

**DRAFT PLAN OF PRIVATELY SERVICED SUBDIVISION APPLICATION
DELEGATED AUTHORITY REPORT
MANAGER, DEVELOPMENT REVIEW, RURAL,
PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT**

Site Location:	481 Tullamore Street
File No.:	D07-16-20-0030
Date of Application:	December 7, 2020

This application submitted by Eric Bays, Stantec Consulting Ltd. on behalf of 8298025 Canada Inc. is recommended for DRAFT APPROVAL, subject to the following Standard and Special Conditions, as attached.

12 August 2024

Date



Adam Brown
Manager, Development Review
Planning, Development and Building Services
Department

Attach(s):

1. Conditions of Draft Approval
2. Draft Plan of Subdivision



DRAFT PLAN OF PRIVATELY SERVICED SUBDIVISION APPLICATION SUPPORTING INFORMATION

File Number: D07-16-20-0030

SITE LOCATION

This site is located at the northwest corner of the existing Emerald Creek subdivision within Ward 20. Its legal description is part of Part 5 on Plan 4R-18658, Part 1, 3 and 4 on Plan 4R-20704, Part of Lot 29, Concession 3 (Rideau Front), former Township of Gloucester. The property is approximately 3.30 hectares in size and is currently vacant. The property is surrounded by woodlands to the north, south and west and Phases 1 and 2 of the Emerald Creek subdivision to the east. Access is provided to the site from Tullamore Street to the east, and as shown on Document 1.

SYNOPSIS OF APPLICATION

Emerald Creek is a rural conservation subdivision which received Draft Plan approval in 2005 (File No.: OLV2002-0005). The conservation subdivision includes 89 residential lots and approximately 36.3 hectares of natural area and open space to be jointly owned between the 89 lots. Zoning was approved shortly after Draft Plan approval. Phases I and II of the subdivision, each containing 40 lots, were subsequently registered. However, Draft Plan approval lapsed before the third and final phase of the subdivision could be registered.

At the time Emerald Creek was approved, country lot subdivisions on private services were permitted in the General Rural Area and Rural Natural Features designations of the Official Plan. In June 2009, City Council placed a five-year moratorium on all country lot subdivision and directed City staff to undertake an analysis of how to best regulate this form of development. The 2013 comprehensive Official Plan review subsequently prohibited all country lot subdivisions and deleted policies regarding their development through Official Plan Amendment 150.

Due to the prohibition of country lot subdivisions, a site-specific amendment to the Official Plan was required to permit the City to issue Draft Plan approval for the remaining nine lots in the third and final phase of the subdivision. Official Plan Amendment 256 was adopted by City Council on June 9, 2021, which granted an exemption for this subdivision in the old Official Plan (2003). The exemption was carried forward in the new Official Plan (2022) in Volume 2C - Area-Specific Policies as a part of policy 30.1. However, when carried forward the area specific policy added the requirement for a 0.8 hectare minimum lot size. The nine lots have a minimum lot size of 0.3 hectares, consistent with the zoning in place and the previous rural conservation subdivision policies. As Official Plan Amendment 256 intended to permit the remaining nine lots of the subdivision to proceed, the City revised Area-Specific Policy 30 through a City-initiated Amendment 26, adopted



April 3, 2024, to clarify that for the subject lands a minimum lot area of 0.3 hectares is permitted.

Residential Units and Types

Dwelling Type	Number of Units
Detached	9

Related Applications

The following applications are related to this proposed development:

- Plan of Subdivision – OLV2002-0005
- Zoning By-law Amendment – OZP2002-0024
- Official Plan Amendment – D01-01-20-0023
- Official Plan Amendment – D01-01-23-0015
- Lifting of 30cm Reserve – D07-02-20-0032

DISCUSSION AND ANALYSIS

The subject application has been examined pursuant to the provisions of the new Official Plan (2022). The zoning for Phase 3 was implemented with the approvals of Phases 1 and 2.

It is recommended that the application be approved as it complies with the intent of the Official Plan, and has demonstrated the servicing proposed, uses and lot sizes are appropriate, and any impacts can be minimized.

Official Plan

The subject site is in the Rural transect and designated Rural Countryside on Schedule B9 – Rural Transect of the 2022 Official Plan.

The Rural Countryside designation contains clusters of low-density residential units which pre-date the Official Plan. Residential uses are permitted in accordance with the policies of the Official Plan. To limit the fragmentation of rural lands, country lot estate subdivisions are prohibited except on those lands where an application or a plan of subdivision was received and deemed complete by December 31, 2009, as outlined in Section 9.2.3.4).

The Emerald Creek Subdivision was received and deemed complete prior to December 31, 2009, however draft approval lapsed prior to the registration of the third and final phase of development, with nine lots remaining. As such a new subdivision application was submitted for the final Phase which included an Official Plan Amendment (OPA 256) in order to permit the application to process on a site-specific basis. This Area Specific



Policy has been carried forward in the new Official Plan and the minimum lot size of 0.3 hectares permitted through Official Plan Amendment 26.

The Area Specific Policy 30 in Volume 2C and identified on Annex 5, permits a rural residential subdivision on the subject lands (PIN 04327-0391) to proceed.

The lands with the PINs 04446-1995, 04446-0636, 04446-1670, 04438-0313, 04438-0314 and 04327-0391 are permitted to develop as rural residential subdivisions. Any proposed plan of subdivision is subject to the policies of this plan, including private servicing requirements. For PINs 04446-1995, 04446-0636, 04446-1670, 04438-0313, and 04438-0314, the minimum lot size shall be 0.8 hectares. For PIN 04327-0391, the minimum lot size shall be 0.3 hectares.

Section 5.5.2 – Mobility in the Rural area shall be premised on a recognition of the necessity to cover long distances, and that the use of personal vehicles is the most prevalent means of transportation within, and to and from, the Rural area. A Transportation Impact Assessment was completed for the original Emerald Creek Subdivision which included Phase 3.

Section 4.7.2 15)– Where development of the basis of private water and wastewater is proposed, the City will require sufficient information to demonstrate there is groundwater of sufficient quantity and quality to sustainably support the development. Supporting information must also demonstrate that wastewater systems on new lots will not impact on new or existing wells. A Supplemental Hydrogeological and Terrain Analysis was completed which assessed the implementation of private services within Phase 3 of the subdivision and determined an appropriate Lot Development Plan, based on a test well.

Section 4.7.1 – Requires stormwater management appropriate for the rural context to support subdivision development. Stormwater will be managed in accordance with the Grading and Drainage Plans prepared for the original subdivision.

Section 5.6.4.1 –An Environmental Impact Study is required for development and site alteration proposed within, or adjacent to, natural heritage features and no development may occur unless it is demonstrated there will be no negative impact on natural heritage features. An Environmental Impact Statement and Tree Conservation Report has been prepared which identified tree preservation areas on each proposed lot. As a Conservation Subdivision, common ownership of the larger natural feature blocks has been included within the subdivision.

Section 10.2.1 – Environmental Noise Control states that Development proposals for new noise sensitive land uses will require a noise feasibility study in certain circumstances. A noise study was completed for the original Emerald Creek Subdivision and included Phase 3.

This application has been reviewed under the consolidated Official Plan (2022) and



relevant amendments in effect. Staff are of the opinion that this proposal is generally consistent with the policies of the Official Plan.

Zoning By-law

The subject application has been examined pursuant to the provisions of the Zoning By-law. The proposed development complies with the provisions of the RR5[241r] – Rural Residential Subzone 5 with rural exception 241.

Provincial Policy Statement

The Planning Act requires that all City planning decisions be consistent with the Provincial Policy Statement (PPS), as the document that provides policy direction on matters of Provincial interest related to land use development. Staff have reviewed this proposal and have determined that it is consistent with the 2020 Provincial Policy Statement.

The proposed development does not require an expenditure of municipal funds over and above those funds recovered by development charges or for which an allocation has been made in a Council approved budget.

Special conditions have been included to ensure the common ownership of the natural feature blocks with a Joint Use and Maintenance Agreement, as well as conditions to establish and maintain the drainage features with appropriate setbacks, including setbacks for the tree preservation areas, and to ensure the location of private servicing within the subdivision. The conditions of approval are supported by the applicant and the Ward Councillor.

CONSULTATION DETAILS

Councillor George Darouze has concurred with the proposed conditions of Draft Approval.

Public Comments

This application was subject to the Public Notification and Consultation Policy. In total, two residents provided comments and/or their contact information to the City within the public circulation period. A Public Meeting was held on May 12, 2021 at 6:30 pm through Zoom.

Public Comments and Responses

Comment: Given that the owner of the lands for Phase III is not the same as the owner of Phase I and II, the community member was concerned that there would be a violation of Section 3.3 of Formation of Co-Tenancy Committee (covenant). They wanted to know the name and contact information of individual/company responsible for forming the co-tenancy committee and maintaining the common lands until the committee is formed.



Response: The community member was informed that the City is not party to the private agreement between the former owner and the property owners. The City's requirement through the subdivision agreement was that a separate private agreement was created, was acceptable, and was registered on title, all of which was completed. The details regarding who is responsible for maintaining the common lands and setting up the committee, etc. is not something the City would be involved in, as the City is not party to the private agreement.

Comment: A community member wanted to know who the owner of the lands was and what they intended to do with the lands. The community member also wanted to know who was responsible for paving the roads that were a part of Phase II of the subdivision.

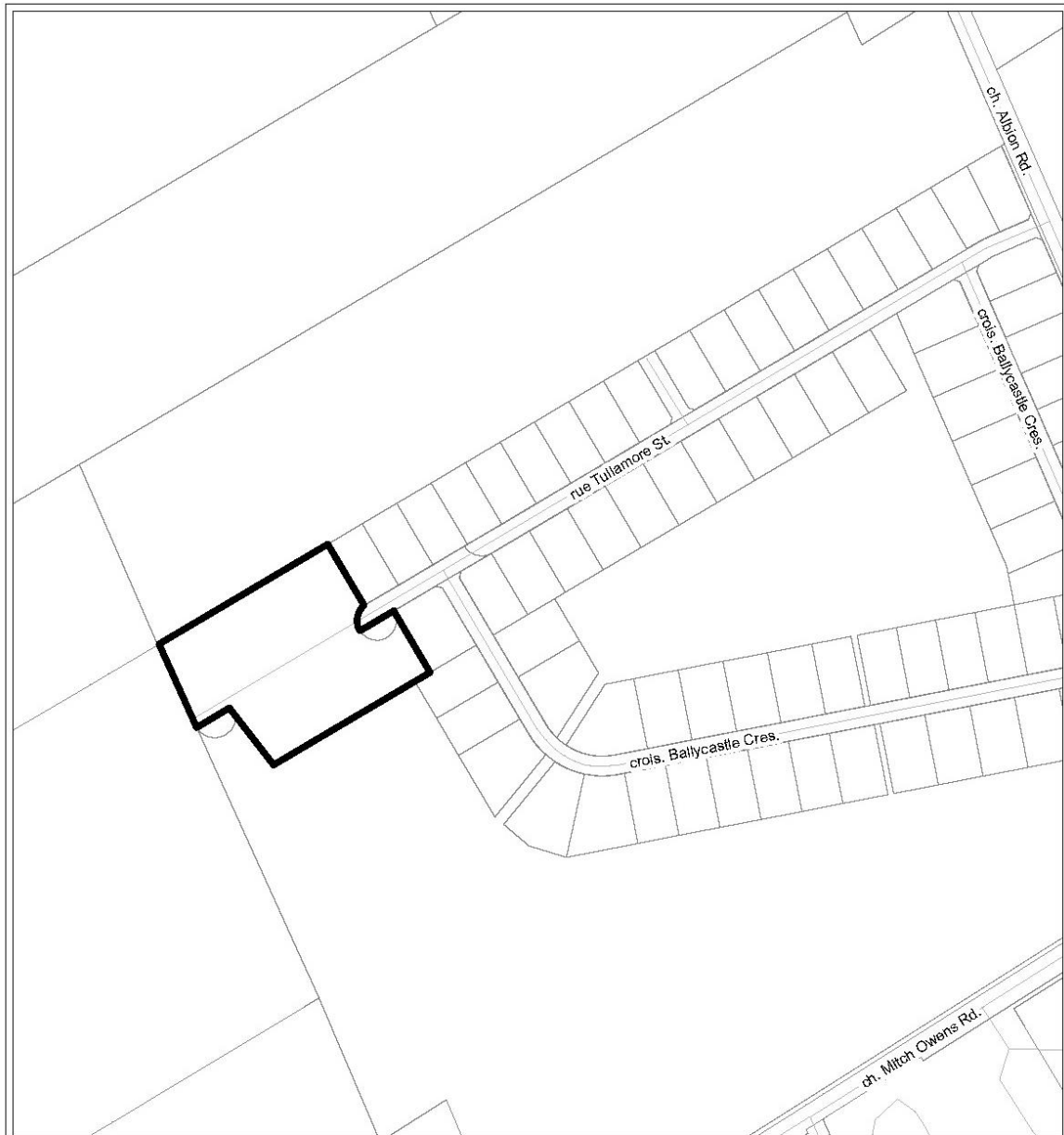
Response: The community member was informed that the owner of the lands was 8298025 Canada Inc. and that the application is to create nine new residential lots through a plan of subdivision. Whether the developer will build the houses or simply create the lots and convey them to other buyers is up to them. They were also informed that Phase II of the development is already registered. Through that process the developer of that Phase entered into a subdivision agreement with the City to fulfil certain obligations, including building roads and ditches to City standard. The agreement for each phase of a subdivision requires the developer to provide financial securities to ensure the required works are completed to the City's satisfaction. At the time of the response, the City was still holding approximately \$400K in securities for Phase II.

APPLICATION PROCESS TIMELINE STATUS

This Plan of Subdivision application was not processed by the "On Time Decision Date" established for the processing of an application that has Manager Delegated Authority due to the complexity of issues associated with hydrogeology and headwater drainage features.

Contact: Erica Ogden-Fedak Tel: 613-580-2424, extension 26510 or e-mail: erica.ogden-fedak@ottawa.ca.

Document 1 – Location Map



		LOCATION MAP / PLAN DE LOCALISATION OFFICIAL PLAN AMENDMENT / MODIFICATION DU PLAN OFFICIEL PLAN OF SUBDIVISION / PLAN DE LOTISSEMENT	
D01-01-20-0023 D07-16-20-0030	21-0092-L	485 rue Tullamore St.	
I:\CO\2020\OPA_and_Subdivision\Tullamore_485			
<small> ©Parcel data is owned by Teranet Enterprises Inc. and its suppliers. All rights reserved. May not be produced without permission. THIS IS NOT A PLAN OF SURVEY. ©Les données de parcelles appartiennent à Teranet Enterprises Inc. et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit sans autorisation. CECI N'EST PAS UN PLAN D'ARPENTAGE. </small>			
REVISION / RÉVISION - 2021 / 01 / 26			
			 <small>NOT TO SCALE</small>