

Oshawa Harbour Public Meeting

October 13, 2010

Meeting Agenda

- Introductions:
 - Bob Duignan
 - Tom Hodgins
 - David Potts
 - Tom Williams
- Overview background and the harbour agreements
- Review the go-forward strategy and timelines
- Environmental update from City Advisor
- Questions and Answers Session

- Council asked staff to hold this meeting
- Accordingly, staff will present and respond to questions
- Wrap up +/- 10:30 p.m.
- This meeting is being voice recorded by the City for the purpose of record keeping
- A copy of the presentation is available at the door and on the City's website – www.oshawa.ca/harbour

Background

- In 1966, City transferred about 61 acres of land to the Crown for harbour/economic development purposes
- City felt that the 61 acres were underutilized and did not contribute to the growth of the local economy as intended

Background continued...

- April 2006 – Oshawa Harbour Commission (OHC) and CN propose a rail spur on a part of the 61 acres
- July 2006 - In response, City initiated a lawsuit against OHC, CN and Crown to get the 61 acres back
- September 2007 - rail spur approved by Canadian Transportation Agency over City's objection

Background continued...

- September 2007 – 2008 – Federal government initiates and receives the Crombie Report
- June 2009 – Federal Government:
 - Declines to advance D. Crombie’s recommendations
 - Announces intent to create a Canadian Port Authority
 - Offers to try to negotiate a settlement of lawsuit
- June 2009 – Council accepts Crown’s offer to negotiate

Negotiations

- Negotiations between June 2009 and May 2010
- Negotiations were confidential; this is normal when a lawsuit is being settled
- Federal representatives were the quarterback or "middlemen" who represented the Crown and negotiated with both City and OHC

Negotiations continued...

- Terms of Settlement are included in two legal agreements:
 - 1) Settlement Agreement and
 - 2) Land Use, Development and Municipal Services Agreement
- These agreements are available on the City's website

The Settlement was agreed to for a number of reasons

1. The lawsuit would have cost hundreds of thousands of dollars
2. The Crown has certain authority over the City and could have expropriated back any of the 61 acres the City won in the lawsuit

The Settlement was agreed to for a number of reasons continued...

3. The lawsuit and the 61 acres did not include all of the former marina lands so the only way to get all of the marina lands was to negotiate
4. The City did not own any land with which to bargain

The Settlement was agreed to for a number of reasons continued...

5. The Crown was willing to contribute to the environmental clean up of land returned to the City as part of a settlement but not as part of a lawsuit.

What lands were involved in this settlement discussion?

- Lots of confusion about this!
- Settlement discussions were limited to the future ownership of the 61 acres that were subject to the lawsuit
- For instance the ownership of Gifford Hill lands was not “on the table” as it was not part of the lawsuit

Federal Funding & Commitment

- \$19.4 million
 - \$9.2 million environmental clean-up
 - \$10 million east wharf port consolidation
 - \$200,000 landscape buffers

Settlement Highlights

- Crown confirms its commitment to spend up to \$9.2 million to conduct environmental clean up at the harbour
- Crown commits to spend up to \$5 million on environmental clean up of land to be transferred to the City

Settlement Highlights continued...

- Crown commits to provide \$10 million to the OHC for new, modern east wharf dockage; this is intended to grow the tax base, deliver new jobs and allow the Crown Land on the west wharf to evolve to uses essential to the Port and more compatible with Lakeview Park

Settlement Highlights continued...

- Crown commits to provide \$200,000 to the OHC for landscape buffers adjacent to OHC property on Simcoe and Farewell Streets and Harbour Road with the intent to beautify the area and create a landscaped edge for the waterfront trail
- Nearly 47% of the 61 acres (approx. 29 acres) is to be transferred to the City

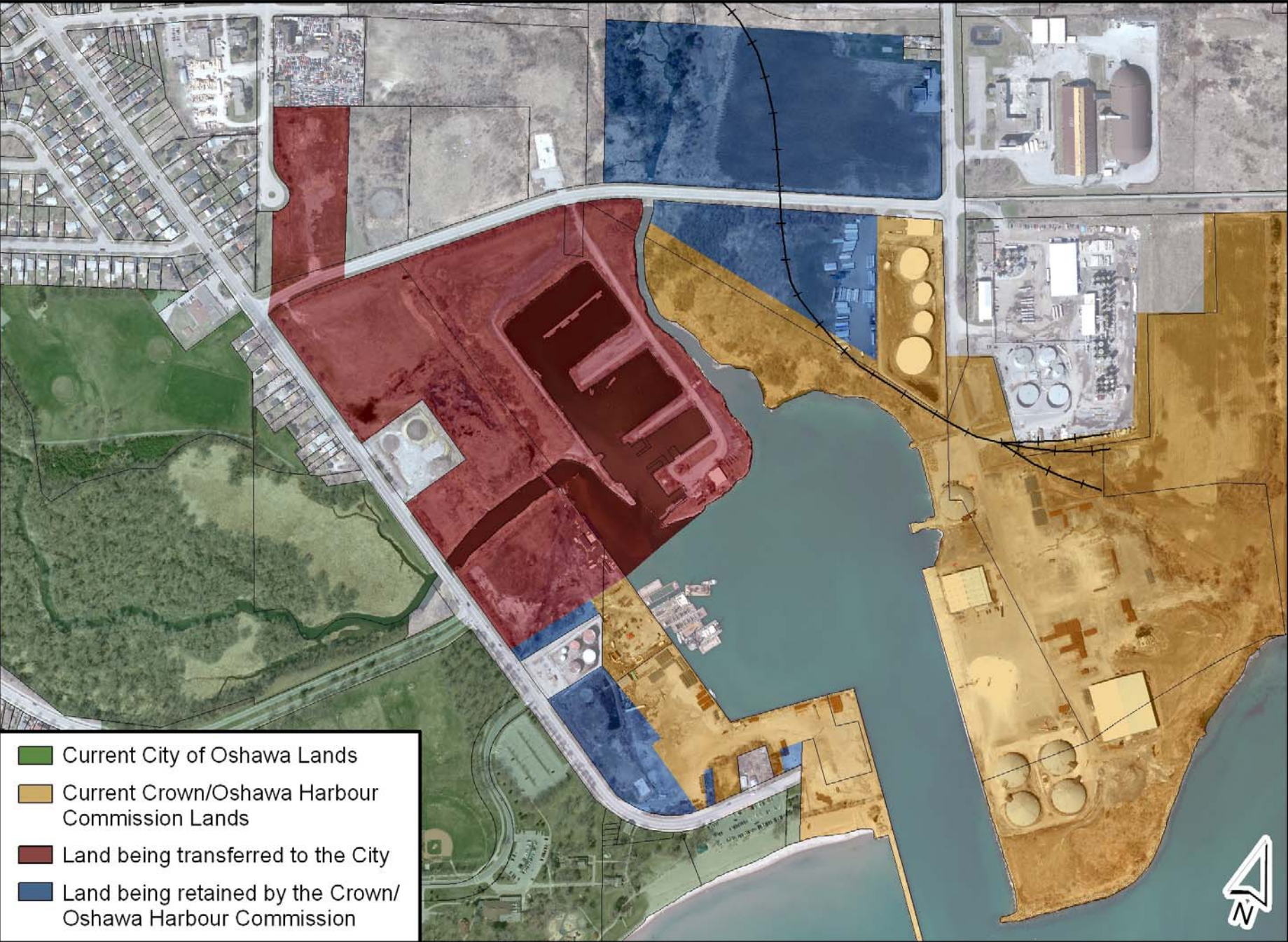
Settlement Highlights continued...

- Crown to transfer an additional 19 acres of Crown Land to the City totaling 48 acres
- Lands to be transferred to the City are strategically located on the west side of the harbour and have significant potential

Settlement Highlights continued...

- Lands to be transferred include all of the former marina lands
- City is not required to accept any land that is not cleaned to an acceptable environmental condition

Land Ownership



Settlement Highlights continued...

- The City now has the opportunity to reestablish the Oshawa Marina which closed in 2002
- Lawsuit is settled and all parties avoid the costs and risks associated with the lawsuit
- Potential new jobs and growth of the tax base at the Port and on adjacent lands

Settlement Highlights continued...

- City provides some tax relief to the Port amounting to \$30,000 a year for 15 years
- In addition, most new port users will be responsible for all servicing and development costs and will be subject to property taxes

Settlement Highlights continued...

- City required to spend about \$1 million developing new parkland on land it will receive
- These monies have already been set aside in a City reserve fund

Moving Forward

- The settlement allows all parties to move forward with some certainty regarding ownership and governance
- OHC will transition into a Canada Port Authority (CPA) in late 2010

Moving Forward

- The CPA business model is consistent with port governance across the country
- The Federal Government believes that CPA's provide enhanced transparency and more public accountability

Moving Forward continued...

- All public land at the harbour not owned by the City will become Crown land
- Crown land is not subject to municipal planning instruments like the Official Plan and Zoning By-law
- All future decisions regarding land use on Crown Land will be made by CPA and/or Federal Government

Moving Forward continued...

- This includes decisions regarding an ethanol plant
- City Council by resolution has advised the Federal Government that it opposes an ethanol plant

Moving Forward continued...

- The CPA will also begin to prepare its first Land Use Plan
- The Land Use Plan will encompass all of the lands owned by the Crown

Moving Forward continued...

- The rail spur may be built by the CPA and CN in accordance with the ruling by the Canadian Transportation Agency and in accordance with CTA conditions
- The CPA will begin to immediately plan, design and receive approvals for the new east wharf

Moving Forward continued...

- The City will begin to finalize its Waterfront Master Plan for all lands between Whitby and Clarington
- This will include options for both the lands received as part of the Settlement and ideas for Crown Land
- The City has already established a team to look at options for the marina

Moving Forward continued...

- The City will immediately be doing testing in the marina to determine:
 - Depths
 - Composition of sediments
 - Condition of basin walls
 - Estimates to dredge and augment basin walls

Moving Forward continued...

- In 2011, a series of public open houses will take place to receive input on Waterfront Master Plan
- The City is also investigating the potential purchase of Gifford Hill lands in accordance with Council direction

Moving Forward continued...

- City will work with the landowners on the north side of Harbour Road to revitalize the area and to move forward with residential development permitted by the Zoning By-law
- City will input to the CPA's plan for implementing landscape buffers along the roadways adjacent to the Harbour Lands

Moving Forward continued...

- City will investigate opportunities to partner with the private sector and others in advancing opportunities at the Harbour and will consider the purchase of some strategic sites owned by private sector

Moving Forward continued...

- In this regard, City is pursuing P3 Canada funding from the Federal Government; P3 Canada could pay for +/- 25% of the cost of new public amenities in the event the City, private interests and others are involved in an innovative partnership that shows how a municipality and private interests can work together to advance mutually agreeable development goals and objectives

Moving Forward continued...

- Very simply, the City could leverage some of its new land holdings to get public amenities built like trails, marina, etc.
- To date, P3 Canada has looked favorably at the City's proposal and has asked for more information which the City will provide including housing demand information, business case/opportunity study and market soundings

Moving Forward continued...

- The City can abandon the P3 Canada process at any time

Potential Urban Design Option



Moving Forward continued...

- The parties will implement their commitments in the legal agreements including the development of new parkland
- This work will be coordinated with other work in the area and will be done progressively in accordance with Council direction

Moving Forward continued...

- City will also monitor environmental clean-up by Crown at Harbour in order to best position the City to acquire and use all of the land available through the Settlement Agreement
- City being assisted by XCG Consulting in respect to environmental issues at Harbour

Moving Forward continued...

- Tom Williams, P. Eng of XCG Consulting in Waterloo will now make a presentation on environmental issues at the Harbour

Environmental Review Oshawa Harbour

October 13, 2010



Expert People. Better Decisions.



XCG Activities



- Role of XCG and qualifications

- Work completed since June
 - Reviewed previous environmental reports available for the period from 2002 to 2010.
 - Evaluated remedial alternatives with consideration of the draft Marina Concepts.
 - On behalf of the City, provided technical input on remedial strategies proposed by Transport Canada.

Environmental Review



- Placement of fill or other activities at the site have impacted general soil quality in various areas across the site.
- Soil and groundwater impacts are associated with the former dump site.
- Hydrocarbon impacts are associated with former fuel tanks and waste oil tanks.
- Groundwater quality is impacted in monitoring wells in various areas across the site.

Remedial Strategy



- Overall objective is to provide physical separation from the impacted soil; thus, cutting off the potential exposure pathway.
- Soil Cover (vegetative soil cover, soil cover).
- Granular Cover (granular A, granular B).

Remedial Strategy



- Federal Government is using highly qualified and respected environmental consultants.
- Remedial approach has been consistent with consultants from 2002 to 2010.
- Remedial approach is consistent with Federal policies and guidelines.

Remedial Strategy



- Remedial approach is consistent with Ontario Regulation 153/04 and Ontario Regulation 511/09.
- Implementation of a Risk Management Plan - Use of on-site management techniques and engineering controls to address environmental concerns.

South of Oshawa Creek



- Sand/silt fill material (coal).
- Metals and localized petroleum hydrocarbon concentrations in excess of criteria in the soil.
- Risk assessment with engineering controls.
- Granular Cover (geotextile, granular A, granular B).
- Federal approach is for the current use as industrial.
- City will use Provincial approach for parkland.

North of Oshawa Creek



- Sand/silt fill material (wood, brick, shells).
- Metals and localized petroleum hydrocarbon concentrations in excess of criteria in the soil.
- Risk assessment with engineering controls.
- Soil Cover.
- Federal approach is for the current use as industrial.
- City will use Provincial approach for residential/parkland.

Former Dump Area



- Sand/silt fill material (wood, brick, ash cinder).
- Metals and volatile organic compounds concentrations in excess of criteria in the soil and groundwater.
- No direct evidence of an adverse effect due to the presence of the dumpsite.

Former Dump Area



- Risk assessment with engineering controls.
- Granular Cover (geomembrane, granular A, granular B).
- Federal approach for the current use as industrial.
- City will use Provincial approach for parkland.

Marina Area



- Sand/silt fill material (wood, brick, glass).
- Metals concentrations in excess of criteria in the soil and groundwater.
- Localized petroleum hydrocarbon concentrations in excess of criteria in the soil and groundwater.
- Risk assessment with engineering controls.
- Soil cover and granular cover.
- Federal approach is for the current use as industrial.
- City will use Provincial approach for residential/parkland.

Summary



- The future land use will be commercial with community and recreational land use (Marina).
- Remedial approach consistent with Federal and Provincial guidelines.
- Future redevelopment across the property will include risk management measures.
- Environmental concerns will not hinder the future use of or redevelopment of the property.
- No significant additional environmental costs to the City.

Summary and Closing

- Settlement resolves three historical issues:
 1. Governance – establishment of a Canada Port Authority (CPA)
 2. Land Ownership – defined land ownership and transfer of land
 3. Land Use – development of CPA Land Use Plan and City Waterfront Master Plan

The top of the slide features a scenic photograph of Oshawa Harbour. On the left, a white lighthouse with a green top stands on a small island, partially framed by a weeping willow tree. The water is a deep blue, and the sky is clear. In the upper right corner, the text 'Oshawa' is written in a large, white, sans-serif font, with 'HARBOUR' in a smaller, white, all-caps sans-serif font directly below it. A decorative blue wave graphic separates the image from the white background below.

Oshawa

HARBOUR

- Thank you for attending today

Questions and Answers

Guidelines for Conduct

- Approach a microphone and state name and address
- Be polite
- Respect others and do not personalize comments
- Listen
- No clapping or jeering

Guidelines for Conduct continued...

- 5 minute limit on questions and responses in first round
- Will allow subsequent second questions if time permits prior to +/- 10:30 p.m.
- All presentations must be in the form of a question
- Staff and Tom Williams will do best to fully answer!
- Any questions not presented can be submitted through harbour@oshawa.ca

The background of the slide features a scenic view of Oshawa Harbour. In the upper left, a white lighthouse with a green top stands on a small island, surrounded by a white railing. A weeping willow tree is partially visible on the far left. The water is a deep blue, and the sky is clear and light blue. A decorative blue wave graphic separates the image from the white background below.

Oshawa

HARBOUR