

1. LOCAL OFFICIAL PLAN AMENDMENT 22  
CITY OF GLOUCESTER

**COMMITTEE RECOMMENDATION**

**That Council approve Official Plan Amendment 22 to the City of Gloucester Official Plan subject to the modification outlined in this report, and that the Regional Clerk issue the 'Notice of Decision' attached as Annex 4.**

**DOCUMENTATION:**

1. Planning and Development Approvals Commissioner's report dated 14 Dec 98 is immediately attached.
2. Correspondence dated 11 Jan 99 from Charlotte Greer, Chair, South Gloucester Community Association, immediately follows the report.
3. Extract of Draft Minute, 12 Jan 99, follows and includes a record of the vote.

REGION OF OTTAWA-CARLETON  
RÉGION D'OTTAWA-CARLETON

REPORT  
RAPPORT

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Our File/N/Réf.            14-98.0019

DATE                        14 December 1998

TO/DEST.                  Coordinator, Planning and Environment Committee

FROM/EXP.                Planning and Development Approvals Commissioner

SUBJECT/OBJET         **LOCAL OFFICIAL PLAN AMENDMENT 22**  
**CITY OF GLOUCESTER**

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### DEPARTMENTAL RECOMMENDATION

**That the Planning and Environment Committee recommend that Council approve Official Plan Amendment 22 to the City of Gloucester Official Plan subject to the modification outlined in this report, and that the Regional Clerk issue the 'Notice of Decision' attached as Annex 4.**

### BACKGROUND

The City of Gloucester adopted Amendment 22 on 14 July, 1998 and submitted a complete package to the Region for approval on 22 September, 1998. The approval of this amendment is before Planning and Environment Committee because it is a disputed amendment and therefore requires Regional Council approval.

The City of Gloucester has also approved a zoning by-law amendment for a retirement housing project contingent on the approval of Amendment 22.

### PURPOSE OF THE AMENDMENT

The purpose of this amendment is to modify policies in the 'Residential', 'Limited Development' and 'Service Restricted Constraints' sections of the Gloucester Official Plan (Amendment 22 attached as Annex 1). These amendments identify the potential for 49 additional service connections because of the uncommitted capacity available in the Carlsbad Springs Water System. The policies also establish specific development objectives with regard to the type of new development that will be permitted.

The amendment provides for:

- the development of a retirement housing project;
- the development of a special needs housing project;
- the creation of farm retirement lots;

- the creation of rural infill development by severance; and
- the consideration of other uses provided the above priorities are maintained.

### CONFORMITY WITH THE REGIONAL OFFICIAL PLAN

This amendment conforms to the Regional Official Plan (ROP). The ROP permits development up to a total capacity of 731 dwelling unit equivalents on the Gloucester portion of the Carlsbad Springs Water System. Having reserved capacity for all existing development and all existing lots of record, the potential remains for 49 additional connections. Any development must meet the policies associated with the designations in the ROP ('General Rural Area' and 'Agricultural Resource Area').

### AGENCY OR PUBLIC COMMENTS AND STAFF RESPONSE

No circulation to agencies was required for Amendment 22. However, two parties have raised concerns about this Amendment and staff has met with them to investigate the potential to resolve their issues. The written submissions of The South Gloucester Community Association and of Noble and Gadiant (Barristers and Solicitors) are attached as Annex 2 and Annex 3 respectively. The issues are summarized below based on meetings with the individuals.

1. Issue: *There was insufficient consultation with the community to discuss the 49 potential service connections:* The public meeting was advertised in accordance with the requirements of the Planning Act.
2. Issue: *Will sufficient capacity be reserved for vacant lots of record?* Yes. The system was installed to first and foremost meet the requirements of existing development and any potential development on existing lots of record. The calculation of 49 additional connections is based on satisfying all the other needs first.
3. Issue: *The municipality/Region should reserve capacity for a period of time to investigate the feasibility of connecting Farmer's Way to the system:* At the time the water system was installed, the residents of Farmer's Way elected to opt out of the servicing program. Recently, staff and some politicians have been approached by some residents about the feasibility of now considering their inclusion. This amendment cannot address the issue of Farmer's Way because the amendment only relates to the existing system. However, staff are certain there is sufficient capacity built into the system (allowance for high water users for example) to allow Farmer's Way to be considered. It is estimated that the cost to the residents would be approximately \$14,000 per lot (23 lots). Any extension to the system would require a petition from the landowners and meetings to discuss various options and a Local and Regional Official Plan Amendment. The process would take some time.
4. Issue: *If the municipality wants to reserve some potential for retiring farmers, the number should be included in the amendment so that it isn't lost to other uses.* Staff agree and are proposing a Modification to reserve 5 connections for farm retirement lots.

5. Issue: *It is inequitable to allocate capacity to the proposed retirement housing and thereby eliminate the possibility of other uses on the system.* A resident on Anderson Road has approved zoning in place to allow for a country lot subdivision. It is their contention that they should be able to proceed with a plan of subdivision now that the water problem has been solved. However, Regional Council took the position when the Carlsbad Water System was installed that plans of subdivision would not be permitted. This resident would be permitted only one connection for their existing lot of record. They argue that their proposal is not all that different in water use from the proposed retirement housing. Yet the retirement project is being considered on the system and theirs is not. It is staff's view that once the system has been operational for about five years, its performance can be reviewed. If at that time there is reason to consider additional development, it would make sense to revisit the policy on subdivisions. Infill development is acceptable in small amounts but if more development is anticipated, it may be better to apply a comprehensive review process as is required for a plan of subdivision.

Staff supported the proposed retirement housing. It will be constructed on one existing lot of record (no new lots will be created). This project is a priority to Gloucester in the hierarchy of additional land uses to be permitted on the water system. It is an important objective to provide for the retirement needs of a community, within the community where people currently live. The provision of a water supply to Carlsbad Springs has enabled the City of Gloucester to contemplate a form of housing that would otherwise be unavailable in this area.

6. Issue: *Should the Ministry of the Environment be involved in the consideration of the types of development appropriate for this area?* The concern stems from the fact that this water system was subsidized by the Ministry as a demonstration project. Staff contacted the Ministry and was advised that provided the proposed developments do not detract from the capability to provide for existing lots of record, the type of development is really a local decision.

## **PROPOSED MODIFICATION**

### Modification No. 1

PART B - THE AMENDMENT, Section 2.0 DETAILS OF THE AMENDMENT, point 2 as it pertains to Section 7.6.3.1 r) is hereby modified by adding a sentence to the third point on farm retirement lots as follows: "To this end, 5 service connections will be reserved for farm retirement lots for a period of 20 years from the date of commissioning of the system (December 20th, 1996)."

### Comment

This modification ensures that if a farmer applies for a farm retirement lot a number of years in the future, the service connection will be available and not allocated to other uses. Gloucester staff concurred with this proposed modification on 11 December, 1998.

## CONSULTATION

Gloucester held a public meeting on 14 July, 1998 as required by Section 17(15) of the Planning Act, 1990. Issues were raised at this meeting as discussed above. Staff met with the individuals to understand their concerns and to explore options for resolving them. The matters have been fully explored with planning and engineering staff and consultants and addressed as stated in this report.

## FINANCIAL IMPLICATIONS

The approval of Amendment 22 will allow the Region to approve 49 service connections to the Carlsbad Springs Water System. The By-law dealing with the financing of the system assumes that all of these additional connections will occur.

*Approved by  
N. Tunnacliffe, MCIP, RPP*



AMENDMENT NO. 22

CITY OF GLOUCESTER  
OFFICIAL PLAN

(July 1998)

Adopted: July 14, 1998

Approved:

File No. DP146-29

CERTIFIED A TRUE COPY

THIS 17 DAY OF July 1998

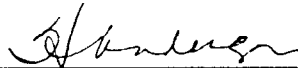
*Merrill Cutts*  
MERRILL CUTTS, DEPUTY CITY CLERK  
CITY OF GLOUCESTER

**AMENDMENT NUMBER 22**  
**TO THE OFFICIAL PLAN FOR THE**  
**CITY OF GLOUCESTER**

The attached explanatory text constituting Amendment Number 22 to the Official Plan of the City of Gloucester, was recommended to the Council of the City of Gloucester by the City of Gloucester Planning Advisory Committee under the provisions of Section 17 and Section 21 of The Planning Act, R.S.O. 1990, on the 14th day of July, 1998.

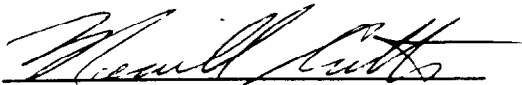


Chairman,  
Planning Advisory Committee



Secretary,  
Planning Advisory Committee

This Amendment Number 22 was adopted by the Council of The Corporation of the City of Gloucester by By-law Number 141 of 1998 in accordance with Sections 17 and 21 of The Planning Act, R.S.O. 1990 on the 14th day of July, 1998.



Merrill Cutts  
Deputy City Clerk



Claudette Cain  
Mayor

**THE CORPORATION OF THE CITY OF GLOUCESTER**

**BY-LAW NUMBER 141 OF 1998**

Entitled, "A By-law to approve Amendment Number 22 to the Official Plan for the City of Gloucester Official Plan".

The Council of the Corporation of the City of Gloucester hereby enacts as follows:

1. Amendment Number 22 to the City of Gloucester Official Plan consisting of the attached explanatory text is hereby adopted.
2. The Acting City Clerk is hereby authorized and directed to make application to the Regional Municipality of Ottawa-Carleton for approval of Amendment Number 22 to the City of Gloucester Official Plan.
3. This By-law shall come into force and take effect on the day of passing.

PASSED AND GIVEN under the Hands of the Mayor and Acting City Clerk and the Seal of the Corporation of the City of Gloucester this 14th day of July, 1998.

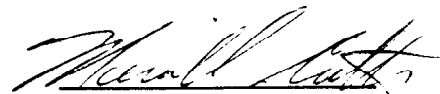


Merrill Cutts  
Deputy City Clerk



Claudette Cain  
Mayor

I hereby certify that the above is a true copy of By-law Number 141 of 1998 as enacted by the Council of the City of Gloucester on the 14th day of July, 1998.



Merrill Cutts  
Deputy City Clerk



APPROVAL PAGE

AMENDMENT NUMBER 22 TO THE OFFICIAL PLAN  
FOR THE CITY OF GLOUCESTER

**REGIONAL APPROVAL PAGE - PLEASE INSERT PROPER  
TEXT**

**STATEMENT OF NOTICE REQUIREMENTS  
FOR OFFICIAL PLAN AMENDMENT NO. 22  
OF THE CITY OF GLOUCESTER**

We, Heather Anderson, the Secretary of the Planning Advisory Committee and, Merrill Cutts, the Deputy City Clerk of the Corporation of the City of Gloucester, certify that:

1. Notice of the public meeting pursuant to Section 17 of The Planning Act, R.S.O. 1990 has been given by publication in The Citizen and Le Droit on June 17th, 1998 as per the requirements of Regulation 198/96 under the Planning Act, R.S.O.1990.
2. A public meeting in respect of the proposed Official Plan Amendment was held on July 14th, 1998, at the City of Gloucester Council Chambers, 1595 Telesat Court, P.O. Box 8333, Gloucester, Ontario K1G 3V5.

Dated at Gloucester, Ontario, this 14th day of July, 1998.



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Heather Anderson  
Secretary  
Planning Advisory Committee

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Merrill Cutts  
Deputy City Clerk  
The Corporation of the  
City of Gloucester

**AMENDMENT NO. 22 TO THE  
OFFICIAL PLAN OF THE  
CITY OF GLOUCESTER**

**AMENDMENT NUMBER 22 TO THE OFFICIAL PLAN FOR  
THE CORPORATION OF THE CITY OF GLOUCESTER**

**STATEMENT OF COMPONENTS**

**PART A - THE PREAMBLE** does not constitute part of this amendment.

**PART B - THE AMENDMENT** consisting of the attached explanatory text constitutes Amendment Number 22 to the Official Plan for the City of Gloucester.

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## **PART A - THE PREAMBLE**

### **PURPOSE**

The purpose of this amendment is to modify specific provisions contained in the Residential, Limited Development, and Service Restricted Constraints policy sections of the Official Plan. The modifications are needed to define the potential for growth and establish development objectives for the Carlsbad Springs trickle-feed water system.

### **LOCATION**

This amendment is textual in nature and does not modify any of the schedules to the City's Official Plan.

### **BASIS**

The installation of a trickle-feed water system in the Carlsbad Springs area, to resolve existing water quality and quantity problems in the community, has led to the need to establish development objectives to ensure that the available excess capacity in the system is efficiently allocated. Pursuant to the commissioning of the first phase of the system and its extension in November, 1997, a total of forty-nine (49) residential service connections were identified for new development in addition to those reserved for existing dwellings and lots of record.

This amendment seeks to introduce provisions within the Official Plan which will guide the efficient allocation of the residential service connections available in keeping with particular development objectives. More specifically, the amendment seeks to ensure that a variety of rural housing objectives may be achieved including;

- ▶ the establishment of farm retirement lots along the system in preference over their creation within the 'Agricultural' designation,
- ▶ the development of a seniors housing project to meet the shelter needs of the rural area's aging residents, and,
- ▶ the creation of infill rural residential development.

New development, for either farm retirement or rural residential infill purposes, must occur by way of severance in accordance with Amendment 57 to the Regional Official Plan (1988). No plan of subdivision is permitted to connect to the system in recognition of the system's 'demonstration project' status and related Provincial funding provisions.

## **PART B - THE AMENDMENT**

### **1.0 INTRODUCTORY STATEMENT**

All of this portion of the document entitled Part B - The Amendment, consisting of the following text, constitutes Amendment Number 22 to the Official Plan for the City of Gloucester.

### **2.0 DETAILS OF THE AMENDMENT**

The Official Plan is hereby amended as follows:

1. Sub-section 7.1.3 w), under the Residential policy section of the Plan, is deleted in its entirety and replaced with the following:

"7.1.3 w) Carlsbad Springs has historically been a focus for the rural community in the southeast area of Gloucester. It is the intent to maintain this focus for the existing community. A trickle-feed water system services existing development within the area. Additional connections to the system are permitted to service development on vacant lots of record and to provide for minimal growth in accordance with the Region's Official Plan and sub-sections 7.6.3.1 r) and 8.2.3.1 b) to this Plan. Limitations on growth do not allow for the designation of a village during the term of this Plan.

Pursuant to the commissioning of the system in 1996 and its extension in 1997, a total of forty-nine (49) service connections were identified along the Carlsbad Springs trickle-feed water system, these to be allocated towards primarily new residential development. New development, for either farm retirement lot or rural infill purposes, must occur by way of severance in accordance with Amendment 57 to the Regional Official Plan

(1988). No plan of subdivision is permitted to connect to the trickle-feed watermain in recognition of the system's 'demonstration project' status and related Provincial funding provisos.

2. Sub-section 7.6.3.1 r), under the Limited Development policy of the Plan, is hereby deleted in its entirety and replaced with the following:

"7.6.3.1 r) Pursuant to the commissioning of the Carlsbad Springs trickle-feed water system, 49 service connections were identified and available along the system for primarily residential purposes. To ensure that a range of housing objectives are met within the Carlsbad Springs area, the following is intended to guide and ensure the efficient allocation of the service connections available along the system:

1. The development of a housing project, to serve the needs of the rural retirement population, is both encouraged and permitted within the 'Limited Development' designation. Servicing constraints typical of private systems, effectively prohibit the development of retirement housing elsewhere in the City's rural area. The trickle-feed water system affords the ability to specifically create retirement housing projects within the rural community and thereby meet the housing needs of a growing segment of the rural population.
2. The development of a housing project to meet the demand for other types of institutional uses (such as nursing homes or special needs housing) is also encouraged and permitted within the 'Limited Development' designation.
3. The creation of farm retirement lots, by way of severance, is encouraged along the system within the 'Limited Development' designation, to reduce the number of rural residential lots created on farmland within the 'Agricultural' designation. ↑
4. The creation of infill rural residential development, by way of severance, is also permitted along the system in keeping with policy 7.6.3.1 p) of this Plan.



5. The allocation of a service connection(s), for uses other than those identified above, may be considered in the 'Limited Development' designation, as long as the ability to provide for the above priority housing objectives is maintained, and, provided development meets all other requirements of this Plan.

In the event that rural residential infill occurs in advance of the development of a retirement housing project, 20 residential service connections will be reserved for a period of 10 years from the date of commissioning of the system (December 20th, 1996) to preserve the opportunity for the development of a retirement housing project within the Carlsbad Springs area. If there are no planning applications which propose the development of a retirement housing project submitted within the 10 year timeframe, the 20 reserved residential service connections may be allocated to permit the creation of farm retirement and/or rural residential infill lots along the system in keeping with policies 7.5.3.1 c), 7.6.3.1 p), and 8.2.3.1 b) of this Plan.

3. Sub-section 8.2.3.1b), under the Service Restricted Constraints policy section of the Plan, is deleted in its entirety and replaced with the following:

"8.2.3.1 b) Minimal growth is permitted along the route of the Carlsbad Springs trickle-feed water system provided development is in accordance with the Region's Official Plan and policy sub-sections 7.1.3 w), 7.5.3.1.c), 7.6.3.1 p) and 7.6.3.1 r) to this Plan.

A total of 49 residential service connections were identified for new development along the system. These are to be allocated to achieve a variety of housing objectives within the 'Limited Development' designation including, but not limited to; the creation of farm retirement lots, the development of a retirement housing project and the creation of rural residential infill lots.

Where development would require the allocation of more than one service connection, the proposal will be evaluated on the basis of its planning merit and its water requirement vis-a-vis the capacity of the system at that specific location. All services will be provided in conformity with the policies for Water Supply and Sewage Treatment in the Regional Official Plan.

South Gloucester Community Association

October 5, 1998

Jack Toppari  
Planner  
Regional Municipality of Ottawa Carlton

Dear Mr Toppari

**Re: Official Plan Amendment Number 22**

As we discussed in our telephone conversation last week, the following objections to the adoption of Amendment 22 are listed below:

- a. The Carlsbad Springs trickle system was designed to meet the needs of lots of record and current residents. Excess capacity for development was not built into the system. Consequently, it is unclear where the excess capacity forming the basis of amendment 22 derives.
- b. Demands on the system are not fully known. Lots of record still remain to be connected. Some residents have not yet connected to the system. It is our view that until the system has proven it can meet short and long term priority needs of residents and future generations no new development should take place on this system.
- c. Amendment 22 violates the conditions upon which the agreement between the residents of Carlsbad Springs, the Province and the RMOC. Carlsbad was to be a pilot for the demonstration of the trickle system. Residents were and still are extremely skeptical of the trickle system and would have preferred a full system. The RMOC argued the cost of a full system was prohibitive and were not prepared to permit development to offset the cost of a full system. In order to resolve their water problems residents accepted the RMOC and Provincial condition that no development would take place on the trickle system.

.....

- d. Amendment 22, encourages strip development.
- e. Amendment 22 deals only with site specific impacts of development and not the impact that such development would have on the entire system.

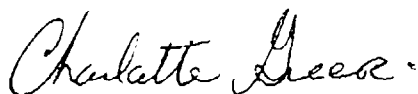
The proponent of Amendment 22, City of Gloucester, did not contribute to the funding of this project nor are they going to be responsible for the systems continued viability. As a partner in this venture, the residents did contribute to the funding and we definitely have a vested interest in the viability of the system. It was therefore surprising that we were not aware of this proposal earlier in the process.

In fact, significant work had been completed prior to our notification and playing catch up could only place a few objections before the local planning committee. It was impossible to respond to the outcome of that meeting since the amendment went directly to full Council and was passed that very same evening. Having no appeal rights at the local level left us with our only recourse; to bring our objections to the next level.

In summary, Amendment 22 is untimely. In the interest of the health and safety of the resident's of Carlsbad Springs, the demonstration project must prove it can serve the needs of this community both in the long and short term before any development takes place.

Finally, prior to any official plan amendments coming forward, it would be appropriate and only fair to discuss the matter with all of the partners involved in this experiment.

Sincerely



Charlotte Greer  
Chairperson

Fax 822-1475

# Noble & Gadiant

## Barristers and Solicitors

ANNEX 5

Douglas K.S. Noble, B. Math, L.L.B.  
Douglas J. Gadiant, B.A., L.L.B.

TD Building  
245 Stafford Rd. West, Suite 203  
Nepean, Ontario, Canada, K2H 9E8  
(613) 726-9500  
FAX: (613) 596-9958

Via Fax 560 - 6006 xx  
Via Courier

Thursday, October 1, 1998

Regional Municipality of Ottawa-Carleton  
Planning Dept.  
2nd Floor - 111 Lisgar Street  
Ottawa, Ontario  
K2P 2L7

Attention: Jack Toperi

Dear Sirs:

Re: Corporation of the City of Gloucester  
O. P. A. Amendment - No. 22  
Gloucester Official Plan  
Regional File no. 03 08-98-0044  
Our File no. G-98428

I refer to your fax note of September 28th.

I understood that Mr. Webber filed a notice of dispute when this matter came before Council (Gloucester) on July 14th, 1998. Presumably; a copy of that objection would have been forwarded to the Region which would have outlined the nature of the objection being maintained. If so, please forward a copy of me.

Though Mr. Webber's file does not contain a copy of said objection as I believe it was written the night of the public meeting; I would concur with the basis of his objection.

In addition; we note that the amendment seeks to prefer rural infill and retirement lots which have traditionally been on the basis of private services and seeks to reserve 20 units for a period of 10 years for a possible retirement project which may or may not proceed. No rationale is provided for the latter.

The Bournes have had a site for some time which is zoned residential - country lot. This land fronts on the trickle feed system. The development of these lands has not gone forward due to the requirement of private services and due to economic reality of estate lot development which fact has been recognized by the Region.

The recent discovery of the excess capacity in the system and the proximity of the system to our client lands is such that the development of our clients' lands becomes more feasible as they would be able to hook onto the system. There is no planning basis why they should be denied the opportunity to proceed with the development of their lands by plan of subdivision which is the preferred method of development within the limited development area. This is especially so in light of the fact that our client can proceed immediately with their proposed plans.

The decision which has been taken by Gloucester Council effectively prevents the attempt by our clients to develop their lands in that they are prevented from hooking into a system that is in place and can readily service their development.

There appears to be case law which provides for the right to hook-up to the services where they are available as would be the case here.

As such; our clients dispute the amendment and wish the matter to proceed to Committee.

Please ensure that we will receive notice of any such meeting.

Yours very truly,

NOBLE & GADIENT

  
Douglas J. Gadiant

DJG:djg

total pages = 2, original not forwarded

DG Office HD:dg data:municipal letters:rmoc/planning

Post-it™ Fax Note	7671E	Date	1 OCT 99	# of pages	▶
To	DOUGLAS GARDENT	From	JACK TOPPARI		
Co./Dept.		Co.	RMOE PLANNING		
Phone #		Phone #	500-6053 (1595)		
Fax #	596-9958	Fax #			



File No. ....

Resolution No. ....

Planning Advisory Committee Meeting, ..... 19 .....

Moved by .....

Seconded by .....

1) unlawful to ration public utilities

2) Un equitable to remove rights from owners for whom the system designated.

3 Un equitable - rewarding individuals

**ANNEX 4**

(to be completed pending Council decision)

Date:  
Regional File: (23) 14-98.0019  
Contact: Lesley Paterson

Applicable Planning Act: **Bill 20**

Ms Michèle Giroux  
Clerk  
City of Gloucester  
1595 Telesat Court  
Gloucester, Ontario  
K1G 3V5

Dear Ms Giroux

**Re: Local Official Plan Amendment 22  
City of Gloucester**

In accordance with Section 17(35) of the Planning Act, you are hereby notified of the Regional Council's decision to approve, under authority assigned to Regional Council by the Ministry of Municipal Affairs and Housing, Amendment 22 to the Official Plan of the City of Gloucester.

**PURPOSE OF THE AMENDMENT**

The purpose of this amendment is to modify policies in the 'Residential', 'Limited Development' and 'Service Restricted Constraints' sections of the Gloucester Official Plan. These amendments identify the potential for 49 additional service connections because of the uncommitted capacity available in the Carlsbad Springs Water System. The policies also establish specific development objectives with regard to the type of new development that will be permitted.

The amendment provides for:

- the development of a retirement housing project;
- the development of a special needs housing project;
- the creation of farm retirement lots;
- the creation of rural infill development by severance; and
- the consideration of other uses provided the above priorities are maintained.

**INFORMATION**

Information on Amendment 22 can be obtained from the Regional Planning and Development Approvals Dept. at the above-noted address (attention: Lesley Paterson at 560-6058, extn. 1611) or the City of Gloucester Department of Community Development (attention: Ann Tremblay, 748-4176).

**NOTICE OF APPEAL**

Pursuant to Section 17(36) of the Planning Act, any person or public body may, not later than 4:30 p.m. on (date - 20 days after the giving of notice), appeal the decision by filing a notice of appeal to Amendment 22 with the Regional Planning and Development Approvals Dept. Such appeal must identify, in writing, which section(s) is/are being appealed and the reasons for doing so. All appeals must also be accompanied by a certified cheque in the amount of \$125.00 (to the Minister of Finance, Province of Ontario) to cover the Ontario Municipal Board's prescribed fee.

If no notice of appeal is received before or on (date - 20 days after giving of notice), the decision of the Regional Planning and Development Approvals Commissioner is final and Amendment will come into effect on (date - the day after the last day for appeal).

Please note that only individuals, corporations or public bodies may appeal a decision of the approval authority 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**

Some of the lands to which Amendment 22 applies are also the subject of Zoning By-law No. 222-521 of 1998. This zoning by-law will permit a senior citizens' dwelling. The by-law does not come into full force until Amendment 22 to the City of Gloucester Official Plan is approved.

Dated dd/mm/yyyy.

Sincerely

Mary Jo Woollam  
Regional Clerk

c.c.: Grant Lindsay, Director of Community Development, City of Gloucester  
Douglas Gadiant, Noble and Gadiant  
Charlotte Greer, South Gloucester Community Association



[This cannot be signed until the appeal period is over]

**APPROVAL PAGE  
AMENDMENT NO. 22 TO THE OFFICIAL PLAN  
OF THE CITY OF GLOUCESTER**

I hereby certify that Amendment No. 22 to the Official Plan of the City of Gloucester, which has been adopted by the Council of the City of Gloucester, was approved by the Council of the Regional Municipality of Ottawa-Carleton on 1998, under Sections 17 and 21 of the Planning Act, 1990 except the following which was modified under Section 17(34) of the Planning Act, 1990.

**Modification No. 1**

PART B - THE AMENDMENT, Section 2.0 DETAILS OF THE AMENDMENT, point 2 as it pertains to Section 7.6.3.1 r) is hereby modified by adding a sentence to the third point on farm retirement lots as follows: "To this end, 5 service connections will be reserved for farm retirement lots for 20 years from the date of commissioning of the system (December 20th, 1996)."

Dated this    day of            ,1999

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Regional Clerk, Regional Municipality of Ottawa-Carleton

January 11, 1999.

Planning and Advising Committee  
Regional Municipality of Ottawa  
Casleton.

Re Official Plan Amendments 22.

At the outset of this process  
the South Gloucester Community  
Association took the position  
that the modifications proposed  
by OPA-22 were significant and  
required discussion with the  
community prior to implementation.

Recently, amendments clarifying  
OPA-22 (if adopted) are  
also significant and should  
also be discussed with  
the community prior to  
approving this amendment.

In summary, recent the  
community has had  
meaningful discussions  
with the City of Gloucester  
the planning process  
for our community the  
South Gloucester Community  
Association does not support  
approval of this amendment.  
(BPA-22)

Charlotte Cross  
Chairperson  
South Gloucester Community  
Association

members of the Committee  
Lesley Peterson, Planning Board

Extract of Draft Minute  
Planning and Environment Committee  
12 January 1999

LOCAL OFFICIAL PLAN AMENDMENT 22  
CITY OF GLOUCESTER

- Planning and Development Approvals Commissioner's report  
dated 14 Dec 98

Lesley Paterson, Senior Project Manager, Development Approvals - District 1, Planning and Development Approvals Department, and Joe Vincelli, Manager, Engineering Services Branch, Environment and Transportation Department, provided Committee with an overview of the staff report.

Councillor van den Ham noted excess capacity had been found in the Carlsbad Springs Water System and the City of Gloucester had developed a list priorities for new development connecting to this system. He questioned whether the Region had the right to challenge this list of priorities. Ms. Paterson stated staff are of the opinion, if the uses conform to the Regional Official Plan (ROP) and provided the commitment to the existing lots of record is met, then it is really a local decision. Nick Tunnacliffe, Commissioner, Planning and Development Approvals Department added Regional Council does however, have the authority to modify the amendment if they so choose.

Councillor Legendre had questions concerning the public consultation carried out by the City of Gloucester. Ann Tremblay, Planner, City of Gloucester advised the City met the requirements as set out in the Planning Act, of advertising (in The Citizen and Le Droit) and holding a public meeting (14 July 1998). She acknowledged this was the only formal consultation, as the City felt time was of the essence. Ms. Tremblay explained once the excess capacity for limited development was found in the system, a number of requests for severances were received at one time. To enable the Committee of Adjustment to deal with these applications and to prevent infill lots from being created on an ad hoc basis, the City felt it had to develop, as quickly as possible, some development criteria.

The Councillor asked staff to expand on the third issue (on page 2 of the staff report) concerning residents of Farmer's Way connecting to the system. Mr. Vincelli stated because this is a new technology (the first in the Province), staff have made certain assumptions. Over the next three to five years, the system will be monitored and it will be determined whether or not these assumptions were correct. Mr. Vincelli stated it is staff's belief the monitoring will reveal extra capacity in the system, which could allow additional connections.

Responding to further questions from Councillor Legendre, Ms. Paterson explained the design capacity of the system is 731 connections in Gloucester and 44 in Cumberland. She noted last year, staff counted the existing lots of record; those fronting on the system were committed (regardless of whether they opted to connect or not) and landowners located at the ends of the pipes (for example on a side road) were given the opportunity to connect (but capacity was not

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committed to them). After all of these connections were accounted for, excess capacity exists for 52 additional connections (49 in Gloucester and 3 in Cumberland).

Referring to Issue 5, Councillor Legendre noted the proponents of a subdivision on Anderson Road are contending their subdivision should not be treated any differently than the proposed retirement home. He questioned whether the Region's position would be defensible at an Ontario Municipal Board (OMB) hearing. Pamela Corrigan, Solicitor, Regional Legal Department, advised the proposed LOPA 22 (including the retirement home) conforms to the Regional Official Plan (ROP). She also pointed out that ROPA 57, specifically states that no development by plan of subdivision would be permitted to connect to the system.

Referring to staff's comment that landowners with property located at the ends of the system were given the opportunity to connect, Councillor Munter questioned if one of these properties were sold at some point in the future, would the new owners be allowed to connect to the system. Mr. Vincelli replied it is hoped through the monitoring program that excess capacity will be found, but he acknowledged the Region would be under no obligation to allow them to connect should there not be sufficient capacity.

Councillor Munter had questions of staff concerning the role of the City of Gloucester. He asked why, when the system is owned and operated by the Region, would the City be responsible for assigning the excess capacity. Ms. Paterson explained the City of Gloucester, in approving LOPA 22, was developing policies in accordance with their land use policies and identifying priorities in their community. She stated the Region has as much input in this instance as in any other land use planning decision. Mr. Vincelli added the Region is prepared to listen to the wishes of the local municipality however, the Region is responsible for ensuring that capacity is not exceeded.

The Councillor then asked Ms. Tremblay to provide the City of Gloucester's rationale for approving the retirement housing. Ms. Tremblay stated the City, through its Municipal Housing Statement had identified a weakness in its provision of seniors housing, both in the urban and rural areas. It was felt with the excess capacity in the water system, seniors could be provided with housing in their community (meeting the demands for aging in place). Ms. Tremblay commented this type of housing in the community would address the needs of more mobile seniors.

Councillor Beamish added that people who have lived their whole life in the rural area and whose families live nearby, do not necessarily want to move to the urban area just so they can access services such as transit. Many want to continue to live in their community and the proposed retirement housing would allow them to do so.

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Councillor van den Ham asked Ms. Tremblay if the applicants for the subdivision proposal would be allowed to “reconfigure” their application to sever lots pursuant to the provision allowing rural residential infill development. Ms. Tremblay replied, although there is always the potential for landowners to come in on a “piecemeal” basis to create strip development, the City of Gloucester would try to discourage this approach.

The Committee then heard from the following speakers.

Sean Ketcheson, expressed his satisfaction with the water system, saying it was excellent. Mr. Ketcheson then advised the Committee of the circumstances surrounding his application to sever two lots from his property. He stated he started work on the severance approximately 18 months ago, after being assured there would be sufficient capacity in the system for his infill lots. When he submitted his application to the Committee of Adjustment he was advised it was premature and should wait for the ROP to be approved by the Province. He said approximately one month before he was to appear before the Committee of Adjustment, City of Gloucester staff indicated their support for Mr. Ketcheson’s application however, a few days before his hearing staff advised him they would not be supporting him. Mr. Ketcheson stated he did receive the severance of two lots conditionally, however, this is now being appealed by City.

Mr. Ketcheson felt this was a very complicated process. He said he supports the priorities set out in LOPA 22 (i.e. the retirement home and the special needs housing) and would not want to take a “unit of water” away from them. However, he said had he not been advised there was sufficient water, he never would have proceeded with the severance.

At Committee’s request, Ms. Tremblay advised staff’s recommendation to the Committee of Adjustment was that it would be better to wait until the development policies (contained in LOPA 22) were approved before approving severances. Mr. Ketcheson’s conditional consent is subject to a number of conditions, two of which are the approval of LOPA 22 and also a redesignation of the property from Agricultural (in the City of Gloucester’s Official Plan) to an appropriate land use designation which would be in conformity with the ROP designation of General Rural Area.

Responding to questions from Councillor Beamish, Ms. Tremblay explained once LOPA 22 is approved, the intent is that 20 connections would be in place for the seniors’ development (for 10 years) and 5 connections for retirement lots (for 20 years). There have already been 9 connections committed through severance, leaving approximately 15 connections that would be available on a “first come, first serve” basis.

Councillor Beamish had further questions of Ms. Tremblay concerning whether or not these 15 remaining connections would be prioritized and whether Mr. Ketcheson would be on the list.

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Although Ms. Tremblay could not provide a specific answer, it was her belief the Committee of Adjustment would have established some type of priority list and, by virtue of his application for severance, Mr. Ketcheson would be on that list. Ms. Tremblay went on to explain once LOPA 22 and the LOPA redesignating the property (which Gloucester has already begun work on) are in place, Mr. Ketcheson's severance could proceed, providing of course, he had satisfied the other conditions of his severance.

However, Ms. Tremblay pointed out there could be other severances approved without conditions (i.e. that meet the requirements of the existing Gloucester and Regional Official Plans) that could use up the remaining 15 connections, before the conditions of Mr. Ketcheson's severance are satisfied. Ms. Tremblay stated the fact the Committee of Adjustment is granting severances without having these policies in place, causes Gloucester staff concern (i.e. applications are being granted without knowing whether the cut off has been met or passed in terms of the available connections). She said it would be staff's preference to see a moratorium on approvals until the policies are in place, however, other than the appeal process, there is no way for the City to prevent the Committee of Adjustment from granting severances.

Ms. Paterson confirmed, at Councillor Munter's request, there was nothing (other than approving LOPA 22) the Region could do for Mr. Ketcheson, as the City of Gloucester is allocating capacity on the water system and it is the City's Official Plan which must be amended to reflect the appropriate land use designation.

Bob Tennant and Leanne McGovern, FoTenn Consultants and Ross Nicholson, the proponent of the retirement residence, appeared before the Committee to express their support for LOPA 22. Mr. Tennant explained Mr. Nicholson is proposing a 60 unit seniors' residence in South Gloucester to be connected to the trickle feed system. The residence will be a blend of care and independent living all under one roof. Mr. Tennant pointed out this application conforms to the ROP designation and if LOPA 22 is approved, the residence would then conform to Gloucester's Official Plan. As well, a zoning by-law to permit this application was made to Gloucester and approved in November 1998, conditional upon LOPA 22 being approved. He noted the appeal period on the zoning by-law had lapsed and no appeals were filed. Mr. Nicholson intends to go forward with the site plan for this seniors complex in the spring.

Mr. Tennant went on to say Mr. Nicholson has spent much time, energy and money in support of this application. Numerous studies were carried out by professionals retained by Mr. Nicholson, including an analysis by Flet Consulting Group, a group of experts in seniors' housing, to determine whether such a residence was necessary and feasible in South Gloucester. This report supports the development and makes recommendations on facilities/services that, given the rural location, should be located in the complex (e.g. library, health facilities, etc.). Mr. Tennant emphasized the report concluded that rural seniors want to

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continue to live in the rural areas, close to their families, friends, churches, etc. and, while public transportation is important, rural seniors, who tend to drive longer than the norm, want use of their own cars.

In conclusion, Mr. Tennant said the retirement residence has had full and continued support and opined this application and LOPA 22 were good planning. He felt it would meet the needs of the community and the design would be compatible with the neighborhood. He urged the Committee to support LOPA 22.

Responding to questions from Committee Chair Hunter, Mr. Nicholson confirmed, if the facility were not able to connect to the trickle feed system, the retirement residence would not be able to proceed, as the capacity of the aquifer would be insufficient to support such a development.

Doug Gadiant, Solicitor and Suzanne Bourne the proponent of a subdivision located on Anderson Road. Mr. Gadiant felt it was important to point out his clients' land was zoned residential for this type of development prior to the installation of the trickle system. The development was to occur through estate lot development on private services and it is widely recognized this type of development is no longer feasible due to market conditions (relating to lot size) or in this instance due to water quality problems existing in the area. The system of designed to meet an existing problem for those landowners living in the area or owning lots of record at that time.

Mr. Gadiant stated the Bournes have one connection to their lands but this one connection is worthless insofar as a 14 to 25 lot subdivision is concerned. He noted Mr. Nicholson's lands would also have had only one connection prior to the rezoning of his land and would have been limited to the same capacity as the Bournes. Mr. Gadiant went on to say his clients did not have a problem with infill or farm retirement lots as these are the uses the excess capacity were always intended for. He stated there was no real indication that a need for the retirement residence was needed in this particular area and noted the provision for farm retirement lots addressed the needs of aging seniors in the area. He felt, however, the Amendment did not speak to other end of system, namely, new families who have grown up in the area and who would like to remain in it. The only option for them is to purchase a resale, which would not likely be affordable or some type of new housing (with rebate programs, i.e. land transfer rebate program and CMHC 95% financing). He felt the needs of both segments should be balanced.

In closing, Mr. Gadiant stated the result of LOPA 22 and the rezoning of Mr. Nicholson lands, is that the City of Gloucester will be subsidizing private development through public fees (i.e. Mr. Nicholson will be paying for one connection but using the water of 20 units). He felt it



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unfair for a municipality to favour one form of private development over another and he requested his client be afforded the same consideration as the retirement residence.

Ms. Bourne provided Committee with a copy of a letter from Charlotte Greer, the Chairperson of the South Gloucester Community Association (held on file with the Regional Clerk).

Chair Hunter noted the LOPA 22 refers to ROPA 57, which states that new development for either farm retirement or rural residential infill purposes must occur by way of severance and provides that no plan of subdivision is permitted to connect to the system in recognition of the system's demonstration project status and related provincial funding provisions. He asked Mr. Gadiant to address these clauses (outside of LOPA 22) that prohibit development by way of subdivision.

Mr. Gadiant noted the system was installed to address an existing problem for those landowners that lived in the area and/or own lots of record at the time the system was installed. He said it was his understanding the Ministry of the Environment was concerned only that these people were taken care of, beyond that they did not care what happened to the capacity.

Councillor Munter asked the delegation to clarify what he was asking the Committee to do with LOPA 22. Mr. Gadiant replied he would like that portion of the amendment that reserves 20 connections for the retirement residence to be rejected.

Responding to questions from Councillor Munter, Ms. Bourne stated she did participate in community meetings when the system was being proposed. Her solicitor at the time wrote to the Region advising the Bournes' land had development rights and this should be considered when designing the system. The Region wrote back advising the system was not intended for new development. Ms. Bourne said she accepted this until the application for the rezoning for the seniors' residence came to her attention and she felt the rules had been changed at that point.

Ms. Bourne went on to say she was not advised of the public hearings for the Regional Official Plan Amendments for Carlsbad Spring trickle feed water system and therefore was not aware of the provision that subdivisions were prohibited, for this reason they did not appeal the ROPA.

Councillor Beamish asked staff, if the provision that provides for retirement housing in LOPA 22 were deleted, would this advance a subdivision for the Bournes' property? Ms. Paterson offered her opinion it would not, as plans of subdivision are not permitted. It would however, free up additional connections for infill. Ms. Tremblay confirmed this and added another reason why the creation of farm retirement lots along the system is being encouraged by

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Gloucester, to encourage farmers that are in an agricultural designation to create their lot in this limited development designation where the soils are of a lower class.

Councillor Beamish had further questions of staff concerning the monitoring of the system. Mr. Vincelli stated staff believe that within 5 years (from time of commissioning, i.e. two years ago), the monitoring program will reveal any additional capacity (beyond the 49 additional connections). He suggested, depending on the timing for development of this subdivision, the Committee could overturn the decision regarding the prohibition of plans of subdivision following staff's confirmation of excess capacity sufficient for this subdivision.

The Councillor asked if three years of monitoring would not be sufficient. Mr. Proulx replied it could be possible to have data within three years that gives an average use of water consumption in this area however, he expressed concern that the system could be "maxed out" if everyone was requesting water at the same time. The only possible solution to this would be to reduce the capacity of water flowing into the homes, but this would require alterations to each house. Mr. Vincelli added that currently the existing dwelling units have wells for non-domestic purposes and the trickle feed system for domestic use. He suggested there is the possibility the wells could go dry or bad and the homeowner would then be depending on the trickle system. He opined that to be able to analyse that impact three years would be too short a period, five years would be more appropriate.

Councillor Beamish asked how the Bournes could advance their subdivision project once it is established that there is sufficient capacity. Ms. Paterson replied, if at that time, there is reason to consider additional development, the policy on subdivisions would have to be revisited.

Committee Chair Hunter noted the City of Gloucester is saying plans of subdivisions are not permitted due in part to Provincial funding conditions. He asked for staff comment on this. Jim Miller, Director, Engineering, Environment and Transportation Department, said funding for this project was specifically provided on the basis it was a demonstration project and when the grant was provided it specified it was not for strip development. Ms. Paterson stated it is now the position of the Ministry that it is the Region's decision as to how the 49 excess capacity is distributed provided it works and does not take away from the original commitment. Chair Hunter questioned how the amendment could be approved when the Provincial funding provisos referred to by Gloucester, no longer apply. Staff noted the provision for no subdivisions was included in ROPA 57.

Councillor van den Ham stated although he supported the motion before Committee, he expressed sympathy for the landowners in the area, such as the proponents of the subdivision. He said he hoped that once excess capacity is confirmed, the prohibition on subdivisions in this area would be lifted.

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The Committee then considered the staff recommendation.

**That the Planning and Environment Committee recommend that Council approve Official Plan Amendment 22 to the City of Gloucester Official Plan subject to the modification outlined in this report, and that the Regional Clerk issue the 'Notice of Decision' attached as Annex 4.**

CARRIED