



**Emerald Creek Subdivision
Phase Three**

Planning Rationale

December 4, 2020

Prepared for:

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1.0 INTRODUCTION

Stantec has prepared this rationale on behalf of our client 8298025 Canada Inc. in support of concurrent Official Plan and Draft Plan of Subdivision applications for the third and final phase of the Emerald Creek subdivision on Tullamore Street.

Emerald Creek is a rural conservation subdivision which received Draft Plan approval in 2005 (City File No.: OLV2002-0005). The conservation subdivision includes 89 residential lots and approximately 36.3ha of natural area and open space to be jointly owned between the 89 lots. Zoning was approved shortly after Draft Plan approval. Phases one and two 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. Due to the amount of time since Draft Plan approval lapsed, the City requires Emerald Creek Properties to submit a new Plan of Subdivision application for the remaining nine lots of the subdivision.

Emerald Creek was designed as a conservation subdivision with large areas of open space and natural areas to be owned jointly between all 89 lots. Currently, Emerald Creek Properties retains ownership of all open space and natural area lands within the subdivision. To transfer ownership, all benefitting lots but be created- including the final 9 lots of phase three.

At the time Emerald Creek was approved country lot subdivisions on private services were permitted in the General Rural Area and Rural Natural Feature designations of the Official Plan. In June 2009, Ottawa City Council placed a five-year moratorium on all country lot subdivision (at the same time Official Plan Amendment 76 was adopted) 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, an amendment to the Official Plan is required to permit the City to Draft Plan approve the remaining nine lots in the third and final phase of the subdivision. The remaining phase will complete the previously-approved 89-lot community and allow Emerald Creek Properties to transfer the open space and natural areas to joint-ownership between all lots.

Although the third phase was not registered, many of the original Draft Plan conditions have been satisfied; these include design of the Tullamore Street extension, environmental studies, and composite utility plan circulation and sign-off from all parties.

Proposed Official Plan Amendment

As noted above, Emerald Creek was Draft Plan-approved at a time when country estate lot subdivisions were permitted by the Official Plan. To allow the City to provide Draft Plan approval for phase three, an amendment to the Official Plan is required to add an exception to Policy 3.7.2 permitting a residential subdivision on this parcel (being PIN: 04327-0391).



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The property is designated Rural Natural Feature on Schedule A of the Official Plan. Section 3.4.2 of the OP states that the policies of Section 3.7.2- General Rural Area, also apply to the Rural Natural Features designation. The proposed Official Plan Amendment would add a site-specific policy exemption to the General Rural Area policies as follows:

Policy 9 of Section 3.7.2 states that residential subdivisions are not permitted in the General Rural Area designation. Policy 9b) provides a brief list of properties- identified by their Parcel Identification Numbers (PINs), which are excepted from the prohibition. To permit approval of the Phase 3 subdivision, it is proposed to include the Tullamore Street property PIN within this list of excepted parcels.

The proposed Official Plan Amendment would modify Section 3.7.2- General Rural Area, policy 9b) to state:

9. Residential subdivisions are not permitted except in the following circumstances:
 - a. Applications lodged prior to December 31st 2009; or
 - b. New applications on the land identified by Parcel Identification Numbers 04446-1995, 04446-0636, 04446-1670, 04438-0313 **and**, 04438-0314 **and** 04327-0391.

Proposed Plan of Subdivision

Phase 3 of the Emerald Creek subdivision would extend Tullamore Street an additional 200m west to a new turnaround circle. Five lots are located on the north side of Tullamore Street, with the remaining four lots located on the south side. The south side of the turnaround circle will also provide access to the existing open space/natural area block and recreational pathway network which extends through the natural areas and connects to other parts of the community.

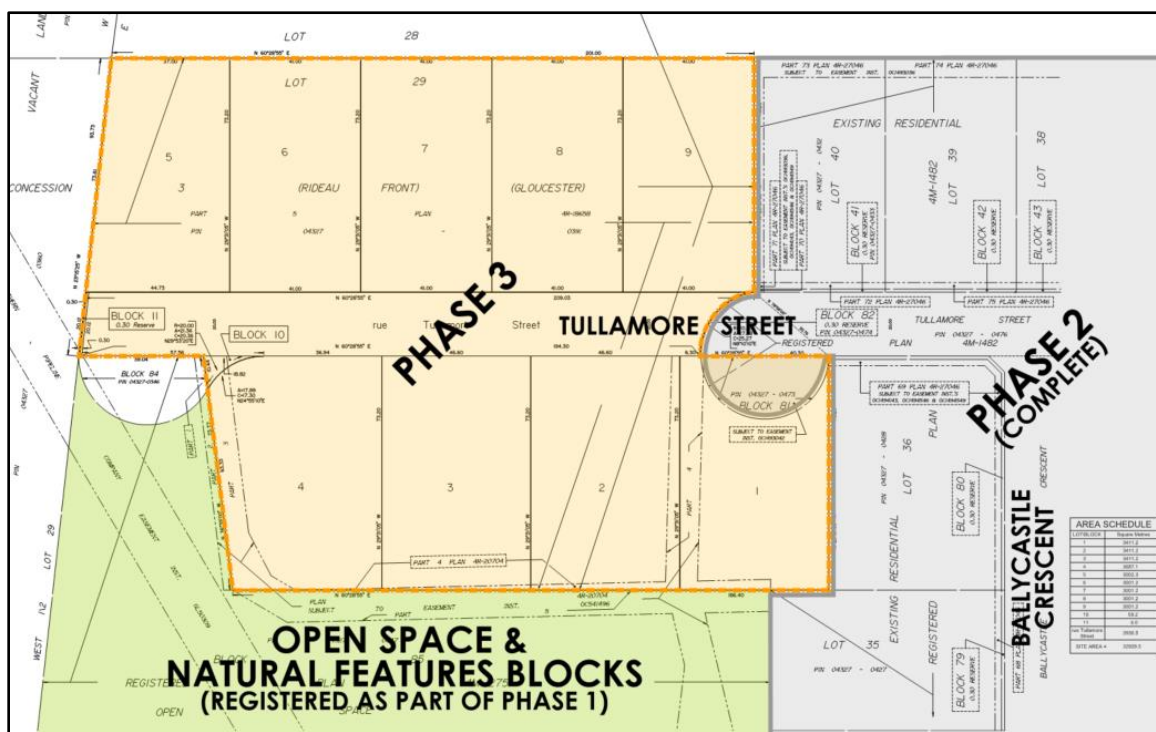


Figure 1: Emerald Creek Phase 3 Draft Plan of Subdivision (orange) and context.



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The overall development will have an average lot size of 0.8ha/dwelling when averaged over all the land in the development, including the open space and natural area blocks. This approach was permitted by the former Region of Ottawa-Carleton Official Plan and was continued by the new City of Ottawa's Official Plan policies related to 'conservation subdivisions' until the 2013 OP review.

2.0 SITE AND CONTEXTUAL ANALYSIS

Emerald Creek is located north of the village of Greely near the intersection of Mitch Owens Road and Albion Road. The property is located as the northwest corner of the existing Emerald Creek subdivision with access from Tullamore Street on the east. The third phase property has an area of 3.3ha and is generally flat. Tullamore Street, although unpaved and barricaded, has been constructed over the property to its westernmost boundary. The locations of future building sites and drainage swales were also cleared and filled part of prior site works.

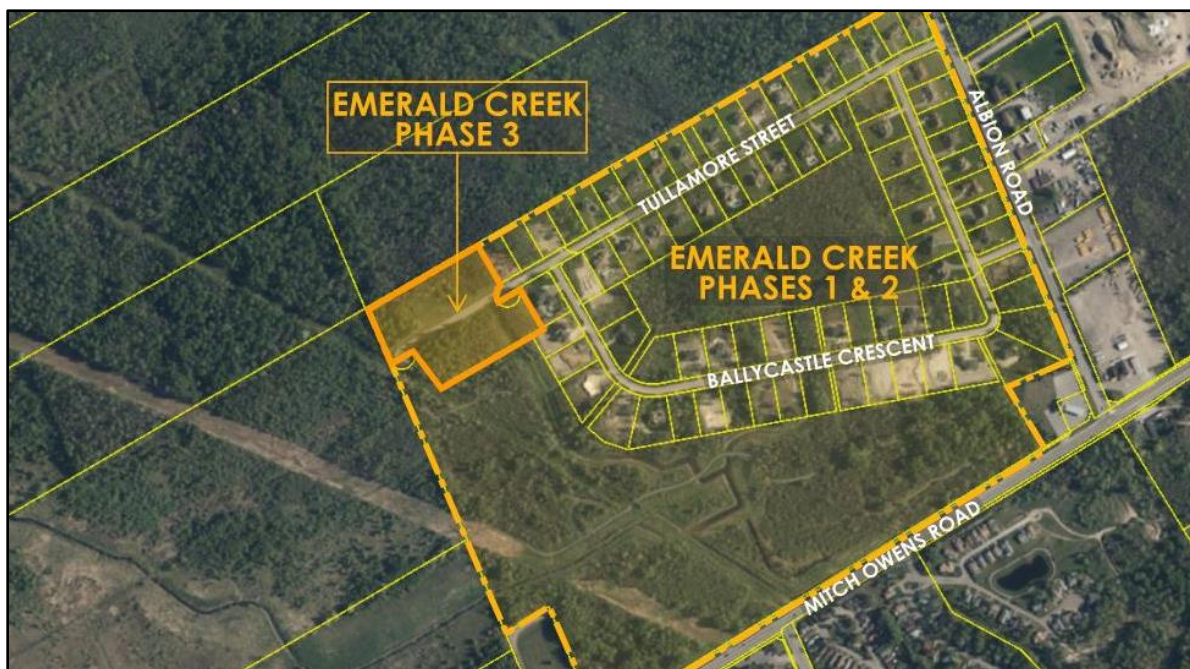


Figure 2: Subject site (solid orange), Emerald Creek subdivision (dashed orange), and surrounding context (source: GeoOttawa)

The property is surrounded by the following uses:

North: Lands to the north are vacant, treed and designed Rural Natural Feature by the Official Plan and zoned RU.

East: Phase two of Emerald Creek subdivision is located east of the property. Two dwellings- 485 and 488 Tullamore Street, are located immediately east of the property.



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South: A large open space block is located south of the property and will form part of the joint-owned natural areas within the Emerald Creek community. Several recreational pathways have already been constructed through the open space block.

West: A large vacant property known as 5335 Bowesville Road is located west of the property. A natural gas line traverses the adjacent property and the Emerald Creek open space block west of the property. The adjacent property is designed Rural Natural Feature by the Official Plan and zoned RU.

3.0 POLICY AND REGULATORY FRAMEWORK

3.1 PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement provides policy direction on land use planning and development matters of provincial interest. Under Section 3 of the *Planning Act*, decisions affecting planning matters “shall be consistent with” the PPS.

Building Strong Healthy Communities

Section 1.1.1 of the PPS states that healthy, liveable and safe communities are sustained by:

- a) *promoting efficient development and land use patterns which sustain the financial wellbeing of the Province and municipalities over the long term;*
- b) *accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) *avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) *promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;*
- f) *improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;*
- g) *ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs; and*
- h) *promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.*

The proposed development has been planned and designed as part of an integrated community of dwellings with supporting open space network. The Official Plan Amendment and Plan of Subdivision will facilitate the completion of the Emerald Creek community, including transfer of jointly-owned open space and natural features to residents for protection in perpetuity. The proposed development is supported by



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an update to the hydrogeological report demonstrating that there will be adverse impacts of the development (or existing adjacent development) on private water or sanitary services, nor will development negatively impact environmental features. Emerald Creek is located over 1000m from the village of Greely settlement boundary and will not impede the orderly expansion of the village.

Policy 1.1.5.2 states that permitted uses on rural lands (lands outside of settlement areas and prime agricultural areas) are:

- a) *the management or use of resources;*
- b) *resource-based recreational uses (including recreational dwellings);*
- c) *limited residential development;*
- d) *home occupations and home industries;*
- e) *cemeteries; and*
- f) *other rural land uses.*

The proposed subdivision will create the final nine lots of an existing subdivision.

Policy 1.1.5.4 states that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. Further, policy 1.1.5.5 states that development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

Future dwellings can be sustainably serviced by private water and wastewater services and are in character with the surrounding rural area which includes large treed lots and rural residential properties. The additional nine dwellings will be supported by existing public services facilities within the larger community. Modifications to the intersection of Albion Road and Tullamore Street, completed as part of the subdivision's first phase, were designed to accommodate all three phases of the community.

1.1.5.9 New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae. There are no livestock facilities located within 1000m of the property which would be affected by the new residential lots.

1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

Previous Official Plan policies required subdivisions on private services to be registered in phases of up to 40 lots, with subsequent phases being permitted only if it was demonstrated that existing private services were operating satisfactorily. An update to the hydrogeological report was prepared by Paterson as part of the Plan of Subdivision application and demonstrates that existing private wells and septic systems in earlier development phases are operating correctly and are not causing adverse effects on public health or environmental features.



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Wise Use and Management of Resources

Section 2.0 of the PPS provides further policies related to the protection natural resources, summarized below.

- Section 2.1 (Natural Heritage): Muncaster Environmental has been retained to investigate the property and prepare an environmental impact statement and tree conservation report. Fieldwork has been completed and the report will be prepared and submitted to the City for review shortly. The recommendations of the reports will be implemented and reflected in any design changes, if warranted.
- Section 2.2 (Water): The development will not impact groundwater features, natural heritage features or municipal drinking water supplies. Due to the development's large lot areas and limited impervious cover stormwater quantity and quality will be managed through a series of grassed swales roadside and rear yard swales. Treated stormwater will discharge to the Spratt Drain.
- Section 2.3 (Agriculture): the property is not identified as prime agricultural or specialty crop area by the Official Plan.
- Section 2.4 (Minerals and Petroleum): there are no mineral or petroleum resources on the property.
- Section 2.5 (Mineral Aggregate Resources): there are no known mineral aggregate resources on the property. Several sand and gravel pits are located east of the subdivision on the east side of Albion Road. All licenced extraction areas are over 800m from Phase 3; based on this the proposed development will not impact areas of mineral aggregate potential;
- Section 2.6 (Cultural Heritage and Archaeology): the property has not been identified as having archaeological potential.

Protecting Public Health and Safety

Section 3.0 of the PPS provides policies related to reducing the potential public cost of, and protection of residents from, natural or human-made hazards.

- Section 3.1 (Natural Hazards): the property is not located on lands impacted by hazardous sites, erosion and/or dynamic beach hazards, or large inland lakes. A Geotechnical Investigation was prepared by Paterson as part of the original Plan of Subdivision application and demonstrated that residential dwellings and septic systems could be constructed using normal engineering practices. No geotechnical or slope hazards exist on or near the site.
- Section 3.2 (Human-Made Hazards): no mining, aggregate operation or petroleum resource operation hazards exist on or near the property. Gemtec was retained to complete a Phase 2 Environmental Site Assessment and Supplementary Sampling (ESA) of the property; the assessment concludes that no additional investigation was warranted for any PCAs or APECs identified by the previous Phase 1 ESA. Slight cobalt exceedances were identified in shallow groundwater; this is identified as a natural occurrence in this area of the City and is unlikely to impact domestic wells which will access deeper aquifers.



3.2 OFFICIAL PLAN

The Official Plan provides a vision for the future growth of the City and direction in its physical development to the year 2036. The current Official Plan (OPA#180) was adopted by Council in January 2017 and is partially under appeal to the Local Planning Appeals Tribunal (formerly the Ontario Municipal Board).

General Rural Area

The property is designated General Rural Area on schedule B of the Official Plan. Policy 1 of Section 3.7.2- General Rural Area, states:

1. *General Rural Areas are designated on Schedule A with the intent to provide:*
 - a. *A location for agriculture and for those non-agricultural uses that, due to their land requirements or the nature of their operation, would not be more appropriately located within urban or Village locations;*
 - b. *For a limited amount of residential development by severance and other rural and tourist service uses that do not conflict with a) above.*

The Official Plan states that a limited amount of residential development is permitted on new lots created by severance; the phrase “development by severance” was added to Policy 1b) through Official Plan Amendment #150- the same amendment which prohibited country lot subdivisions. OPA#150 also doubled the number of lots which could be created by severance in the designation, allowing rural residential development outside of villages. Policy 7 of Section 2.2.1- Village Boundaries of the Official Plan recognizes that, although Villages will accommodate at least 50% of rural growth, the balance of rural growth will be located in the rural area.

Although OPA#150 narrowed the specific form of rural residential development preferred by the City, it continued to allow for a limited amount of residential development in the designation. The proposed residential development, despite not creating lots by way of the severance process, conforms to the intent of the General Rural Area designation by providing a limited amount of residential in the rural area in a location that will not conflict with agricultural or other uses which are required to locate in the rural area.

The proposed development is the final phase required to complete the Emerald Creek community. The lot pattern, street layout and built form (regulated by the existing zoning) will be consistent with the community's earlier phases and respect the surrounding rural character.

Policy 2 states that development will not be permitted in or within 120m of a natural heritage feature unless an environmental impact statement demonstrates there will be no negative impact on the features or their functions. An Environmental Impact Assessment and Tree Conservation Report (EIS/TCR) has been prepared by Muncaster Environmental for the proposed development and expands on the original study completed for the overall Emerald Creek community.

Policy 6 states that ‘grandparented’ country lot subdivisions are provided for through policy 8. Policy 8 has been written primarily to address commercial-industrial subdivisions in rural areas; this policy requires development be subject to Site Plan Control and ‘all applicable requirements of Section 4 [of the OP] will be satisfied’.



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Policy 9 states:

9. *Residential subdivisions are not permitted except in the following circumstances:*
 1. *Applications lodged prior to December 31, 2009; or*
 2. *New applications on the land identified by Parcel Identification Numbers 04446-1995, 04446-0636, 04446-1670, 04438-0313 and 04438-0314.*

These applications will be assessed by the policies of this Section that were in force and effect on the 26th of November 2013, save and except for policies 8(d), 11 and 12 to the contrary.

As discussed above an Official Plan Amendment is proposed to include Phase 3 within the list of PINs in Policy 9b). Should this be allowed, the Plan of Subdivision must be assessed based on the former Official Plan policies regarding conservation subdivisions. Below is a discussion of Policy 9 from the November 2013 iteration of the Official Plan.

Former Conservation Subdivision Policies

Policy 9 from the November 2013 iteration of the Official Plan stated:

9. *Conservation subdivisions are intended to reduce the footprint of residential development while at the same time conserving existing areas of the natural environment and open space, preserving rural character and enhancing ecological linkages and networks. To achieve these environmental goals the City may consider subdivisions with lots that are smaller than 0.8 ha, as required by Policy 8(c) above, and provided the following requirements are met:*
 - a. *The lots are part of a subdivision that contains a component of the natural heritage system or a feature of the landscape of the rural area, which is to be preserved and zoned accordingly;*
 - b. *The development has an average lot size of not less than 0.8 ha per dwelling unit when averaged over all of the land in the development, including the lot that contains the conservation feature;*
 - i. *The development satisfies the policies for country lot subdivisions except for policy 8c.*
 - c. *Where the conservation feature is part of the natural heritage system, an Environmental Impact Statement is required in accordance with Policy 2 above.*
 - d. *The City may require a management plan that identifies who is responsible for the ongoing maintenance of the conservation feature and ensures that mitigation measures are implemented. The City may secure such arrangements by an agreement, covenant or other similar mechanism.*

The proposed development is part of a larger community which includes a natural area and open space block jointly owned by the community; this area was determined through the first two phases of the development and does not require expansion or further investigation as part of Phase 3. Proposed lots comply with the average lot area of 0.8ha when the open space block and previously registered lots are included. The continued care and protection of the natural area and open space block is ensured in perpetuity through its joint ownership among all properties registered on title.

Policy 9a)(i) references Policy 8 of the same OP which discusses regarding country lot subdivisions; Policy 8 stated:

8. *Country lot subdivisions will be considered within the General Rural Area designation subject to the following criteria. The extent to which any of these apply will be determined through preconsultation with the applicant:*



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- a. *All development will conform with the requirements from Section 4 of this Plan, including, but not limited to, protection of vegetative cover, water and wastewater services, erosion prevention and so on;*
- b. *All development will be evaluated within the context of any existing subwatershed studies or groundwater studies approved by the City;*
- d. *Subdivisions may not impede the ability of Village and urban areas to expand over the planning period, and; may not be located within 1 kilometre of an approved urban and Village boundary;*
- e. *Subdivisions will not create conflicts with non-residential uses that need to locate in the rural area, and the proposed location of country lots will be evaluated relative to:*
 - i. *Agricultural operations and Agricultural Resource Area designations in the context of the Minimum Distance Separation guidelines,*
 - ii. *Mineral operations and Mineral Resource Area designations,*
 - iii. *Adjacent non-residential uses such as rural industrial subdivisions, whose expansion potential may be impeded by the presence of residential uses,*
 - iv. *Avoiding locations at existing or planned interchanges with Highways 7, 416 and 417 which will be better suited to non-residential uses in the long term;*
- f. *Subdivisions will develop where there is the least impact on municipal operations, and:*
 - i. *May not have direct access to an arterial road where there is the possibility of accessing a local road,*
 - ii. *May not locate where their construction will require the City to pave or upgrade an existing road,*
 - iii. *May not require the construction of a new public road on an unopened road allowance;*

All three phases of the Emerald Creek subdivision are located within the Shields Creek Subwatershed Study.

Phase 3 is over 1000m from the closest point of Greely's village boundary and will not impact future expansion of the village if warranted. The development will not impact or impede the operation of other rural or natural resource-related uses: the development will not impact any surrounding agricultural operations and is over 800m from the nearest Sand and Gravel Resource Area-designated lands. There are no lands designated Agricultural Resource Area in proximity to the development. A cluster of rural commercial-industrial uses along Albion Road is over 800m from the development and is more greatly impacted by several existing residential dwellings. The nine proposed lots will be located on a local street; modifications Albion Road at the intersection of Tullamore Street were made as part of the previous two development phases to support all three phases of the community.

Policy 12 of Section 3.7.2 of the current Official Plan states that development proposals within one kilometre of a village or urban boundary to ensure they do not adversely limit the settlement's potential expansion. Phase 3 is located over one kilometre from the closest point of Greely's village boundary.

Policy 14 states that all farm, or non-farm, development will comply with Minimum Distance Separation (MDS) formulae. The proposed development is 1000m from the nearest potential livestock facility.

The proposed development respects the intent of the General Rural Area designation to allow limited residential development in the rural area. Although the nine proposed lots will not be created by way of the severance process, they will respect the surrounding rural character, complete an existing community, not impact farm or natural resource activities, and are consistent with the other policies of Section 3.7.2-General Rural Area.



Review of Development Applications

Section 4.3- Transportation of the Official Plan (OP) supports development of integrated, safe, and efficient transportation systems which balance the needs of all road users.

Transportation impacts of the subdivision at full build-out were addressed as part of initial Draft Plan approval. Improvements to Albion Road- including dedicated left and right-run lanes onto Tullamore Street, were completed as part of earlier subdivision works. Under the City's transportation impact assessment guidelines, the addition of nine residential units to an existing subdivision would not warrant further investigation.

Section 4.4.2- Private Water and Wastewater Servicing of the OP states that, 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 (being MECP D-Series Guidelines) to sustainably support the development. Supporting information must also demonstrate that wastewater systems on new lots will not impact on new or existing wells.

Section 4.4.2.1- Subdivision provides the following four policies related to subdivisions proposed on private services (emphasis added):

1. *Where a plan of subdivision or condominium is proposed on private individual services, a servicing study of sufficient detail to establish evidence of site suitability will be required. The study must conform to the City's guidelines. An integrated hydrogeological and terrain analysis, report is required to confirm sustainability of the water supply and suitability of the terrain. This report will include an impact assessment of nitrates on the groundwater, to confirm sustainability of sewage disposal. The study will also be of sufficient magnitude to consider the impact of the proposal on the operation of existing wells and septic systems in the vicinity.*
2. *Applications for subdivisions on private individual services that exceed 40 lots will not be approved for registration unless it is broken into discreet phases of no more than 40 lots. In such cases, registration of the second and subsequent phases will be conditional upon the completion of a satisfactory servicing review study of wells and wastewater disposal systems in the previous phase or phases of the subdivision. The servicing review study will confirm whether continued development is appropriate and identify any additional requirements.*

Paterson Group prepared a Terrain Analysis and Hydrogeological Report (May 20, 2003, G8329-REP-03) for the Emerald Creek Estates Subdivision approved by the City as part of the Draft Plan approval process. Prior to registration of the first and second phase, Paterson prepared Servicing Review Studies assessing the performance of five test wells, existing surrounding wells, and wells and wastewater systems constructed as part of earlier subdivision phases in the following studies:

- *Servicing Review Study: Phase 1 Review* (Paterson, October 23, 2009, PH0968-REP.01)
- *Performance Review: Emerald Creek Estates: Phase 1 and 2 Review* (Paterson, August 29, 2018, PH3533-REP.01)

In addition, a Terrain Evaluation was completed by Houle Chevrier Engineering in April 2005 (04-402).



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Paterson has been in discussions with Rideau Valley Conservation Authority (RVCA) staff and have prepared a *Response to RVCA Review Comments Proposed Phase 3: Phased Subdivision* (Paterson, June 18, 2020, PH3781-MEMO.01) to address comments regarding the August 2018 study; they have also prepared an additional supplemental study- *Supplemental Hydrogeological Study: Phase 3* (Paterson, June 18, 2020, PH3781-REP.01) to support their memo.

Paterson's June study concludes that the site is considered suitable for development of the lots consistent with the two previous phases. Wastewater systems can consist of partially or fully raised Class 4 Septic Systems and an adequate water supply can be obtained with private water wells. The hydrogeological recommendations of the original and supplemental report ensure that the development takes place in an effective manner, with minimal impact on the environment.

3. *As a condition of approval, development on private wells must be supported by a satisfactory well inspection report in conjunction with the building permit process.*

Satisfactory well inspection reports will be provided as part of all future building permit processes.

4. *As a condition of approval of plan of subdivision, the developer will be required to dedicate a monitoring well, at no cost, to the City. The City will have unlimited access to this well to monitor groundwater conditions. Where the subdivision has a number of phases one monitoring well may be required for each phase of development. The City, at its discretion, may determine to not require a monitoring well where there are sufficient wells already provided to satisfy the City monitoring program.*

The two preceding subdivision phases include 80 lots (40 in each phase) and nearly as many private wells and wastewater systems (some lots have not yet been developed). Provision on a dedicated monitoring well is not warranted.

Section 4.7.6- Stormwater of the OP states that stormwater site management plans are required to support subdivision development. Stantec prepared a Stormwater Management Report in support of Draft Plan approval, and late completed detailed draining and stormwater management for all three phases of Emerald Creek. Due to the subdivision's unique history, detailed engineering for this phase was approved by the City.

Section 4.7.8- Environmental Impact Statement of the OP states that an environmental impact statement (EIS) 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.

A Tree Conservation Report and Environmental Impact Statement (TCR/EIS) was prepared by Muncaster Environmental Planning (September 10, 2019). The report states that the development area is dominated by disturbed cultural habitats, with a representation of deciduous forests in the rear of proposed lots and north and south of the site.

No butternut or other Species at Risk were observed on or adjacent to the site. Suitable habitat for these threatened species was also not observed in proximity to the site.



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The woodlands adjacent to the site are contiguous with larger forests extending north to Rideau Road and therefore meet the Natural Heritage Reference Manual (OMNR, 2010) size criterion for significant woodlands. The report provides a number of mitigation measures which, if properly implemented, will ensure that the development will not impact the significant features of the adjacent significant woodlands.

The EIS/TCR provides recommendations for construction and lot development including implementing the stormwater management design prepared by Stantec; minimizing areas of soil disturbance during construction; retention of existing vegetation and protection during construction, and; planting with locally-sourced native species.

Section 4.8.3- Unstable Soils or Bedrock states that all applications for plan of subdivision will be accompanied by a geotechnical study demonstrating that the site's soils are suitable for development. A Terrain Analysis was prepared by Houle Chevrier Engineering Ltd. in support of the original plan of subdivision application in 2005; the report concludes that the native sand, silty sand, and clay deposits are considered suitable for the support of residential structures on conventional spread footing foundations. The report makes a number of recommendations for the construction of roads, dwellings, garages, and septic systems to ensure their safe and sustainable operation on the site.

The site is not located within an area of unstable slopes, organic soils, or other constraints identified on Schedule K of the Official Plan.

Section 4.8.4 of the Official Plan requires applicants to document previous uses of a property subject to a development application to determine the potential for site contamination. Gemtec was retained to complete a Phase 2 Environmental Site Assessment and Supplementary Sampling (ESA) of the property; the assessment concludes that no additional investigation was warranted for any PCAs or APECs identified by the previous Phase 1 ESA. Slight cobalt exceedances were identified in shallow groundwater; this is identified as a natural occurrence in this area of the City and is unlikely to impact domestic wells which will access deeper aquifers.

Section 4.8.7- Environmental Noise Control states that Development proposals for new noise sensitive land uses will require a noise feasibility study in certain circumstances. The original development application included a Detailed Noise Study prepared by Stantec (2005) providing recommendations to mitigate any potential impacts of transportation noise from Albion Road; study recommendations were applicable to the first two phases only, with the third and final phase of the development being of sufficient distance from Albion Road, or other noise-generating uses, to not warrant further investigation.

Section 4.10- Greenspace Requirements of the OP notes that, as per the *Planning Act*, the City will require 5% of development area to be allocated as open space (for developments with a density less than 18units per hectare). Alternately the City make accept cash-in-lieu of parkland.

As noted in Section 1.0 of this rationale, Emerald Creek was designed as a conservation subdivision with large areas of open space and natural areas to be owned jointly between all 89 lots. These open space areas, in addition to the large residential lots proposed in this phase and provided in previous phases, will ensure residents have adequate parklands.



3.3 ZONING BY-LAW 2008-250

The entirety of the Emerald Creek subdivision was rezoned in 2004 shortly after Draft Plan approval was granted (City File No.: OZP2002-0024). As a result, Phase 3 is already zoned to permit rural residential uses on the proposed lots. The property is zoned Rural Residential- RR5[4241r]. The rural special exception [241r] states that 'environmental preserve and education area' is an additional permitted use, and revises a number of provisions of the RR5 zone:


- minimum lot area: 0.3ha
- maximum number of dwellings units permitted in the zone is 89 units
- minimum lot width: 30m
- minimum rear yard setback: 7m
- minimum interior side yard setback: 1.2m
- maximum lot coverage: no maximum

It is important to note bullet two, which states that the “maximum number of dwellings units permitted in the zone is 89 units”, demonstrating that the zoning was implemented with the express expectation that all 89 residential lots would be developed while retaining the jointly-owned open space and natural areas in perpetuity.

4.0 CONCLUSION

The nine proposed lots of the Plan of Subdivision is the third and final phase of the Emerald Creek community; registration of the final phase will the community's developer to transfer ownership of open space and natural areas into joint ownership between all 89 lots. The development is consistent with the PPS, conforms to the overarching policies of the Official Plan, and complies with the established zoning.

Respectfully submitted,



Eric A. Bays MCIP, RPP
Intermediate Planner

