Policy Statement. He indicated that development of the golf course property will negatively affect public health in the city because paving the golf course lands will destroy the urban green space cooling effect that would have helped mitigate future heat emergencies, and that it will overtax existing infrastructure and add extra burden to the increased risks of flooding and sewer overflows in current built neighbourhoods, including Kanata Lakes and Beaverbrook. He noted the City has a mandate under section 3 of the *Planning Act* to 'prepare for the impacts of a changing climate' and urged the City to consider ClubLink's application with the same commitment shown for the future health and safety of Ottawa when the City declared a climate emergency, adopted its Climate Change Master Plan, and endorsed the Energy Evolution Strategy.
- Dr. Heather McNairn stated that the conclusion of the ClubLink studies, that mercury contamination on the golf course is present in pockets and is not an obstacle to development, is flawed for numerous reasons and cannot be relied

on for good decision-making. She suggested there are inconsistencies and missing information in the transportation, geotechnical, environmental and servicing studies concerning the examination for contaminants such as mercury, noting the studies: did not carry out an adequate review of the historical use of the golf course site or past use of pesticides; were fatally flawed by inadequate and improper testing of greens and tees for mercury or other heavy metal contaminants; failed to sample water bodies on and near the golf course site, where contaminants accumulate; glossed over the high risk of contaminating the ground water by disturbing mercury and other heavy metals present on the site. Given the presence of mercury, which is a risk to environmental and human health if disturbed, she suggested the golf course property is not suitable for residential development, in particular because the site is integrated into a fully developed community, and that acceptable uses of the golf course lands are those that do not disturb the soil, which would include operating as a golf course or as open green space.

- Dr. Meg Sears indicated that mercury has been found on the golf course site in significantly high levels, which may have originated from use there as a fungicide, and which, in turn, indicate the likely presence of cadmium, arsenic and lead (also historically used in fungicides). These elements are among the most toxic high volume chemicals on the planet; they are relatively stable if left undisturbed but don't degrade and can migrate into water or be blown around and contaminate neighbouring land during construction. She noted this area of Kanata is well known for having idiosyncratic radon, and that blasting of bedrock during the proposed development may change where radon is going and lead houses that previously tested fine to now test positive.
- Neil Thomson demonstrated the differences in lot pattern, scale and setbacks of the proposed development compared to existing homes. He noted that the proposed application is 2.5 times the existing density, the lot area is 40% less than existing, frontage is half, and green area and rear yard space is a quarter. He indicated setbacks are dramatically less on all sides, providing inadequate space for tree planting and the preservation of tree canopy, and would also impact both on- and off-street parking because of the narrow lot sizes and driveway space.
- Barbara Ramsay, Chair, Kanata Greenspace Protection Coalition, spoke in support of the protection and extension of accessible greenspace because

science shows it drives community health, quality of life and resiliency, noting that 1775 property owners have a titled right to shared access of these golf course lands. She explained that the 175 acres of permeable land on the course are both functional and recreational and serve as a purpose-built critical permanent component to the stormwater management infrastructure servicing the community, sustainable and not intended to be disturbed. She provided an overview of the site, detailing the impacts and concerns of the proposed development including: destruction of bedrock formations, trees; loss of public greenspace; transportation; stormwater management; migration of mercury contaminate

- Kathy Black opposed the application because greenspace has been given the most protection possible by both planning and legal mechanisms since the 1980s, the golf course lands are utilized year round, the development application does not meet the City's Official Plan policies, and the application is not compatible with the surrounding community. She pointed out that the 40% Agreement has been continuously transferred, conveyed and registered in the Registry Office since its inception in 1981, and that the Plan of Subdivision and the 40% Agreement, which describe when the golf course will operate and the access to it, are registered on Title against 1775 individual properties, of which over 550 are abutting the golf course lands. She noted section 50 of the *Planning Act* references the 40% Agreement, meaning it has both legal and planning protections. She suggested that if the Official Plan was amended to remove the 40% Agreement, it could affect how other subdivisions have been and will be developed in future. She indicated that meaningful community engagement and input would be needed in a community design process if development should be allowed to proceed.
- Stewart Morris refuted ClubLink's claim that the golf course and country club is under-utilized space and referenced the many ways in which the site is utilized as a key community resource year-round. He suggested that preserving the golf course is a matter of preserving public health, noting there have been studies to support that access to greenspace is good for your health. He also spoke to the golf course as a successful and viable business.
- Diane Waloff noted the ClubLink plan would remove 75+% of the permeable landscape, precipitating greatly increased surface water sheet flow, as well as removing the Hole 9 Pond, the Hole 18 drainage ditch feeding it, and the Hole 8

Pond, and the new ponds to be built would be a long way from where the current ones are located. She suggested they would alter land drainage behaviour with infill and significant cuts, and the new delta will cause drainage problems for several homes in the area. She stated that changing grade so close to homes shouldn't be permitted, noting the new lot line will be very close to her house and the higher grade will be cutting off views from her back yard. She compared townhome lot sizes on Windeyer to the proposed lot sizes, noting that the existing are all much bigger than any proposed townhome and any of the single detached house types (including Corners).

- David Fisher raised concerns that, if developed for housing, features of the landscape, including natural areas of rocks, trees and swales home to wildlife and plants and well used public greenspace and walking paths in between them, would for the most part be destroyed, and all wildlife and plants would immediately become rare in the area due to lack of habitat. He noted that, in total, after development the area would have just 6% by area for parks and greenspace, which is inadequate and well short of the City's targets. He questioned ClubLink's definition of what constitutes public open space, noting that of the 14 hectares of open space listed in the developer's proposal, over half comprises stormwater ponds that are very large and not child-safe, occupying six times the area to existing lakes, and that the remaining open space comprises areas that would become difficult or impossible to access and are of little recreational value. He suggested that removing this well-utilized recreational greenspace would be counter to the interests of public health and referenced studies that have shown the health benefits of greenspace, noting that Ottawa developers have many areas for potential housing development that would not significantly impact existing communities, and that there is no justification for allowing the destruction of well-used recreational greenspace.
- Nancy Brown submitted that the traffic report commissioned by ClubLink has significant factual errors and assumptions that have led to unfounded conclusions. She noted there are five collector roads affected in the neighbourhood, four of which have homes on both sides of the street, and that four new access points are proposed from the ClubLink development onto these collectors. She worried the vehicle trips per day numbers have been minimized in the traffic report and, considering that several roads in the study area already operate with daily traffic volumes in excess of the City's desired targets of 2500 vehicles per day, some of the collectors might see close to 8000 vehicles per day,

moving them into the category of an arterial road, just like Campeau. This would exacerbate existing traffic issues and increase risk to pedestrians, including children walking to school. She noted the Transportation Master Plan speaks to safety requirements and protecting neighbourhoods from excessive traffic volumes. She also stressed that the price of intensification cannot be risk to the community's safety. She asked that a more accurate and complete traffic study be conducted to get a more accurate picture of volumes.

- Marianne Wilkinson thanked staff for their thorough and logical consideration of the application and supported their recommendation of refusal. She noted the landowner has completely avoided dealing with the community and has broken their own commitment when they bought the land to uphold the legal 40% Agreement by trying to put something in place that very clearly does not fit or work in many different ways. She pointed out that keeping this open space is important not only for this particular case but also for future high priority environmental lands that were to be protected under that Agreement but have not yet been deeded to the City. In terms of density, she noted Kanata North has 12 high-rise apartment buildings, which is not found anywhere else outside the greenbelt, because they are located in the places near transit, which this development is not. She noted the ClubLink application has ignored issues surrounding the presence of radon and mercury contamination. She urged the City to include all of the community's submissions and research in their presentation to the Local Planning Appeal Tribunal. Should the legal agreement be overturned, she stressed the importance of conducting a major community design planning process that involves the residents, the City and the developer, to ensure any development on the site would fit into the community.

The following correspondence was provided to the committee coordinator between November 16 (the date the report was published to the City's website with the agenda for this meeting) and the time the matter was considered on November 26, 2020, a copy of which is held on file:

- Email dated November 16 from Marc Labreche
- Email dated November 16 from Dan Durocher
- Email dated November 17 from Rob Chambers
- Email dated November 24 from Barbara Ramsay, Chair, Kanata Greenspace

Protection Coalition

- Email dated November 25 from Denis A. Bourque
- Email dated November 25 from Neil Thomson, Kanata Beaverbrook Community Association (presentation slides and supplemental information))
- Email dated November 25 from Kathy Black (presentation slides)
- Email dated November 25 from Stewart Morris (presentation slides)
- Email dated November 25 from Diane Waloff (presentation slides and supplemental information)
- Email dated November 25 from David Fisher (presentation slides)
- Email dated November 25 from Nancy Brown (presentation slides)
- Email dated November 25 from Cyril and Lydia Leeder
- Email dated November 25 from Mark R. Flowers, Davies Howe LLP, on behalf of ClubLink Corporation ULC

The committee CARRIED the report recommendations on a division of 7 yeas and 1 nay, as follows:

YEAS (7): Councillors L. Dudas, T. Tierney, C. Kitts, S. Moffatt, A. Hubley, E. El-Chantiry (ex-officio), Acting Chair G. Gower

NAYS (1): Councillor J. Leiper