

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

REPORT
RAPPORT

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DATE 11 February 1997

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

FROM/EXP. Environment and Transportation Commissioner
Planning and Development Approvals Commissioner

SUBJECT/OBJET **WATER
EXTENSION OF SERVICES
GOULBOURN - CYPRESS GARDENS**

DEPARTMENTAL RECOMMENDATIONS

That Planning and Environment Committee and Corporate Services and Economic Development Committee recommend that Regional Council approve:

1. That water supply be extended by the Region to Cypress Gardens North in conjunction with the local improvements being installed by the Township of Goulbourn;
2. That the construction of the watermains and the services to the lot line be financed through a water works rate, pursuant to the *Municipal Act*, section 221, based on the percentage of the rateable frontage of the properties;
3. That the water works rate be amortized over 10 years with the option to the property owner to pay the entire rate initially upon completion of the construction of the water main;
4. That debentures be issued, at the market rate of interest, up to the amount of \$314,500 and that the Finance Commissioner be authorized to pay all expenses and carry out such procedures as may be required to successfully finalise the debenture sale, and;
5. That the Corporation of the Township of Goulbourn be appointed as the agent of the Region and enter into an agreement for the installation of watermains and water services.

BACKGROUND

Cypress Gardens North comprises Lots 68 to 75, 81 to 88 and 95 to 123 on Registered Plan 733, for a total of 45 lots, in the village of Stittsville in the Township of Goulbourn. This plan was registered in 1959 and originally contemplated development on the basis of gravel roads and private services. However, in 1970, the Medical Officer of Health refused to issue any further septic system approvals owing to the quality of the groundwater and the soil conditions.

Although attempts were made in the period since 1970 to find a means to permit the development of Cypress Gardens North, due to the fact that the 49 lots are owned by 19 different persons, those attempts have been unsuccessful to date. In 1991, Belriva Holdings Limited applied to the Land Division Committee for a consent to sever Lot. 76. The consent was granted by the Land Division Committee but this decision was appealed by the Township of Goulbourn to the Ontario Municipal Board.

The hearing on the severance application took place in 1996. To resolve the matter, the Board member recommended that a meeting be held with all the concerned property owners to see if through the use of the *Local Improvement Act* or similar legislation, a solution could be found. This meeting was held on June 27th, 1996. As a result of this meeting, it was agreed that Cypress Gardens North would be brought up to the standards of a modern subdivision.

DISCUSSION

The Region has two areas of concern with respect to the upgrading of the Cypress Gardens North subdivision. As the Region has exclusive jurisdiction in the matter of the supply, financing and distribution of water, the Region must approve any arrangement for the provision of water. Secondly, with the provision of full services it will be possible for the owners to double the number of lots in the Cypress Gardens North area. Since the subdivision plan was registered in 1959, there is no subdivision agreement in place to guide the development in the manner that would be done today.

WATER SUPPLY

The *Municipal Act*, section 221 authorizes the Region to impose a water works rate on an area to recover the cost of the construction of water works. The rate may be imposed according to any means Council determines to be fair and may be required to be paid in one lump sum or over a period of time. The imposition of the water works rate does not require a petition and is not subject to an appeal to the Ontario Municipal Board.

With respect to the services to be installed by the Township of Goulbourn, the *Local Improvement Act* requires that the cost of the services be apportioned according to the rateable frontage within the area. In order to make the financing and payment process as easy to understand and to administer as possible, staff recommend that the water works rate be imposed on the same basis. It is estimated that the total cost of the construction and engineering of the water services is \$314,500.

Consistent with the approach being taken by Goulbourn, the property owners will be able to pay the amount owed in one lump sum or to amortise the amount over a period of 10 years and pay the annual amounts through an addition to their property taxes. For amounts that are amortized over the 10 year period, debentures will be issued by the Region on its own behalf and on behalf of the Township of Goulbourn.

In addition to their proportionate share of the capital cost of the water service being installed, the property owners will be responsible for the cost for the work to be done on their private property as well as the cost of the water meter.

With respect to sanitary sewer capacity, an allocation for 159 dwelling units was made for the future development of Registered Plan 733 at the time Planning Committee and Regional Council considered the Stittsville Development Allocation Administration Policy (26 Oct. 94, Planning Committee Report 74, Item 7). This allocation policy includes more lands than Cypress Gardens North but should be sufficient to provide sanitary sewer capacity to permit the creation of the additional lots (49) anticipated in Cypress Gardens North.

INSTALLATION OF WORKS

The construction of the water works will be included in the Township contract and will take place at the same time as the construction of the other municipal services being brought in by the Township. This will facilitate the administration of construction and provide cost savings. Subject to Regional Council approval, the Township will act as agent for the Region and enter into an agreement with the Region for the construction and installation of the watermains and water services.

DEVELOPMENT AGREEMENT

Staff would normally recommend that a development which has the effect of creating 49 new lots should be done through a plan of subdivision. This process permits the registration of a subdivision agreement to impose binding obligations on the owner and to provide notice of matters of continuing concern.

In the case of Cypress Gardens North, because of the extensive multiple ownership, it is not practical to proceed by way of plan of subdivision. However, in order to ensure that the matters that would be contained in a subdivision agreement are nonetheless addressed, a development agreement between the Region and the Township and all of the owners will be prepared. Prior to the project proceeding, each owner will be required to sign the agreement which will then be registered on title. With this agreement in place, the owners will be able to apply for consents to sever.

FINANCIAL IMPLICATIONS

The cost of providing water supply to the lots described above will be borne by the owners of those lots based upon their rateable frontage. As such there will be no cost to the Regional Corporation.

CONSULTATION

As noted above, a public meeting of concerned owners was held following the Ontario Municipal Board hearing concerning Lot 76. Approximately 80-90% of the concerned owners were present. At that meeting the proposed installation of services and development of Cypress Gardens North was discussed. No objections were made to the proposal.

Once the final cost estimates are generated, the Township, which is proceeding under the *Local Improvement Act*, will provide an opportunity to the owners to withdraw their support from the petition for the project. Should such occur, Regional staff will also not proceed with the water supply component of the project.

Approved by
M.J.E. Sheflin, P.Eng.

Approved by
N Tunnacliffe, MCIP, RPP

TCM