# REGION OF OTTAWA-CARLETON RÉGION D'OTTAWA-CARLETON

# REPORT RAPPORT

Our File/N/Réf. Your File/V/Réf.	43-00-0128
DATE	13 June 2000
TO/DEST.	Co-ordinator Planning and Environment Committee
FROM/EXP.	Commissioner, Planning and Development Approvals
SUBJECT/OBJET	PUBLIC MEETING TO CONSIDER DRAFT REGIONAL OFFICIAL PLAN AMENDMENT 13 CARLSBAD SPRINGS WATER SUPPLY SERVICE AREA- ADDITION OF PARTS OF FARMERS WAY AND SIXTH LINE ROAD, CITY OF GLOUCESTER

# **DEPARTMENTAL RECOMMENDATIONS**

That, subject to the public meeting, the Planning and Environment Committee recommend that Council enact a by-law to adopt Regional Official Plan Amendment 13 to the 1997 Regional Official Plan, attached as Annex A to this report.

# PURPOSE

Proposed Regional Official Plan Amendment 13 (ROPA13) is being submitted as a private Regional Official Plan Amendment by a group of residents living along Farmers Way in the City of Gloucester, and is before Planning and Environment Committee for a public meeting.

# **SUMMARY**

In 1997 the Region completed the construction of a "trickle-feed" water supply system for Carlsbad Springs and adjacent rural lands, in response to concerns with the quality and quantity of well water in the area. The Region has recently received an application to amend the Regional Official Plan for two minor extensions of the system. The larger extension, for 15 properties along Farmers Way, is supported by a petition under the *Local Improvement Act*. The cost to extend the "trickle feed" system would be paid by those land owners who could receive the extended service, with no

construction costs assigned to the Region, as there are no funds available under the Municipal Assistance Program.

The Regional Official Plan establishes a capacity limit for the Carlsbad Springs water supply service of 731 dwelling units or equivalents in Gloucester (44 in Cumberland). If ROPA 13 is approved, and all affected property owners decide to connect to the system (11 out of 16 affected property owners appear to be interested at this time) there will be virtually no capacity left for new development along the Gloucester portion of the "trickle feed" system. Staff are in favour of ROPA 13.

# BACKGROUND

The Carlsbad Springs Hamlet and an adjoining area in the City of Gloucester and in the City of Cumberland has experienced a history of well-water quality and quantity problems. In 1988, MOE - Ottawa undertook a study, "Report on a Well Survey of the Greater Carlsbad Springs Area in the City of Gloucester in the RMOC". It concluded that 58% of the wells were unsatisfactory, 15% were doubtful and 30% had experienced dry periods. The report recommended an alternate water source. In response, the RMOC undertook a feasibility study. It concluded that a steady flow system would be utilized to service Carlsbad Springs.

Provincial funding was announced in August 1994 for a demonstration project using an alternative standard water supply system.

The current Carlsbad Springs Water Supply System was completed in 1997. The project implemented a "Tickle-Feed" (Steady Flow) water supply technology and non-traditional construction materials and methods. The entire water system was 70% funded by the Ontario Ministry of the Environment under the Ontario Clean Water Agency through the Municipal Assistance Program.

As a condition of funding, the Municipal Assistance Program specifically required that the system be designed to correct existing water problems and not to accommodate new growth. Although the service was not intended to accommodate new growth, an allowance of 5 % for infilling and severances was accepted by the MOE.

Between April 1996 and June 1997 Regional Council considered four amendments to the Regional Official Plan (1988) dealing with the Carlsbad Springs water supply service area. Three Official Plan amendments were adopted and ultimately approved by the Province.

The last amendment (ROPA 70) to the 1988 Regional Official Plan established the current service area and the servicing capacity as 775 dwelling units or equivalent dwellings. The policies of this amendment were later included into Section 10.3.7 of the new Regional Official Plan (1997). The properties along Farmers Way subject to ROPA 13 (new Plan) elected during the course of the original servicing project to not connect to the system at that time.

Since nearly all of the unused servicing capacity is within the City of Gloucester, policies which guide the allocation of the available excess system capacity, for a limited number of new residential service connections, have been incorporated into the Gloucester Official Plan.

### Water System Characteristics

The Carlsbad Springs Alternative Water Supply system is unique in that it requires a small storage tank and pressure pump to be located within each home, providing individual in-house balancing storage and in-house pressurization of the water supply. A constant flow rate is provided to each home, thus reducing the peak demands on the water supply system and allowing smaller diameter watermains to be used in the distribution system. Installation of the entire 43 km of distribution system piping (ranging from 75mm to 200mm diameter) was undertaken using chain-trenching and directional drilling.<sup>1</sup> This alternative water supply technology, combined with non-traditional materials and construction methods, reduced overall costs by an estimated 65% over a conventional system for this area.<sup>2</sup>

### Service Area determination

A major component of the provincial Environmental Assessment (Schedule "B") and pre-design for the project involved the determination of the area to be serviced. Given that public support varied throughout the study area, public contact remained high throughout the project. Several surveys and petitions were used to determine the areas where support exceeded 50%.

Additionally, noting that servicing less dense areas would result in higher costs per home, the selection of the final service area had to consider housing densities. It was determined that the project would fall within the allowable budget if roadways with a housing density exceeding 8 homes per kilometre were included. These servicing condition guidelines were used to determine the final service area.

# Private Regional Official Plan amendment application

A group of residents along Farmers Way have requested and initiated a private Regional Official Plan amendment that would allow the **Carlsbad Springs Water Supply Service** to be extended to service 15 properties along Farmers Way.

The extension to the water service (approximately 830 metres) would be from the point where Farmers Way intersects with Ninth Line Road northerly to a point described as the north-east corner of the

<sup>&</sup>lt;sup>1</sup> The first phase of construction involved the installation of 34km of watermain using a chaintrencher. The second phase considered an additional 9km of watermain using directional drilling. Many individual services were also installed using directional drilling. All pipes were joined using the butt-fusion process, and all service laterals and couplings were connected to the mainline using electro-fused fittings. These fusing processes provide a gasket-free (and leak-free) system.

<sup>&</sup>lt;sup>2</sup> Carlsbad Springs Steady-Flow Water System, Demonstration Project-Summary Report, Ainley Graham & Associates Limited, September, 1998, Page i.

property known as 4800 Farmers Way and legally described as Part Lot 11, Concession 8, Ottawa Front (City of Gloucester) being Part 3 on Reference Plan, 5R-12245, in the City of Gloucester. See Annex A.

In addition, the amendment would allow the **Carlsbad Springs Water Supply Service** to be extended a short distance (90 metres) along Sixth line road to allow for the possible connection of a small public recreational building (Top Generation Club) at 4473 Sixth Line road near Baseline Road in the City of Gloucester. The *Top Generation Club* currently uses well water for sanitary purposes and bottled water, supplied by the City of Gloucester for drinking water.

The effect of these changes would be to recognize the availability of a domestic piped water supply to the existing dwellings, buildings and lots fronting along the Carlsbad Springs Water Supply Service route.

# Petition under the *Local Improvement Act*

The Region of Ottawa-Carleton also received a petition on April 25, 2000 pursuant to the provisions of the *Local Improvement Act* for the undertaking of the following work along the road known as Farmers Way in the City of Gloucester:

"The extension of the Carlsbad Alternative Standards Water Supply System, to service both sides of Farmers Way, northerly from the point where Farmers Way intersects with Ninth line Road to a point described as the north-east corner of the property known as 4800 Farmers Way and legally described as Part Lot 11, Concession 8, Ottawa Front (Township of Gloucester) in the Regional Municipality of Ottawa-Carleton being Part 3 on Reference Plan, 5R-12245. Such work includes the installation of the watermain within the right-of-way for Farmers Way as well as service laterals from the watermain to the property lines of the properties to be serviced. Such work also includes the installation of all necessary appurtenances within the right-of-way but does not include any pipes or appurtenances to be placed or installed within private property ."

The petition pursuant to section 7 of the *Local Improvement Act* included the owners of 10 of the 15 properties fronting along the portion of Farmers Way in question. Section 11 of the *Local Improvement Act* requires that the petition for a work be signed by at least two-thirds in number of the owners representing at least one-half of the value of the lots liable to be specially assessed for the work. The value of lots means the assessed value according to the last revised assessment roll of the municipality.

There are 15 properties (and 14 existing homes), fronting along the affected portion of Farmers Way. A review of the ownership and property assessment records indicates that 10 of the owners, or where the property is jointly owned, the joint owners, have signed the petition. This represents two-thirds of the owners.

A review of the assessment has been conducted by the Region's Finance Department. The assessment of those who signed the petition represents 64.35% of the total assessment of the 15 properties.

The Clerk of the Regional Municipality of Ottawa-Carleton on May 11, 2000 certified, pursuant to section 15 of the Act, that the petition meets the sufficiency requirements for a work to be considered by the Regional Municipality of Ottawa-Carleton under the *Local Improvement Act*.

The cost of the proposed work - the watermain extension - along Farmers Way under the *Local Improvement Act* is to be specially assessed to all the lots abutting the proposed watermain according to the extent of their frontage and calculated by an equal special rate per metre of frontage sufficient to defray such cost of the proposed work. The cost of the project would be paid by all 15 benefiting property owners in the area subject to the petition.

ROPA 13 proposes to add a short extension of the water system along Sixth Line Road to accommodate the building which houses the seniors centre known as the *Top Generation Club*. This part of the amendment is not part of the Local Improvement program. As a result, all the installation requirements along Sixth Line Road and the costs associated with it would not be the responsibility of the Region, and may be the responsibility of the City of Gloucester.

# DISCUSSION

Regional Official Plan Amendment 13 (Annex A refers) proposes to include the above-noted section of Farmers Way in the **Carlsbad Springs Water Supply Service** Area designation which would allow the watermain extension and permit the connection of the 15 properties along Farmers Way to the extended watermain.

The proposed Amendment 13 to the Regional Official Plan would also allow a small recreational building (known as the *Top Generation Club*- which houses the events of seniors and other community groups in a building leased from the City of Gloucester and which is owned by the National Capital Commission) at 4473 Sixth Line road near Baseline Road to connect to the **Carlsbad Springs Water Supply Service** which is currently located along Baseline Road. The *Top Generation Club* currently use well water for sanitary purposes and bottled water, supplied by the City of Gloucester, for drinking water.

The *Top Generation Club* is located on the only property that fronts on this portion of Sixth Line Road. The building itself is the original Ramseyville School, built in 1894 and the building and the exterior landscaping have been given a local heritage designation by the City of Gloucester.

The Regional Official Plan does not show an extension of the watermain easterly along Sixth Line Road, regardless of distance from the existing watermain along Baseline Road and therefore a domestic piped water supply connection would not be permitted without this Official Plan amendment. The applicant / proponent for a service connection would pay the cost incurred by the Region for the watermain extension at the time of connection.

Regional Official Plan Amendment 13 would therefore include a short extension (approximately 90 metres) of the **Carlsbad Springs Water Supply Service** along Sixth Line Road to provide for the possible connection of the piped water service to 4473 Sixth Line Road.

### COMMENTS FROM THE CIRCULATION

Draft Amendment 13 was circulated to a number of technical agencies, regional departments, and interested parties, including landowners adjacent to and in the vicinity of the proposed water system extensions. Comments were received from the City of Gloucester, the Environmental Health Advisory Group, the National Capital Commission, Enbridge Consumers Gas, the Conservation Partners Planning and Development Review Team, the Health Department, a resident fronting along the proposed Farmers Way watermain extension and a law firm representing Fairlawn Sod, the owners of lands on Eighth Line Road. Their comments summarised below, are available for viewing in the Resource Centre in the Heritage Building.

The Environmental Health Advisory Group, Enbridge Consumers Gas, the Conservation Partners Planning and Development Review Team and the Health Department had no objections to the proposed amendment.

The National Capital Commission had no objections to the extension of the water supply along Sixth Line Road subject to the condition that there is no requirement for NCC funding. The NCC point out that there will be requirements for NCC land use and environmental approvals of the alignment where federal land is involved.

Madame Jeanne Desjardins of 4808 Farmers way (one of the 15 properties subject to the amendment) indicated that she is against the extension.

The City of Gloucester Planning Advisory Committee, at a meeting held on June 6, 2000, recommended to Gloucester Council that: they endorse the approval of ROPA 13; and that the City of Gloucester establish a moratorium on creating new residential lots along the Carlsbad water system once the remaining capacity reaches sixteen (16) residential connections in order to reserve the remaining capacity for Farmers Way. Gloucester Council will be considering a resolution on this matter on June 13, 2000.

Bell Baker, Barristers & Solictors representing *Fairlawn Sod* the owner of lands at 4828 Eighth Line Road state that their client has filed with the Gloucester Committee of Adjustment nine applications for severance for new residential lots to be created along the existing route of the Carlsbad water supply service. They state that they are not unsympathetic to the reasoning of the residents on Farmers Way requesting the extension of the system to service their properties. They state that at the time that the system was being established in the greater Carlsbad Springs area that the residents along Farmers Way were given the opportunity to have the system brought onto their road but it was not a priority at that time.

It is the position of their client that the issue is bigger than the extension on Farmers Way and that there may be concerns about water further south and east and therefore the Region should consider the expansion of the Carlsbad Springs system in other areas and that ROPA 13 ought to be deferred until such time as the larger issue can be raised and alternatives presented.

In addition, they would ask that the Planning Committee consider the implications of approving ROPA 13 on lands who immediately abut the existing line and have development potential. It is their view that the extension of the system will result in a dramatic decrease in the amount of remaining hook-ups left for in-fill development. They point out the Regional Official Plan requires that any future severances along the pipe be required to connect to the system. Once the capacity of the pipe is reached, those with development potential will be denied any further severances. In the case of their client, the capacity will be reached in the system almost immediately, such that all of the severance applications cannot be granted. The reservation of connections in the City of Gloucester was to have occurred on first come, first served basis.

One of the issues that this raises is the prejudice that be incurred by those with existing development/severance applications before the City and whether it is equitable for the Farmers Way application to have priority over those already in line. They argue that one of the objectives to servicing rural areas in the Regional Official Plan is to optimize the use of existing infrastructure to the fullest extent possible. It is clear that this is an extension of the infrastructure to Farmers Way where others are immediately contiguous to it and are wishing to connect.

The *Local Improvement Act* works is not irrevocable they submit, and disagreement by resident owners along Farmers Way can result in the petition not having sufficient numbers to have the project completed.

They indicate that Schedule H to the Regional Official Plan is to be changed where there is a public health problem and that the watermain extension is the best solution for that problem. It is their position that the Region has been presented with a petition but the extent of the public health problem with the existing drinking water on Farmers Way has not be determined. They believe that this requires investigation.

# Staff Comment

The extension along Farmers Way from Eighth to Ninth Line Roads was considered when the Region was investigating the extent of the Carlsbad Springs water service area. At that time there was not sufficient property-owner support for the watermain extension along Farmers Way. There is now a private Official Plan amendment application and a petition for part of this extension.

In addition to the immediate Carlsbad Springs community in the Cities of Gloucester and Cumberland, the study area for the project extended from Hawthorne Road in the west, Boundary Road in the east,

Leitrim Road to the North and included part of Yorks Corners Road in the Township of Osgoode south of Mitch Owens Road. Since this larger potential servicing area was investigated as part of the Environmental Assessment and residents of the larger area did not elect to connect to the system at that time, a deferral of ROPA 13 while another review of the servicing area is undertaken is not warranted.

The issue resulting from this amendment concerns the remaining capacity of the Carlsbad Springs water system. At the time of the proposed amendment it is staff's understanding that capacity exists to extend the water service for Farmers Way.

The Region and the City of Gloucester have been operating on the premise of a first come, first served basis to deal with planning applications on the Carlsbad Springs Water System, provided all other requirements of the Official Plans are met.

For a severance, the Region will commit a connection to the municipal water supply for a lot at the time of draft approval. If the approval lapses without the conditions being met then the commitment is withdrawn. For a zoning by-law amendment, the Region would need to see the specific development proposal (through a site plan for example) in order to assess the quantity of water required. A commitment to capacity would only be made when the zoning by-law is approved. For a site plan not requiring a zoning by-law amendment, the Region would commit capacity on approval of the site by the City of Gloucester. For a plan of subdivision, the Region will commit capacity at the time of draft plan approval.

A number of connection commitments, based on these criteria, have been made to date for new residential lots by severance (farm and non-farm related), a senior citizen housing project, for special needs housing (Harvest House), and for two potential golf centres.

Since, the receipt of ROPA 13, the City of Gloucester has received applications for 13 new residential severances for properties located along the Carlsbad Springs Water System. These applications are anticipated to go to the Committee of Adjustment in late June and July for approval. Should all 13 applications be approved, Gloucester advises that there would be a deficit of five residential connections.

Gloucester staff have reviewed the situation and in their report to the Planning Advisory Committee have recommended that only 8 of these applications be recommended for approval, provided that they meet the policy criteria for infill and the zoning requirements. After this eight, no further approvals of any new infill residential severances along the Carlsbad Springs system would be permitted. This will ensure that the capacity is reserved for Farmers Way, until such time as ROPA 13 is approved and all appeals are exhausted. This approach was endorsed by the Gloucester Planning Advisory Committee.

It was also noted by Gloucester staff that while a potential water problem exists, and the affected community has expressed the interest in resolving the situation, any existing capacity in the water system should be reserved in order to ensure the health and safety of the community. Further, it was stated that

the original function of the Carlsbad Springs Water System project was to resolve any existing water quality and quantity issues and not permit a lot of new development.

Under the provisions of the *Local Improvement Act*, as long as the petition is signed by at least twothirds in number of the owners representing at least one-half of the value of the lots liable to be specially assessed all 15 properties fronting on the proposed watermain extension would be have to pay the total public costs of the project. However, the decision to connect would rest with the property owner. The extension to the water service to accommodate the *Top Generation Club* is not subject to the *Local Improvement Act* and would be paid for by the proponent at the time of connection.

Regarding the public heath issue, the Carlsbad Springs water servicing project, as part of the Environmental Assessment, had referred to a history of well-water quality and quantity problems in the Carlsbad Springs study area. The proposed extensions along Farmers Way and for the *Top Generation Club* are to remedy these existing problems.

# CONSULTATION

Public notice of the proposed Regional Official Plan amendment was published in the *Ottawa Citizen, Le Droit,* and the *Ottawa Sun* on June 2, 2000. In addition, notice of the public meeting and a copy of the proposed amendment 13 were mailed to the property owners along Farmers Way and the intersection of Ninth Line Road and in the vicinity of the intersection of Baseline Road and Sixth Line Road and to various technical agencies and other interested parties.

# FINANCIAL IMPLICATIONS

The Farmers way water system extension is to be financed by the benefiting property owners pursuant to the *Local Improvements Act*. The extension of the water system to serve the *Top Generation Club* would be paid by the proponent or applicant for the extension, which may be the City of Gloucester.

Approved by N. Tunnacliffe, MCIP, RPP

Attachment: Annex A - Draft Regional Official Plan Amendment 13

#### ANNEX A

# DRAFT AMENDMENT 13 OFFICIAL PLAN (1997) OF THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

#### PURPOSE

The purpose of Amendment 13 is to: a) include 15 properties along Farmers Way in the **Carlsbad Springs Water Supply Service** area designation on Schedule H to the Regional Official Plan. The extension to the water service (approximately 830 metres) would be from the point where Farmers Way intersects with Ninth Line Road northerly to a point described as the north-east corner of the property known as 4800 Farmers Way and legally described as Part Lot 11, Concession 8, Ottawa Front (City of Gloucester) being Part 3 on Reference Plan, 5R-12245, in the City of Gloucester, and b) to extend the **Carlsbad Springs Water Supply Service** a short distance (90 metres) along Sixth line road to allow for the possible connection of a small public recreational building (Top Generation Club) at 4473 Sixth Line Road near Baseline Road in the City of Gloucester.

The effect of these changes will be to recognize the availability of a domestic piped water supply to the existing dwellings, buildings and lots fronting along the Carlsbad Springs Water Supply Service route.

#### **BASIS**

The Regional Municipality of Ottawa-Carleton received a petition on April 25, 2000 pursuant to the provisions of the *Local Improvement Act* for the undertaking of the following work along the road known as Farmers Way in the City of Gloucester.

"The extension of the Carlsbad Alternative Standards Water Supply System, to service both sides of Farmers Way, northerly from the point where Farmers Way intersects with Ninth line Road to a point described as the north-east corner of the property known as 4800 Farmers Way and legally described as Part Lot 11, Concession 8, Ottawa Front (Township of Gloucester) in the Regional Municipality of Ottawa-Carleton being Part 3 on Reference Plan, 5R-12245. Such work includes the installation of the watermain within the right-of-way for Farmers Way as well as service laterals from the watermain to the property lines of the properties to be serviced. Such work also includes the installation of all necessary appurtenances within the right-of-way but does not include any pipes or appurtenances to be placed or installed within private property ."

The petition pursuant to section 7 of the *Local Improvement Act* included the owners of 10 of the 15 properties fronting along the portion of Farmers Way in question. Section 11 of the *Local Improvement Act* requires that the petition for a work be signed by at least two-thirds in number of the owners representing at least one-half of the value of the lots liable to be specially assessed for the work.

The value of lots means the assessed value according to the last revised assessment roll of the municipality.

There are 15 properties fronting along Farmers Way. A review of the ownership and property assessment records indicates that 10 of the owners, or where the property is jointly owned, the joint owners, have signed the petition. This represents two-thirds of the owners.

A review of the assessment has been conducted by the Region's Finance Department. The assessment of those who signed the petition represents 64.35% of the total assessment of the 15 properties.

The Clerk of the Regional Municipality of Ottawa-Carleton on May 11, 2000 certified, pursuant to section 15 of the Act, that the petition meets the sufficiency requirements for a work to be considered by the Regional Municipality of Ottawa-Carleton under the *Local Improvement Act*.

The cost of the proposed work - the watermain extension - along Farmers Way under the *Local Improvement Act* is to be specially assessed to all the lots abutting the proposed watermain according to the extent of their frontage and calculated by an equal special rate per metre of frontage sufficient to defray such cost of the proposed work. The cost of the project would be paid by all 15 benefiting property owners in the area subject to the petition.

Regional Official Plan amendment 13 proposes to include the above-noted section of Farmers Way in the **Carlsbad Springs Water Supply Service** Area designation which would allow the watermain extension and permit the connection of the 15 properties along Farmers Way to the watermain.

The proposed amendment 13 to the Regional Official Plan would also allow a small recreational building (known as the *Top Generation Club*- which houses the events of seniors and other community groups in a building leased from the City of Gloucester and which is owned by the National Capital Commission) at 4473 Sixth Line road near Baseline Road to connect to the **Carlsbad Springs Water Supply Service** which is currently located along Baseline Road. The *Top Generation Club* currently uses well water for sanitary purposes and bottled water, supplied by the City of Gloucester for drinking water

The Regional Official Plan does not show an extension of the watermain easterly along Sixth Line Road, regardless of distance from the existing watermain along Baseline Road and therefore a domestic piped water supply connection would not be permitted without this Official Plan amendment. The applicant / proponent for a service connection would pay the cost of the watermain extension incurred by the Region at the time of connection.

Regional Official Plan amendment 13 would therefore include a short extension (approximately 90 metres) of the **Carlsbad Springs Water Supply Service** along Sixth Line Road to provide for the possible connection of the piped water service to 4473 Sixth Line Road.

#### THE AMENDMENT

 Schedule H, Rural Servicing, is hereby amended by extending the "Carlsbad Springs Water Supply Service" from the point where Farmers Way intersects with Ninth Line Road northerly to a point described as the north-east corner of the property known as 4800 Farmers Way and legally described as Part Lot 11, Concession 8, Ottawa Front (City of Gloucester) being Part 3 on Reference Plan, 5R-12245 and easterly along Sixth Line Road from the intersection of Baseline Road to 4473 Sixth Line Road, in the City of Gloucester, as shown on Schedule 1 attached.



