

1. BROOKSIDE GARDENS, PLAN OF SUBDIVISION TOWNSHIP OF RIDEAU

COMMITTEE RECOMMENDATION

That Council refuse the proposed Brookside Gardens subdivision so that it may be considered by the Ontario Municipal Board with the associated zoning by-law that has been appealed to the Board by the developer, and that the Regional Clerk issue the 'Notice of Decision' attached as Annex D.

DOCUMENTATION

1. Commissioner Planning and Development Approvals Department report dated 09 March 1999 immediately follows.
2. Correspondence received from: W. Holzman, Simmering and Associates Ltd, dated 6 Apr 99; R. Fraser Township of Rideau dated 3 Apr 99; and G. Leslie, dated 13 Apr 99, follows the report
3. Extract of Minute, 23 Mar 99 and Extract of Draft Minute, 13 Apr 99, follows and includes a record of the vote.

REGION OF OTTAWA-CARLETON
 RÉGION D'OTTAWA-CARLETON

REPORT
 RAPPORT

Our File/N/Réf.	15-98.SD22
DATE	9 March, 1999
TO/DEST.	Co-ordinator, Planning and Environment Committee
FROM/EXP.	Commissioner Planning and Development Approvals Department
SUBJECT/OBJET	BROOKSIDE GARDENS, PLAN OF SUBDIVISION TOWNSHIP OF RIDEAU

DEPARTMENTAL RECOMMENDATION

That the Planning and Environment Committee recommend that Council refuse the proposed Brookside Gardens subdivision so that it may be considered by the Ontario Municipal Board with the associated zoning by-law that has been appealed to the Board by the developer, and that the Regional Clerk issue the 'Notice of Decision' attached as Annex D.

INTRODUCTION

Simmering and Associates have submitted an application for a plan of subdivision for lands within the Village of Manotick at Bankfield Road and Potter Drive. The zoning by-law to implement this plan has been turned down by the Township of Rideau and the proponent has appealed the by-law to the Ontario Municipal Board. In addition, the Township of Rideau has held a Public Meeting on the Plan of Subdivision in accordance with the requirements of the Planning Act and has recommended to the Region that this Plan of Subdivision be refused (Annex A).

This is a disputed application and therefore requires 'Approval' or 'Refusal' by Regional Council. The issues surrounding this application fall into two categories:

1. Some of the issues relate to the form of development, its compatibility with neighbouring land uses, its conformity with the Local and Regional Official Plans and its prematurity. These are inter-related and contentious and form the basis for the refusal of the plan of subdivision.
2. Other issues relate to the adequacy and appropriateness of the servicing proposal, protection of the adjacent watercourse, stormwater management and other technical matters. It is staff's opinion that the technical issues have been adequately addressed through the conditions of draft plan approval and related studies.

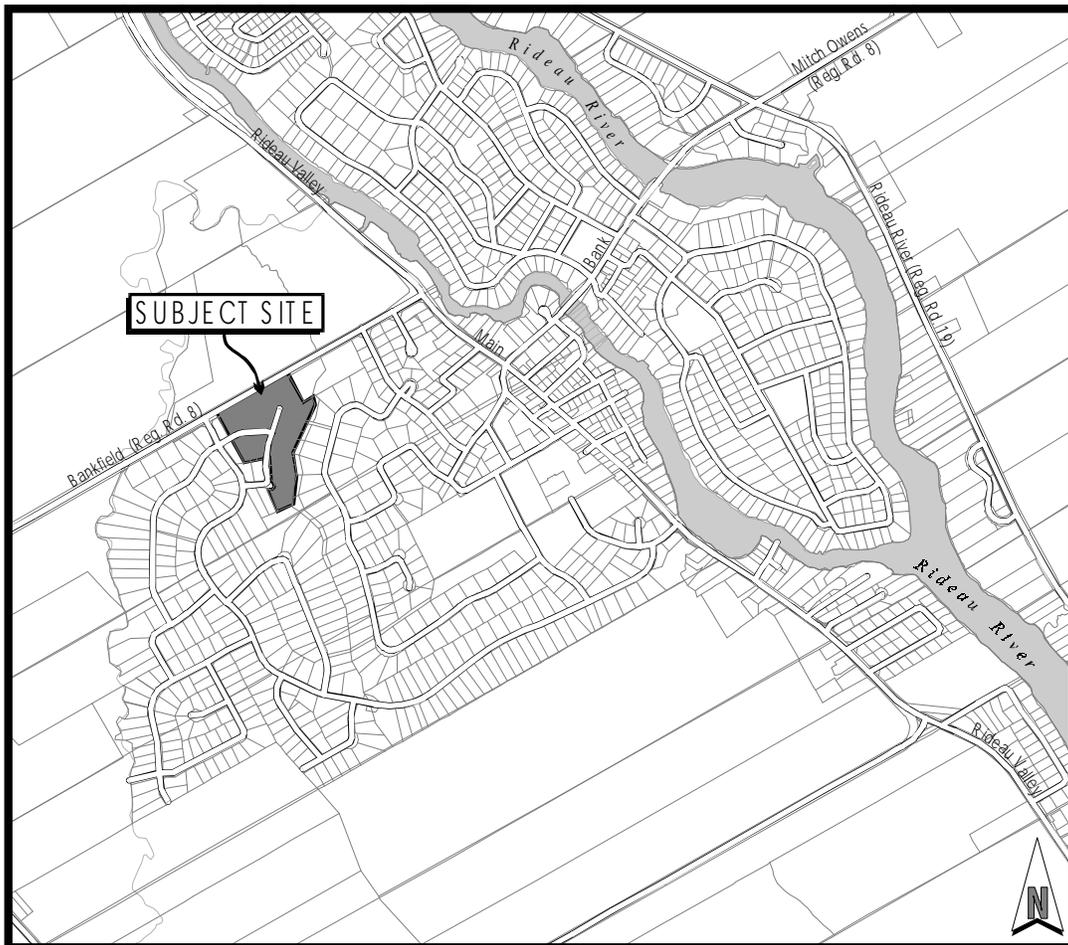
All of these issues are discussed in this report.

BACKGROUND

1. Proposed Development

The site of the proposed subdivision is within the Village of Manotick, south of Bankfield Road, east of Potter Drive and west of the Wilson-Cowan Drain. The lands north of the site, in the City of Nepean, are not within the Village and are currently being farmed. The lands west, south and east of the site are entirely developed for single detached homes. These are estate homes on 0.2 ha (half acre) lots.

In August, 1993, a plan of subdivision was registered in this location showing 26 detached units on 0.2 ha lots. The proponent has indicated that market demand for mixed density housing has led them to revise their plans for this area. The plan currently under review excludes 6 lots along Potter Drive and excludes the two streets (Mansel Cres. and Wadell Court). It proposes 13 lots in place of the 20 registered. On these lots, it proposes 52 units in the form of 43 row units and 3 clusters of 3 units on 5.46 ha. This is about 10 units per hectare or 0.1 ha per unit (.25 acres). Annex B shows the proposed Plan of Subdivision superimposed on the Registered Plan of Subdivision.



Location Map

1. Proposed Zoning By-law

The current zoning by-law permits single family dwellings and accessory apartments on a lot area of at least 1,950 square metres (0.5 acres). In order to accommodate the proposed plan of subdivision, the applicant applied for a zoning by-law amendment to provide for the range of housing types anticipated. This includes 52 units within the proposed plan of subdivision and 4 units on the 2 lots registered in the previous plan. An additional 4 lots along the side of Potter Drive would remain as approved for single family dwellings.

The Council of the Township of Rideau considered the proposed zoning in October, 1998 at which time it was refused. The key reasons for refusing the zoning were:

- the lack of information on the servicing of the site
- the potential impact on the adjacent watercourse
- the prematurity of the proposal in light of the outstanding Manotick Secondary Plan.

It should be noted that at the time the proposed zoning was considered by Township Council, many of the technical studies had not been done or were not available. It is the completion of those studies, and the proposed imposition of draft plan approval conditions by the approval authorities that has provided an opportunity to address the issues. Each of these is discussed in this report. The applicant has appealed the zoning by-law to the Ontario Municipal Board but no date has been set for a hearing.

2. Regional Official Plan (ROP)

The lands are designated 'Village' in the ROP. The precise boundaries of the village and the specific development policies are enumerated in the Local Official Plan (LOP). The ROP states that Council will request an overall study (servicing and land uses) when considering a LOPA that proposes to expand a village or to increase the total potential development. However, if a proposal conforms to the existing LOP, and no amendment is being sought, the Region will not require this study. In the case of the subject lands, no LOPA has been proposed and the subdivision application was accepted as complete on 8 October, 1998 and circulated to agencies for comments.

3. Local Official Plan (LOP)

The LOP was approved by the Region in March, 1995. It designates these lands 'Residential'. Section 5.11.3.2 *Residential Policies* states "The residential uses permitted generally shall be single-detached dwellings, accessory apartments and accessory uses, however, all forms of residential development will be considered where conditions are appropriate and suitable for such use." Section 5.11.3.3 *Multiple Unit Residential Policies*: "A limited amount of low-rise, medium density residential development shall be permitted within the Residential designation provided that the form and scale of such development will be compatible with surrounding uses." Therefore, it appears that the proposed uses could be considered by the Township of Rideau provided the proposal meets the compatibility test.

However, it is the contention of the Township of Rideau that a full interpretation of the LOP should include consideration of Amendment 8 to an earlier LOP. This is the amendment that incorporated the subject lands, and other lands, into the Village of Manotick and anticipated low density residential development. It stated that development must meet the requirements of the hydrogeology study and maintain a minimum density of 0.2 ha per unit. By the time the

new LOP was approved, there was already a registered plan on these lands so the original policies had been met and were not reiterated in the new plan.

The 1995 Plan deferred consideration of future residential areas in the Village of Manotick pending the completion of a Secondary Plan and Servicing Study (see below). The LOP identifies the future residential areas as 'Special Policy Areas' on Schedule A and they are all within the undeveloped southern portions of the Village. The Township of Rideau contends that if the proponent is not going to proceed with the registered plan of subdivision under the current zoning, then the subject lands should also be considered as a future residential area and therefore be deferred even though they do not strictly fall within the areas designated 'Special Policy Areas'.

Therefore, it is Rideau Township's position that the proposed zoning and plan of subdivision do not conform to the policies in the Local Official Plan and the entire matter should be deferred pending the completion of the secondary planning study.

4. DRAFT Amendment No.2 - Secondary Planning Study and Servicing Options Study

The Village of Manotick as defined in the ROP and LOP includes approximately 770 ha (1915 acres) of land in total, 336 ha of which are vacant. The plan provides for the number of dwelling units to grow from 1,468 to 3,052 and the population to grow from 4,426 to 8,758. It was clear when reviewing the LOP that a village of this amount of expansion could not be supported on private individual wells and septic systems. In addition, the Region had approved the extension of a watermain to the older part of the village after MOE had detected contamination in the groundwater.

Therefore, the Township hired Robinson Consultants Inc to complete a Servicing Options Study for Manotick. They also hired Lloyd Phillips and Associates to complete a Secondary Planning Study. Draft LOPA 2 implements the recommendations of these studies but it is not yet adopted. It proposes the following that is relevant to the site in question:

- Schedule A, Concept Plan proposes low density residential uses on the subject site and the main permitted use is single family dwellings. However, it identifies a density of 5-10 units per hectare on the west portion of the property, increasing to 12-17 units per hectare on the east side.
- The Servicing Options Study recommends a phase-in of central sewer and water services for Manotick, tied into the Region's systems. It proposes that existing lots and undeveloped lots in draft approved plans could proceed on private services. However, new development should not.

If the Draft Amendment was adopted, the proposed plan of subdivision would not conform with it in terms of housing form (it includes attached units) and servicing (it is based on private, albeit shared, systems). However, the proposed subdivision is at the low end of the range of densities recommended for this site in the Draft Amendment.

The Township of Rideau has argued that consideration of the proposed plan of subdivision and related zoning are premature until the Township deals with Draft Amendment 2. Regional staff echoed this position in responding to the zoning circulation. But, it has taken some time to come to a conclusion and the applicant is reluctant to agree to continue to wait

for the outcome. They feel that this advice has been given to them for some time with no commitment by the Township of Rideau to deal with the matter.

The following chronology is of note:

- *February, 1990*: MOE stated that they do not support the growth of Manotick to 6,000 persons on the basis of private well supplies and septic tank disposal systems and recommends that the extension of central services be considered.
- *March, 1995*: Regional Council approved the Rideau Official Plan which defers future residential areas ('Special Policy Areas', not infilling) pending the secondary planning study and servicing study in recognition that continued growth on private services is not an option.
- *September, 1997*: Rideau Township hosted the 8th in a series of public meetings to consider the above noted studies. At its next meeting, Rideau Planning Committee deferred consideration of these studies. They are still deferred.
- *October, 1998*: Rideau Township recommended that the consideration of the rezoning and plan of subdivision are premature until the Township concludes on the above noted studies.
- *January, 1999*: Rideau Township Council initiated a 'demographic' study to elaborate on some of the background material with regard to need for, rate of, and phasing of development.

ISSUES

1. Conformity with Regional and Local Plans

The proposed development conforms with the policies in the Local Official Plan and the Regional Official Plan. However, it is the Township of Rideau's contention that it does not conform with the *intent* of the Local Official Plan:

- to support 0.2 to 0.4 ha lots as in the registered plan of subdivision (as expressed in a previous amendment to an older LOP).
- to defer areas for new development (including this one since the amount of development has changed) pending completion of the servicing study and secondary plan.

2. Relationship to Draft LOPA 2 and associated studies

The proposed development does not conform with the proposed housing form or servicing in Draft LOPA 2 but it is within the proposed density guidelines.

3. Compatibility with Adjacent Land Uses

Existing residents in the area probably expected single detached homes on large lots on this site because both LOPA 8 and the registered plan of subdivision show that sort of development. The new plan respects development west of Potter drive by retaining single detached homes along this road. In addition, the development is somewhat buffered from development to the east by the vegetation and open space along Wilson-Cowan Drain. However the density for most of the site has increased (to ¼ acre lots) and the form of housing has changed to row units.

Therefore, compatibility with adjacent land uses is a contentious issue and will be addressed at the Ontario Municipal Board when dealing with the zoning by-law. At the public meeting, many residents expressed their lack of support for this development in this location.

4. Timing

The Township of Rideau has stated that approving this development in advance of the overall servicing strategy for Manotick will jeopardize the options available. In reality, this seems unlikely as the development of the entire site will provide for 56 new units compared with the overall growth of 1580 units expected in the long term. Also, the site is also located away from the principal route for servicing. If Manotick is provided with central services, it is likely that they will be phased in based on need, location, whether the land is vacant and other factors.

The second argument that the Township and residents raised in support of prematurity is that Rideau Township should take a position on the overall form of housing they want to see in the community, and its distribution, before discussing a single isolated proposal. The argument against prematurity is that consideration of Draft LOPA2 has been deferred since September, 1997 and the commitment does not exist to bring it to a conclusion.

5. Sewage Servicing

Approval of septic systems rests with the Township of Rideau under the Building Code Act. The Township, like many rural municipalities, have contracted the review and approval function to the Septic System Approval Office (RVCA).

The proponent submitted a study to the Septic System Approval Office to support sewage disposal systems for 2 to 5 units. Such a shared arrangement is permitted in the Regional Official Plan, provided that the owners enter into agreements with each other to maintain/replace/install the systems. The plan suggests joint use agreements but Common Elements Condominiums or other arrangements could be possible.

The specific proposal is for a peat based system which provides improved quality of effluent over conventional systems and takes up somewhat less land area. The Approval Authority ensures that there is sufficient land area to accommodate the system and a replacement system if required, and in this case did those calculations for both a conventional and a peat system. They also review the appropriateness of the system for the site. In the case of this proposal, all of the septic systems have received approval *subject to an approved zoning by-law*. There is no time limit on these approvals.

The Approval Office emphasized that septic system failures in the past were mainly due to homeowners landscaping their lots with the clay from their foundation. RVCA now provides a third inspection, which MOE did not do in the past, and does not permit that sort of landscaping.

There is no technical evidence that the sewage disposal method is inappropriate. However, there is an argument that it is not practical to expect owners to share in the maintenance of the system. So, the Region will require agreements between the property owners to ensure the continued operation and maintenance of the systems.

6. Water Servicing

The proponent submitted a revised hydrogeology study which anticipates shared wells in a similar fashion to the septic systems. This is permitted with the same proviso. The Region is responsible for approving hydrogeology studies and has entered into an agreement with the RVCA to have their hydrogeologist review these on the Region's behalf. The RVCA has recommended approval of the revised hydrogeology study submitted by the proponent and has determined that the quality and quantity of groundwater is adequate for the proposed use.

As a standard condition of draft plan approval, the Region will require that each well be constructed in accordance with the study and that the construction be certified by a professional engineer. This is a relatively new requirement and, based on a comprehensive study, is considered to be the principal mechanism for reducing the incidence of well water contamination in the rural area.

7. Impact on Watercourse (Wilson-Cowan Drain)

This was raised as a concern by the Township of Rideau. Subsequently the proponent submitted studies to the Conservation Authority. The studies have been approved and relevant conditions of draft plan approval have been drafted to require setbacks, erosion and sediment control, vegetative cover, etc.

8. Parking and Snow Removal

The Township engineer expressed concern about the design of the subdivision showing town houses on a cul-de-sac. The concern relates to the ability to provide for adequate parking and snow removal. A condition of draft approval has been included to allow the Township to approve the final configuration of units and driveways. However, the Township feels it may be difficult to resolve this problem.

9. Future Servicing

If a decision is taken to provide Central Services to Manotick it would require some time to implement. It would require a ROPA, a LOPA, a decision on funding, an Environmental Assessment, design and construction. So, nothing will happen quickly. At the time of implementation, a serviced area will be delineated, rules will be agreed to with regard to the requirement to connect, phasing strategies will be adopted, individual payment mechanisms will be developed and countless other matters will be addressed. These are generally included in the Regional Regulatory Code. Until all of those decisions are made, neither the developer nor the future owners can be required to contribute anything.

However, if the subdivision is approved, in order to ensure that all future homeowners are aware of the potential for central services, the Region will require that all offers of purchase and sale explain the status of the servicing study and the potential for future connection fees.

PROPOSED CONDITIONS OF DRAFT PLAN APPROVAL

If the proposed Plan of Subdivision is before the Ontario Municipal Board, it is important that the Region and the Township submit conditions of draft plan approval to ensure that our interests are met. These are attached as Annex C. They incorporate the input of all circulated agencies, the Township of Rideau and the Region. But the preparation of conditions does not imply support of the proposed development.

CONCLUSION

When considering a proposed plan of subdivision, the Region has two main interests:

- are the policies/interests of the Province, Region local municipality and agencies being respected?
- has the planning process been followed?

The Region's policy interests are to meet the requirements of the Regional Official Plan with regard to servicing, watercourses and so on, and to implement the delegated approval functions of the Province (e.g. stormwater management). It is regional staff's opinion that all of the technical matters have been adequately addressed through the plan of subdivision studies and proposed conditions.

However, Rideau Township has outstanding concerns about the compatibility of the proposal with adjacent development and the timing of the proposed subdivision relative to the Secondary Planning Study. It is mainly on this basis that they have recommended refusal of the proposal. Traditionally, the Region has not interfered in similar matters. The issue should be determined by the OMB.

With regard to the process, the Region, as the approval authority, has two choices: to approve the plan of subdivision or to refuse the plan of subdivision. If it is approved, the Township of Rideau will appeal the decision to the Ontario Municipal Board. If it is refused, the applicant will appeal the decision. Under the previous Planning Act, the approval authority could also have referred the proposed subdivision to the Board on its own initiative or on application by another party (provided it was a legitimate referral request). This option does not exist today.

The Planning Act requires that a decision be provided by the approval authority within 90 days of application or the applicant may appeal. This application was made on 1 October, 1998 so that over 180 days will have elapsed by the time a decision is rendered. Much of this delay is due to the fact that about 45 days are added on to provide for a report to Committee and Council. (With an undisputed application, staff has been delegated approval authority). Also, the Planning Act requires that a public meeting be held and it is the practice to schedule these after some work has been done to complete a circulation and investigate issues. Rideau Township held the public meeting on behalf of the Region on 7 December, 1998.

It is important that the subdivision be considered by the Ontario Municipal Board with the zoning by-law that has already been appealed. The proposed conditions of draft plan approval address many of the issues raised by the staff and community at the time Township Council considered the proposed zoning by-law. To expedite this, staff recommends the subdivision be refused.

Assuming the applicant appeals the decision, this will permit the applicant to have the matters considered jointly.

CONSULTATION

The Township of Rideau held a public meeting as required under the Planning Act for this Plan of Subdivision. All those who requested to be kept informed have been notified of this meeting.

FINANCIAL IMPLICATIONS

Staff will be required to attend the Ontario Municipal Board.

*Approved by
N. Tunnacliffe, MCIP, RPP*

STATUTORY DECLARATION

IN THE MATTER OF Subsection 51 of the Planning Act, R.S. O. 1990, Chapter P13;

AND IN THE MATTER OF 'THE BROKKSIDE PLAN OF SUBDIVISION'

I, Brian Humphrys

DO SOLEMNLY DECLARE THAT:

1. I am the Planning and Development Director employed by the Corporation of the Township of Rideau and as such have knowledge of the facts hereinafter deposed to.
2. The statutory requirements of the section 51 of the Planning Act respecting the giving of notice and the holding of a "Public Meeting" have been complied with in accordance with the provisions of the Planning Act.
3. The names of all persons and public bodies that made oral submissions at the public meeting and copies of all written submissions.
5. The information required under subsection 7 of Ontario Reg. 196/96 is true.

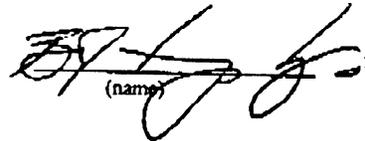
And I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the "Canada Evidence Act", and the "Ontario Evidence Act".

DECLARED Before me at the Township of Rideau)
in the Regional Municipality of Ottawa-Carleton this)
27th day of January 1999.)



A Commissioner, etc.

J. DAVID BALL
Clerk
Township of Rideau



(name)

Resolution 99-020

Moved by Councillor Fraser, seconded by Councillor Gray
CW99-3

1. **DAINTON PROPERTY STEWARDSHIP**
That Council partner with the Ottawa-Carleton Land Stewardship Council to develop a plan for the future management of the Dainton property.
2. **CLARKE REZONING**
That the application to rezone the subject lands from A2, General Rural and R1, Residential to R-11, Residential exception No. 11 be approved.
3. **~~BROOKSIDE~~ SUBDIVISION**
That notwithstanding, that the Corporation of the Township of Rideau does not support the approval of this plan of subdivision. The following "draft conditions of approval" be adopted to form the basis of the Townships requirements should the plan be ultimately approved.
4. **DEFINITION OF LIVE STOCK**
That the Clerk prepare a report on the definition of livestock in the Live Stock and Poultry Protection Act, and draft a resolution to urge the Provincial government to amend the definition so as to extend compensation to other types of live stock including emu and reindeer.
5. **HERITAGE RIVER DESIGNATION**
That the Clerk place a resolution on the next Council Agenda to rescind support for the proposed Heritage River Designation of the Rideau Waterway.

Carried

Resolution 99-021

Moved by Councillor Fraser, seconded by Councillor Gray that Committee of the Whole Report CW99-4 be received.

Carried

Resolution 99-022

Moved by Councillor Fraser, seconded by Councillor Pratt that the LACAC Report dated January 12, 1999 be received.

Carried

The Corporation of the Township of Rideau STAFF REPORT

DATE: January 11, 1999

TO: Committee of the Whole

FROM: Brian Humphrys, Planning & Development Director

SUBJECT: Brookside Subdivision

STAFF RECOMMENDATION:

That notwithstanding, that the Corporation of the Township of Rideau does not support the approval of this plan of subdivision. The following "draft conditions of approval" be adopted to form the basis of the Townships requirements should the plan be ultimately approved.

BACKGROUND:

Council at their meeting of December 21, 1998 deferred consideration of the "Draft Conditions of Approval" until the first meeting in January, 1999.

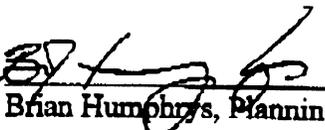
DISCUSSION:

Staff received a request by the West Manotick Community Association to defer consideration of the conditions until January 18, 1999. This deferral was requested to allow the Community Association additional time to comment on the "draft conditions". To date, staff has not received any comment from the Community Association.

The draft conditions are brought forward so that in the event that this plan is approved by the Regional Municipality of Ottawa-Carleton or the OMB the Township is "on record" noting the matters that would be required and/or form the basis of a required subdivision agreement. It is also important to note that the "Draft Conditions of Approval" may be amended up to the time of registration of the plan of subdivision. Notwithstanding, the municipality's right to amend the conditions through the development of a subdivision agreement, it is common practice to enunciate the gist of the requirements in concert with Council's consideration of the plan of subdivision.

CONCLUSION:

While it is recognized that Council does not support this application, it is also considered appropriate to note the matters that must be addressed should the plan be approved in the future.


 Brian Humphrys, Planning Development Director

APPENDIX 'A'

**Township of Rideau
Proposed Draft Conditions of Approval**

1. That these approval applies to the draft plan of subdivision certified by George D. Annis, OLS, dated September 22, 1998 showing 13 lots for multiple family residential development.
2. That the owner agrees, in writing, to satisfy all the requirements, financial and otherwise, of the Township of Rideau, including the provision of roads, installation of services and drainage.
3. That the owner dedicates as public highways the road allowance shown on the draft plan as Streets A and B. These streets shall be designed and constructed to the satisfaction of the Township Engineer and conveyed to the Township of Rideau, all at no cost to the Township.
4. The Blocks 27, 28 and 29, 4M-878 be deeded to the Township of Rideau, at no cost to the Township, for park purposes, pursuant to the provisions of Section 51 of the Planning Act. The owner shall construct a pathway on Block, 27 and 28 to the satisfaction of the Township of Rideau.
5. That such easements and maintenance agreements as may be required for municipal, electrical, telephone and cablevision facilities or for drainage purposes, shall be provided and agreed to by the owner to the satisfaction of the appropriate authority and further, that the owner shall ensure that these easement documents are registered on Title immediately following registration of the final plan: and the affected agencies duly notified.
6. That the owner shall be required, in the Subdivision Agreement with the Township of Rideau, to coordinate the preparation of an overall utility distribution plan showing the location (shared or otherwise) installation, timing, and phasing of all required utilities (on-grade, below-grade or above-grade-including on-site drainage facilities) such location plan being to the satisfaction of all affected authorities and to consider their respective standards and specifications manuals where applicable.
7. That the streets shall be named to the satisfaction of the Township of Rideau and the Regional Planning Commissioner.
8. That the Terms and Conditions of the Existing Cost Sharing Agreement be reviewed in consideration of proportionality adjustments in response to this plan.
9. That the owner agrees, via the Subdivision Agreement with the Township of Rideau, to provide a revised geotechnical report (if required) for review and approval by the Rideau Valley Conservation Authority prior to any application for approval of residential construction (including buildings, swimming pools, private sewage systems, etc) on Lots 10 through 18. This report shall address the stability of the Creek banks in their present condition, shall identify the location of the slope crest and shall provide recommendations with respect to the setback of future residence, title fields, swimming pools and other structures from the slope crest. Based on the setback recommendations, a qualified professional shall determine the suitability of each of the lots for the anticipated development; and shall identify a building envelope for each of the lots backing on the watercourse. Prospective purchasers shall be advised of the approved building envelope through the Offer of Purchase and Sale Agreement. This shall be to the satisfaction of the RVCA.

10. That the owner agrees, via the Subdivision Agreement with the Township of Rideau, to transfer to the RVCA and the Township, an appropriate easement over the rear of all lots abutting the watercourse, at no cost to the Township or RVCA. This shall be to the satisfaction of the RVCA and the Township of Rideau. The easement is necessary for streamflow maintenance purposes but is not intended to, in any way, impose a requirement on the affected parties to, at any time, effect the maintenance or general upkeep of the subject lands.
11. That the owner agrees, via the Subdivision Agreement with the Township of Rideau, to apply for rezoning to place the area between the centreline of the Creek and the slope crest as identified in the geotechnical report mentioned in condition 10, in the Environmental Protection EP zone. Further, that the owner agrees to include a clause in all Offers of Purchase and Sale Agreements for lots backing onto the watercourse to the effect that the purchasers of said lots have been advised of and agree to such a rezoning being applied for. This clause shall be worded to the satisfaction of the RVCA and the Township of Rideau.
12. That the Subdivision Agreement between the owner and the Township of Rideau shall include a requirement that the owner notify prospective purchasers of lots abutting the tributary of Mud Creek that any altering, straightening, changing, diverting or interfering with the channel of the watercourse requires the prior written approval of the Rideau Valley Conservation Authority and the Ministry of Natural Resources. This notice shall be registered on Title to the affected lots under Section 118 of the Land Titles Act and shall be binding on the owner, his heirs, successors and assigns.
13. That prior to the start of any construction or any side development on the lots backing the watercourse, a snow fence or other suitable barrier be erected across the property at the slope crest as identified by the geotechnical consultant so as to ensure the protection of the valley lands. On the watercourse side of the barrier, no landscape disturbance of any kind shall occur during the construction period and native vegetation shall be maintained at all times so as to reduce the potential for downstream sedimentation associated with the construction processes.
14. That, prior to final approval of the subdivision plan, a site grade and drainage plan shall be submitted for review and approval by the Rideau Valley Conservation Authority and the Ministry of Environment and Energy. The drainage plan shall indicate precisely how the drainage of the subject lands fits into the drainage scheme and stormwater management plan already adopted for the balance of the development area.
15. That, prior to the final approval of the plan, the owner shall arrange with the Township of Rideau, for control measures to prevent adverse effects on the environment from stormwater runoff. Any proposed control measures shall be to the satisfaction of the Ministry of Environment and Energy. Guidelines for stormwater management for new development within the Rideau River Watershed should be obtained from the Ministry of Environment and Energy District Office.
16. That the owner shall include statements within the Subdivision Agreement with the Township of Rideau and in all Offers of Purchase and Sales Agreements in wording acceptable to the governing authorities and the Township of Rideau advising:
 - (i) the details, obligations and any other pertinent restrictions, constraints, limitations, etc respecting the sanitary treatment systems and well requirements;
 - (ii) that the Hydrogeology Report be available to all prospective purchasers.
17. That the Subdivision Agreement shall contain a requirement that the owner, his heirs, successors and assigns none

to pay the appropriate Development Charges (lot levies) following registration of the plan and prior to the issuance of building permits. The rate will be those in effect at the time of issuance of Building Permit.

18. That the owner shall make application to rezone the property and that all appeals be exhausted.
 19. That the owner shall provide certification by an Ontario Land Surveyor (OLS) that all lots conform to the Township Zoning By-law.
 20. The owner shall construct a pedestrian bridge and related walkways, fences, etc., over the Wilson Cowan Drain to the satisfaction of the Township of Rideau.
 21. The owner shall make a financial contribution towards the Manotick Master Storm Drainage Facilities. The amount of the financial contribution to be based on a proportional share and in accordance with the Manotick Master Drainage Study and to the satisfaction of the Township.
 22. The owner agrees to any special conditions respecting the installation, operation, maintenance and legal responsibilities respecting the sewage treatment systems all to the satisfaction of the Township of Rideau.
 23. That a clause be included in the Subdivision Agreement to save the Township harmless respecting quantity and/or quality of the groundwater.
 24. A clause should be inserted in the final agreement that requires that there will be a notice on title which states that the costs associated with maintenance, operation and capital replacement of the communal sewage treatment system will be charged to the owners of the said system.
 25. The owner will be required to provide the Township of Rideau with an easement to view the operation of the Communal Sanitary Sewage System, but said easement does not impose any responsibility on the Township to operate, maintain or replace the system.
 26. The development of multiple residential blocks will be subject to site plan control.
 27. The owner will be required to provide a revised storm water report. The report will address the effects on water quality and quantity which result from the increase in impervious areas in the subdivision as well as the changes that will result from any changes in the road design standards due to the incorporation of curbed roadways, or increased pavement widths.
 28. That the number of units and associated driveway locations be such that ensures adequate on and off street parking and adequate snow storage.
 29. That the owner agree to provide appropriate infrastructure and/or a proportionate financial contribution to facilitate connection to an ultimate central sanitary sewer and watermain system to the satisfaction of the Township Engineer.
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1. ADOPTION OF AGENDA

The Agenda was adopted as amended.

2. DECLARATIONS OF PECUNIARY INTEREST

There were no declarations of pecuniary interest.

3. PUBLIC DELEGATIONS

There were no public delegations.

4. BROOKSIDE SUBDIVISION - PUBLIC MEETING

Committee Recommendation

That Council recommend to the Regional Municipality of Ottawa-Carleton that this Plan of Subdivision not be approved.

That consideration of the "Draft Conditions of Approval" be deferred until the first meeting in January.

Documentation

1. Report from the Planning & Development Director dated November 19th attached as Annex 1.

Committee Proceedings

Councillor Gray introduced the item and explained the process of a public meeting under the Planning Act. Mr. Humphrys presented his report and reviewed the background to the application.

Tom Levasseur spoke in opposition to the proposed development, stating he did not wish to see any high density development in the area.

Peter Van Der Voort spoke in opposition to the proposed high density development, and suggested that it should await finalization of the Official Plan.

Chuck Stonehouse spoke in opposition to the development.

Grant Leslie spoke in opposition to the development, and questioned the effectiveness of the proposed sewage disposal peat moss bed.

Brian Andrews also spoke in opposition to the high density of the proposed development.

John Van Gaal spoke in opposition to the proposed development.

Margaret Granville also expressed concerns with the affect on the environment from high density development.

Ken Cramer, solicitor for the applicant company addressed Committee. He indicated that they have been able to demonstrate the viability of the proposed sewage system. He highlighted some of the proposed conditions from the Region and the Township including the setback from the creek. He pointed out that the low density housing along Potter Drive will be preserved.

Mr. Bill Holzman, Planner for the applicant, highlighted some aspects of the proposal including the proposed division of lots, the stormwater management plan and street layout. On a question from a resident, Mr. Holzman confirmed that the proposed 13 lots would yield a total of 64 dwelling units.

Mr. Van Der Voort questioned what the status is of ground water studies.

Mr. Cramer clarified that the sewage system approvals are not tentative, they are final approvals. The Rideau Valley Conservation Authority has accepted in general terms the hydrogeology study.

Ms. Granville questioned how sewage systems for higher density development can be approved when there have been so many failures on existing private systems.

Leslie Paterson, (RMOC staff), commented that the Region has not supported the zoning by-law on the basis that it is premature. Regional staff must take the matter to Regional Council for their position.

5. CARROLL REZONING

Committee Recommendation

That the applicant be informed that this application to rezone the subject property from RE, Estate Residential to (H) A1-7 Restricted Rural Exception No. 7 (Holding) is not approved.

Hebert McKinley Ramonat

Barristers & Solicitors

Robert W. McKinley
Direct Line: (613) 228-4201

J. Brian Hebert

December 7th, 1998

Robert W. McKinley

BY FAX 489-2880

Roger J. Ramonat

Township of Rideau

Daniel C. Fernandes*

P.O. Box 310

North Gower, Ontario

K0A 2T0

Attention Brian Humphreys

Dear Mr. Humphreys:

Re: Brookside Estates

I understand council will be considering an Application for Resubdivision of the Brookside Estates Project. Unfortunately a scheduling problem makes it impossible for me to appear and make a presentation in person I would therefore ask that this letter be shown to council.

I am writing on behalf of the West Manotick Community Association which has serious concerns about the appropriateness of the rezoning and resubdivision being promoted by the project owners. Members of the association have been unsuccessful in the efforts to obtain documents from the Rideau Valley Conservation Authority pertaining to an alleged conditional Certificate of Approval for the proposed project. The Engineers representing the Association would like the opportunity to review the Certificate together with any background studies in order to make an informed comment to council on the issues. I would appreciate obtaining these from the Municipality.

I understand from discussions with the owner the matter is likely to be put before the Ontario Municipal Board. Accordingly recommendations will be made by you as well as the Regional planning staff concerning conditions of subdivision approval that would be placed before the Board. The association has fundamental concerns with the proposed redevelopment and would like the opportunity to review and comment to Council on any draft conditions. In our telephone discussion of Thursday December the 3rd you advised me that regional conditions were still being prepared and that your report was not yet available to the public. I am sure that the Association will receive the full cooperation of the Municipality in dealing with this very important matter, accordingly I would ask that the matter be deferred by council to allow for a reasonable opportunity for the Associations to receive, review and comment upon the related documents.

The contents of this transmission may be legally privileged and are intended for its named recipient only. If you have received this in error, please call us, collect, at (613) 228-2700 and return this to us without making a copy. Thank you for your consideration.

If any of these pages are not properly received, please contact us at (613) 228-2700 immediately. Thank you.

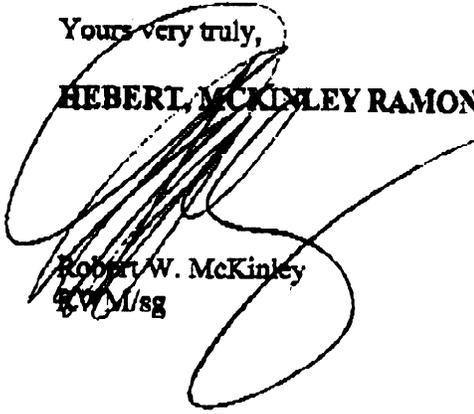
223 Colonade Road South, Suite 112, Nepean, Ontario K2E 7K3 • Telephone: (613) 228-2700 • Telecopier: (613) 228-1887

* also a Registered
Trade Mark Agent

I will be out of the country between December 27th and January 18th I would therefor request that the matter be deferred accordingly. Thank you for your cooperation.

Yours very truly,

HERBERT MCKINLEY RAMONAT

A large, stylized handwritten signature in black ink, appearing to be 'R. W. McKinley', written over the typed name.

Robert W. McKinley
RWM/sg

Dec 1, 1998

Regional Municipality of Ottawa Carleton
Planning and Approval Department
111 Lisgar Street
Ottawa, Ontario
K2P 2L6

Leslie Patterson:

PROPOSED PLAN OF SUBDIVISION
BROOKSIDE ESTATES Project 98-016-05
Manotick, Rideau Township

We presently own a home on lot 14 of the West Meadows Subdivision, 1386 Potter Drive. We are located directly opposite the most southerly entrance to the proposed subdivision.

We purchased this lot in a registered subdivision aware of the fact that the lands across the street also formed part of a registered subdivision. We expected to be facing another subdivision similar in every aspect to the surrounding residential area. We did not anticipate seeing row housing of any type.

We have chosen to live in this community due to the fact that these registered subdivisions provide larger lots, open spaces which are typical of this area of the Village of Manotick and are rare within the Regional Municipality of Ottawa Carleton.

As noted within the Official Plan for the Township of Rideau our lot is designated low density, 5 units per hectare (UPH) and states "It is the intention that these areas will generally remain at their current density". This low density rural character is reinforced in the background report to the Official Plan, secondary Plan to the Village and zoning by-law.

As illustrated on the concept plan it appears that 50% of the lands in the existing registered plan of subdivision have been zoned for 5-10 UPH providing a gentle transition from the low density housing to higher density. This existing registered plan provides for 26 single family units while the resubdivision is proposing a total of 58 units. The resubdivision therefore does not provide a transition zone or buffer as recommended in the Official Plan.

There are many communities very close to Manotick that provide higher density housing that is appropriate for different types and intensity of housing stock. The proposed row housing should be built in an area where the lands are serviced Municipally. We believe development in this area of the Village should remain consistent with the policies of the Official Plan and provisions of the Zoning By-Law. It is important to maintain and promote the rural residential

character of the neighborhood. This proposal falls short of remaining consistent with the intent of the Official Plan and character of the surrounding community.

This development will have several negative impacts on the surrounding community in that it will increase traffic flows, decrease marketability of established homes, harm the rural character of the neighborhood that local residents enjoy and will foster potential servicing problems that have already occurred within the Village.

It should also be noted that (8) eight building permits were issued within the immediate area in 1998. These permits demonstrate that low density housing is still in demand. For this reason it appears the only reason for the higher density housing is to provide a greater profit margin for the developers.

We are strongly opposed to the resubdivision of the currently registered plan of subdivision 4M-878 and request that the existing plan remain unchanged for the better interest of the community and all residents within the area.

By copy of this letter we request we are notified in writing of all decisions associated with the rezoning of the Brookside Estates.

Yours truly,



Jean-Paul Rouleau
1386 Potter Drive
Manotick Ont
K4M 1C3

Distribution: Brian Humphrys Planning and Development Director Township of Rideau

THE CORPORATION OF THE TOWNSHIP OF RIDEAU
NOTICE OF PUBLIC MEETING
PROPOSED PLAN OF SUBDIVISION
BROOKSIDE - Project # 98-016-05

TAKE NOTICE that the Council of the Corporation of the Township of Rideau will hold a public meeting on, Dec. 7 1998 at 7:30 p.m. or as soon as possible thereafter, in the Council Chambers at 2155 Roger Stevens Drive, Township of Rideau Hall to consider a proposed Plan of Subdivision under Section 50 of the Planning Act.

THE PURPOSE AND EFFECT of this application is to permit the re-subdivision of the existing registered Plan (4M-878) to facilitate a new Plan of subdivision that would consist of 52 new dwellings. The proposed new dwellings would be in the form of "Manor Homes" and "Townhouses". In addition a portion of Plan 4M-878 would be retained in the original configuration and would permit the construction of 6 single family homes on lots of approximately .2ha.. The applicant proposes sanitary and water service to be private.

The applicant had previously applied to re-zone the subject property (file no. 97-009-03) to facilitate this proposed plan of subdivision. The re-zoning was refused by the Township and appealed by the applicant to the Ontario Municipal Board. The applicant has filed this application to ensure should the RMOC refuse the plan of subdivision the matter can be heard by the OMB in conjunction with the re-zoning appeal. Review of this application will also offer an opportunity to establish recommended conditions of approval for the consideration of the RMOC and/or the OMB should the plan of subdivision be approved.

ANY PERSON may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the proposed Plan of Subdivision. If a person or public body files an appeal of a decision of the Regional Municipality of Ottawa-Carleton in respect of the proposed plan and does not make written submission to the Regional Municipality of Ottawa-Carleton before the proposed plan of subdivision is approved, the Ontario Municipal Board may dismiss the appeal.

If you wish to be notified of the decision of Ottawa-Carleton in respect of this proposed plan of subdivision, you must make a written request to the Regional Municipality of Ottawa-Carleton 111 Lisgar Street Ottawa On K2P 2L6 Planning and Approvals Department 560-2053.

ADDITIONAL INFORMATION related to the proposed Plan of Subdivision may be obtained by contacting the Planning Department at 489-3314 or the Regional Municipality of Ottawa Carleton at 560-2053 during normal office hours.

DATED AT THE TOWNSHIP OF RIDEAU THIS 17th DAY OF NOVEMBER 1998

J. David Bell, Clerk
Township of Rideau

The Corporation of the Township of Rideau STAFF REPORT

DATE: November 19, 1998

TO: Committee of the Whole

FROM: Brian Humphrys, MCIP RPP
Planning & Development Director

SUBJECT: Beaver Road Builders (Brookside) Plan of Subdivision

FILE NO.: 98-016-05

STAFF RECOMMENDATION:

That Council recommend to the Regional Municipality of Ottawa-Carleton that this Plan of Subdivision not be approved. However, should the plan be approved, approval be subject to the "Draft Conditions of Approval" contained within the Appendix to this report.

BACKGROUND:

Regional Official Plan:
Rideau Comprehensive Official Plan:
Draft Official Plan Amendment No. 2:
Township Zoning:
Surrounding Land Uses:

North	Existing
	Proposed:
South	
East	
West	

Village
Residential
Residential Low Density (single family dwellings)
RV-16

Vacant (City of Nepean
Single Family Residential
Single Family Residential
Single Family Residential
Single Family Residential

DISCUSSION:

In assessing this application, staff has reviewed this application not only in the context of the site itself but on how the site is integrated within the surrounding community. In accordance with the Planning Act the application was advertised in both the Manotick Messenger and the Ottawa-Carleton Review. In addition, in accordance with Township policy all property owners within 120 metres of the subject site were notified by first class mail. In addition the Community Association held a meeting to discuss this application and while staff was not represented at this meeting it is understood that the meeting was well attended.

Planning History

The subject lands were incorporated as part of the Manotick Development Area by way of Amendment No. 8 to the Township of Rideau Official Plan which had the effect of designating the subject lands "Low Density Residential". Lot sizing was determined to be 0.2 to 0.4 ha dependent on soil types with an overall average of 0.3 ha. The amendment speaks to two criteria that must be met. Development must meet the technical requirements of the hydrogeology study and maintain a minimum density of 0.3 ha per dwelling unit. In short notwithstanding the findings of the Hydrogeology Study a minimum density of 0.3 ha. must be maintained. The western limit to OPA 8 was subsequently viewed as being somewhat arbitrary and Council determined it advisable to extend the limit of development area to Mud Creek. This expansion to the development area was defined through OPA 26 and has developed as the "West Meadows Subdivision". OPA 26 envisaged a development of single family lots of a density similar to OPA 8 ie 0.3 ha per dwelling unit. Flowing from this approval in 1988 two plans were registered 4M-678 & 4M-679 and consisted of some 79 lots most of which have now been developed with estate residential homes. In 1993 Plan 4M-878 was registered, on the subject property and consisted of 26 "half acre lots", however, no construction or development has commenced.

In 1995 the RMOC approved the Township's Comprehensive Official Plan in which the subject property was designated "Low Density Residential".

Township Comprehensive Official Plan:

The Township Official Plan allows for the development of existing plans of subdivision but clearly new development has been deferred (Deferral No. 5) pending the approval of the Secondary Plan, Servicing Options Study, and the Master Stormwater Drainage Plan. To date only the stormwater Drainage Plan has been completed and accepted by Council. This application is viewed as "new development" and therefore would be subject to deferral no. 5 and therefore regardless of the appropriateness of the proposal the plan must be deemed premature.

Notwithstanding the issue of prematurity staff is of the opinion that the subject site is an integral part of the overall Manotick West Community and therefore any development proposal must recognize and develop in harmony with the established planning policies and development pattern.

In addition to the present Official Plan policies, regard must be given to not only the conformity with the adjacent plans of subdivision but it is also important to recognize that this site is an integral part of the larger comprehensive development involving a number of land owners. All principles worked together with the municipality to properly integrate their individual holdings in a congruous single family residential community. This co-ordinated approach involved cost sharing agreements that were premised on predetermined integrated plans of subdivision. To depart from this approach at the latter stages of development cannot be justified. The proponent has often argued that the market conditions have necessitated a change in development form, however, a review of building permit activity has noted relatively constant activity averaging approximately 8 new single family homes in the Manotick West area each year since 1991 (two years prior to registration of this plan of subdivision).

In summary, much effort was expended during the planning of this overall community by both municipality and all the property owners to ensure a well planned integrated community. For one landowner, to unilaterally depart from the original concept is not only poor planning but a breach of faith.

Draft Official Plan Amendment No 2

While not approved by Council OPA 2 was developed in the context of potentially new servicing options that could afford opportunities for new development. OPA 2 recognizes a desire to permit a variety of housing types and densities and has identified sites for a variety of housing types, however it is noted that the subject site has been identified for single family dwellings only. It is also important to note that while the plan may offer increases in density this provision has proved to be quite contentious and is the very basis that Council is presently re-examining. Again this raises the issue of both prematurity and appropriateness.

The Plan Of Subdivision

There is presently a registered plan of subdivision consisting of 26 0.5 acre lots (4M-878). The proponent has made this application maintaining the existing road pattern and the lot configuration along Potter Drive, changes of density and housing forms are restricted to the internal portion of the subdivision, thereby limiting the visual aesthetics from Potter Drive, however the views from Bankfield and east of the Wilson Cowan Drain could well be effected. There are of course a number of other "technical issues" that while there may be a technical solution that may provide a site specific solution, these solutions never the less may be counterproductive to appropriate overall planning solutions for Manotick. Therefore, to approve a site specific solution prior to resolving the

larger planning and servicing concerns again is not recommended. Staff have serious reservations about the overall design and concept which staff view as a typical urban form of development and seriously question the appropriateness in a village context. As an example, such matters as having row dwellings on cul-de-sacs which in turn create limited frontages particularly at the curb line resulting in snow storage problems and parking problems. This of course places an additional burden on limited Township resources.

In addition our engineers have noted that they do not support this application and have concerns respecting not only the physical layout of the subdivision but also view the shared ownership and use of common infrastructure as being problematic and would therefore favour a condominium approach if such a plan was to be approved.

The Planning Act

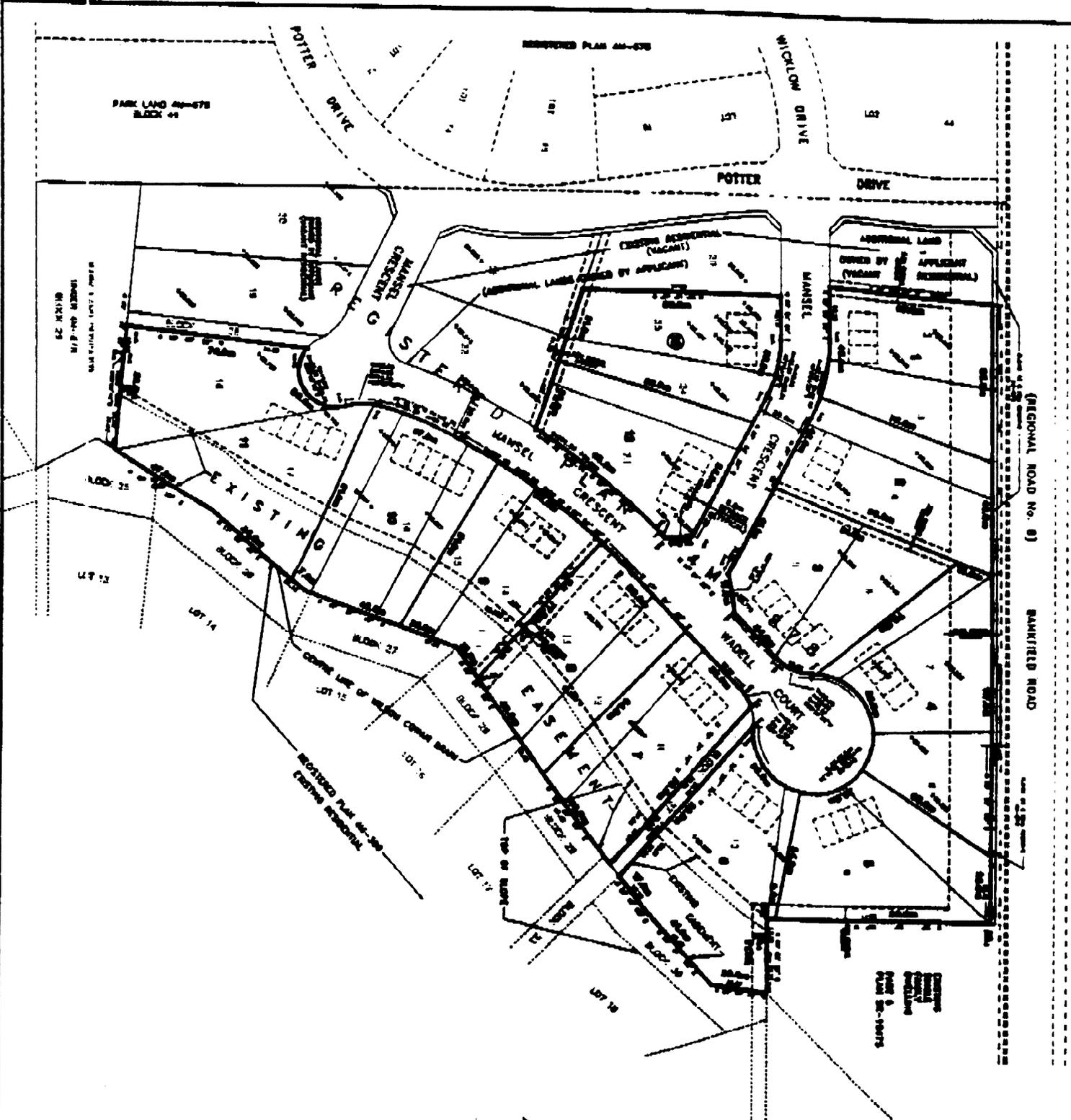
In considering an application for a plan of subdivision, Section 51(24) of the Planning Act requires one to have regard to among other matters "whether the proposed plan of subdivision is premature or in the public interest, whether the plan conforms to the Official Plan and adjacent plans of subdivision if any". Again the proposal fails to meet the required test within the context of the Planning Act.

CONCLUSION

In conclusion staff has determined in their opinion that the application does not conform to either the present Official Plan or the proposed Secondary Plan, does not conform to the previously coordinated plans of subdivision. The municipality has and continues to work with all stakeholders to attempt to develop a plan that responds to the needs of all aspects of the community. To approve a plan that is counter to much of the past efforts could have significant ramifications on the planning process that go well beyond this site.

Notwithstanding, the fact that staff does not support this application, approval lies with the Regional Municipality of Ottawa-Carleton and ultimately the OMB if appealed. It is therefore prudent that should an approval be forthcoming, that the Township recommend "conditions of approval". To this end, attached to this report as Appendix A are "Recommended Conditions of Approval".


Brian Humphreys, Planning &
Development Director

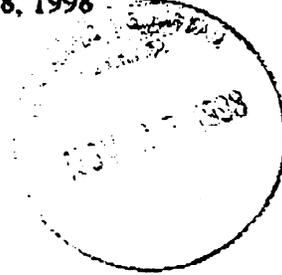


(REGIONAL ROAD No. 8) BARKFIELD ROAD

DATE OF SUBMISSION: 1999 FEB 10
 PLAN NO: 44-698

David & Shirley Bradley
5508 Whitewood Avenue
MANOTICK ON. K4M 1C7

November 18, 1998



Re: Proposed Plan of Subdivision Brookside - Project # 98-016-05.

To whom it concerns:

Please be advised that my Wife and Myself are very much opposed to the new Plan of a subdivision that would consist of 52 new dwellings.

We feel that the addition of these dwellings would add to the rate of crime in the immediate Manotick area. We are concerned with the fact that the area allotted could not accomodate the large quantity of septic systems, or system required for the 52 dwellings , therefore would result in the polluting of the Ravine (Conservation Area) on which our home backs onto. This pollution would travel from this Ravine to the Rideau River.

We also feel that a Project of this type would further devalue the price of our home and other homes in this area , and would affect the serenity of Manotick .

Yours Sincerely

Shirley &

David Bradley

Regional File: (23) 15-98.SD22

Prov. File: 06T-98022

REGIONAL CONDITIONS FOR FINAL APPROVAL
BEAVER ROAD BUILDERS
BROOKSIDE SUBDIVISION
PART OF LOT 1, CONCESSION A
VILLAGE OF MANOTICK
TOWNSHIP OF RIDEAU

The RMOC's conditions applying to the approval of the final plan for registration of Beaver Road Builders in Manotick (06T-98022) are as follows: Agency to Clear

1. This approval applies to the draft plan (06T-98022) certified by George D. Annis, OLS, dated 22 September, 1998 and showing 13 lots for 43 row units and 9 other residential units.
2. The owner agrees, by entering into subdivision agreements, to satisfy all requirements, financial and otherwise, of the Township of Rideau and the RMOC, including but not limited to, the phasing of the plan for registration, the provision of roads, installation of services and utilities, street lights, sidewalks, grading and drainage. **RMOC (PDAD) Rideau**
3. Prior to final approval, the owner shall confirm that the conditions of approval of Registered Plan 4M-878 relating to local streets, the conveyance of parkland for park purposes, street naming and the conveyance of easements adjacent to the watercourse, have been implemented. **Rideau**
4. The owner shall review the terms and conditions of the existing cost sharing agreement in consultation with the abutting land owners and the Township of Rideau to determine if the change in units/lots/density on the subject property will result in adjustments to the said agreement. **Rideau**
5. The development of multiple residential lots/blocks shall be subject to site plan control. **Rideau**

6. The owner shall include in all agreements of purchase and sale, and register on title, a statement that a servicing study is underway and may result in the eventual servicing of these lands. If that should occur, the individual property owners will be required to connect and be responsible for a share of the costs as determined by by-law and will also be required to abandon existing private services. **Rideau**
7. Prior to any further division of lots or blocks, the RMOC or the local municipality may require an additional agreement to address any new or amended conditions. **RMOC (PDAD)**

Zoning

8. The owner shall provide certification by an Ontario Land Surveyor (OLS) that all lots conform to the township Zoning By-Law. **Rideau**
9. Prior to registration of the plan of subdivision, the RMOC shall be advised by the Township of Rideau that the proposed plan of subdivision conforms with a zoning by-law approved under the requirements of the Planning Act, with all possibility of appeal to the OMB exhausted. **RMOC (PDAD)**

Noise

10. The owner shall: **RMOC (PDAD)**
- a) have a noise study prepared and certified by a Professional Engineer (expertise in the subject of acoustics related to land use planning). The study shall be to the satisfaction of the RMOC and shall comply with MOEE LU-131, Noise Assessment Criteria in Land Use Planning, the RMOC's Standards for Noise Barriers and Noise Control Guidelines, and be in accordance with the current version of the APEO Guidelines, for Professional Engineers providing Acoustical Engineering Services in Land Use Planning.
 - b) implement the specific noise control measures recommended in the approved noise study and any other measures recommended by the RMOC including, as applicable, the RMOC's "Standards for Noise Barriers" as may be amended.
 - c) prior to the construction of any noise control measures, provide certification to the RMOC through a professional Engineer 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 final building inspection, provide certification to the RMOC, through a Professional Engineer, that the noise control measures have been implemented in accordance with the approved study.

Stormwater Management

11. Prior to registration, or prior to an application for a Certificate of Approval for any stormwater works (whichever comes first), the owner shall prepare a Stormwater Site Management Plan in accordance with the approved Conceptual Stormwater Site Management Plan and the Manotick Sub-Watershed Plan. The owner shall evaluate the impact of increased density on the facilities recommended in the Sub-watershed Plan and identify appropriate recommendations. The Stormwater Site Management Plan shall identify the sequence of its implementation in relation to the construction of the subdivision and shall be to the satisfaction of the Township of Rideau, the RMOC and the RVCA. **RMOC (PDAD) Rideau Nepean RVCA**
12. Prior to the commencement of construction of any phase of this subdivision (roads, utilities, any off site work, etc.) the owner shall: **RMOC (PDAD)**
- a) Have an Erosion and Sediment Control Plan prepared by a Professional Engineer in accordance with Current Best Management Practices,
- b) have such a plan approved by the RMOC, and
- c) provide certification to the RMOC through a Professional Engineer that the plan has been implemented.
13. On completion of all stormwater works, the owner shall provide certification to the RMOC through a Professional Engineer that all measures have been implemented in conformity with the Stormwater Site Management Plan. **RMOC (PDAD)**
14. The owner shall make a financial contribution towards the Manotick Master Storm Drainage Facilities. The amount of the financial contribution will be based on a proportional share and in accordance with the Manotick Master drainage Study to the satisfaction of the Township of Rideau. **Rideau**

Wilson-Cowan Drain

15. In recognition that Wilson Cowan Municipal Drain (a tributary of Mud Creek) is fish habitat, prior to registration of the plan of subdivision, the RMOC shall be advised by the Township of Rideau that:
- RMOC
(PDAD)**
- a) the zoning by-law provisions for all new development located along the watercourse identified as fish habitat areas (Lots 6, 7, 8, 9, 10 and 11) requires a minimum 30 metre setback for all structures, sewage system distribution piping and hard surfaces, measured shoreward from the top of the average annual high water mark or 15 metres from the top of the bank, whichever is greater.
 - b) wording has been included in the subdivision agreement with the local municipality and in all offers of purchase and sale for Lots 6, 7, 8, 9, 10 and 11 inclusive:
 - i) informing the owners that the purpose of the setback from the watercourse is to protect fish habitat and that the natural vegetation within the setback be retained.
 - ii) informing owners that any unauthorized destruction or alteration to a watercourse or an area of fish habitat is prohibited. Any proposed alteration (such as a driveway crossing) must be reviewed in detail by the Ministry of Natural Resources and may require authorization pursuant to the provisions of the Federal Fisheries Act.
16. An easement in favour of the Rideau Valley Conservation Authority and the Township of Rideau exists over the rear portion of lots 6 through 11 inclusive. The easement has been granted for access purposes in the event that erosion and flood control works should become necessary on the Wilson-Cowan Drain. The easement shall not be encumbered in any way (buildings, structures, fences etc.) which would limit or restrict the use of the easement for its intended purpose.
- RVCA
Rideau**
17. The owner shall ensure that existing healthy vegetation at and below the crest of slope of the Wilson-Cowan Drain on lots 6 through 11 shall be preserved.
- RVCA**

18. The owner agrees that the Wilson-Cowan Drain on lots 6 through 11 inclusive is subject to the Rideau Valley Conservation Authority's "Fill, Construction and Alteration to Waterways Regulation" (Ontario regulation 166 and amendments thereto), pursuant to Section 28 of the Conservation Authorities Act. The written approval of the Conservation Authority is required prior to straightening, changing, diverting or interfering in any way with the channel of the watercourse. Any applications received in this regard would be assessed within the context of approved policies for the administration of the regulation. The owner shall notify all prospective purchasers of this requirement and the notice shall be registered on Title. **RVCA
Rideau**
19. The owner shall provide a revised geotechnical report (if required) for review and approval by the Rideau Valley Conservation Authority prior to any application for approval of residential construction (including buildings, swimming pools, private sewage systems, etc.) on Lots 6 through 11. This report shall address the stability of the Creek banks in their present condition, shall identify the location of the slope crest and shall provide recommendations with respect to the setback of future residences, tile fields, swimming pools and other structures from the slope crest. Based on the setback recommendations, a qualified professional shall determine the suitability of each of the lots for the anticipated development and shall identify a building envelope for each of the lots backing on the watercourse. Prospective purchasers shall be advised of the approved building envelope through the Offer of Purchase and Sale Agreement. This shall be to the satisfaction of the RVCA. **Rideau
RVCA**
20. Prior to final approval, the owner shall have part of the property rezoned to place the area between the centreline of the Creek and the slope crest, as identified in the approved geotechnical report (as revised), in the Environmental Protection EP zone. Further, the owner shall include a clause in all Offers of Purchase and Sale Agreements for lots backing onto the watercourse to the effect that the purchasers of said lots have been advised of the zoning and its purpose. This clause shall be worded to the satisfaction of the RVCA and the Township of Rideau. **Rideau
RVCA**

21. The owner shall erect a snow fence or other suitable barrier across the property at the slope crest as identified in the approved geotechnical report prior to any construction, to ensure the protection of the valley lands. On the watercourse side of the barrier, no landscape disturbance of any kind shall occur during the construction period and native vegetation shall be maintained at all times so as to reduce the potential for downstream sedimentation associated with the construction process. **Rideau**

22. The owner shall construct a pedestrian ridge and related walkways, fences, etc. over the Wilson-Cowan Drain to the satisfaction of the Township of Rideau. **Rideau**

Rural Services

23. The approval of the subdivision is on the basis of the approved number of lots and any splitting of these lots, if permitted by the zoning by-law will, among other considerations, depend on the hydrogeology study and terrain analysis and any addendums thereto, prepared for the subdivision, being reviewed by a qualified hydrogeologist to advise whether such splitting should be permitted and under what conditions. **RMOC (PDAD)**

24. A warning clause will be inserted into the Regional and local subdivision agreements and in all offer of purchase and sale agreements, to read as follows: **RMOC (PDAD)**

“The RMOC does not guarantee the quality or quantity of the groundwater. If, at some future date, the quality or the quantity of the groundwater becomes deficient, the RMOC and the local municipality bear no responsibility, financial or otherwise, to provide solutions to the deficiency, such solutions being the sole responsibility of the homeowner”.

25. The owner shall have the hydrogeology and terrain analysis that was accepted for the original draft approval reviewed by a qualified hydrogeologist. The review shall assess the risk to the groundwater on the site or on adjacent lands that may result from the migration of septic system effluent or from anything else affecting the groundwater regime at the site. The study shall be revised to reflect any changes. **RMOC (PDAD)**

26. The owner agrees that all well construction, including test wells, shall be in accordance with the recommendations of the approved Hydrogeological and Terrain Analysis Report, and that certification by a Professional Engineer will be provided to the Conservation Authority in this regard. The owner shall advise all prospective lot purchasers, in the Agreements of Purchase and Sale, of this certification requirement. The owner also agrees that the Subdivision Agreement with the Township of Rideau will require the Conservation Authority to indicate satisfaction with the well certification, prior to final inspection by the Township of Rideau to permit occupancy of any buildings. **RMOC (PDAD) Rideau**
27. The subdivision agreement with the Township of Rideau and all offers of purchase and sale shall contain the following: **RVCA Rideau**
- a) A second well, or alternatively, storage, may be required in the individual units on lots containing 5 units, due to well yields that are less than that which is required for a five unity dwelling.
 - b) Treatment may be required to reduce iron concentrations in the water to acceptable levels.
 - c) Sodium levels in the well water may exceed 20 mg/l. Persons with health problems requiring sodium restricted diets should discuss this matter with their physician.
28. The subdivision agreement with the Township of Rideau shall contain a clause whereby the owner acknowledges and agrees that the septic systems must be installed in accordance with the site plan and sewage system detail as provided in the report entitled "Sewage System Design Report Multiple Unit Housing Brookside Subdivision Manotick, Ontario" (Simmering \$ Associates Limited, File No. 96-1144, March 1988, revised October 1998), as approved by the Ottawa-Carleton Septic System Office on October 28, 1998 or in accordance with any subsequent submissions and approvals by the same authority. **RVCA Rideau**
29. The subdivision agreement with the Region and all offers of purchase and sale shall include the following: "Where development is on the basis of a shared well or a shared wastewater disposal system, the owners of the properties sharing the facilities shall enter into agreements to the satisfaction of the Region, to ensure the safe and continued operation of systems and have the agreements registered on title." **RMOC (PDAD)**

30. The owner will include a clause in all offers of purchase and sale stating that the costs associated with the maintenance, operation and capital replacement of the communal sewage treatment system and communal wells shall be the responsibility of the owners. **Rideau**
31. The owner shall include statements within the subdivision agreement with the Township of Rideau, and in all Offers of Purchase and Sale Agreements in wording acceptable to the Township of Rideau advising of **Rideau**
- a) the details, obligation and any other pertinent restrictions, constraints, limitations, etc. respecting the sanitary treatment systems and well requirements.
 - b) that the hydrogeology report, as revised, be available to all prospective purchasers
32. The owner agrees to any special conditions respecting the installation, operation, maintenance and legal responsibilities respecting the sewage treatment systems all to the satisfaction of the Township of Rideau. **Rideau**
33. The owner agrees that the Township of Rideau has right-of-access to the sewage treatment systems as provided for in the Building Code Act. **Rideau**

Utilities

34. 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. **Hydro
Gas
Bell
Cable
Rideau**
35. 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. **Hydro
Gas
Bell
Cable**
36. The owner shall be requested to enter into an agreement (Letter of Understanding) with Bell Canada, complying with any underground servicing conditions imposed by the municipality and if no such conditions are imposed, the owner shall advise the municipality of the arrangement made for such servicing. **Bell**

37. The owner shall 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, including the Township of Rideau and shall consider their respective standards and specification manuals, where applicable. **RMOC (Legal) Rideau**
38. The owner shall ensure that the future splitting of lots/blocks results in a number of units and driveway locations that can provide adequate on and off street parking and adequate snow storage to the satisfaction of the Township of Rideau. **Rideau**

Survey Requirements

39. The plan of subdivision shall be referenced, where possible, to the Horizontal Control Network, in accordance with the municipal requirements and guidelines for referencing legal surveys. **RMOC (SURV)**
40. The owner shall provide the final plan intended for registration on diskette in a digital form that is compatible with the RMOC computerized system. **RMOC (SURV)**

Closing Conditions

41. The owner shall inform the purchaser after registration of each lot or block of the development charges that have been paid or which are still applicable to the lot or block. The applicable development charges shall be stated as of the time of the conveyance of the relevant lot or block and the statement shall be provided at the time of the conveyance. The statement of the owner of the applicable development charges shall also contain the statement that the development charges are subject to changes in accordance with the *Development Charges Act, 1997* and the *Education Development Charges Act*. **RMOC (Legal) Rideau**
42. At any time prior to final approval of this plan for registration, the RMOC may, in accordance with Section 51(44) of the Planning Act, R.S.O. 1990, amend, delete or add to the conditions and this may include the need for amended or new studies. **RMOC (Legal)**
43. The Regional and Local Subdivision Agreement shall state that the conditions run with the land and are binding on the owner's, heirs, successors and assigns. **RMOC (Legal) Rideau**

44. Prior to registration of the plan of subdivision, the RMOC is to be satisfied that Conditions 1 to 43 have been fulfilled. **RMOC (PDAD)**

45. If the plan of subdivision has not been registered by xxx date, the draft approval shall lapse pursuant to Section 51(32) of the Planning Act, 1990. Extensions may only be granted under the provisions of Section 51(33) of said Planning Act prior to the lapsing date. **RMOC (PDAD)**

ANNEX D
(to be completed after Council decision)

Applicable Planning Act: **Bill 20**

Date:
Regional File: (23) 15-98.SD22
Contact: Lesley Paterson

See Distribution List

Dear Sir/Madam

**Re: Notice Under Section 51(37) of the Planning Act
Beaver Road Builders, Brookside Subdivision
Draft Plan of Subdivision 06T-98022
Part of Lot 1, Concession A, Village of Manotick
Township of Rideau**

In accordance with Section 51(37) of the Planning Act, you are hereby notified that Regional Council has decided to refuse Draft Plan of Subdivision 06T-98022.

INFORMATION

Information on Draft Plan of Subdivision 06T-98022 can be obtained from the Regional Planning and Development Approvals Dept. at the above-noted address (attention: Lesley Paterson, 560-6058, ext. 1611) or the Township of Rideau, 2155 Roger Stevens Drive (attention: Brian Humphrys, 489-3314, ext. 308).

NOTICE OF APPEAL

Pursuant to Section 51(39) of the Planning Act, any person or public body may, not later than 4:30 p.m. on (date 20 days after the date of the giving of notice), appeal the decision by filing a notice of appeal on Draft Plan of Subdivision 06T-98022 with the Regional Planning and Development Approvals Dept. Such appeal must identify, in writing, the reasons for the appeal and be accompanied by a certified cheque in the amount of \$125.00 to cover the Ontario Municipal Board's prescribed fee. If no notice of appeal is received before or on (date 20 days after the date of the giving of notice), the decision of the Regional Council is final.

Only individuals, corporations or public bodies may appeal a decision of the Region to the Ontario Municipal Board. A notice of appeal may not be made by an unincorporated association or group. However, a notice of appeal may be made in the name of an individual who is a member of the association or group on its behalf.

RELATED PLANNING APPLICATIONS

The lands to which Draft Plan of Subdivision apply are also the subject of a zoning by-law amendment that has been appealed to the Ontario Municipal Board.

Dated dd/mm/yyyy.

Sincerely

Mary Jo Woolam
Regional Clerk

Attach.

c.c.: Brian Humphreys, Township of Rideau
Bill Holzman, Simmering and Associates
Jean-Paul Rouleau, Manotick resident
Robert McKinley, Manotick resident
David and Shirley Bradley, Manotick residents

COND/SUB-7



FACSIMILE

*No. of pages sent including this page (2)
Please call 224-0224 if confidential material sent in error.*

File No: 96-1144
April 6, 1999

Chairman & Members of
Planning & Environment Committee
Regional Municipality of Ottawa-Carleton
111 Lisgar Street
Ottawa, Ontario K2P 2L7

Dear Ladies and Gentlemen:

**Re: Brookside Gardens Subdivision
Township of Rideau**

This subdivision application was before the Committee on March 23 and was deferred to the April 13th meeting. In considering the application, please consider the following:

Our general position is that the matter boils down to that of a local zoning issue; draft approval should be issued subject to the standard condition that the site be appropriately zoned. This, in fact, has already been included in the draft conditions.

It is our view that there are four main issues that Committee should consider when deciding whether to grant draft plan approval to the subdivision or refuse the subdivision application:

1. As the staff report points out, all of the technical matters have been adequately addressed through the plan of subdivision studies and proposed conditions. Similar technical issues were raised during the rezoning process but have since been addressed by the applicant.
2. The staff report states that the Township has outstanding concerns about "the compatibility of the proposal with the adjacent development and the timing of the proposed subdivision relative to the ongoing secondary planning study" and "that it is mainly on this basis that they (Township) have recommended refusal of the proposal. The compatibility issue is related to the zoning by-law amendment, currently referred to the OMB.

Regarding the Secondary Planning Study, as the report states on pages 17 and 18, this is the same study that commenced in 1995, recommended a higher density of development for the subject lands than what is being proposed, and then ground to a halt. We note that Rideau Council is on record of stating that they would be opposed to any form of housing on the subject lands other than single family dwellings. Waiting for this outcome would, therefore, still require an OMB hearing.

Reference Item 1



File No: 96-1144

April 6, 1999

Page 2

3. Committee members should keep in mind that staff resources such as time and money would be required to appear at the OMB hearing to explain why approval was refused. We are at a loss to understand on what basis your staff would present material as it has been determined and stated in the staff report that there are no technical matters still outstanding that have not been addressed in the draft conditions of approval.
4. With regard to the Region's role as the Approval Authority for the Province, what elements of controversy are there with the subdivision application? Why not grant approval and allow the process to proceed? In addressing these questions, which are the real issue before the Committee, we are aware of the sensitivity of appearing to go against the wishes of the local municipality by approving the subdivision. However, by granting approval conditional on zoning, the Region would be fulfilling its role as the approval authority. This would not alter the position of the Municipality, which is already at the Board or the question of compatibility and prematurity. The local Municipality has jurisdiction in the zoning matter, and does not require the Region to help them.

Granting draft plan approval with the conditions included is consistent with recognizing the role of the Township and further would distinguish between the role of the Township and that of the Region as the approval authority.

We are currently preparing for the upcoming OMB hearing. This hearing is now being scheduled for this spring, having been delayed at our request to allow for the RMOC subdivision process to be finalized.

We trust that you will be considering our request to approve the subdivision with the conditions proposed.

Yours truly,

for 
William Holzman
Holzman Consultants Inc.

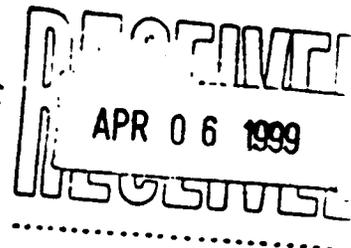
cc: Ken Cramer, Chiarelli, Cramer, Witteveen
Beaver Road Builders



Township of Rideau

P.O. Box 310
2155 Roger Stevens Drive
North Gower, Ontario
K0A 2T0
(613) 489-3314
(613) 489-2880 (Fax)

COPY



Please refer to our file no.

April 3, 1999

Betty Hill, Councillor
Western Townships
Region of Ottawa-Carleton

Dear Councillor Hill:

Thank you for your efforts in deferring passage of the Brookside Gardens, Plan of Subdivision recommendation on March 23 to the next Planning meeting. Due to the contentious nature of this application, as the municipal Councillor for that area, I felt it was important to closely review the report especially after noticing an error in the first sentence of the first paragraph in the first point. I didn't think that bode very well for the report.

Upon further review, no mistakes were found other than the statement I refer to above that our current RV zoning by-law allows for accessory apartments (para. 1, page 16). This is not true. I did, however, make note of a number of points for clarification. They are the following:

- Point 4 titled "DRAFT Amendment No.2" states that "if the Draft Amendment was adopted...the proposed subdivision is at the low end of the range of densities recommended for this site". This is totally irrelevant and can be misleading to the reader due to the fact the public and entire Council in 1997 panned the plan. It will never be adopted as presented. In fact, the main reason it was panned was due to those proposed densities.
- Also in point 4, I take exception to the line "They (the developer) feel...there has been no commitment by the Township of Rideau to deal with the matter. First of all, I would hope that your Committee would be more concerned about the facts, rather than how the developer 'feels' and secondly, the Township has shown a great deal of commitment to put into place an appropriate secondary plan. There are important chronological points missing which prove our commitment, including the creation of a Manotick Secondary Plan Advisory Committee in March of 1998. It is this committee's mandate to review the draft OPA 2 document and make specific recommendations to Rideau Township Committee of the Whole. As a member of that committee, it is my belief that we have nearly completed this mandate.
- Under "Issues" on page 18, point 2 is irrelevant as I outline in my first bullet.

.../2

-2-

- In Issue point 3, staff describe the proposed development to be somewhat buffered from existing development. "Somewhat" is clearly not good enough based on the plans I've seen. I can't think of any other Villages with Townhomes adjacent to Estate homes on executive lots, where a number of the homes are worth more than \$1 million with such minimal proposed buffering, if at all.
- In point 4, staff state that the proposed site will account for 56 new units in comparison to an overall growth of 1580 units expected in the long term. The 1580 number may not be realistic and will be defined by the Municipality through the completed secondary plan.
- Also in point 4, I take great exception to staff's statement that, "commitment does not exist to bring it (OPA 2) to a conclusion". In my opinion, this is totally false and there are resolutions of Council that can prove otherwise (i.e. Resolution to establish the Advisory Committee).
- In the "Conclusion" staff state, "Traditionally, the Region has not interfered in similar matters." While staff recommends the issue go before the OMB, some of the opinions expressed in the report clearly interfere with Rideau Township's position.

I hope this clarifies my position on this important local issue. Furthermore, I understand the West Manotick Community Association will also be presenting a more 'technical' opinion at the meeting.

Thank you, in advance, for addressing our residents' concerns at the Planning meeting and thanks again for obtaining the March 23rd deferral.

With best wishes,

Yours sincerely,



Rob Fraser, Councillor
Ward III

APPLICATION FOR ZONING CHANGE TO ALLOW TOWN HOUSE DEVELOPMENT IN BROOKSIDE ESTATES (Manotick Ontario)

Dear Ms. Hill

Further to our telephone conversation the week before last I was able to speak with an official of the Ontario Department of the Environment regarding peat moss septic filtration systems.

I learned from this gentleman (Mr. Hanson) that although experimental until recently the peat moss systems are at least as good as the more traditional style of septic filtration bed.

I also learned however that Manotick is the largest community in Ontario serviced by septic and well, and that our concern should be that the population density of Manotick should probably not be increased without some sort of assessment of the overall impact on the environment (i.e. the ability of the whole local ecosystem to handle septic effluent from a higher density population).

In addition to this information I was informed by my colleagues on the executive of the West Manotick Community Association that the RMOC staff report on this application does **not** indicate that any approval of the application should be conditional on the finalization of the Rideau Township Secondary Plan.

Given the above I would suggest that the Brookside application could in fact represent a potential future health hazard to the local residents.

In view of;

- All of the foregoing;
- the fact that section 51 of the Planning Act requires the Municipality to ensure that an application such as this does not represent any potential danger to the health and safety of the residents;
- the decision of Rideau Township council to deny the Brookside developers application for a higher density;
- and the fact that the Rideau Township secondary plan has not yet been finalized,

I urge you to pose the following questions at today's RMOC Planning Committee Meeting.

Although the RMOC staff report is a technical report why does it not reference the issue of the size of the Manotick population serviced by well and septic, and the potential for a health hazard to the residents arising due to an increased population density in the Manotick area. Why does the RMOC staff report not indicate that any change to the zoning in Brookside Estates be conditional on the completion of the Rideau Township Secondary Plan?

Yours Truly,

A handwritten signature in black ink, appearing to read "Grant Leslie". The signature is fluid and cursive, with a large initial "G" and "L".

Grant Leslie

cc. Glen Brooks
Rob Fraser
The Executive of the West Manotick Community Association

Extract of Minute
Planning and Environment Committee
23 March 1999

3. BROOKSIDE GARDENS, PLAN OF SUBDIVISION TOWNSHIP OF RIDEAU
-Commissioner Planning and Development Approvals Department report dated
09 March 1999

Committee Chair Hunter indicated Councillor Hill had submitted a motion to defer this item. He advised, however, delegations would have the opportunity to address the Committee on the issue of deferral before Committee's consideration of the motion.

Speaking to her motion, Councillor Hill advised the Township of Rideau and other interested parties had only received the staff report the Friday prior to the meeting. She indicated the Township of Rideau Council would review the staff report and provide their comments for the next meeting of the Planning and Environment Committee.

In response to questions posed by Committee Chair Hunter, Lesley Paterson, Senior Project Manager, Development Approvals Division, indicated the associated zoning by-law had been appealed to the OMB, however, the setting of a date for the hearing had been delayed pending the Committee's consideration of the subdivision. Ms. Paterson pointed out a public meeting was held by the Township of Rideau and submissions were made at that time. She said Township staff were aware of the staff report and the Committee meeting. Ms. Paterson stated deferral of this matter to the next Committee meeting would not impact Regional staff.

Bill Holzman, Planner, Simmering and Associates, appeared on behalf of the applicant and stated he was not surprised by the request for deferral; he said it reflected the way in which this proposal had been dealt with over the last three years. He said although no date had been set for the OMB hearing, the Board had indicated a hearing could be held 6 to 8 weeks after a decision of the Region's Planning and Environment Committee, regardless of the outcome of this Committee's decision.

Mr. Holzman felt the deferral request was not warranted. He said over the long history of this project, other deferrals had been granted at the local level. Mr. Holzman asked that the Committee deny the request for deferral and proceed with their mandate as approval authority to deal with the question of draft approval on this subdivision.

Committee Chair Hunter stated he was surprised with the request for deferral as he had recently spoken with Township of Rideau, Planning and Development Director, Mr. Humphrys, who had indicated his agreement with the report and felt it would be approved without any problem.

Bob McKinley, appeared before Committee and pointed out the request for deferral for a two week period was reasonable, to allow the opportunity to consider the 31 page report made available to his clients the Friday before the meeting. He said a number of issues

were “wrapped up” in the report which his clients would like the opportunity to seriously review and make informed comments on.

Mr. McKinley said no date had been set for the OMB hearing or even the pre-hearing. In his opinion, a two week deferral would not prejudice the owner; it simply allows Committee to receive better and more informed input from a group of very concerned individuals and the local municipality.

Committee Chair Hunter questioned if the concerns were with the draft plan conditions, pointing out Mr. McKinley’s client had the opportunity to provide their comments to the Township of Rideau on the conditions imposed by the Township. Further, he noted as of Monday, 22 March 1999, the Township of Rideau seemed happy with the conditions.

Mr. McKinley indicated in his discussions with Mr. Humphrys, he received the impression Rideau was not very satisfied with the report. Mr. McKinley pointed out one of the significant concerns for his client had to do with the suitability of the density of the project and the impact it will have on the health, safety and environment of the adjacent community. This project proposes a well and septic field system in a community that has been plagued for a number of years by problems with septic tank and well failures. Chair Hunter felt the points raised by Mr. McKinley did not speak to nor support the request for deferral (i.e. his concerns were not with conditions imposed after the Township had considered this subdivision).

Councillor Legendre indicated he did not have a problem with the deferral, however, he stated he had been informed by staff the Township had received the report well in advance of the meeting.

Ms. Paterson commented it is common practice, when conditions of draft approval are being developed, to work with the local Municipality in changing the wording of the conditions. The reason for this is that conditions are coming from various sources on the same issues and, as the approval authority, the Region has to ensure the conditions make sense. She said although the conditions proposed by staff are not word-for-word the same as the Township’s, the changes were reviewed with Township staff prior to the writing of the report before Committee.

Don Steeves, Chairperson, Secondary Plan Study Committee, Township of Rideau advised a secondary plan and servicing study was done over a year ago and was not accepted. As a result, a committee was struck by Rideau Council to develop a secondary plan that would be acceptable to its citizens. This Committee is about to receive a demographic study and will then seek public input in the community. Mr. Steeves said deferral of this item would allow his Committee the opportunity to receive the

Extract of Minute
Planning and Environment Committee 3
23 March 1999

demographic study and formulate a public meeting. He asked, on behalf of the Secondary Plan Study Committee, that the Committee approve the request for deferral.

There being no further discussion, the Committee considered Councillor Hill's motion.

Moved by B. Hill

That Item 3 of the P& E Committee agenda, Brookside Gardens, be deferred to the next Planning and Environment Committee meeting .

CARRIED
(G. Hunter dissented)

BROOKSIDE GARDENS, PLAN OF SUBDIVISION TOWNSHIP OF RIDEAU

- Deferred from the Planning and Environment Committee meeting of 23 March 1999
- Commissioner, Planning and Development Approvals Department report dated 09 March 1999

Leslie Paterson, Senior Planner, Development Approvals Division, provided Committee with an overview of the staff report. She reminded Committee that under the Planning Act, the Region is the approval authority for plans of sub-division. Normally, this responsibility is delegated to staff unless there is a contentious issue, a disputed amendment or a disputed application. In this case, Brookside sub-division is a disputed application. The Planning Act permits the approval authority to do only two things: it can approve the subdivision or refuse it. In the past, the Region could have referred the application to the Ontario Municipal Board (OMB) or acted on someone else's request to refer it to the Board; presently, the OMB decides whether an appeal has merit or not.

Ms. Paterson noted staff are recommending Planning and Environment Committee refuse the application. The Township has raised a number of concerns, the key one being the development is incompatible with the adjacent development and therefore, they have recommended that it be refused. Traditionally, the Region has relied on the municipalities to make decisions regarding compatibility. In terms of technical issues, Regional staff are of the opinion the sub-division meets all of the requirements, however, the incompatibility issue is still outstanding and should be decided by the OMB. She said the Zoning By-law is already going to the OMB, regardless of Committee and Council's decision on the sub-division, and it is staff's view all of the information should be together before the OMB.

Chair Hunter pointed out compatibility and conformity are two separate issues. He noted the current zoning approved by the Township of Rideau is .5 acre lots and the application to amend the zoning was turned down by the Township. The Chair felt the Region could not do anything but refuse a sub-division application that does not conform with the zoning in place, notwithstanding the merits of conformity.

In response to Chair Hunter's comments, Ms. Paterson concurred and reiterated that if all of the issues are forwarded to the OMB together, it will be easier for them to make a decision on the zoning by-law.

In response to further questions from Chair Hunter, Ms. Paterson advised normally, the Region could approve a subdivision subject to the zoning being approved, however, in this instance the applicant had first applied to the Township for the zoning change, which was turned down. The decision on the zoning application has been appealed to the OMB and a hearing date has been set. Ms. Paterson stated once the matter is before the OMB, it is

important for the Region and Township to have prepared draft conditions, in the event the Board approves the subdivision.

Councillor Legendre referenced a letter from Rob Fraser, a Councillor with the Township of Rideau (held on file with the Regional Clerk) which stated in part, "that townhomes are going to be adjacent to estate homes on executive lots, where a number of homes are worth more than one million dollars and therefore buffering will be needed". Councillor Legendre suggested in this instance the buffering referred to, was not for environmental purposes but rather a visual buffer to block the lower priced homes from the view of the high priced homes.

Councillor Legendre then asked if the compatibility issue referred to the fact the owners of the estate homes do not want to be next to the proposed subdivision. Ms. Paterson indicated that when referring to compatibility, she was simply quoting the Township of Rideau, as the Region does not determine compatibility at a local level. Ms. Paterson offered, in her view, the Region is deferring to the judgment of the Township. The Region would not be agreeing or disagreeing but rather is allowing the decision to be made by the OMB.

Councillor Hill, referring to comments made by Councillor pointed out the compatibility issue has nothing to do with the price of the houses. Rather, this is a rural township and row houses are entirely different from the usual single family residential houses.

There being no further questions of staff, the Committee heard the following speakers.

Bob McKinley representing the West Manotick Community Association, began by expressing his thanks to Mr. Edgington and Ms. Paterson for meeting with him to discuss some of his concerns. Mr. McKinley indicated his agreement with the staff position and offered the Committee could only deal with the subdivision by letting it go to the Board with the conditions.

Mr. McKinley noted the proposed development is very close in proximity to a tributary of the Rideau river (i.e. the Wilson-Cowan Drain). It is a high density development for private services; well and septic tank services are being proposed here for fifty units on densities that are one unit per .1 hectare or ten units per hectare. The Rideau Valley Conservation Authority has approved the peat based system that will allow this development to occur. He stated his concern was that treatment of sewage (in what he considered somewhat of an experimental technology) in this location, may not in fact prove to be the ultimate solution and it could fail.

Mr. McKinley went on to explain the plan of subdivision proposes townhouses on the easterly side of subject property, which is immediately adjacent to the Wilson-Cowan Drain. This waterway flows year round directly into the Rideau River and he offered there may in fact be discharge that leaves the peat based system and flow through the water course into the Rideau River. This is a very sensitive river and there are higher performance standards needed here than exist almost anywhere else. In particular, waste that discharges in this system in the nature of phosphate and nitrate are very highly controlled. Mr. McKinley referred to the Village Court subdivision in Manotick which is using the most advanced technology known in North America to get water effluent standards down to an acceptable level, at an extremely high cost.

The speaker expressed concern with the proposed density of this project and said if the system, as is being proposed, fails then, pursuant to the Region's subdivision agreement, the condition looks to the owner of the household to affect the remedy. He said there is no accountability on the part of the developer and or his engineers.

Mr. McKinley noted with traditional servicing, the Region seeks security for the performance and installation of all services and it must be satisfied before it releases the letter of credit that the developer posts as security for those guarantees that the system is properly installed and functioning. Where that method breaks down is that services are traditionally installed before housing. Mr. McKinley proposed that, rather than leave the owner and possibly the public without a "safety net", the Region impose some obligation on the part of the developer and/or the civil engineer that says the system is going to work. He suggested an amendment be made to condition 24 requiring the developer's engineer to give opinions that the system will function in a way that is necessary.

Chair Hunter inquired if the subdivision agreement contained a condition that would address Mr. McKinley's concerns. Mr. Tunncliffe advised condition 29 would address this issue. Ms. Paterson added condition 31, as a general condition, would allow any number of things to be added.

Mr. McKinley felt these conditions did not address his clients' concerns. Chair Hunter indicated Councillor Hill had put forward an amendment incorporating the wording suggested by Mr. McKinley.

Councillor Stewart offered the proposed system is more efficient and would take less space than other septic systems and she did not agree with the speaker's opinion that it was experimental. She said it would take years before the peat moss bed is fully utilized and she asked if Mr. McKinley truly expected such a system would fail, resulting in the migration of the nutrients a couple of hundred meters into the Rideau River.

Mr. McKinley pointed out Manotick has the highest septic system failure rate under the Ontario New Home Owner Program. He said if there is a failure, it should be addressed by someone other than the home owner. Mr. McKinley stated the OMB would ultimately decide whether or not this is an appropriate condition and he said he would rather not go to the Board in a contest with the Region over whether the developer or the home owner should pay for a mistake.

Councillor Stewart asked staff if they were concerned about the proposed system. Ms. Paterson advised septic systems are the responsibility of local municipalities under the Building Code. The Conservation Authority, as their agent, reviewed the application using both a peat system and a traditional system. They have indicated they are confident that either one would work in this location.

Councillor Legendre asked staff to comment on Mr. McKinley's comparison of the proposed system and that used in the Village Court development. The Councillor noted there were serious environmental concerns with Village Court and because of these, conditions were imposed. He said it would appear staff are much less concerned in this instance.

In response to Councillor Legendre's comments, Ms. Paterson advised this is an entirely different type of system and it is a larger area than Village Court. Tim Marc, Manager, Planning and Environment Law, added the technology originally proposed for Village Court had not been proven at full scale anywhere in the world, whereas the peat based system is a proven technology.

Responding to further questions from the Councillor, Ms. Paterson indicated Village Court was a public a communal system and the Region is required to own and operate all public communal systems. In this instance the septic systems are private systems.

Bill Holzman, Planner, Simmering and Associates, retained by Beaver Road Builders. Mr. Holzman referred to his letter to the Committee dated April 6 1999 (held on file with the Regional Clerk). He stated he was before the Committee to ask that the staff recommendation be overturned.

Mr. Holzman pointed out Regional staff have indicated all technical matters have been addressed, and he noted during the zoning by-law process the applicant addressed all issues raised. As well, a Certificate of Approval has been obtained for the sewage system. The speaker pointed out the issue of compatibility is a local municipal responsibility and not a Regional matter. This is a vacant piece of property surrounded by some lovely homes, but there is also a bona fide application for zoning to change the use on these lands

and this matter will be addressed by the OMB. Mr. Holzman stated it would be most expedient to have the subdivision application before the Board at the same time.

Referring to page 9 of the staff report, wherein it states staff will be required to attend the OMB hearing, Mr. Holzman questioned on what basis staff will defend the Region's position as there are no outstanding technical matters. He said the Region has been delegated authority by the Ministry to approve or turn down subdivisions. On this basis, Committee has to judge if the process has been followed and if there are any technical matters outstanding. Mr. Holzman stated it is evident the process has been followed and there are no technical matters that have not been answered either by way of studies or by conditions. He said although there is some sensitivity to the local municipality opinion about the use on these lands, this should not undermine the Region's approval authority to consider draft approving the subdivision subject to standard conditions.

Councillor Munter asked staff if the Region could defer to the municipality's ability to carry the issue, and not participate in the OMB hearing other than to answer questions if called. Ms. Paterson advised the Region would probably have a very small role, if at all, at the OMB. She suggested the Region might want to defend some of the conditions, should someone argue that they be removed.

Councillor Munter asked if not going to the hearing could be an option. Mr. Marc indicated that subdivisions are brought forward to the OMB by an owner applicant and, unless otherwise instructed by Committee and Council, the Region (i.e. the Legal Department) does not typically appear at subdivision hearings. He said it is possible that Ms. Paterson may be subpoenaed by one of the two parties..

In response to questions from Councillor van den Ham, Mr. Holzman indicated the original plan of subdivision was for an estate lot subdivision and was approved in August of 1993. Since that time there has been some change in philosophy (both at Provincial and Regional levels) with respect to intensification and making better use of existing services and facilities, as well as a change in the market. When the owners looked at all the factors they concluded that estate lots were not selling and were not the best use of this land.

Councillor van den Ham then asked if there was any consultation with the area residents to discuss this change. Mr. Holzman indicated although an open house per se, was not held, the public did have opportunity to participate through the zoning process, the secondary planning process and the subdivision process. He said the local municipality has requested the applicants meet with concerned individuals before they came to a final conclusion however, attempts to arrange such a meeting were not successful.

Councillor Legendre advised he had asked Legal staff to draft an amendment to conditions 30 or 31 with respect to financial security for the sewage system and asked for Mr. Holzman's comment. Mr. Holzman stated although his clients had concerns with a couple of conditions proposed by staff, they felt the matter would end up at the Board, where there would be discussion on the specific conditions. Mr. Holzman opined at issue is the zoning and it should be left to the OMB to decide if anything other than single family homes should be allowed in a village that has over 98% of single family homes. Councillor Legendre stated he did not have a problem with compatibility; his only concern was with the impact on the environment should the system fails and who should pay for it.

Councillor Stewart stated she could not understand Councillor Legendre's concern. She offered the peat moss system would outlive a traditional septic field because of the aerobic activity. She said if the system failed, sewage would not be discharged into the river (as would happen with Village Court). There could be some migration of the nutrients or some ponding, but it would likely only require that the septic tank be pumped out more regularly and there would be no impact on the river.

Chair Hunter then read a motion put forward by Councillor Hill and, at Councillor Munter's request, Mr. McKinley explained the intent of the amendment. He said there should be accountability and assurance by the owner or his professional advisor that this system will achieve the performance requirements of the Province for the discharge of phosphate and nitrate. He felt the groundwater, as it discharges into the river, should achieve the same standards imposed by the Region for Village Court.

Councillor Munter indicated he had constituents who had experienced septic failures and were responsible for remedying the situations. He asked what was different in this instance. Mr. McKinley offered the public assumes when they buy a property that the authorities have taken all reasonable care to ensure there will not be failures and if there are, that they will be addressed somehow.

Responding to questions posed by Chair Hunter, Ms. Paterson advised a septic system is typically reviewed to ensure the lot is large enough so that all nitrates are attenuated on site; she offered Mr. McKinley's amendment would have the engineer who does the study, certify it. Mr. McKinley added the owner's engineer would be asked to state an opinion, upon which he could be pursued if his opinion was wrong and the system fails.

There being no further discussion, the Committee considered Councillor Hill's motion.

Moved by B. Hill

That condition 25 be amended by the addition of the following: “This analysis shall be supported by the opinion of the civil engineer of the owner that the quality of groundwater will conform with the standard applicable to the Rideau River for nitrate and phosphate.

LOST

NAYS: A. Munter, G. Hunter, W. Stewart and R. van den Ham.....4

YEAS: M. Bellemare, B. Hill, and J. Legendre.....3

Councillor Legendre then presented an amendment to condition 31 which would require the Township to require financial security from the developer to guarantee the performance of the sewage treatment system. He said legal staff had confirmed the Region could ask the Township to require financial security and noted this was essentially what was done in the case of Village Court. The Councillor felt this would provide the people of Manotick with a level of comfort.

Councillor Stewart pointed out there is a world of difference between Village Court and Brookside Gardens. The system proposed for Brookside Gardens will be privately owned and operated and the upkeep is entirely the responsibility of the homeowner, whereas Village Court has a communal septic system for which the Region is ultimately responsible for the ownership and operation and would therefore certainly want to have some financial safeguards in place. Councillor Stewart indicated she could not support Councillor Legendre’s amendment.

Councillor van den Ham noted the proposed project is for 50 units over 10 acres while Village Court has approximately 100 units within one building serviced by one communal system. Mr. Marc offered the initial phase of Village Court was approximately 96 units with a possibility for a further phase of approximately 24 units with a small scale commercial development.

Responding to further questions from Councillor van den Ham, Mr. Marc explained the money the Region still hopes to receive as security for Village Court, was meant to help defray the cost should there be any default in the initial installation and secondly to help defray any cost of dealing with any malfunction of the system.

Chair Hunter referred to condition 32 and offered his opinion this condition says the owner may be required to provide financial security as part of the conditions Rideau Township “could” impose under maintenance and legal responsibilities with respect to the

sewage treatment system. He asked if the proposed amendment to condition 31 would be interpreted as Rideau Township “shall” require. Mr. Marc offered the purpose of the motion, as he understood it, is to take away the discretion and to ensure there is something available to a public authority to help deal with any costs should the system malfunction.

Councillor Legendre confirmed Mr. Marc’s interpretation and added the intent of his motion was to remove any ambiguity and protect the home buyers.

There being no further discussion, Committee considered Councillor Legendre’s motion.

Moved by J. Legendre

That the following words be added to condition 31: “In addition, the Township shall require financial security to guarantee the performance of the sewage treatment system”.

LOST

NAYS: D. Beamish, B. Hill, A. Munter, W. Stewart and R. van den Ham.....5

YEAS: M. Bellemare, P. Hume, G. Hunter and J. Legendre.....4

Councillor van den Ham stated he agreed with almost everything in the staff report, except for the recommendation that the subdivision be refused. He asked staff what harm there would be in approving the subdivision. Ms. Paterson pointed out even if the Committee approved the subdivision, it would still end up at the OMB and offered perhaps there would be no harm in approving it. She explained the reasoning behind staff’s recommendation to refuse the subdivision was that the Township, who has responsibility in matters of compatibility and neighbourhood impact, had requested it be refused on that basis.

Councillor van den Ham expressed his concern, that in turning down the subdivision application, the Committee may be sending a message to the OMB that the Region is not in favour of the whole situation when in fact the technical issues (for which the Region has responsibility) have been addressed. Mr. Tunnacliffe offered the difficulty is that the subdivision cannot simply be referred to the Board; the Committee has to decide whether to approve or refuse it. Staff felt the Township’s concerns were legitimate and therefore sided with the Township on that one issue (i.e. compatibility); on all other issues, staff agree with the developer.

Councillor van den Ham suggested if Committee and Council approve the staff recommendation, the appropriate wording should accompany the decision to the OMB. Basically, it should state the technical issues have been addressed and the sole reason for not approving is because of the issue of compatability. Mr. Tunnacliffe referred to page 8 of the staff report and noted staff had attempted to do this.

The Committee then considered the staff recommendation. "Yeas and Nays" were called.

That the Planning and Environment Committee recommend that Council refuse the proposed Brookside Gardens subdivision so that it may be considered by the Ontario Municipal Board with the associated zoning by-law that has been appealed to the Board by the developer, and that the Regional Clerk issue the 'Notice of Decision' attached as Annex D.

CARRIED

YEAS: D. Beamish, M. Bellemare, B. Hill, P. Hume, G. Hunter, J. Legendre, A. Munter,
W. Stewart and R. van den Ham.....9

NAYS:0