

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON  
MUNICIPALITÉ RÉGIONALE D'OTTAWA-CARLETON

REPORT  
RAPPORT

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Our File/N/Réf.	S.3.2.957
Your File/V/Réf.	
DATE	4 December 1996
TO/DEST.	Co-ordinator Planning and Environment Committee
FROM/EXP.	Regional Solicitor
SUBJECT/OBJET	<b>PLANNING AMBERLAKES DEVELOPMENT CORPORATION ZONING BY-LAW AND OFFICIAL PLAN AMENDMENTS</b>

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### **DEPARTMENTAL RECOMMENDATION**

**That Planning and Environment Committee recommend to Regional Council:**

1. **That the Region request the Ontario Municipal Board approve as residential the lands referred to the Board pursuant to Referral No. 1 to the Goulbourn Official Plan;**
2. **That the Region request the Ontario Municipal Board amend the proposed Zoning By-law 59/94 to provide for a holding zone which would be lifted once the ultimate dwelling unit allocation for Stittsville in the Regional Official Plan is 8,000 dwelling units;**
3. **That the Region request the Ontario Municipal Board not approve Goulbourn Official Plan Amendment No. 121.**

### **BACKGROUND**

Regional Council at its meeting of 13 November 1996 adopted the following recommendations:

#### **COMMITTEE RECOMMENDATIONS AS AMENDED**

That Council:

1. Approve that Regional staff be directed to oppose draft approval of Amberlakes Development Corporation's Draft Plan of Subdivision 06T-93018 on the basis that its approval would not conform to Section 2.2, Policy 5 of the Regional Official Plan;

2. Direct Regional Planning staff to officially advise the Mississippi Valley Conservation Authority and the Ministry of Natural Resources in writing that Phase II is included in the same Ontario Municipal Board (OMB) hearing as Phase I, and that these agencies be requested to review Phase I and Phase II and submit conditions in writing to the Region to be submitted to the OMB as draft plan conditions;
3. Direct staff to submit a report to Planning and Environment Committee and Council on Goulbourn Official Plan Amendment (OPA) 121 and Goulbourn Zoning By-law Amendment 59/94, including Referral No. 1 to the Goulbourn Official Plan.

The purpose of this report is to respond to the second and third recommendations.

### **OFFICIAL PLAN AND ZONING BY-LAWS**

The first recommendation from the November 13, 1996 Council meeting indicates that the Regional concern with respect to the Amberlakes Subdivision is the dwelling unit allocation for Stittsville. It is the Region's position that the Amberlakes Subdivision, comprising approximately 240-260 dwelling units, does not conform to the Regional Official Plan as this subdivision will cause Stittsville to exceed its dwelling unit allocation in Section 2.2, Policy 5. and is in contravention of the policy of Council approved on October, 1994 as to how the dwelling unit allocation in Stittsville is to be administered.

It is therefore the opinion of Legal staff that in taking a position on the official plan and zoning by-law matters also before the Ontario Municipal Board, the position of the Region should be that the necessary steps are taken to ensure that the official plan and zoning by-laws conform to Section 2.2, Policy 5 of the Regional Official Plan.

### **GOULBOURN OFFICIAL PLAN**

The Ontario Municipal Board has before it the question of the local land use designations for within phase 2 of the Amberlakes subdivision and a small parcel of adjacent property. Under the former Goulbourn Official Plan these lands were designated Open Space and Environment Protection. Through Official Plan Amendment No. 121 to the former Official Plan, Amberlakes sought to have these lands designated residential. As this area in the new Goulbourn Official Plan has been referred to the Ontario Municipal Board (Referral No. 1), the designations of Open Space and Environment Protection remain in place. As adopted, the new Goulbourn Official Plan designates these lands residential.

As noted above the concern of the Region is that sufficient dwelling unit allocation has not been identified to permit the entire Amberlakes subdivision to proceed. Once the matter of dwelling unit allocation has been resolved, the issue of the appropriate land use designation in the Goulbourn Official Plan is a local concern. As will be noted below, in the opinion of Legal staff the issue of the dwelling unit allocation can likely be dealt with through the zoning by-law as well as the Board not approving the plan of subdivision.

Therefore, it is Legal staff's recommendation that no position be taken on the land use designation for the lands subject to Referral No. 1 to the Goulbourn Official Plan. Once the Board has made its determination on such land use designation, Official Plan Amendment No. 121 to the former Goulbourn Official Plan will become redundant. In order to resolve the technical matter of having to deal with Official Plan Amendment No. 121, staff recommend that the Region's position simply be that Amendment No. 121 not be approved by the Board.

## **ZONING**

The Ontario Municipal Board also has before it Zoning By-law Amendment 59/94 which again only applies to the Phase 2 lands. Zoning By-law Amendment 59/94 has not been passed by Goulbourn Council and this refusal was appealed to the Ontario Municipal Board by Amberlakes. The lands are presently zoned Environmental Protection Area (EPA). It is proposed by Amberlakes that the lands be rezoned to a "Special Residential Type 3" (R3) and "Open Space" (OS) zones. It is also proposed by Amberlakes that By-law 59/94 provide for the following special provisions to apply to the Phase 2 lands in the R3 zone:

1. The minimum lot area be reduced from 200 m<sup>2</sup> to 150 m<sup>2</sup>.
2. The minimum exterior side yard width be reduced from 5.0 m to 4.5 m.
3. The minimum interior side yard width be reduced from 2.0 m to 1.5 m if the end unit is single storey.
4. The minimum rear yard depth be reduced from 7.5 m to 6.0 m where the units back onto lands zoned OS or where the unit is single storey.

As with the land use designation in the Goulbourn Official Plan, the question of the appropriate zone and special provisions for the Phase 2 lands is primarily a local rather than a regional concern. However, in that the provision of R3 zoning would suggest the ability to proceed with the development of the Phase 2 lands immediately, and such would not conform to the regional official plan, one of two options are necessary to ensure that it is clear that development cannot proceed at this time.

The preferred option would be the creation of a special holding zone. The Goulbourn Official Plan contains the following provision for Stittsville with respect to holding zones.

### **3.3 HOLDING ZONES**

In accordance with the *Planning Act*, holding zones will be employed by Council to:

- b) defer development until adequate services are available

Through the use of a holding zone, it would be possible to outline now what are the permitted uses but deferring to a future date the point at which such uses can actually take place. In order to permit the zoning to conform to the Regional Official Plan, Legal staff propose that this point in time would be when the approved ultimate dwelling unit allocation for Stittsville is 8,000 dwelling units. With the concurrent reduction in the job allocation that is recommended to accompany this, the capacity in the sanitary sewer will exist to accommodate the extra 110 to 130

dwelling units the Amberlakes plan of subdivision is beyond that which was contemplated at the time of the 1994 report on the administration of the Stittsville dwelling unit allocation.

While it is the opinion of Legal staff that the wording of the Goulbourn Official Plan, section 3.3 permits a holding zone in accordance with the above discussion, at the same time it must be acknowledged that the possibility does exist that this wording is not sufficient to support a holding zone on the Phase 2 lands. If the Board comes to the conclusion that a holding zone is not possible, then in order to ensure that any development on the Phase 2 lands only occurs when the necessary dwelling unit allocation is present, the position of the Region should be that Phase 2 lands be left with their present zoning. (Environmental Protection Area) . As a result it would be the Region's position the Board should not approve Zoning By-law 59/94.

### **RECIRCULATION**

Regional Council also directed that staff recirculate the Mississippi Valley Conservation Authority and the Ministry of Natural Resources to ensure that these agencies are aware that the Phase 2 lands will also be considered at the upcoming Board hearing and to request verification of the conditions of draft approval they these wish to see imposed. This recirculation has taken place and the responses are on file with the Committee Co-ordinator.

*approved by Eric A. Johnston on behalf of  
J. Douglas Cameron*

JDC/TCM