

Our File/N/Réf. (23) 15-93-3102 (R2)
Your File/V/Réf.

DATE 28 May 96

TO/DEST. Co-ordinator, Planning and Environment Committee

FROM/EXP. Planning and Property Commissioner

SUBJECT/OBJET **AMBERLAKES DEVELOPMENT CORPORATION
DRAFT PLAN OF SUBDIVISION 06T-93018
TOWNSHIP OF GOULBOURN (STITTSVILLE)**

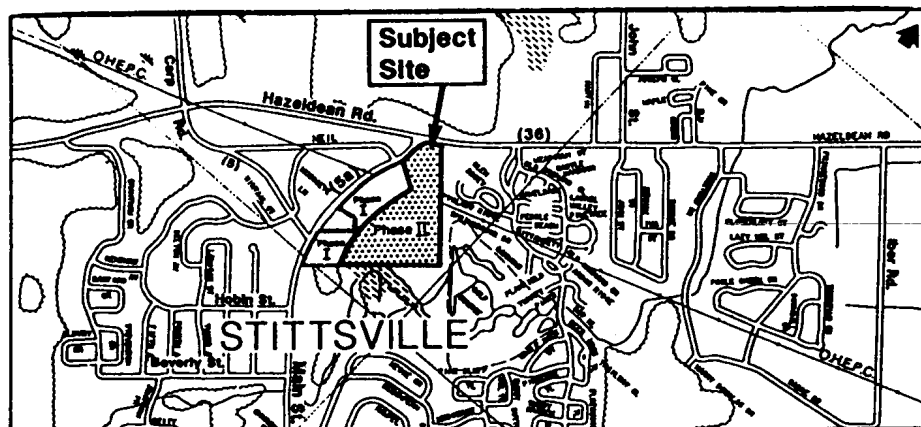
DEPARTMENTAL RECOMMENDATIONS

That Planning and Environment Committee recommend that Council:

- 1. Request the Ontario Municipal Board to impose the draft plan of approval conditions attached as Annex II to Amberlakes Development Corporation's Draft Plan of Subdivision 06T-93018 should the Ontario Municipal Board choose to approve Draft Plan of Subdivision 06T-93018 as well as the Township of Goulbourn's Official Plan Amendment No. 121 and Zoning By-law 26/94; and**
- 2. Direct Regional staff to appear before the OMB on the above-noted matter to represent Regional Council's interests.**

BACKGROUND

Planning and Environment Committee deferred consideration of this matter on the 23 Apr. 96 at the request of Amberlakes Development Corp. (Amberlakes). Since that time, Regional staff has discussed further the details of the proposed Draft Plan of Subdivision (Draft Plan) approval conditions with representatives of Amberlakes as well as the Ministry of Natural



Resources and the Mississippi Valley Conservation Authority. The Draft Plan approval conditions appended to this report as Annex I represent the product of these discussions.

In terms of historical background, on the 25 Jan. 95, Council referred Amberlakes Development Corp.'s (Amberlakes) Draft Plan of Subdivision (Draft Plan) 06T-93018 to the Ontario Municipal Board (OMB) pursuant to the request of Ray Bell. Since that time, Amberlakes has revised its Draft Plan application to include a Phase II of its proposed development.

As originally submitted, Amberlakes' Draft Plan application proposed a medium density development of 131 townhouses on 6.5 ha (14 ac.) of land fronting on Stittsville's Main Street in the vicinity of the Carp Rd. intersection. Amberlakes' revised Draft Plan application proposes 261 street townhouses on 17 ha (42 ac.) of land. This revised Draft Plan application includes a Phase I of 131 street townhouses and a Phase II of a further 130 street townhouses. However, draft approval of Phase II of Amberlakes' Draft Plan application will require the approval of an amendment to Goulbourn's Official Plan [i.e., proposed local Official Plan Amendment (LOPA) 121] as well as the passing of an amendment to Goulbourn's Zoning By-law [i.e., proposed Zoning By-law Amendment (ZBLA) 26/94]. Owing to Goulbourn Council's refusal to adopt the required LOPA and pass the enabling ZBLA, both matters are now before the OMB at the request of Amberlakes.

Regional staff circulated Amberlakes' revised Draft Plan application to internal Depts. and external agencies. As of the 9 Apr. 96, this circulation is incomplete as the Township of Goulbourn and the Ministry of Environment and Energy have yet to provide draft approval conditions on Phases I and II of Amberlakes' Draft Plan application. Regional staff notes that it is the prerogative of these agencies to make the OMB aware of their concerns prior to or at the OMB hearing on Amberlakes' LOPA, ZBLA and Draft Plan applications. On the 21 Feb. 96, the OMB held a mediation session that did not resolve the outstanding issues and as a result, the OMB committed to proceed with the scheduling of a pre-hearing in May 96 and a full hearing sometime thereafter.

OMB REFERRAL REQUEST

In a letter dated the 20 Feb. 96, Nelligan - Power (Amberlakes' legal counsel) requested that Phase II of Draft Plan application 06T-93018 be referred to the OMB under Section 51(15) of the Planning Act, 1990 (see Annex I). The reasons for Amberlakes' OMB referral request are as follows:

1. that the Region has not given draft approval to Phase II of the Draft Plan application 06T-93018; and
2. that Phase I of Draft Plan application 06T-93018 is already before the OMB and Phase II of this Draft Plan application should be considered simultaneously.

Staff Comment

Regional staff has reviewed Amberlakes' OMB referral request in light of the circumstances surrounding the subject Draft Plan application. Regional staff is aware that Nelligan - Power's request to refer Phase II of Amberlakes' Draft Plan application was made in an abundance of caution. However, given Regional Council's 25 Jan. 95 decision to refer Amberlakes' Draft Plan application to the OMB, Regional staff are of the opinion that the OMB is already seized with the matter including any revisions thereto. In short, no referral of Phase II of Amberlakes' Draft Plan application is necessary. Nevertheless, Regional Council has yet to take a position on a package of draft plan approval conditions to be imposed on Amberlakes' Draft Plan application nor provide Regional staff direction to attend the OMB pre-hearing or hearing to represent its interests. Consequently, Regional staff has recommended that Regional Council request the OMB impose a package of draft approval conditions (see Annex II) on Amberlake's revised Draft Plan application should the OMB choose to approve Goulbourn's LOPA 121 and ZBLA 26/94. Moreover, it is recommended that Regional Council direct Regional staff to attend the OMB hearing on Amberlakes' Draft Plan application to represent its interests.

OBJECTIONS

Low, Murchison

On the 25 Mar. 96, Low, Murchison, legal counsel for Woodside Acres (i.e., the owner of Draft Plan 06T-94007), served notice of Woodside Acres' objection to referring Phase II of Amberlakes' Draft Plan application to the OMB (see Annex III). The reasons for Woodside Acres' objection can be summarised as follows:

1. Amberlakes' Draft Plan application 06T-93018 should only apply to the lands referred to as Phase I (i.e., 131 dwelling units).
2. Amberlakes' Phase II lands are wetlands and have not received approval by way of a LOPA or ZBLA.
3. The OMB referred to Amberlakes' Phase II lands in its 18 Jan. 94 decision on Goulbourn's ZBLA 22-92 (Main Street Stittsville) and indicated that the "Environmental Protection" zone thereon, should remain as such. It is Woodside Acres' contention that by this statement, it is clear the OMB considered Phase II of Amberlakes' Draft Plan application to be inappropriate.
4. Amberlakes is attempting to secure an additional allocation of dwelling units in violation of the intent and spirit of Regional Council's 26 Oct. 94 decision on how the Regional Official Plan (ROP) dwelling unit cap is to be administered in Stittsville. Woodside Acres only reluctantly agreed to accept Regional Council's Stittsville dwelling unit allocation decision on the basis that the grandfathered Draft Plan applications included Amberlakes' Draft Plan application but at 131 dwelling units only.

Radnoff, Pearl, Slover, Swedko, Dwoskin

Woodside Acres' objections were echoed in a 28 Mar. 96 letter of objection to Amberlakes' Draft Plan application from Radnoff, Pearl, Slover, Swedko, Dwoskin (RPSSD), on behalf of Mr. Bell (a partner in Woodside Acres). However, whereas Woodside Acres' other partners had accepted the compromise agreement worked out on how Stittsville's dwelling unit cap would be administered, Mr. Bell did not. Surprisingly, RPSSD argue that a Section 51(15) OMB referral request cannot be used to "over ride" Regional Council's 26 Oct. 94 decision on the administration of Stittsville's dwelling unit cap (see Annex IV).

Staff Comment

The objections to Amberlakes' Draft Plan application have been considered in the context of the OMB's and Regional Council's decisions related to the subject matter. Regional staff notes that nothing precludes Draft Plan applicants from requesting revisions to their Draft Plan applications up until the time of an OMB hearing. Moreover, notwithstanding the OMB's decision on the Stittsville Main Street ZBLA, nothing prevents Amberlakes from applying for a LOPA and ZBLA to facilitate draft approval of its Phase II lands.

The question of the number of dwelling units within Amberlakes' Draft Plan application, is to be determined by the Township of Goulbourn through its interpretation of the prevailing zoning provisions as it applies to Phase I of Amberlakes' Draft Plan application only. Section 2.2 of the ROP establishes a 6,000 dwelling unit cap for Stittsville Stage I. The distribution of dwelling units within the Stittsville Stage I boundary is the responsibility of the Township of Goulbourn. Phase II of Amberlakes' Draft Plan application represents new lands for residential development within Stittsville's Stage I urban envelope. Accordingly, Regional staff has indicated that no additional servicing allocation beyond the Stittsville Stage I dwelling unit cap (i.e., 6,000) has been identified for Amberlakes Phase II development. Regional staff's position in this regard is consistent with the intent and spirit of Regional Council's 26 Oct. 94 decision on how Stittsville's Stage I dwelling unit cap is to be administered.

In terms of the existence of wetlands within Phase II of Amberlakes' Draft Plan application, these wetlands are not Provincially significant and have been designated "Flood Plain" and "Organic Soils" on Schedule 'G' of the ROP. Sections 7.2.1 and 7.2.3 of the ROP outline the policies associated with the "Flood Plain" and "Organic Soils" designations. These policies generally permit development provided there is sufficient information to demonstrate that there are no adverse impacts on the flood prone watercourse and no risk to the health or safety of any future inhabitants. Correspondence on Regional files indicates that both the Ministry of Natural Resources (MNR) and the Mississippi Valley Conservation Authority (MVCA) are not satisfied with the information Amberlakes has provided to date. Should the MNR's and the MVCA's concerns not be resolved, the Region will be unable to support draft approval of Amberlakes' revised Draft Plan application.

Amberlakes' proposed amendments to Goulbourn's Official Plan (i.e., LOPA 121) and Zoning By-law (i.e., ZBLA 26/94) address, in part, the environmental constraints that require

resolution before development of Phase II of Amberlakes' Draft Plan application can proceed. The site specific environmental constraint matters not addressed through these documents can be dealt with through conditions of draft approval. Nevertheless, Goulbourn Council refused Amberlakes' LOPA and ZBLA applications.

Beyond the arguments presented by way of Low - Murchison and RPSSD's objections, it should be pointed out that the lands within Amberlakes' Draft Plan application are designated "General Urban Area" on Schedules 'A' and 'B' of the ROP. Provided that the environmental constraint issues entailed in Amberlakes' Draft Plan application can be resolved and the OMB approves Goulbourn's proposed LOPA 121 and ZBLA 26/94, Amberlakes' Draft Plan application conforms to the policies of the ROP.

SUMMARY

The dispute over the development of Amberlakes' Draft Plan application has been a contested issue for in excess of two years. Regional Council and the OMB have attempted, through various means, to resolve the dispute between Amberlakes and Mr. Bell but to no avail. At the OMB mediation session the Amberlakes referred and appealed planning applications, it became clear that no compromise was possible owing to the limited servicing capacity for Stittsville Stage I. Accordingly, Regional staff have concluded that the OMB would be the most effective arbitrator given the circumstances involved.

The matter presently before PEC and Regional Council is a request on behalf of Amberlakes to ensure that Phases I and II are referred to the OMB so that all related planning applications that have been referred and appealed to the OMB can be considered at the same time. Regional staff maintain that as Regional Council already referred Amberlakes' Draft Plan application to the OMB, no additional referral is necessary.

Nevertheless, there are two matters of unfinished business that PEC and Regional Council should consider. First, PEC and Council should take a position on a package of draft plan approval conditions to be imposed on the Amberlakes' Draft Plan application should the OMB decide to proceed with draft approval. Secondly, PEC and Regional Council should provide direction to Regional staff to represent its interests at the OMB. To this end, it is recommended that PEC and Regional Council approve the attached draft plan approval conditions and direct Regional staff to attend the OMB pre-hearing and hearing to represent its interests.

CONSULTATION

The Planning Act, 1990 does not require public consultation for Regional Council consideration of a package of draft approval conditions to be imposed on Amberlakes' Draft Plan application. However, internal procedures dictate that Regional staff seek Regional Council's position on such matters as they are disputed. Goulbourn Council, Amberlakes, Low - Murchison and RPSSD have been advised of Regional staff's intention to bring this report back to Regional PEC on the 11 Jun. 96 and of the opportunity to speak to the matter then.

FINANCIAL IMPLICATIONS

As Amberlakes' Draft Plan application is already at the OMB, Regional staff time and resources will be required to prepare and present evidence. Any costs to the Region will be absorbed within the Planning and Property and Legal Depts.' budgets.

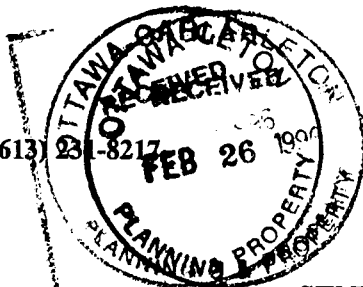
*Approved by
N. Tunnaclyffe, MCIP, RPP*

NELLIGAN·POWER

LAW OFFICES • BUREAU D'AVOCATS

Richard O'Reilly
Ottawa Office
Direct Dial in Number (613) 231-8217

February 20, 1996



SENT BY TELECOPIER (560-6006) AND BY
REGULAR MAIL

Regional Municipality of
Ottawa-Carleton
111 Lisgar Street
Ottawa, Ontario
K2P 2L7

Attention: Andrew Hope
Planning Department

Dear Mr. Hope:

**RE: Request to Refer Draft Plan of Subdivision to the Ontario Municipal Board Regarding
Part of Lot 24, Concession 11, Township of Goulbourn (Phase II)
Our Client: Amberlakes Development Corporation ("Amberlakes")
Our File No: 7108-1**

Amberlakes is the beneficial owner of Part of Lot 24, Concession 11, Township of Goulbourn (the "Subdivision Lands"). Amberlakes wishes to have these developed as a residential subdivision. The subdivision proposal calls for a total of 261 townhouse lots.

As you know, the Subdivision Lands are divided in two phases. The portion of the Subdivision Lands that is located along the east side of Main Street from Neil Avenue at the north end to Ravencroft Court at the south end (with the exception of one parcel of land in the middle of this parcel which is owned by a third party) is known as the Phase I Lands. The Phase I Lands contain approximately 14 acres. Amberlakes proposed that the Phase I Lands be developed for 131 of the townhouse lots.

The Phase II Lands have an area of approximately 26 acres. They are generally located adjacent to and to the north and east of the Phase I Lands. Amberlakes proposes to develop 130 townhouses on them.

JOHN P. NELLIGAN
JOHN E. JOHNSON
DAVID A. STOUT
DAVID H. CHICK
JAMES M. DAVIDSON
RORY MCCORMICK
J.J. MARK EDWARDS
MARK GEDDES
DEBORAH A. BELLINGER
R. GUY REIVE
ARLENE MCKECHNIE
SEAN MALONE
DANIELLE H. MANTON
CHERYL A. FOY
RON PARITZKY*

DENIS J. POWER
ALLAN R. O'BRIEN
CATHERINE H. MACLEAN
DOUGALD E. BROWN
STEVEN H. WALLER
SEAN T. MCGEE
KAREN L. CLIFFORD
RONALD F. CAZA
STEVEN J. WELCHNER
HEATHER J. WILLIAMS
RICHARD O'REILLY
JOHN D. PETERS
LISA NICKERSON

* COUNSEL

ANNEX I
WILLIAM BURROWS
JANICE B. PAYNE
PETER J.E. CRONYN
CLIVE G. SAVAAGE
ROGER A.J. BEAUDRY
GIOVANNA ROCCAMO
SIOBHAN M. DEVLIN
ELIZABETH A. CREARY
DENISE WORKUN
CARON L. GEORGE
AINSLIE BENEDICT
PAM MACEachern
PIERRE CHAMPAONE


The initial Subdivision Application made by Amberlakes applied only to the Phase I Lands. It was submitted by Amberlakes to the Regional Municipality of Ottawa-Carleton on January 17th, 1994. As you know, the draft plan of subdivision for Phase I was referred to and is presently before the Ontario Municipal Board as OMB File No. S950033.

On September 29th, 1994, Amberlakes submitted a Supplementary Subdivision Application to the Regional Municipality of Ottawa-Carleton. This Application sought subdivision approval for the Phase II Lands. To date, the Regional Municipality of Ottawa-Carleton has not given draft subdivision approval for the Phase II Lands.

As the draft plan of subdivision for Phase I is currently before the Ontario Municipal Board, we respectfully request pursuant to section 51(15) of the Planning Act that Amberlakes' draft plan of subdivision for Phase II also be referred to the Ontario Municipal Board for consideration along with the Phase I draft subdivision plan.

Thank you for your assistance and cooperation.

Yours very truly,


Richard O'Reilly

ROR/lv

cc: William Burrows
Robert McKinley
Ray Essiambre
Danny Page (Goulbourn Planning)
Moir Winch (Goulbourn Clerk)
Carolyn Tudge (MMA)
David Dwoskin

► M:\LIT\A\AMBERLAK\960220.LTR

PLANS ADMINISTRATION DIVISION

DRAFT PLAN APPROVAL REPORT

April 10, 1996

Subdivision X Re-Subdivision Condominium

RMOC File No.: 15-93-3102 Provincial File No.: 06T-93018

NAME: Amberlakes Development Corp. Phases I and II

LOCATION: Part of Lot 24, Conc. XI
Township of Goulbourn (Stittsville)

CURRENT AND PROPOSED USES

Existing - Vacant land

Proposed - A subdivision comprised of 19 blocks for 261 street townhouses
and 2 blocks for park purposes.

DESIGNATION

CONFORMITY

RMOC Official Plan Designation - General Rural Area YES

Local Official Plan Designation Phase I: General Commercial YES
Phase II: Environmental Protection NO
and Open Space

ZONING

CONFORMITY

Phase I: Zoning By-law Amendment 22-92
“Commercial (C7)”

YES

Phase II: Zoning by-law 77-60 “Environmental Protection Area (EPA)” NO

AGENCIES WITH CONDITIONS

Agencies requesting standard condition(s):

Carleton Board of Education (CBE)
Mississippi Valley Conservation Authority (MVCA)
Regional Environment and Transportation Department -
(RMOC-ETD-Env/RMOC-ETD-Tran)
Bell Canada
Rogers Cable T.V. (Ottawa) Ltd. (Cable)
Consumers Gas (Gas)
Ministry of Natural Resources (MNR)
Canada Post

Agencies requesting non-standard condition(s):

Township of Goulbourn (Phase I only)
Ontario Hydro

Processing Fee Paid: X (50%) (100%)

RMOC File: 15-93-3102(R2)

**REGIONAL CONDITIONS FOR FINAL APPROVAL
AMBERLAKES DEVELOPMENT CORP.**

The Region's conditions applying to the approval of the final plan for registration of the Amberlakes Development Corp.'s Subdivision (06T-93018) are as follows:

Agency
to
Clear

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| 1. | The approval applies to the attached Draft Plan of Subdivision, certified by E.M. Lancaster, OLS, dated September 27, 1994, showing 19 blocks for 261 street townhouses and 2 blocks for park purposes. | |
| 2. | The owner agrees, by entering into subdivision agreements, to satisfy all requirements, financial and otherwise, of the area municipality and the Region, including but not limited to, the phasing of the plan for registration, the provision of roads, installation of services and utilities, and drainage. | Goulb
RMOC
(Plan) |
| 3. | Such easements and maintenance agreements which may be required for electrical, gas, water, sewer, telephone and cablevision facilities, shall be provided and agreed to by the owner, to the satisfaction of the appropriate authority; and that the owner shall ensure that these easement documents are registered on Title immediately following registration of the final plan; and the affected agencies are duly notified. | RMOC-ETD
(Env)
Goulb
Bell
Cable
Gas
Hydro
(Ont) |
| 4. | All streets shall be named to the satisfaction of the Township of Goulbourn and the Regional Planning and Property Department. | Goulb
RMOC
(Plan) |
| 5. | The owner agrees to prepare, prior to registration, a stormwater design plan in accordance with the conceptual stormwater design plan referenced in the MNR's February 16, 1995 letter to the Township of Goulbourn. Such stormwater design plan shall be approved by the MNR/the Region as well as the MVCA. The stormwater design plan shall also implement the recommendations of the approved master drainage plan prepared for Stittsville. | MNR
MVCA
RMOC
(Plan) |

The owner acknowledges and agrees to provide, prior to registration, written confirmation from the Township of Goulbourn to the MNR/the Region as well as the MVCA that:

- i. the stormwater design plan is in conformity with the conceptual stormwater design plan approved by the MNR/the Region as well as the MVCA, and the master drainage plan prepared for Stittsville; and
- ii. the subdivision agreement between the owner and the Township of Goulbourn contains clauses whereby the owner agrees to implement the stormwater design plan and undertake erosion and sediment controls, appropriate to site conditions, in accordance with the “Guidelines on Erosion and Sediment Control for Urban Construction Sites”, (Government of Ontario, May 1987).

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| 6. | The owner shall obtain approval from the MNR/the Region, for any alterations to Poole Creek pursuant to the Lakes and Rivers Improvement Act, 1980. This may include formal habitat compensation to the satisfaction of the MNR. | MNR
RMOC
(Plan) |
| 7. | The owner acknowledges and agrees that no development (buildings, structures, parking areas, hard surfaces, etc.) shall be permitted within 30 m of the normal high water mark of a watercourse. If alterations to a watercourse are approved, the 30 m no development setback shall apply from the revised watercourse or waterbody location as approved by the MNR. | MNR
RMOC
(Plan) |
| 8. | The MNR acknowledges that Amberlakes Development Corp. has assembled soils and engineering information to indicate that the organic soils on the site can be made suitable for development and not cause adverse environmental effects (e.g., instability, etc.). Subject to the Ontario Municipal Board’s decision on the extent of land to be included within this Draft Plan of Subdivision, the owner shall update the soils and engineering information to confirm that the proposed development will not cause adverse environmental effects. | MNR
RMOC
(Plan) |
| 9. | The owner acknowledges and agrees to obtain a permit issued under Ontario Regulation 159/90 prior to any further filling or grading on site. | MVCA |

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| 10. | The owner acknowledges and agrees to ensure that no development in conjunction with the Subdivision will block vehicular access to any Ontario Hydro facilities located on Ontario Hydro's right-of-way. | Hydro
(Ont) |
| 11. | Prior to final approval, the owner shall make arrangements satisfactory to Ontario Hydro for the crossing of Ontario Hydro's right-of-way by the proposed roads. | Hydro
(Ont) |
| 12. | <p>The owner agrees to:</p> <ul style="list-style-type: none"> a) inform all prospective purchasers, through a clause in all Agreements of Purchase and Sale, as to those lots identified for potential community mailbox, mini-park/kiosk locations; b) provide, at the owner's expense, curb depressions, at proposed community mailbox site locations, 2 m in width and no higher than 25 mm; c) provide at the owner's expense, a paved layby at the community mailbox location when required by the municipality; d) where a sidewalk is planned adjacent to the proposed community mailbox; install a 1.0 m wide walkway between the curb and the Community Mailbox at the owner's expense and to the satisfaction of the municipality; and e) ensure that the walkway is handicap accessible by providing a 1.0 m wide curb depression no higher than 25 mm between the street and the walkway. | Post
Goulb |
| 13. | The owner be required to inform prospective purchasers that accommodation problems exist in the CBE schools designated to serve this development and that these problems are currently being addressed through the use of portable classrooms at local schools designated to serve this development/by directing students to schools outside their community. | CBE |
| 14. | The owner acknowledges and agrees that streets shall be graded to final elevation prior to installation of gas lines. | Gas |
| 15. | The owner is to provide necessary field survey information prior to the installation of gas lines by Consumers Gas. | Gas |

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| 16. The owner shall be required, in the Regional Agreement, to coordinate the preparation of an overall utility distribution plan showing the location (shared or otherwise) and installation, timing and phasing of all required utilities (on-grade, below-grade or above-grade, including on-site drainage facilities and streetscaping)--such location plan shall be to the satisfaction of all affected authorities and shall consider their respective standards and specifications manuals, where applicable. | RMOC
(Leg)
Bell
Gas
Cable
Goulb
Hydro
(Ont) |
| 17. Where the relocation or removal of any existing on-site/adjacent utility facility, including water, sewer, electrical, gas, telephone and cablevision, is required as a direct result of the development, the owner shall pay the actual cost associated therewith to the satisfaction of the appropriate utility authority. | RMOC
(Leg)
Bell
Gas
Cable
Goulb
Hydro
(Ont) |
| 18. The owner shall design and construct all necessary watermains within the subject lands to the satisfaction of the Region. The owner shall pay all related costs, including the cost of connection, inspection and sterilization by Regional personnel. | RMOC-ETD
(Env) |
| 19. The details for water servicing and metering shall be to the satisfaction of the Region. The owner shall pay all related costs, including the cost of connections and the supply and installation of water meters by Regional personnel. | RMOC-ETD
(Env) |
| 20. Upon completion of the installation of all watermains, hydrants and water services, the owner shall provide the Region with mylar(s) of the "as-built" plan(s), certified under seal by a professional engineer, showing the location of the watermains, hydrants and services. Furthermore, the owner shall provide the "as-built" information and the attribute data for the water plant installation on diskette in a form that is compatible with the Regional computerized systems. | RMOC-ETD
(Env) |
| 21. No driveway shall be located within 3.0 m of an existing fire hydrant. No objects, including vegetation, shall be placed or planted within a 3.0 m corridor between a fire hydrant and the curb, nor a 1.5 m radius beside or behind a fire hydrant. | RMOC-ETD
(Env) |
| 22. The owner shall install the necessary watermains in accordance with the staging schedule approved by the Region. | RMOC-ETD
(Env) |

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| 23. | The owner agrees to inform all prospective purchasers, through a clause in all Agreements of Purchase and Sale, that a fire hydrant may be located or relocated, at any time, in front of any lot within the plan of subdivision. | RMOC-ETD
(Env) |
| 24. | The owner prepares, entirely at the owner's cost, a hydraulic network analysis of the proposed water plant within the Plan of Subdivision and as it relates to the existing infrastructure. Said report shall be submitted to the Region for review and approval as part of the water plant design submission. | RMOC-ETD
(Env) |
| 25. | Financial security, in the amount of 100% of the value of the water plant, in accordance with the MOEE certificate, must be filed with the Regional Legal Department, pending preliminary acceptance of the water plant. | RMOC-ETD
(Env) |
| 26. | The owner acknowledges and agrees that the installation of the water plant shall be subject to inspection by the Region at the owner's expense. The inspection cost will be waived, if the owner has paid the MOEE processing fee for a Certificate of Approval. | RMOC-ETD
(Env) |
| 27. | The owner acknowledges and agrees not to apply for and the Township of Goulbourn agrees not to issue, building permits in excess of 50 dwelling units until such time as a second water supply is provided to the satisfaction of the Region. | RMOC-ETD
(Env) |
| 28. | The owner prepares a stormwater design plan for the Plan of Subdivision in conformity with the Stittsville Stormwater Master Drainage Plan, 1992 to the satisfaction of the Regional Environmental and Transportation Department. The stormwater design plan shall adopt the principles of and provide an implementation framework for the Stittsville Stormwater Master Drainage Plan. The stormwater design plan shall ensure that any alteration of infilling of the existing wetland would have to maintain areas designated as fish habitat within the wetland. | RMOC-ETD
(Env) |

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| 29. The owner agrees to implement Best Management Practices (BMP) to provide for protection of the receiving storm sewer or water course during construction activities. BMPs used during construction are intended to ensure no sediment/associated pollutants are released to the receiving watercourse which could degrade water quality/impair fish or other aquatic habitat. BMPs should be regularly monitored (visual inspection may suffice), to ensure effectiveness of the methods and compliance with Provincial/Federal legislation pertaining to water quality and habitat. | RMOC-ETD
(Env)
MVCA |
| 30. The owner agrees to monitor the quantity and quality of the stormwater influent and effluent during construction and for a 2 year period following the completion of construction. The monitoring strategy should incorporate details of location of sampling, type of sampling, frequency and a parameter list consistent with the needs of the receiving aquatic environment. The monitoring program shall be to the satisfaction of the Regional Environment and Transportation Department. Tests shall be completed by an independent and approved laboratory and the results shall be made available to the Region. | RMOC-ETD
(Env) |
| 31. The owner shall design and construct, at no cost to the Region, a monitoring station including road access. The owner shall grant a blanket easement to the Region to permit future access to the site for water quality monitoring. | RMOC-ETD
(Env) |
| 32. The owner covenants and agrees to design and construct at no cost to the Region a 203 mm watermain loop from the existing 406 mm watermain in Regional Road 5A (Main Street) through Block No. 14 to Street No. 4; a 203 mm water main loop from Street No. 3 through Block No. 14 to Street No. 5; and a 203 mm watermain loop from Street No. 5 through Block Nos. 16, 19 and 20 to Street No. 5. | RMOC-ETD
(Env) |
| 33. The owner covenants and agrees to grant, at no cost to the Region, 6.0 m easements centrelined on the watermain outlined in Condition 32 and prepare the necessary reference plan for the easements. | RMOC-ETD
(Env) |

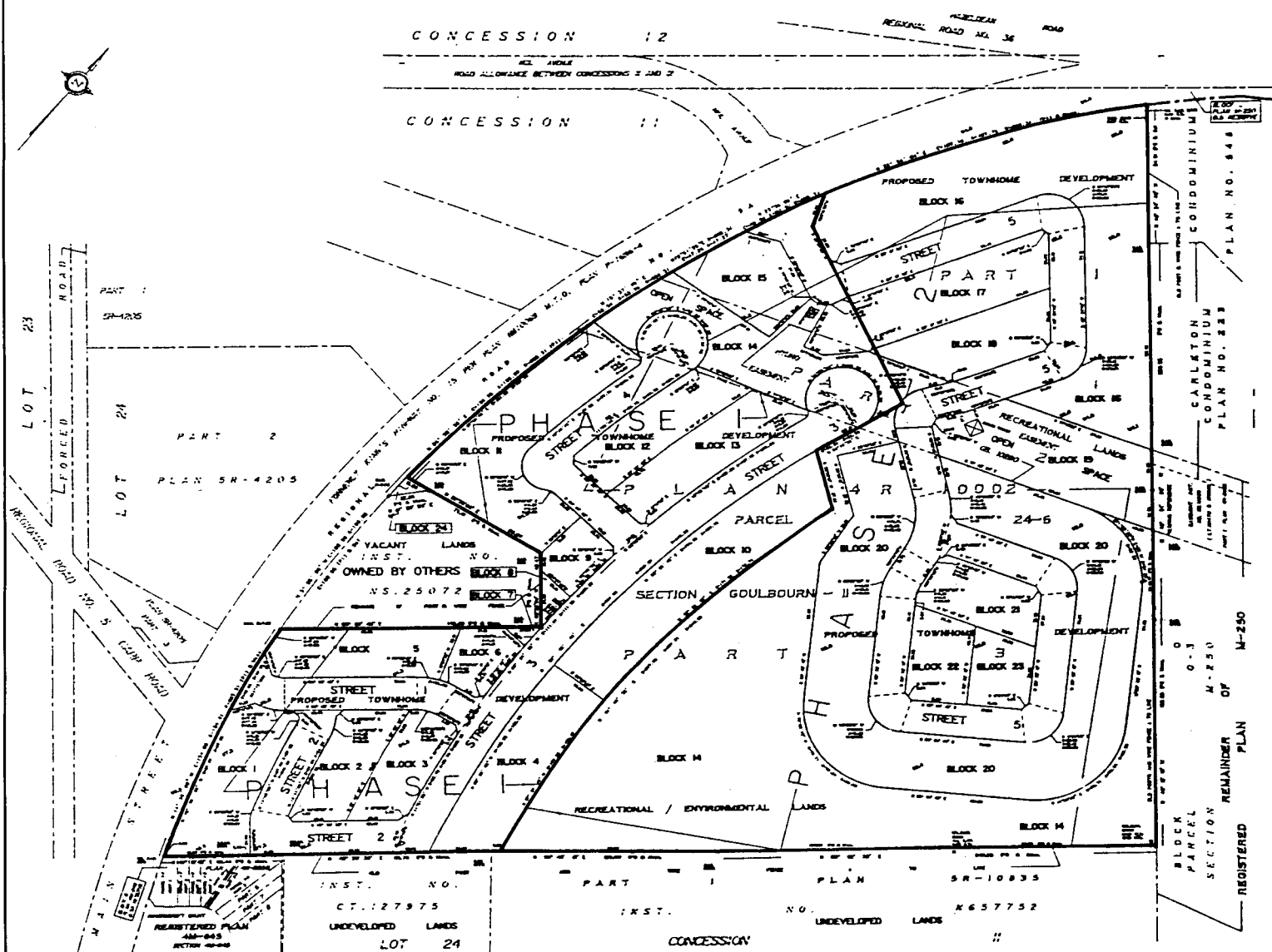
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|--|--------------------|
| 34. The owner, the owner 's successors and assigns acknowledge and agree to use development within Draft Plan of Subdivision 06T-93018 to showcase water conservation technologies (e.g., low flow toilets and shower heads, water conserving landscaping measures, etc.). The array of water conservation technologies to be employed shall be determined by the Region prior to registration. Further, the owner acknowledges and agrees to implement the specified water conservation technologies prior to final building inspection/release of occupancy permit to the satisfaction of the Township of Goulbourn in consultation with the Region. | RMOC-ETD
(Env) |
| 35. The owner conveys to the Region, at no cost, land for an unencumbered road widening along Main Street to bring the road allowance up to 15 m measured from the centreline of the pavement. The owner's certificate on the M-Plan shall indicate which block is being dedicated as a public highway to the Region. | RMOC-ETD
(Env) |
| 36. A 0.3 m reserve adjacent to the widened limit of Main Street as indicated on the approved Draft Plan, shall be conveyed at no cost to the Region. | RMOC-ETD
(Env) |
| 37. The owner agrees to: | RMOC-ETD
(Tran) |
| a) complete a noise study to the satisfaction of the Region in accordance with the Region's "Noise Control Guidelines", as may be amended. Should the conditions on which said study is based change after the acceptance of the study and prior to the issuance of building permits, the Region may require the study to be updated; | |
| b) implement the specific noise control measures recommended in the approved noise study and any other measures recommended by the Region including, as applicable, the Region's "Standards for Noise Barriers" as may be amended; | |
| c) prior to the construction of any noise control measures, provide certification to the Region through an engineering consultant that the design of the control features will implement the recommendations of the approved study; | |
| d) prior to the registration of the Plan of Subdivision, provide financial security in the amount of 100% of the cost of implementing the recommended noise control measures; and | |

- e) prior to occupancy/final building inspection, provide certification to the Region, through an engineering consultant, that the noise control measures have been implemented in accordance with the approved study.
38. The owner acknowledges and agrees to provide, at no cost to the Region, 10 m X 10 m daylighting triangles at the intersections of Street Nos. 1 and 5 with Main Street. RMOC-ETD (Tran)
39. The owner acknowledges and agrees to revise the Draft Plan to align Street No. 1 with Regional Road 5 (Carp Road). RMOC-ETD (Tran)
40. The owner acknowledges and agrees to complete and pay for a “Transportation Impact Study” to determine the impact of this Draft Plan on Carp Road, Main Street and Regional Road 36 (Hazeldean Road). RMOC-ETD (Tran)
41. The owner acknowledges and agrees that this development is currently outside the Urban Transit Area and that should Stittsville be included in the Urban Transit Area in the future, this subdivision will be serviced by transit along Carp Road, Main Street, and Hazeldean Road. To facilitate pedestrian access to Main Street, the owner agrees to construct an all weather walkway connecting Street No. 4 to Main Street. RMOC-ETD (Tran)
42. Prior to the approval of the final plan, the Region shall be advised that the proposed Plan of Subdivision conforms with the Township of Goulbourn Official Plan and a zoning by-law approved under the requirements of the Planning Act, 1990, with all possibility of appeal to the OMB exhausted. RMOC (Plan) Goulb
43. Prior to the signing of the final plan by the Region, the owner shall provide updated information on housing affordability. This information shall include the following: RMOC (Plan)
- i. the approved zoning by-law for the site;
 - ii. the unit types that are permitted by the applicable zones; and
 - iii. a comparable price range for these unit types if they were marketed within the same areas as the subject parcel on the date upon which conditions of draft approval were granted.

- | | | |
|-----|--|-------------------------|
| 44. | The owner agrees that any residential blocks on the final plan shall be configured to ensure that there will generally be no more than 25 units per block. | RMOC
(Plan) |
| 45. | The owner acknowledges that development in Stittsville Stage I is constrained by sanitary and water servicing capacity. Accordingly, when the existing dwelling units and the dwelling units committed to under the building permit process number 6,000 for Stittsville Stage I, the owner agrees not to apply for a building permit and the Township of Goulbourn agrees not to issue same until the Official Plans of the Region and the Township of Goulbourn are amended with all avenues of appeal exhausted, to permit servicing beyond 6,000 dwelling units in Stittsville Stage I, and then only to the extent of such increase. | RMOC
(Plan)
Goulb |
| 46. | The owner acknowledges and agrees to incorporate in the Subdivision/Development Agreements with the Region and the Township of Goulbourn a notice advising that:

“When the total of existing dwelling units and dwelling units committed to through the issuance of building permits number 6,000, the Region shall place an inhibiting order on the portion of Draft Plan of Subdivision/consent applications that contain undeveloped residential lots/blocks until such time as amendment to the Region’s and the Township of Goulbourn’s Official Plans are approved permitting residential development beyond 6,000 dwelling units.” | RMOC
(Plan)
Goulb |
| 47. | Prior to the signing of the final plan by the Region, the Region shall be satisfied that the processing fee, as prescribed in Part 6.3 of the Regional Regulatory Code, has been paid in full. | RMOC
(Plan) |
| 48. | The final plan be referenced, where possible, to the Horizontal Control Network, in accordance with the municipal requirements and guidelines for referencing legal surveys. | RMOC
(Surv) |
| 49. | The owner, the owner’s heirs, successors and assigns covenant and agree to be responsible to ascertain if development charges are payable pursuant to the Regional Development Charges By-law and any amendment or revision thereto. | RMOC
(Leg) |

- | | | |
|-----|---|------------------------|
| 50. | The owner acknowledges in the Regional Subdivision Agreement that at any time prior to final approval of this plan for registration, the Region may, in accordance with Section 51(18) of the Planning Act, 1990, amend, delete or add to the conditions and that this may include the need for amended or new studies. | RMOC
(Leg) |
| 51. | The owner acknowledges in the Regional and local Agreements that the conditions run with the land and are binding on the owner's heirs, successors and assigns. | RMOC
(Leg)
Goulb |
| 52. | The owner acknowledges and agrees that upon draft plan approval, Regional services within the Plan of Subdivision may be installed provided appropriate financial security, insurance, and a letter of indemnity are posted to the satisfaction of the Regional Solicitor. | RMOC
(Leg) |
| 53. | Prior to the signing of the final plan, the Region is to be satisfied that Conditions 2 to 52 and any additional conditions that the Ontario Municipal Board may impose have been fulfilled. | RMOC
(Plan) |
| 54. | If the Region has not given final approval to this plan within three years following the date of draft approval, the draft approval shall lapse. Lapsing shall not occur until formal notification is given pursuant to Section 51(18) of the Planning Act, 1990 | RMOC
(Plan) |



AMBERLAKES DEVELOPMENT CORP. PHASES I AND II
 SUBDIVISION TWP. OF GOULBOURN
 15-92-3102 (R2) 06T-93018

NOTE

THIS REDUCED ILLUSTRATION IS FOR GENERAL INFORMATION PURPOSES ONLY. THE ORIGINAL ENLARGED PLAN IS ON FILE WITH THE PLANNING DEPARTMENT FOR REFERENCE IF REQUIRED.

LOW, MURCHISON

**BARRISTERS & SOLICITORS
TRADE MARK AGENTS
ESTABLISHED 1938**

KENNETH A. MURCHISON, B.COMM., LL.B., Q.C.
GORDON J. McCAY, B.Sc., LL.B.
RONALD TOMOSK, B.A., LL.B.
WILLIAM I., NEVILLE, B.A., LL.B.
GARY G. BOYD, B.Sc., LL.B.
KIM E. KROEBER, B.A., LL.B.

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JOHN D. PEART, B.Sc., LL.B.
PETER A.J. HARGADON, B.A., LL.B., Q.C.
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CAROL A. COCHRANE, B.A., LL.B.
DAVID W. LECH, LL.B.

ORIAN LOW, B.A., LL.B., Q.C. (RETIRED)
JOSEPH W. THOMAS, B.A., LL.B. (RETIRED)

TWELFTH FLOOR
220 LAURIER AVENUE WEST
OTTAWA, CANADA
K1P 5Z9

TELEPHONE (613) 236-9442
FACSIMILE (613) 236-7942

March 25, 1996
BY FAX NO. 560-6006
Regional Municipality of Ottawa-Carleton
111 Lisgar Street
Ottawa, Ontario
K2P 2L7

Attention: Andrew Hope, Planning Dept.

Dear Sir:

RE: AMBERLAKES REFERRAL

I act for Woodside Acres Development Corporation. I have recently received a copy of a letter sent by Nelligan Power to you, dated February 20th, 1996, in which that firm, on behalf of Amberlakes Development Corporation, is requesting that "Amberlakes draft Plan of Subdivision for Phase II also be referred to the Ontario Municipal Board for consideration along with the Phase I draft Subdivision Plan. My client strongly objects to this proposal.

May I remind you of the following:

1. The application by Amberlakes under the Regional File #06T-93018 was at all times with respect only to the front part of the Amberlakes lands (which they refer to as "Phase I") and provided for the approval of approximately 131 residential units.
2. At no time was the back part of the Amberlake property (referred to by it as "Phase II") included in that application.
3. As I understand it the "Phase II" lands are wetlands and not only has it not received approval by way of official plan or zoning from the Township, but indeed such approval, when it was sought, was refused. While I am aware that on occasion the OMB will make decisions which are subject to subsequent

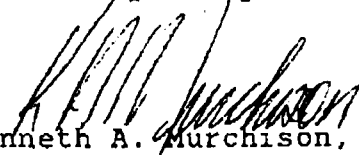
...2

approval by the local municipality as to zoning or official plan amendment, I would argue that where, as here, it has been specifically refused by the Township on a previous occasion, that the OMB should refuse to hear the matter and certainly it should not be simply put as an "add on" with respect to the original Amberlakes application.

4. The Amberlakes property was referred to in the Decision of the OMB on January 18th, 1994, a copy of which I am sure you have. At the bottom of page 9 you will see that in referring to the Amberlakes property the Board stated "that portion which was previously zoned environmental protection will remain as such". Clearly the Board considered the inclusion of this land as part of a residential development to be inappropriate.
5. The attempt by Amberlakes to proceed in this fashion is, of course, made in order to be included in the 6,000 allocation for dwelling units. As you are well aware, the Region made a decision as to how to allocate these units in the memorandum of October 18th, 1994. Our client somewhat reluctantly accepted the Decision which was made at that time, but did so clearly on the understanding that the grandfathered applications would, in addition to Woodside, Faulkner and McGuire, would include the Amberlakes application, specifically referred to as O6T-93018, which consisted of a total of 131 units. Essentially Amberlakes, in making this new application, wants to come under Para. 4 of that Memorandum in order to obtain an additional allocation of units.

Having regard to all of these facts and to the commitment which was contained in the October 18th Agenda, it is entirely improper for this request to be made to you and I submit that you should reject it forthwith.

Yours very truly,


Kenneth A. Murchison, Q.C.
KAM/lsd

cc: Danny W. Page, MCIP, RPP
Planning Director, Goulbourn Twp.

RADNOFF
PEARL
SLOVER
SWEDKO
DWOSKIN

ANNEX IV

Barristers
Solicitors
Notaries

Third Floor
100 Gloucester St., Ottawa, Ontario, K2P 0A4
Telephone: (613) 594-8844 Telecopier: (613) 594-9092

K-7949

File No.

28 March 1996

Received March 29/96



VIA FAX 560-6006

Regional Planning Department
Regional Municipality of Ottawa-Carleton
111 Lisgar Street
Ottawa, Ontario
K2P 2L7

ATT: Andrew Hope

Dear Sir:

RE: Request by Amberlakes Development Corporation to refer Draft Plan of Subdivision to the Ontario Municipal Board - Pt. Lot 24, Conc. 11, Township of Goulbourn

Further to our attendance at the Ontario Municipal Board mediation session we write to object to inclusion of the "Phase II" draft plan application in the referral of draft plan O6T-93018 to the Ontario Municipal Board.

We were advised only on February 20, 1996, one day prior to the mediation that this second draft plan of subdivision would be considered.

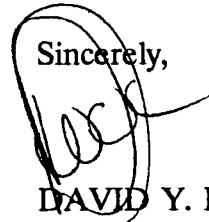
After considering the matter with our client and counsel for Woodside, Kenneth A. Murchison, Q.C., it is our view that it is entirely inappropriate to have the Phase II lands included in our client's reference application.

Section 51 of the Planning Act cannot be used to over ride the recommendations of the Planning Committee of the Regional Municipality of Ottawa-Carleton limiting draft approval to only those applications currently in process (O6T-92008, O6T-93018, O6T-94007 and O6T-94009).

KENNETH RADNOFF Q.C., B.COMM., LL.B.
HERBERT W. PEARL B.COMM., LL.B.
NORMAN S. SLOVER B.Sc., LL.B.
NORMAN SWEDKO B.COMM., LL.B.
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WENDY M. DEMPSEY B.A., LL.B.
KEITH G. EGLI B.A., LL.B.
SCOTT R. MILLER B.A., LL.B.

To allow the Phase II lands application to be considered with the Phase I lands would be an even more blatant example of jumping the cue than the current application, 06T-93018.

We will of course raise this issue at the pre-hearing before the Ontario Municipal Board.

Sincerely,

DAVID Y. DWOSKIN

DYD/vc

c.c. William Burrows - Nelligan/Power
Ray Bell
James McNinch - Bell, Baker
Danny Page - Twp. of Goulbourn