



South March Highlands

City Council
December 15, 2010

Presentation Overview

(1) Purpose

(2) Background

(3) KNL

Purpose

- **To provide instruction to staff as City staff, the Ward Councillor and KNL have not reached an agreement on the land exchange.**
 - **OMB Hearing scheduled for week of January 31st to February 4th, 2011**
 - **KNL argues it has met conditions to move forward with development of Phase 9 Lands**
 - **Short timeframe requires Council to consider its position at this time; City may need time to retain external environmental and planning consultants, depending on Council decisions**

Background

- In 1981, 566 hectares (ha) were added to the urban area in Kanata North**
- 40% (226 ha or 558.5 acres) were to be open space, including:**
 - (a) Golf Course**
 - (b) Stormwater Management**
 - (c) Natural Environment Areas**
 - (d) Parkland**
- Referred to as the 40% Agreement**

Background

Council has made major additional commitments to protecting Environmental Lands in Kanata North and surrounding lands through successive acquisitions.

Summary of Land Acquisitions

Year	Size of acquisition	Compensation
1998	9.58 acres	\$0
1999	17.46 acres	\$0
2000	351.77 acres	\$2,080,000
2001	208.96 acres	\$388,000
2002	53.68 acres	\$191,117
2004	20.4 acres	\$1,755,000
2005	31.37 acres	\$140,000
2006	140.84 acres	\$0
2009	44.21 acres	\$0
2010	5.22 acres	\$375,000
Total	883.49 acres	\$4,929,117



KNL Development

- **2003, KNL applies for Zoning and Draft Plan of Subdivision approval**
- **June 9, 2004 – Zoning and Draft Plan of Subdivision approved by Council**
 - **Allowed development of 30 hectares in Phase 9 Lands**
 - **12 hectares to be acquired by the City as urban natural land**

KNL (cont'd)

Subdivision and zoning appealed by community members to OMB

- **November 2005 – OMB Hearing**
- **February 2006 – OMB approves Zoning and Draft Plan of Subdivision with no change in lands to be protected**

Development Phases

- **Phase 5 is currently under development**
- **Phase 9 is next to proceed**
- **Phases 7 and 8 are to follow**

KNL (cont'd)

In 2010, KNL seeks to commence tree removal on Phase 9

Condition No. 37 of Draft Subdivision Approval

“The owner agrees that no tree cutting or removal shall occur prior to approval of the Detailed Tree Planting and Conservation Plan and no sooner than two years in advance of construction.”

- Summer - Staff advise conditions not met to permit tree removal.**

KNL (cont'd)

July 14, 2010 - Council adopts Motion No. 94/24:

THEREFORE BE IT RESOLVED that staff be directed to send a letter to KNL Development Ltd (KNL) advising the developer that, until the relevant OMB subdivision conditions are met and explicitly approved by the City of Ottawa, no clear cutting or other site modification can occur in the South March Highlands; and

BE IT FURTHER RESOLVED THAT staff be directed to pursue all legal means, including an injunction, in the event that KNL fails to comply.

KNL (cont'd)

Council meeting of November 22, 2010

Council adopts two motions to provide direction with respect to land acquisition

KNL (cont'd)

Motion 99/13 (Land Exchange)

THEREFORE BE IT RESOLVED that Council approve the no-cost transfer of open space lands from phase 8 to phase 9 of the KNL subdivision to provide a natural access from the Beaver Pond lands to Trillium Woods; and

BE IT FURTHER RESOLVED that City staff in consultation with the Ward Councillor and KNL, determine the specific location of the land exchange such that there is no additional servicing or other costs incurred; and

BE IT FURTHER RESOLVED that no destruction or removal of trees be permitted prior to finalization of the location of the land exchange.

KNL (cont'd)

Motion 99/14 (Explore Acquisition of Phase 9)

THEREFORE BE IT RESOLVED THAT the 2006-2010 Council of the City of Ottawa recommend to the 2010-2014 Council that it seeks to obtain the lands remaining lands in Phase 9 of the KNL subdivision remaining after the trade of approximately 10 acres, as an ecological reserve in the City of Ottawa; and

BE IT FURTHER RESOLVED THAT Council recommend that every effort be made to have this dealt with by Council in December, 2010 in order to minimize any delay to KNL in dealing with this issue; and

BE IT FURTHER RESOLVED THAT staff in consultation with the Ward Councillor negotiate an agreement of purchase and sale and provide the 2010-2014 Council with a plan to pay for the acquisition of this land and associated costs through a variety of measures that would ensure that the cost of such acquisition not be on the city wide tax rate for presentation to Council at the December meeting; and

BE IT FURTHER RESOLVED THAT no destruction or removal of trees be permitted prior to the 2010-2014 Council deliberation on acquisition of the remaining lands in Phase 9 of the KNL subdivision.

KNL (cont'd)

- **Original Motion No. 99/13 provided for 12 acres**
- **Final Motion 99/13 excluded two acres as it was a closed road owned by the City**
- **'Lame Duck' provisions did not permit disposition of City land (i.e. the closed road) without pre-Nomination Day Authorization, so it was removed**

KNL (cont'd)

Cost for Acquisition of Entire Phase 9 Lands

City - \$18 million estimate

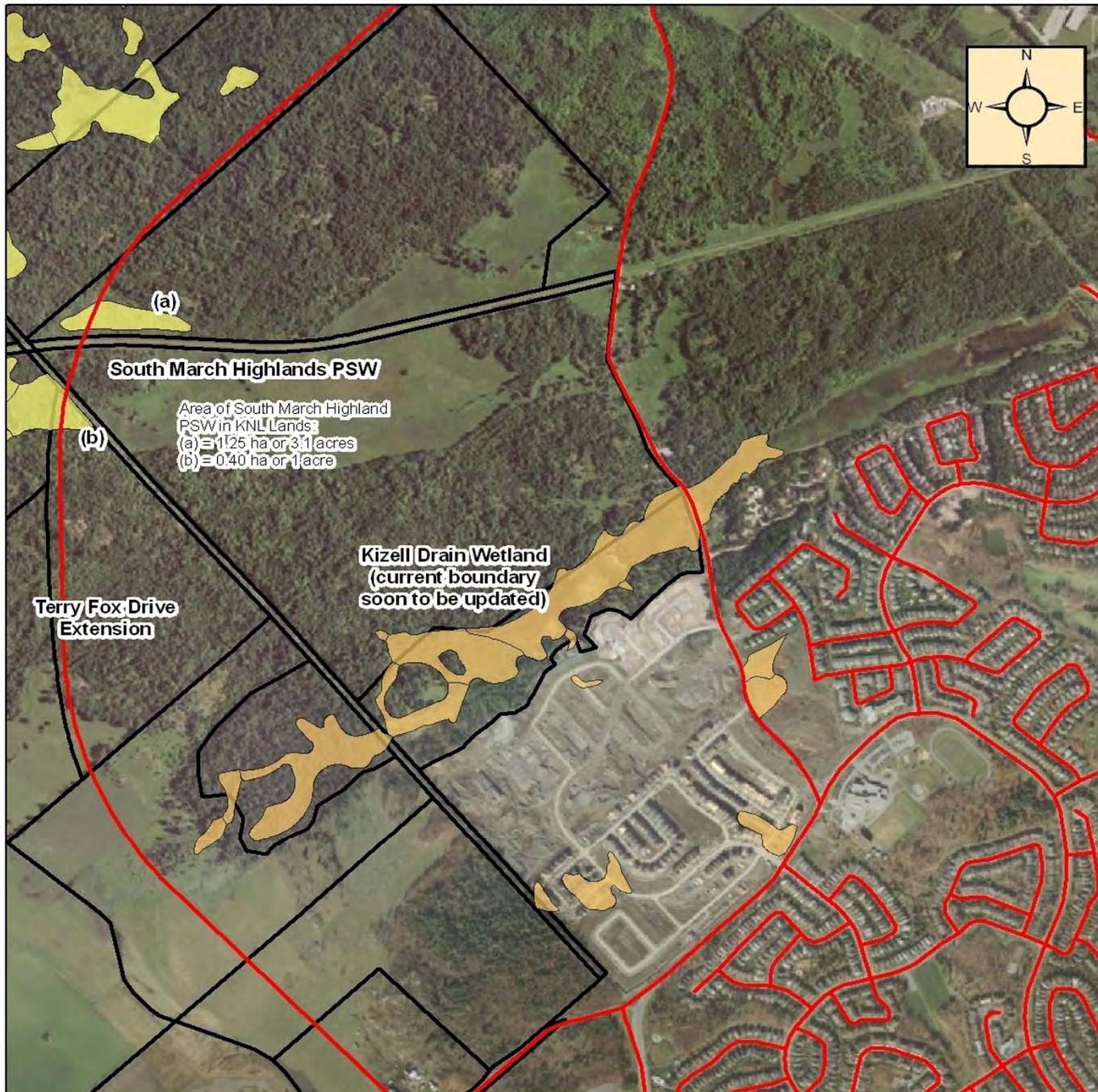
KNL - \$40 million comprised of:

- \$22 million land value**
- \$6 million servicing**
- \$12 million, value of 40% lands being conveyed to the City**

Additional land pressures from future development of KNL lands

1. Significant Wetlands (Phase 8)

- Two parcels of Significant Wetlands have been identified;**
- As Environmental Feature, the City will have to either acquire these Significant Wetlands through permitting other Environmental Features to be developed, or acquire the parcels through financial compensation.**



Boundaries of the South March Highlands Provincially Significant Wetland and the Kizell Drain Wetland Candidate PSW in the KNL Lands

Wetlands from Land Information Ontario

2008 Aerial Photography from the City of Ottawa

Prepared December 14, 2010
 by Land Use and Natural Systems
 City of Ottawa

NS/ns

Wetlands

- Other
- Provincial

0 125 250 500 Meters

2. Kizell Pond-Stormwater (Phases 7 and 8)

- Originally intended to be stormwater facility (diversion of Shirley's Brook);**
- Past wetland evaluation scored the lands as close to rating as Significant Wetland;**
- Presence of endangered species now results in classification as Significant Wetland;**
- Cannot use Significant Wetland as stormwater facility;**
- Will be necessary to locate stormwater ponds elsewhere;**
- As will Significant Wetlands earlier in presentation, City will need to either permit development of other Environmental Lands or compensate landowner.**

Tree Removal on Phases 7 and 8

- . Trees can only be removed on lands to be developed in next two years;**
- . Phase 9 to be developed first as it is the phase through which services are to come;**
- . Conditions to remove trees in Phase 9 have, in the opinion of staff, been met;**
- . Phase 7 may be developed in next two years;**
- . Unlikely that Phase 8 will be developed in next two years;**
- . Conditions for tree removal in Phases 7 and 8 have not, in the opinion of staff, been met.**

Archaeological Assessment

- **Stage 1 and 2 Assessment submitted to the Ministry of Culture.**

Ministry of Culture responded on 1 June 2004:

“The consultant’s findings have been reviewed and this office concurs with his recommendations.

Given the above, the Ministry’s concerns for cultural heritage have been adequately met for this project and our office has no further concerns regarding the lands affected by this undertaking.

Accordingly, it is recommended that all and any archaeology or cultural heritage-related conditions of approval may be considered as having been addressed to the satisfaction of the Ministry of Culture.”

- **Dr. McGhee's study submitted to Ministry of Tourism and Culture on August 10, 2010;**
- **Ministry of Tourism and Culture Letter to Coalition to Protect South March Highlands dated August 30, 2010:**

As the assessment in question was completed under the current guidelines, the report meets provincial requirements as outlined in the Ministry's letter of June 1, 2004,

Your concerns regarding when an archaeological assessment is required should be brought to the attention of the City of Ottawa, as the approval authority for this development.

- **The City relies of the Ministry of Tourism and Culture for the clearance of archaeological issues.**

Next Steps

- **Land Exchange**
 - **City staff, the Ward Councillor and KNL have not reached agreement on a land exchange (Motion 99/13).**
- **Current proposal for land exchange (Document 1)**
 - **Considerations:**
 - **The land available for an exchange;**
 - **The desirability of acquiring a wide area to protect trees; and**
 - **The configuration of the Plan of Subdivision.**