

REGION OF OTTAWA-CARLETON
RÉGION D'OTTAWA-CARLETON

REPORT
RAPPORT

Our File/N/Réf. Your File/V/Réf.	43-00-0131
DATE	24 August 2000
TO/DEST.	Co-ordinator Planning and Environment Committee
FROM/EXP.	Commissioner Planning and Development Approvals Committee
SUBJECT/OBJET	PUBLIC MEETING TO CONSIDER DRAFT REGIONAL OFFICIAL PLAN AMENDMENT 15 - WEST CARLETON ESTATES RESIDENTIAL SUBDIVISION

DEPARTMENTAL RECOMMENDATION

That, subject to the public meeting, Planning and Environment Committee recommend to Council that draft Regional Official Plan Amendment 15, attached as Annex A to this report, be refused.

SUMMARY

The owner of the property located in part Lots 1 and 2, Concession II of the Township of West Carleton (former Huntley Township) has applied to amend the 1997 Regional Official Plan (ROP) to permit the connection of his property to the Region's central water system.

The water connection would service a proposed 185 acre (75 hectare) subdivision of 60 country lots developed around a nine hole golf course. The connection would be made to the existing watermain located along Carp Road. The watermain was built in the late 1980's to respond to concerns regarding the risk of groundwater contamination from the nearby landfill site. The watermain was installed by Canadian Waste Services Inc (Laidlaw). Water service was provided to most residential properties in the area, including the two homes located on the subject property. The Region now owns and operates the watermain.

The current ROP designation of the site, “General Rural Area”, permits the proposed country lot subdivision if serviced by private services or public communal services. It does not permit a connection to central services nor to partial services. A Regional Official Plan amendment is required to provide piped water to a rural property. More specifically, the requested Official Plan Amendment would amend Section 10.3.3 General Policies for Communal or Central Sewer and Water Services by adding a new policy as outlined in draft Amendment 15 attached as Annex A to this report.

Council’s policy is that development in the General Rural Area is to be serviced on private services unless a public health problem arises in an existing development or an exception is made specifically in the Official Plan. In this case, no household is currently experiencing a health problem. Partial servicing combined with poor drainage conditions on site would likely lead to septic systems failure and eventually require a connection to the central sewer service which is already constrained. The identification of low levels of contamination at the only test well location on the site suggests the need for further investigation across the site prior to using the site for residential development. The watermain along Carp Road was built to correct an existing problem in 1988 and it was not meant to accommodate future development. Any decision to access water and eventually sewage services in Stittsville reduces the capacity allocated to the adjacent urban area. For all the above reasons staff recommend refusal to amend the Regional Official Plan to permit a water connection to the site.

SITE DESCRIPTION

The 185 acre (75 hectare) site is vacant except for two rented residential units along Carp Road connected to the Carp Road watermain. The site is shown as Environmental Feature on Schedule K of the Regional Official Plan, based on the presence of a regionally valuable hydrological feature (small open water marsh), and regionally rare forest stand types. The site contains an area of organic soil as well as potential for archaeological resources.

The current ROP designation of the site, “General Rural Area”, permits the proposed country lot subdivision serviced by private services or public communal services subject to certain conditions. West Carleton’s Official Plan designates the site as a Marginal Resource Area.

The site is adjacent to the northern boundary of the village of Stittsville. It is also adjacent to a rural residential development to the west, a snow disposal site and vacant land to the north, vacant land to the east (being considered as part of the Corel Area expansion), and a vacant urban business park to the south. As indicated in the Key Map in Annex B, the proposed development would also be close to a major landfill site (670m), two major quarries (680m and 1.4k), and a rural industrial park to the west.

COMMENTS FROM THE CIRCULATION

Information about the application to permit a connection to the Region’s central water system was circulated in June 2000 to owners of properties within 120 metres of the site, the Ministry of Municipal

Affairs and Housing, the Townships of West Carleton and Goulbourn, the City of Kanata, technical agencies and community groups.

Owners of adjacent properties, community groups, the Townships of West Carleton and Goulbourn and the City of Kanata did not provide comments. The following agencies responded that they have no comments nor concerns: the Mississippi Valley Conservation, Enbridge Consumer Gas and Rogers Ottawa.

The Ministry of Municipal Affairs and Housing responded that partial services should be discouraged as outlined in the Provincial Policy Statement. The Ministry noted a history of complaints from local residents related to the two quarries located nearby. It recommended that the applicant be required to submit sufficient supporting documentation to demonstrate that the proposed development would not preclude or hinder the quarry expansion or continued use for reasons of public health, public safety and environmental impact. The Ministry also indicated that the issues related to the potential for archaeological resources and the impact to fish habitat in the Feedmill Creek, north of the site, must be addressed before any development approval.

The Environmental Health Advisory Group does not support the application on the basis that the land is poorly drained and because the proximity of the proposed residential development to the landfill could cause stress and health risks for homeowners who could hold the Region liable for approving the development.

DISCUSSION

The option of approving a rural development on the basis of central water is not permitted by the Regional Official Plan unless “a public health problem arises and Council determines that the installation of regional water and/or wastewater services (rather than private services connection program) is the best solution” (Policy 10.3.7.1). Council would consider an amendment to the Plan if a public health problem arises in an existing development. In this case, no household on the site is currently experiencing a health problem.

Also the ROP (Policy 10.3.3 3) and the Provincial Policy Statement (Policy 1.3.1.1.d) do not permit partial central servicing unless there is a compelling reason to the contrary. These policies recognize the tendency to increase water consumption when supplied with central water, leading to failure of private sewage systems. The Terrain Analysis Report for the site identifies areas of poor drainage (wetland conditions as well as bedrock) indicating poor drainage conditions unsuitable for private sewage systems. Poor drainage combined with additional water consumption raises the possibility that the site would eventually require a connection to adjacent sewer service already under constraints.

In terms of water quality, the hydrogeological study is inconsistent and incomplete. It indicates that the water is potable and meets the health criteria defined in the Ontario Drinking Water Objectives for Subdivision Supply but that the aquifer contains toxic elements. It also indicates that the cumulative effect of pumping from a number of wells could alter the direction of the contaminant plume from the

nearby landfill, and the water quality could in turn, be expected to worsen with time. While this is not discussed, using groundwater to irrigate the golf course could also pose health hazards and change the direction of the plume and possibly worsen the problem. The identification of low levels of contamination at the only test well location on the site suggests the need for further investigation across the site prior to using the site for residential development. A thorough understanding of groundwater flow directions, contaminant concentrations, source location and the impact of irrigating a golf course on the direction of the water plume is required.

The applicant has applied to amend Schedule H to permit a connection of his property to the existing watermain located along Carp Road. The watermain does not appear on Schedule H because it was built to correct an existing problem in 1988 and not meant to accommodate future development. The agreement signed on August 1988 by the Region and Canadian Waste (Laidlaw) stipulates that the parties agree “that the extended water supply which is the subject of this Agreement, which shall be extended by the Owner (Laidlaw), is not being installed for the purpose of encouraging any further development”. The 1987 Regional staff report recommending the servicing extension also states that “the extension is not for the purpose of encouraging development, and connections to lands submitted for development after the signing of the Agreement will not be permitted.”

The proximity of the proposed development to a major landfill site, two major quarries, a Regional snow disposal site, an urban business park to the south and a rural industrial park to the west create conditions that are not suitable for residential development. The Region needs to consider the cumulative effects of incompatible land uses surrounding the site to implement Council’s policy that residential and non-residential development in General Rural Areas should not occur on land unsuitable for development (Policy 3.7.4.7).

CONSULTATION

The application was circulated for comment to adjacent property owners, the Ministry of Municipal Affairs and Housing, the Townships of West Carleton and Goulbourn, the City of Kanata, technical agencies and community groups. Responses from the circulation are summarized in this report and are available for viewing in the Corporate Resource Centre. The notice of the public meeting was published in *The Ottawa Citizen*, *Le Droit*, *The Ottawa Sun*, *the Ottawa Business Journal* and community newspapers in West Carleton, Goulbourn and Kanata.

FINANCIAL STATEMENT

If the amendment is approved, there may be some impact on the Region’s priorities for the size and timing of infrastructure, specifically if a future connection to the central sewer system, already under constraints, is needed to respond to failing private septic systems.

CONCLUSION

Regional staff do not recommend approval of this application to amend the 1997 Regional Official Plan to permit the connection of the applicant's property to the Region's central water system. The Regional Official Plan is clear that development in the General Rural Area is to be serviced on private services unless a public health problem arises in an existing development. In this case, no household is currently experiencing a health problem. Partial servicing combined with poor drainage conditions would likely require in the future a connection to the central sewer service which is already constrained. The identification of low levels of contamination at the only test well location on the site suggests the need for further investigation across the site prior to using the site for residential development. The watermain along Carp Road was built to correct an existing problem in 1988 and it was not meant to accommodate future development.

An objective of the policies regarding servicing to the rural area is to provide Regional Council with a measure of control over the amount of land committed for planned urban development and with a means of planning and providing affordable, cost-effective urban servicing. Permitting an exception to servicing policies for the rural area, makes achieving Council's objective more difficult and reduces the capacity already allocated to the adjacent urban area.

Approved by
N. Tunnacliffe, MCIP, RPP

SG/

DRAFT
AMENDMENT 15

**OFFICIAL PLAN (1997) OF THE
REGIONAL MUNICIPALITY OF OTTAWA-CARLETON**

PURPOSE

The purpose of Amendment 15 is to permit the connection of the property located in part of Lots 1 and 2, Concession II of the Township of West Carleton (former Huntley Township) to the existing watermain located along Carp Road. The central water connection would service a proposed 185 acre (75 hectare) subdivision of 60 country lots developed around a nine hole golf course.

BASIS

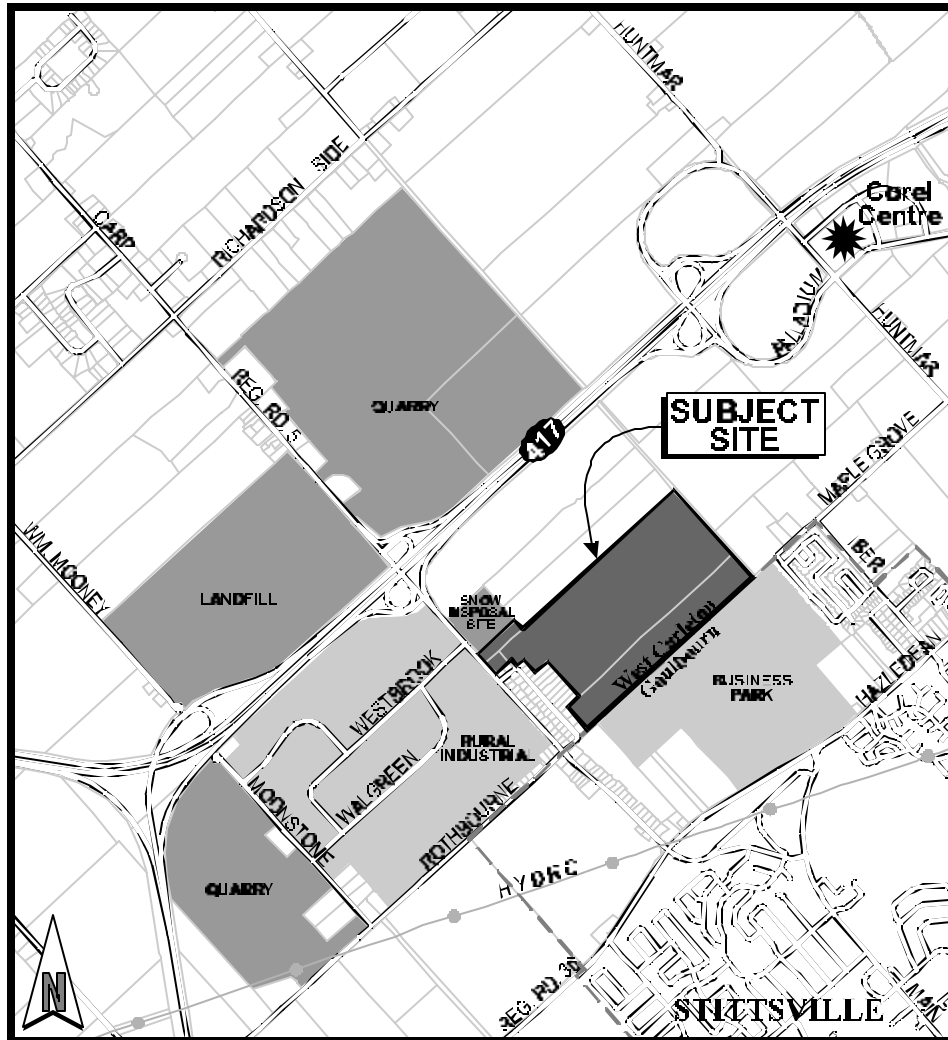
The owner of the subject property has applied for this amendment on the basis that private wells are not recommended because the groundwater contains toxic elements. In support of the application, the owner has submitted a hydrogeological study conducted in October 1999, indicating that while the aquifer meets the Provincial criteria for potable water, it also contains toxic elements which could be associated with the nearby landfill. The report concludes that without the issue of contamination from a nearby source, the site would be capable of supporting the proposed development on private services but that it cannot support the use of private wells as a residential water supply. The report notes that “the cumulative effect of pumping from a number of wells could alter the direction of the contaminant plume, and the water quality could in turn, be expected to worsen with time.”

THE AMENDMENT

1. Section 10.3.3 General Policies for Communal or Central Sewer and Water Services is hereby amended by the addition of the following new policy:

“7. Notwithstanding policies elsewhere in Section 10.3, permit a central water service connection to the property located in part of Lots 1 and 2, Concession II of the Township of West Carleton (former Huntley Township). This water connection shall be only for a potable water supply serving up to 60 residential country lots; it shall not be used for the irrigation of the golf course nor is it intended to provide urban fire protection.”

KEY MAP



PUBLIC MEETING TO CONSIDER DRAFT REGIONAL OFFICIAL PLAN
AMENDMENT 15 - WEST CARLETON ESTATES RESIDENTIAL SUBDIVISION

- Planning and Development Approvals Commissioner's report dated 24 Aug 2000

Committee Chair Hunter began by reading a statement required under the Planning Act, wherein he advised that anyone, whose intention it was to appeal ROPA 15 to the Ontario Municipal Board, must either voice their objections at the public meeting or submit their comments in writing prior to Amendment 15 being adopted by Regional Council. Failure to do so could result in refusal/dismissal of the appeal by the OMB.

Joseph Phelan, Senior Project Manager, Planning and Development Approvals, then provided Committee with an overview of the staff report.

Michael Walters, Divisional Landfill Manager, Canadian Waste Services, advised he was responsible for all landfill operations within the north-eastern Ontario division, including the West Carleton landfill site comes under that jurisdiction. Mr. Walters introduced David Harding, Water and Earth Sciences, the consultant responsible for implementation of the CSW environmental monitoring program since 1991 and noted Mr. Harding had reviewed the documents provided by the proponent to substantiate his claim. A written copy of Mr. Walter's presentation is held on file with the Regional Clerk.

Mr. Walters noted CSW was not opposed to this development as a company, rather they actively support the orderly development of the industrial, commercial and residential growth within the communities that they serve. However, he said he was before the Committee to oppose proposed amendment 15. He explained the reason for CSW's opposition is that the proponent claims wrongly that groundwater on the proponent's property has been affected by leachate from their West Carleton landfill and that this creates a public health hazard, thereby justifying a connection to the existing watermain on Carp Road. Mr. Walters stressed that the claim made by the proponent is completely unsubstantiated and untrue. CSW West Carleton Landfill site is having absolutely no impact on the proponent's property.

Mr. Walters went on to say that over \$1.2 million has been spent on CSW's ground water and service water monitoring program since 1987 and can clearly state that the CSW landfill is having no impact on this property. He noted Mr. Harding of Water and Earth Science had reviewed the documentation submitted by the proponent and provided Committee with some of the highlights of that review. The proponent's hydrogeologist report does not provide any factual data to substantiate the claim. The proponent's consultant conducted no testing or calculations or collected any information which could be used to substantiate the inference that is stated in the documents. More importantly, Mr. Walters noted the groundwater flow direction

from the landfill site is not oriented towards the proposed subdivision but rather in an easterly/north-easterly direction from the landfill. The proponent's consultant conducted no groundwater flow measurements for the preliminary hydrogeological report. There were no similarities between the chemical analysis for the groundwater collected by the proponent's consultant and the leachate indicators that are monitored at the West Carleton landfill.

Mr. Walters went on to say that until a week and a half earlier, he had no knowledge of this matter. He said at no time did the proponent have any discussion or voice concerns with Canadian Waste Services on any of these issues.

In conclusion, Mr. Walters stated CSW was not opposed to the development, however the taxpayers of the Region do not need to subsidize this private undertaking by providing water connection to the Regional system. CSW has been a proven supporter of this community and they take their responsibility seriously in operating a safe and secure landfill site. The proponents unsubstantiated claims attempt to undermine this unique working relationship that CSW has with their community. He felt the proposed amendment would become precedent setting within the Region and should be denied.

Murray Chown, Novatech Engineering, appeared before the Committee on behalf of the proponent and advised he had been involved with this property in excess of three year and noted he had first approached Regional staff on this project two years ago (September, 1998) to discuss the approach to the development of this piece of land. Mr. Chown referred to a package of documents he had provided to Committee members and is held on file with the Regional Clerk.

Addressing the issue of whether or not this is an appropriate site for the development of an estate lot subdivision and golf course, Mr. Chown advised when he first saw the subject property he was overwhelmed by the attractiveness of the site, its location and its good access to the Queensway, the Carp Road and reasonable proximity to the Corel Centre. He offered his opinion this location is ideal for a small estate lot development and a golf course. Mr. Chown went on to say staff have gone out of their way to speak in terms of the incompatibility of this residential development with some of the existing adjacent uses. However, they have failed to point out that there is a substantial amount of residential development in the immediate vicinity of the subject property, some of which is even closer to the Carson Quarry than this site is. Mr. Chown pointed out the estate lot subdivision and golf course, are uses permitted under both the Regional Official Plan and the Township of West Carleton's Official Plan.

The speaker said initially it was thought that this development would proceed on private wells and private septic systems. However, given the concern with contamination of the groundwater

in this vicinity along Carp Road and directions from the Ministry of Environment not to develop on private wells, and given the proximity of the watermain, Mr. Chown's client decided to consider the possibility of hooking up to the municipal water. Despite this, the proponent was directed by Regional staff, to carry out testing to determine whether or not there was an adequate quantity and quality of groundwater to service this development. This work was undertaken by J.D. Patterson and Associates and the studies concluded there is more than sufficient quantity of groundwater to service a residential development and in fact the water quality meets the Ontario Drinking water objectives. He said on this basis, his client could make application for development of this subdivision on full private services (and in fact has done so). Mr. Chown went on to say however, the analysis done by J. D. Patterson identified some trace elements of chemical compounds in that groundwater, that are a threat to health.

He said his client was faced with the decision of whether to accept there is nothing wrong with the groundwater there and go ahead and develop on private services or do they connect to the very large (16 inch) watermain that is already there. Mr. Chown felt the decision was very simple and logical but it had taken two years to get before the Committee for a decision on whether or not his client should be allowed to connect to that watermain.

Mr. Chown then addressed a couple of points in the staff report that he felt needed to be dealt with. The first concerned the discussion about where and how his client was going to be able to build septic systems on this site. The report in several locations makes reference to poorly drained soils, organic soils, etc. places where you should not build septic systems. Mr. Chown noted there are two terrains on the site - one is truly poorly drained organic soils, not a good location for septic systems. He referred to the coloured aerial photos he had provided to members of the Committee and noted all of that land is set aside for a golf course and his clients were not proposing to build septic systems on that land. The reference to the site being unsuitable for septic systems is not only misleading, it is wrong. Half of that site is in fact suitable for septic systems and the reports submitted to the Region in support of the draft plan of subdivision, confirm that.

The speaker noted the second comment that keeps recurring in the report is the suggestion that the test well results are incomplete. He indicated he had two concerns with that issue. Firstly, the information about the wells was made available to staff in January, 2000, yet the first he heard that they thought it was incomplete was when he read the staff report the previous Friday. His second point was that the test well put down was at the extreme west end of the site and very close to the lots that are set back off of the Carp Road. If his clients were to develop on private services, there would be half a dozen private residential wells located in the immediate proximity of that test well and that is the test well that identified the trace elements that are a risk. He said he was reasonably confident if wells were put down at the east end of the site,

they would not find any of these trace elements. He noted as well, the golf course could be irrigated from surface water or groundwater, yet the wording of the amendment would prevent his client from irrigating from municipal water.

Mr. Chown pointed out that all of the existing homes on Lloyd Alex Crescent (adjacent to the subject property) are on municipal water and private septic systems, as are all of the existing businesses on Carp Road and many of the existing businesses in the industrial park. He opined this development would be no different than Cedar Hills Golf Course in Nepean and is not a unique situation. He cautioned the Committee that if his client were to proceed with private wells, it is possible that the Region or his client could face legal action in the future.

In conclusion, Mr. Chown asked the Committee to modify the recommendation before the Committee to recommend to Council that they approve ROPA 15. As well, he requested a minor modification to the amendment to provide water services to the club house as well as the 60 residential units.

Councillor Beamish asked what the available capacity would be within the watermain on Carp Road, as he felt it would not be likely that capacity would be used up. Mr. Phelan replied this was probably true, but he could not say for certain. He noted the watermain was designed for existing development in the Lydia and Reid subdivisions, that were experiencing or faced the possibility of experiencing water contamination. He said it was not meant for future growth.

Councillor Beamish asked if there were some kind of contamination on the other side of the Queensway, was it expected that the watermain would be extended to service those properties.

Mr. Phelan advised the way the legal agreement was set out, if it were demonstrated that leachate was shown to come from the CSW site, and the MOE agreed with that determination, then CSW could be liable to extend the pipe.

Councillor van den Ham asked if this application was based on the proponent paying their associated costs for the water hook-up. Mr. Chown confirmed this, noting there was no expectation of CSW to pay for this.

Elizabeth Ginn, advised she has lived on Lloyd Alex Crescent for over 35 years. She noted originally they were on wells and septic, then were hooked up to the municipal water in the 1980's. She said she had an acre of land and her son had an acre of land. According to the proponent's plan, the first hole of the golf course would be right at the back of her property. She said she has spoken with several people in the real estate field who advised a golf course would increase the value of hers and her neighbours lands. Ms. Ginn pointed out the water is

right at the corner of Lloyd Alex Crescent and Rothburn Road and the proponents would not have to go up to Carp Road to connect.

Tim Chadder, Planner, Township of West Carleton, advised this subdivision is permitted by the West Carleton Official Plan. He noted it would permit one acre lots instead of two acre lots provided they are building in a recreational feature, such as a golf course. This is subject to their ability of providing full rural services on a normal basis. As such the applications were filed with the Township to amend the plan and noted as being a partially serviced subdivision (i.e. water), because of the direction the Township had received with respect to the concern about potential groundwater contamination. Mr. Chown advised West Carleton Council had not yet reviewed the details of the application, as it is scheduled to go to a public meeting on October 3. They did however review the proposed ROPA 15 and felt it appeared logical under the Township's Official Plan to continue with this application as it is. He said they had no objection to it going on water servicing based on the information they had at the time, concerning the safety issue.

Mr. Chadder advised, in discussions with the Township of Goulbourn, it was agreed this would be a compatible use, to existing residential and the business park to the south and in fact would create a buffer for existing residential uses on the West Carleton side. When West Carleton looked at the subdivision plan, the idea of providing the link from Carp Road which would create a four way intersection where the industrial park currently enters onto Carp Road, appeared to be a logical connection point. As well, the connection to Maple Grove provided a link for the residential traffic. In summary, Mr. Chadder stated West Carleton Council was supporting the intent of the amendment and, although he had not discussed with them proceeding without the water service, it would still meet all of the requirements of West Carleton's official Plan.

Committee Chair Hunter asked if the proponent would have to do any improvements off-site for the connection at the east end. Mr. Chadder advised there would have to be upgrading to the existing area where it is built up. There is John Street and one other street to the west of John Street where it has been approved to (just past that intersection) and then where ever the connection is, the proponents would be responsible for the upgrade. West Carleton reviewed the development charges last year and deleted any contribution for off-site in the development charge itself. This is all done through the subdivision agreements.

Councillor Munter indicated he would be moving the staff recommendation that ROPA 15 be refused.

Councillor Beamish stated he would like to see this issue deferred. Chair Hunter noted a Regional Official Plan Amendment must be deferred to a date specific.

Councillor Beamish felt that Canadian Waste Services had been caught off-guard by this application and he wondered if they might be able to be convinced by Novatech and the consultants to be supportive of this application or at least withdraw their objection to tapping into that watermain. He felt there was some discussion that could happen with Canadian Waste and Regional staff about the possibility of tying into that watermain.

The Chair noted that although deferral was possible, he pointed out that Canadian Waste did not have any influence at all on the position of staff. He said it was simply a matter of those in the urban area must connect to the water supply and those outside of the urban area do not get the urban water supply. He noted the Region had been very strict on drawing that line because of the precedential nature of it.

Councillor Beamish commented that a 16 inch watermain is a large watermain and could serve many properties, far more than there is built out there now. He offered his opinion that it would be better to allow a connection to a readily available watermain, than to put 60 wells down, which may become contaminated at some time.

On the issue of the timing of the deferral, Tim Marc, Manager, Planning and Environment Law noted that the last meeting that Regional Council can adopt a Regional Official Plan Amendment is October 25th. After that no new amendment can be adopted until the new city Council is in place.

Councillor van den Ham indicated he would not be supporting a motion for deferral. He said although it was clear that the guidelines dictate one does not hook up to municipal water in the rural area, he felt that a little common sense should be used. He noted no one has any idea what will happen down the road and he felt that in spite of the guidelines, this was a special circumstance and the safety of everyone concerned should be considered. He felt the Committee should proceed with the Amendment and indicated he would be supporting it.

Moved by D. Beamish

That consideration of this item be deferred to the Planning and Environment Committee meeting of 10 October 2000

CARRIED
(R. van den Ham dissented)