

January 31, 2023

Mr. Michel Bellemare
Secretary-Treasurer
Committee of Adjustment
101 Centrepointe Drive, Fourth Floor
Ottawa, ON K2G 5K7

**RE: Application for Consent and Minor Variance
6151 First Line Road, Ottawa**

Dear Mr. Bellemare,

Fotenn Planning + Design ("Fotenn") has been retained by Green Valley Environmental Group to submit concurrent Consent and Minor Variance applications on their behalf for the property known municipally as 6151 First Line Road in the City of Ottawa ("the subject lands"). The subject lands are legally described as Part of Lot 13, Concession A (Broken Front) in the Geographic Township of North Gower, as in NG7769, Save and Except Part 1 on Plan 4R-24585.; City of Ottawa.

The purpose of the applications is to facilitate the severance of a lot for the purpose of a single detached rural residential dwelling.

Please find enclosed the following materials in support of the application:

- / A cover letter/report explaining the nature of the applications;
- / The consent application form;
- / A draft reference Plan prepared by Shipman Surveying Ltd.;
- / Parcel abstract confirming the names of all registered owners of the properties; and,
- / Minimum Distance Separation (MDS) Report.

Please contact the undersigned at saunders@fotenn.com or alain@fotenn.com with any questions or requests for additional materials.

Sincerely,



Evan Saunders, M.PL
Planner



Scott Alain, MCIP RPP
Senior Planner

Committee of Adjustment
Received | Reçu le
Revised | Modifié le : 2023-02-07
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Subject Lands and Surrounding Area

Fotenn Planning + Design (“Fotenn”) has been retained by Green Valley Environmental Group to prepare this cover letter in support of a Consent and Minor Variance applications for the property known municipally as 6151 First Line Road.

The purpose of the Consent application is to sever a portion of the subject lands to facilitate the future development of a single-detached dwelling on the severed lands. The severed lands, as shown in Figure 3, represent a portion of the lands utilized for agricultural cropland, along with the northerly parcel fronting on First Line Road. The centre of the lot is subject to a Sand and Gravel Resource Overlay however the aggregate license has been surrendered to the Ministry of Natural Resources and Forestry and it is therefore no longer in operation. The portion furthest northeast is currently vacant.

The purpose of the Minor Variance application, concurrent to the Consent application, is to seek relief from Zoning By-law Section 67(1)(a) which relates to restrictions on development permissions within 150 metres of the ME2 – Mineral Extraction Zone, Subzone 2. The applicable ME2 zoning relates to the historic aggregate nature of this portion of the property holding. Given that the resource is depleted, and the aggregate license is surrendered, the ME2 zoning is no longer aligned with the current and future use of these lands, and accordingly the impacts that S.67(1)(a) is intended to protect for are no longer applicable.

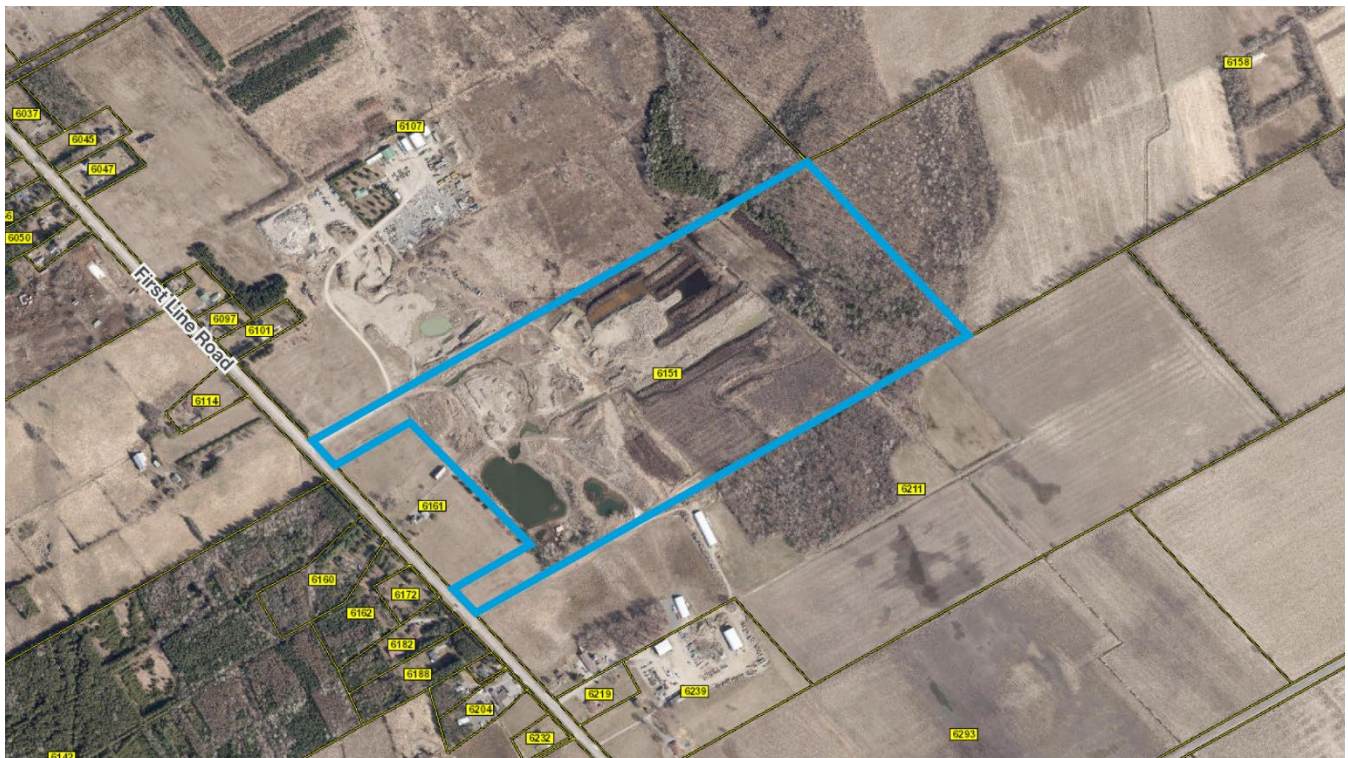


Figure 1: Subject Lands (outlined in blue).

1.1 Overview of Subject Lands

The subject lands, which are legally described as Part of Lot 13, Concession A (Broken Front) in the Geographic Township of North Gower, as in NG7769, save and except Part 1 on Plan 4R-24585 in the City of Ottawa have a total area of approximately 36.18 hectares. The property is currently split between agricultural uses on the two extremities fronting on First Line Road, vacant land at the rear of the property, and includes former mineral extraction uses in the centre of the lot. As will be discussed in a later section, the zoning on the lands reflects the various current and historic uses on the site. The

sand and gravel pit use on the property is currently not operational and it is therefore classified as a decommissioned pit. A signed revocation of the extraction license is provided alongside and in support of this application.

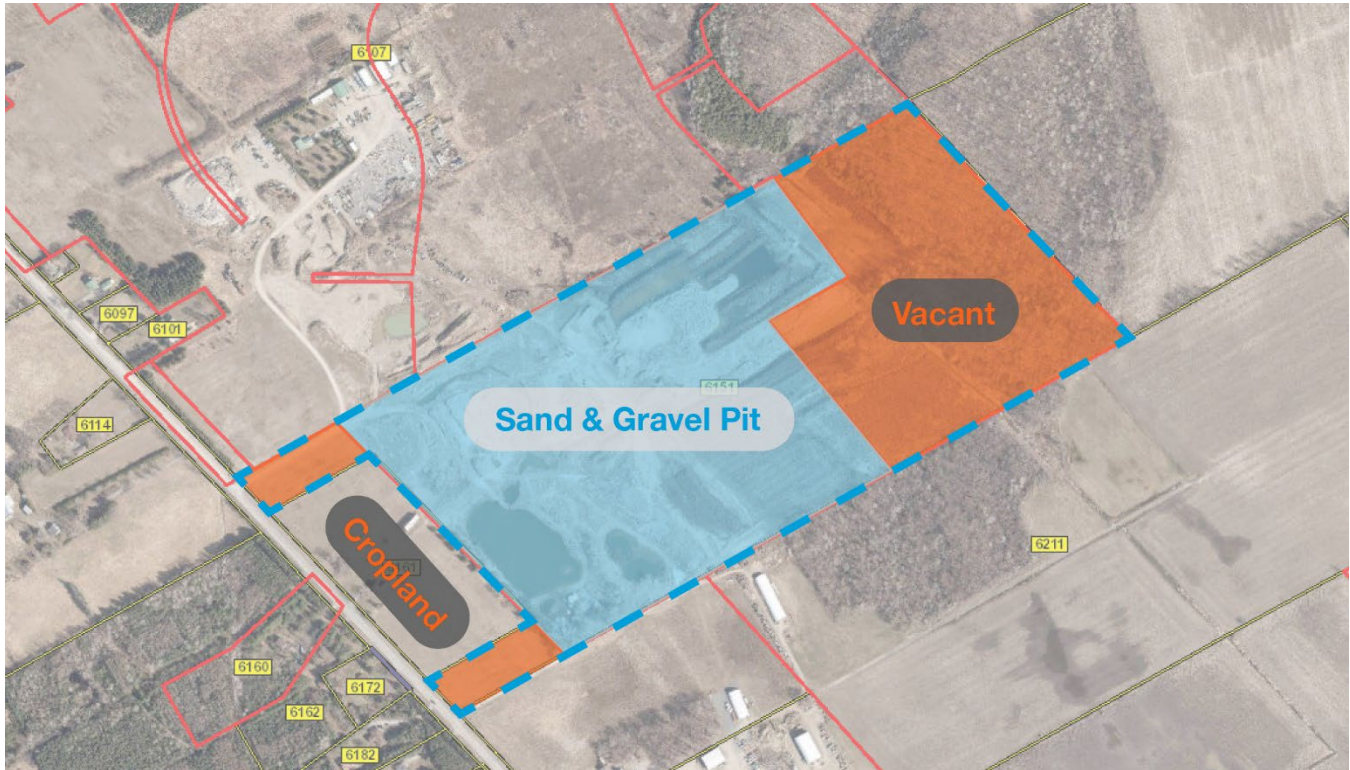


Figure 2: Existing land uses on the subject lands. The orange areas represent the lands zoned RU, and the blue area represents the land zoned ME2.

The details pertaining to the proposed severed and retained portions of the subject lands are described below and illustrated in Figures 3 and 4:

Table 1: Proposed retained and severed parcel descriptions.

	Retained	Severed
Parcel Description	Part of Lot 13, Concession A (Broken Front), as in NG7769, save and except Part 1 on Plan 4R-24585 Geographic Township of North Gower, City of Ottawa	Part 2 on Plan 4R-24585, Part of Lot 13, Concession A (Broken Front), as in NG7769, save and except Part 1 on Plan 4R-24585 Geographic Township of North Gower, City of Ottawa
Parcel Frontage	60.00 metres	58.67 metres
Parcel Depth	1,005.97 metres	161.38 metres
Parcel Area	35.264 hectares	0.916 hectares

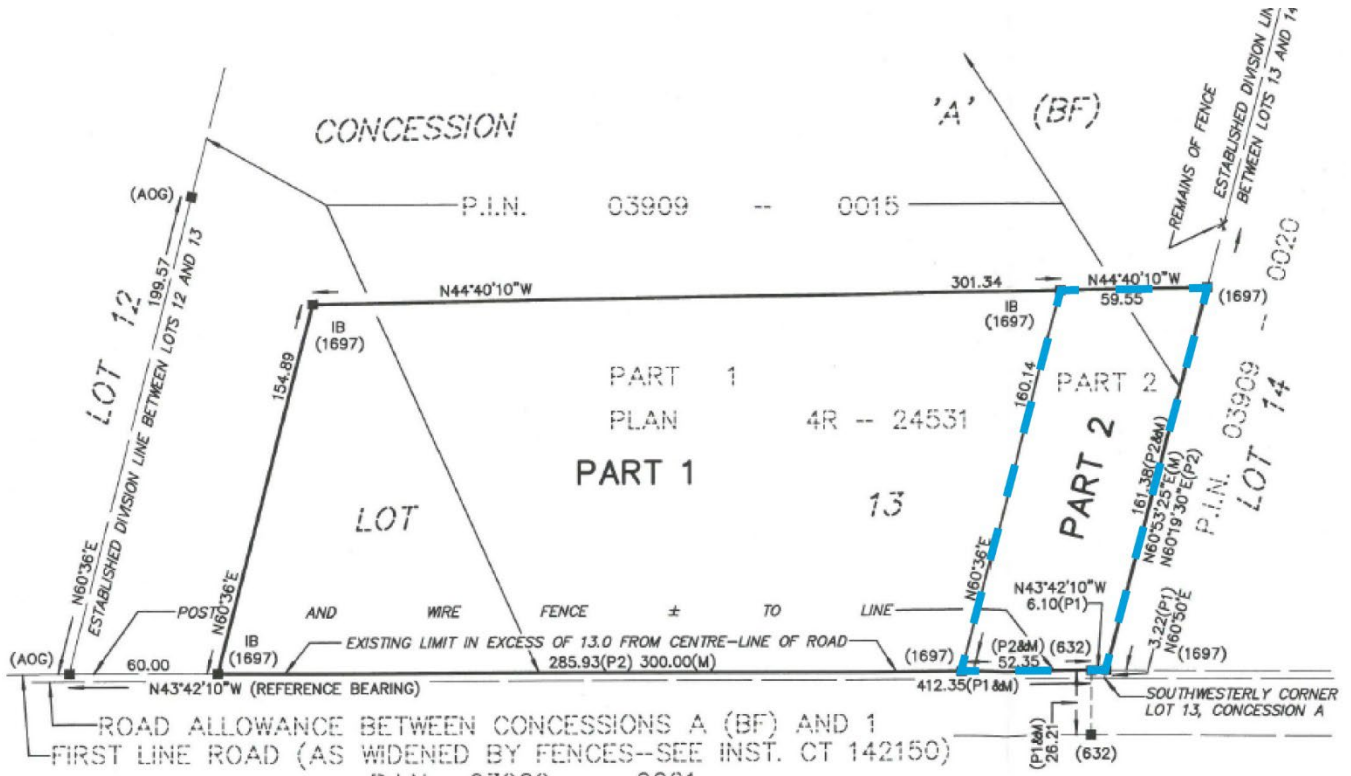


Figure 3: Plan of Survey 4R-24585, displaying proposed severed lands as "Part 2".



Figure 4: Graphic displaying the proposed severance, indicating the retained and severed lands.

1.2 Surrounding Context

The subject lands are located in the North Gower – Kars rural neighbourhood in the City of Ottawa; bordered by Provincial Highway 416 to the west and the Rideau River to the east. The area surrounding the subject lands is characterized by rural development patterns and land uses, more specifically, rural agricultural and vacant lands, as well as severed rural residential lots fronting onto concession roads.

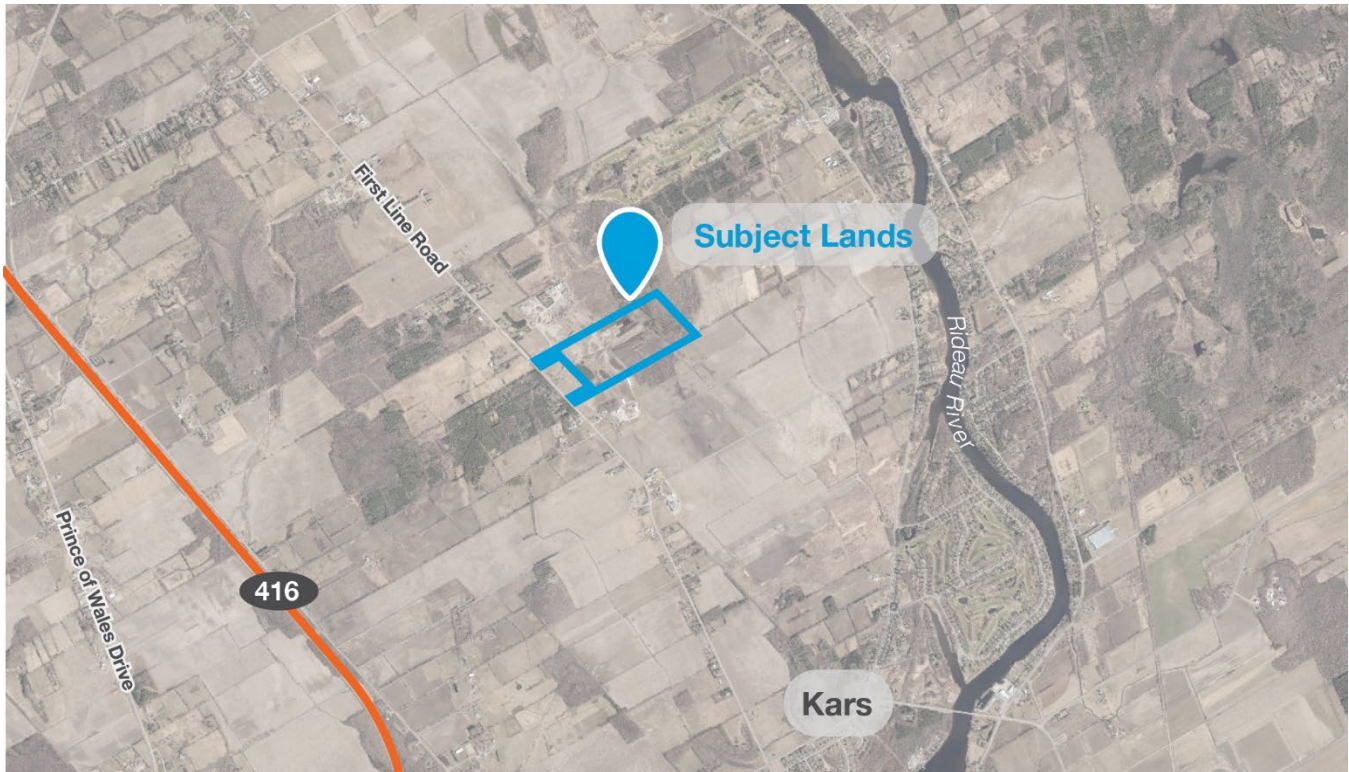


Figure 5: Aerial image displaying the context surrounding the subject lands.

North: The area to the north of the subject lands, bound by Rideau Valley Drive, is characterized by rural woodland areas, agricultural croplands, and the Rideau View Golf Club. Beyond Rideau Valley Drive are individual properties and collections of residential development abutting the Rideau River waterway.

East: East of the subject lands are various agricultural croplands, extending towards the Rideau River and the residential uses fronting onto the waterway. The Carleton Golf and Yacht Club is located to the southeast and is surrounded by a residential neighbourhood.

South: Immediately south of the subject lands are severed residential lots fronting onto First Line Road, as well as rural commercial, livestock and crop operations, including a beef farm across the street. Further south, the village of Kars is located at the intersection of Stevens Creek and the Rideau River.

West: The area to the west of the subject lands is characterized by residential properties fronting onto First Line Road and heavily wooded areas to their rear, as well as agricultural cropland and pastureland. The area is bound to the west by the north-south running Highway 416 corridor.

2.0 Policy and Regulatory Context

2.1 Provincial Policy Statement

The Provincial Planning Statement (PPS), which came into effect on May 1, 2020, is a policy document issued under the Planning Act which provides direction on matters of provincial interest related to land use planning and development. All municipal development policies, documents and decisions must be consistent with the PPS, read as a whole. The PPS recognizes that “land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns”.

The PPS states that Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Further, the PPS identifies the importance of rural areas for the economic success of the province and notes that it is important to “to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy” (s. 1.1.4). Healthy, integrated and viable rural areas should be supported by (s. 1.1.4.1):

- (a) building upon rural character, and leveraging rural amenities and assets;
- (b) promoting regeneration, including the redevelopment of brownfield sites;
- (c) accommodating an appropriate range and mix of housing in rural settlement areas;
- (d) encouraging the conservation and redevelopment of existing rural housing stock on rural lands;
- (e) using rural infrastructure and public service facilities efficiently;
- (f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
- (g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
- (h) conserving biodiversity and considering the ecological benefits provided by nature; and,
- (i) providing opportunities for economic activities in prime agricultural areas, in accordance with policy 2.3.

The rural policies of Section 1.1.5 (Rural Lands in Municipalities) state that on rural lands located in municipalities, permitted uses include limited residential development that is compatible with the rural landscape and can be sustained by rural service levels. Further, new land uses, including the creation of lots, shall comply with the minimum distance separation (MDS) formulae.

Section 2.3 of the PPS identifies the importance of protecting prime agricultural areas for long-term agriculture use by identifying the most valuable agricultural lands, specialty crop areas, which are given the highest priority for protection. Further, planning authorities are to designate prime agricultural areas and specialty crop areas in accordance with provincial guidelines.

Section 2.5 outlines strategies to protect both the availability and operation of mineral aggregate extraction, as well as protecting adjacent uses from the impacts of these uses. The PPS delineates in section 2.5.2.4 and 2.5.2.5 that extraction areas that have ceased operations limits *Planning Act* application on adjacent lands only in cases where there is a known deposit of mineral aggregate resources.

The Consent application represents an opportunity to create one new lot for rural residential development consistent with the policies above. The proposed Consent will create a parcel with a buildable area that will minimize disturbances to natural heritage features and that complies with the MDS formulae. The subject property is also not located on prime

agricultural lands. The concurrent Minor Variance application applies to the lands adjacent to the mineral aggregate extraction area, but do not limit the expansion of the operation, nor are they located on any known deposits of mineral resources.

2.2 City of Ottawa Official Plan (2022)

The Official Plan for the City of Ottawa was approved November 4, 2022. The Plan provides a framework for the way that the City will develop until 2046 when it is expected that the City's population will surpass 1.4 million people. The Official Plan directs how the city will accommodate this growth over time and set out the policies to guide the development and growth of the City.

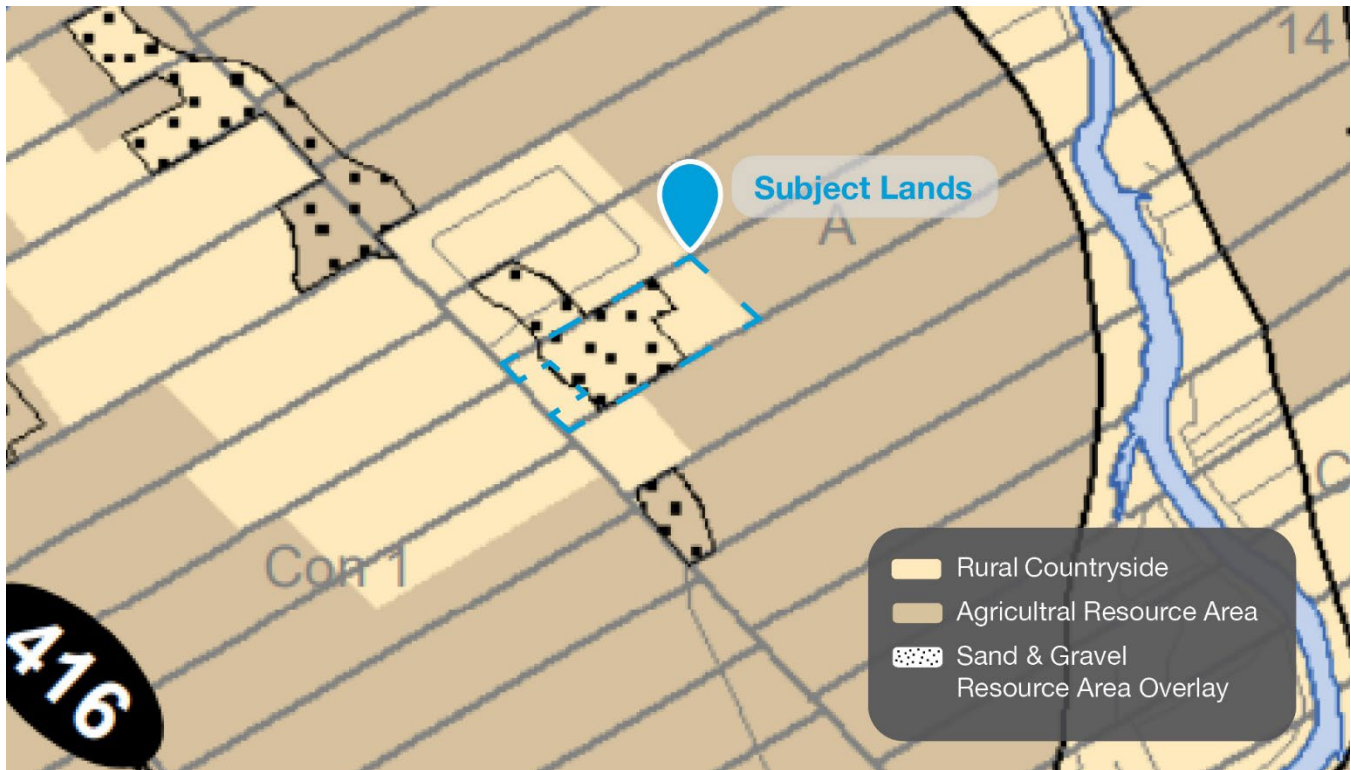


Figure 6: Schedule B9 - Rural Transect.

2.2.1 Transect and Land Use Designation

Schedule A of the Official Plan divides the City into six (6) concentric policy areas called Transects. Each Transect represents a different gradation in the type and evolution of built environment and planned function of the lands within it, from most urban (the Downtown Core) to least urban (Rural).

The subject lands are located in the Rural Transect of the Official Plan, which makes up the largest geographic area of the City. The rural transect policy area provides for a range of residential, commercial, industrial, and agricultural uses across the wide range of environments. The transect policies aim to recognize and reinforce the rural pattern of development, protect sensitive environmental conditions, and support economic development across the region.

The subject lands are designated as a Rural Countryside, with portions also having the Sand and Gravel Resource Area Overlay, as per Schedule B9 of the Official Plan (Figure 6). The Rural Countryside designation is reserved for lands with low potential for high-intensity agricultural uses outside of villages. The policies of this designation aim to protect and enhance the rural character of the region, while encouraging and promoting economic and residential growth, where appropriate.

The Rural Countryside designation permits a range of residential and commercial uses, characteristic of the rural pattern of development, encouraging context-sensitive growth while limiting the unnecessary fragmentation of rural lands.

Policy 9.2.2.1(c) indicates that residential uses are permitted on the subject lands.

The specific policies relating to the subdivision of rural lands (9.2.3) permit the creation of lots for residential use, provided the following applicable conditions are met:

- / a) A maximum of two lots can be created from any lot in existence on May 14, 2003;
The proposed consent application seeks to create one (1) new lot and retain one (1) lot. A parcel abstract is enclosed confirming the property history.
- / b) The retained lands shall have a minimum of 10 hectares unless the lot is within a historical settlement;
The area of the retained lands is 35.264 hectares.
- / c) The severed lot shall be a minimum of 0.8 hectares and may be required to be larger to ensure it can be adequately serviced in a way that will not adversely affect the quality and quantity of groundwater or safe operation of wastewater systems on adjacent lots:
The proposed severed lot has an area of 0.916 hectares.
 - i) The development is supported by adequate water quality and quantity;
To be demonstrated as part of a future building permit process for any forthcoming residential development.
- / d) The lot has frontage on a public road and shall not access a provincial highway. Where the lot has frontage on an arterial road and a collector or local road, the proposed lot shall not be accessed from the arterial road;
Both the severed and retained lots have a sole frontage on First Line Road.
- / e) The lot(s) shall observe required setbacks from, and not impact the lands identified for mineral aggregates and shall meet policies related to mineral extraction reserves and operations;
The mineral aggregate operation on the retained lot is no longer operational and has surrendered its license. The concurrent Minor Variance application for the severed lot addresses the zoning provisions related to setbacks from mineral aggregate operations (Section 67).
- / g) Where a lot that is outside of a historical settlement area, limited residential infill is permitted and the following conditions apply:
 - i) The proposed lot(s) have frontage on an open and maintained public road; and,
The proposed lot has frontage on First Line Road.
 - ii) The proposed lot(s) are opposite a lot containing a dwelling where its front yard is on the same road; and,
The proposed lot is opposite lots with front yards that front on First Line Road.
 - iii) The proposed lot(s) are vacant lot(s) between two existing dwellings with front yards on the same side of the road, and are situated not more than 250 metres apart; and,
The proposed lot is between two existing dwellings (6161 First Line Road & 6211 First Line Road) with yards fronting on First Line Road, no further than 250 metres apart.
 - iv) The proposed and retained lot(s), should be of a similar size to the existing surrounding lots, and shall not be less than 0.8 hectares; and,
The proposed lot is of a similar size to the surrounding rural residential lots (0.916 ha), and the retained lot is a similar size to the existing large agricultural and mineral extraction lots in the area.
 - v) The proposed lot(s) shall be adequately serviced without adversely impacting existing private services on adjacent lots; and,
The proposed lot will be privately serviced and will not impact the private services on adjacent lots.

- vi) No more than two lots will be created from any lot in existence on 13 May 2003, and no further severances will be permitted from a severed lot;

This consent application seeks to create one (1) new lot and retain one (1) lot. A parcel abstract is enclosed confirming the property history.

- / h) All development on the lot shall be restricted to areas away from mature vegetation or natural features, and a development agreement may be required as a condition of severance to ensure the protection of these natural features; and,

There are no identified mature vegetation or natural features on the proposed lots.

- / i) Confirmation of sufficient reserve sewage system capacity and/or reserve water system capacity within the municipal water and/or sewage services, or private communal water and/or sewage services.

The proposed lot will be serviced by private well and septic systems.

2.2.2 Aggregate Overlays

The Official Plan also provides guidance as it relates to the Sand and Gravel Resource Area Overlay, and Aggregate Overlays as a whole. The Official Plan policies aim to protect these areas holding valuable non-renewable mineral aggregates, as well as the existing operations. These uses are integral to the economic prosperity of Ottawa's rural areas, as well as the entire region. The subject lands are partially designated with the overlay (see Figure 6), but the policies apply broadly to the areas designated as well as to the adjacent lands as reflected in the Official Plan.

Policy 5.6.3.2.3 states that new development shall not be approved within 500 metres of lands within the Bedrock Resource Area Overlay, or within 300 metres of lands within the Sand and Gravel Resource Area Overlay, unless it can be demonstrated that such development shall not conflict with future mineral aggregate extraction. Conflicting land uses are new sensitive land uses that interfere with mineral aggregate extraction, including but not limited to:

- / a) **The creation of new lots;**
- / b) Rezoning to permit dwellings or lodging places (motels, campgrounds, nursing homes, etc.); and,
- / c) Small-scale business uses where animals, equipment or employees may be adversely affected by pit or quarry activities.

The enclosed letter confirms the surrendering of the aggregate license for these lands, demonstrating that no impacts on new sensitive land uses are possible from the portion of the lands currently zoned ME2 – Mineral Extraction, Subzone 2.

The City of Ottawa's Official Plan outlines the general strategies for growth and development across the region, detailing specific policies for both urban and rural areas. The Plan highlights key features related to rural development, including land fragmentation, mineral extraction, and minimum distance separations. This review examined the policies as they apply to the proposed consent and minor variance on the subject lands. The policies of the Official Plan were shown to be supportive of the proposed severance of the subject lands, with the application meeting all the required conditions for the creation of a new lot in a rural area, including compliance with the Province's Minimum Distance Separation.

The Official Plan also outlines the role of mineral aggregate extraction operations and the policies regarding encroachment and development surrounding these lands. Specifically relating to the proposed Minor Variance of this application, policy 5.6.3.2.3 which limits new developments in close proximity to Sand and Gravel Resource Area Overlays, including the creation of new lots. The proposed residential use on the severed lot meets the requirements for the new development to not impact the extraction operations, seeing as the extraction site is no longer operational.

2.3 City of Ottawa Comprehensive Zoning By-law

2.3.1 Part 13 – Rural Zones – Section 227

The subject property is split-zoned RU – Rural Countryside and ME2 – Mineral Extraction, Subzone 2 (see Figure 7). The parcel is zoned RU at the front and rear of the property. At the front of the lot, the zoning is limited to the two parcel extremities fronting onto First Line and bordering the bound property, 6161 First Line Road, on either side. The ME2 zone is limited to the former sand and gravel pit located in the centre of the lot, defined by the outlines of the specific zoning. The remaining area at the rear of the property outside the bounds of the ME2 zone are zoned RU.

Table 2: City of Ottawa Zoning By-law - Table 227 - RU Zone provisions.

Zoning Mechanism	Provision	Proposed
a) Minimum lot width (m)	50 metres	52.35 metres
b) Minimum lot area (ha)	0.8 hectares	0.916 hectares
c) Minimum front yard setback (m)	10 metres	N/A*
d) Minimum corner yard setback (m)		N/A*
e) Minimum rear yard setback (m)		N/A*
f) Minimum interior yard setback (m)	5 metres	N/A*
g) Maximum height (m) – principal building	12 metres	N/A*
h) Maximum lot coverage (%)	20%	N/A*
i) Minimum Distance Separation	As per Part 2, Section 62	See findings below

* New construction is not yet proposed as part of this application, but will be required to conform to the applicable zoning requirements.

Table 3: City of Ottawa Zoning By-law - Table 213 – ME Zone provisions.

Zoning Mechanism	Provision	Proposed
a) Minimum lot width (m)	30 metres	417.09 metres
b) Minimum lot area (ha)	10 hectares	35.264 hectares
c) Maximum gross floor area (m ²)	Not applicable	N/A
c) Maximum front yard setback (m)	30 metres	N/A
d) Minimum rear yard setback (m)	15 metres	N/A
e) Minimum interior side yard setback (m)	15 metres	N/A
f) Minimum corner side yard setback (m)	30 metres	N/A
g) Maximum height (m)	15 metres	N/A

h) Minimum width of landscape area along all lot lines (m)	15 metres	N/A
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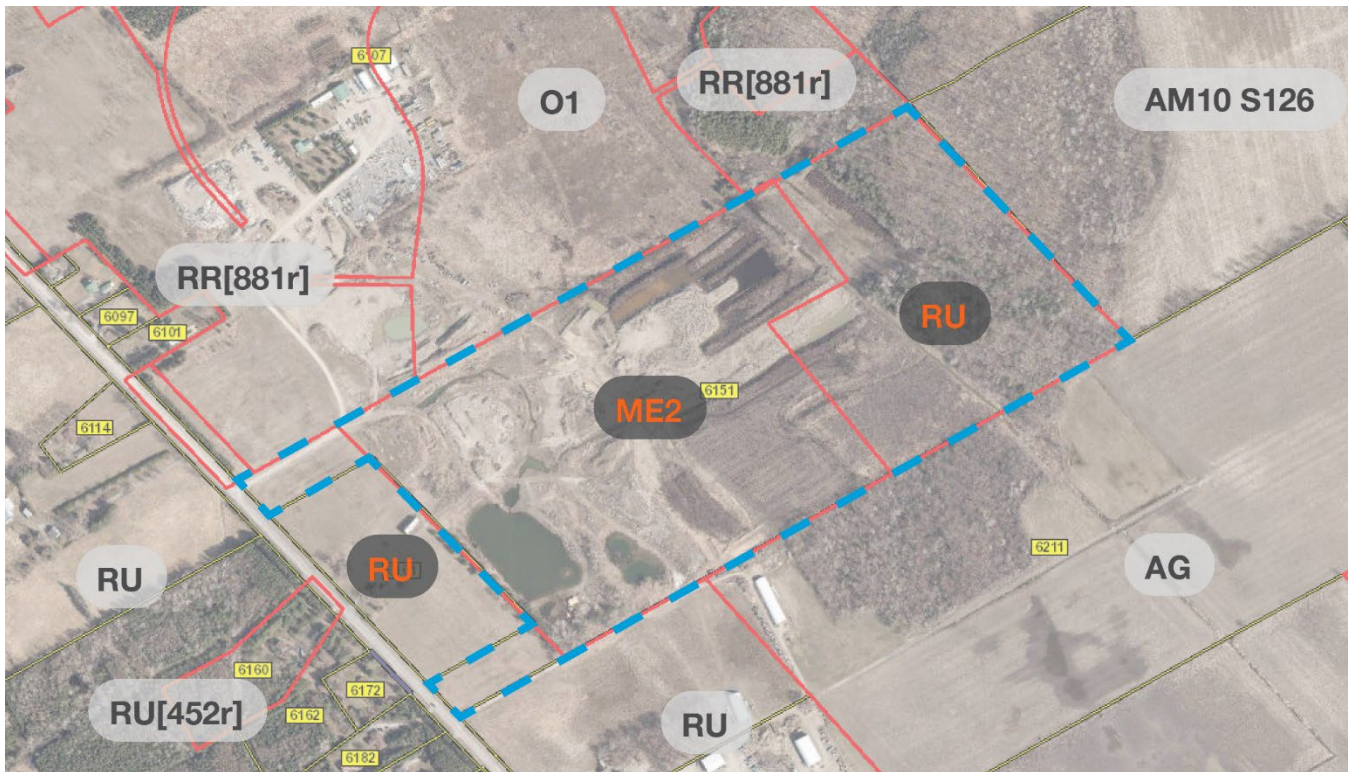


Figure 7: Map displaying the zoning on the subject lands (outlined in blue) (GeoOttawa).

The proposed consent on the subject property complies with the minimum lot dimensions and requirements, capable of supporting the development of a single-detached dwelling. Aside from Section 67 – Residential use building setback from mineral aggregate zones, the application complies with all applicable Zoning By-law provisions. The Minor Variance application will address the requested relief from Section 67 provided that the residential use will have no significant impact on the mineral extraction operations, and that mineral extraction site is no longer in operation adjacent to the severed lands.

2.3.2 Part 2 – General Provisions – Section 62 – Minimum Distance Separations

The Zoning By-law requires any new developments in proximity to existing livestock operations to comply with the Provincial minimum distance separation ('MDS') formulae. MDS requirements are assessed further below.

2.3.3 Part 2 – General Provisions – Section 67 – Residential use building setbacks from mineral aggregate zones

The Zoning By-law restricts the construction of any new residential dwellings closer than 150 metres to an ME2 – Mineral Extraction Pit, Subzone 2. This application seeks relief from this provision of the By-law and is the basis of the Minor Variance application. The area of the subject lands zoned ME2 is no longer in use as a mineral extraction pit and is officially decommissioned, but the existing zoning on the site requires a minor variance in order to permit a residential use on the proposed severed lands, remaining in-line with the purpose of the Zoning By-law.

The By-law is also specific in defining its intent, as the policy reads:

- / 2) The purpose of these setbacks is to help ensure that new dwelling units are not located in close proximity to an existing or future noise or vibration-generating use such as a mineral extraction operation.

2.4 Minimum Distance Separation (MDS I)

Section 62 of the Zoning By-law and the Provincial Policy Statement (2020) mandate that any lot creation consider and comply with the *Minimum Distance Separation Formulae*, as defined by the Province of Ontario's *Minimum Distance Separation Document* (2016).

Fotenn Planning + Design conducted a Minimum Distance Separation (MDS) Study, which evaluated the required separation distance from existing barns within the required investigation radius.

The MDS study applies the March 2017 MDS formulae as provided in Publication 853, *The Minimum Distance Separation (MDS) Document: Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks* issued by the Ministry of Agriculture, Food, and Rural Affairs (OMAFRA). Publication 853 includes the definitions, implementation guidelines and factor tables (i.e., calculations), which collectively make up the MDS formulae referenced in the Provincial Policy Statement, as well as the additional information to assist with the interpretation and application of the MDS formulae. The factor tables or calculations are conducted using the AgriSuite software supplied by OMAFRA, while the definitions and guidelines provide the necessary direction to interpret and apply the calculations.

Publication 853 provides two classes of MDS formulae: MDS I and MDS II. MDS I applies the setbacks between proposed new development and existing livestock facilities. MDS II applies to setbacks from new, enlarged, or renovated livestock facilities and existing or approved development. The proposal seeks to create a new residential lot to permit the development of a residential dwelling, and is therefore subject to MDS I.

Requirements for when an MDS study is required are outlined in Implementation Guideline (IG) #2, such as when there is a proposed lot creation, and per the instructions outlined further in IG #8 and #9.

IG #8 requires an MDS I setback where lot creation is proposed, and IG #9 relates to lot creation for a residence surplus to a farming operation, which is not relevant to the subject property or proposal. IG #8 also outlines the situations when an MDS I would not be required, including for a *severed or retained lot for an existing non-agricultural use* and for a *severed or retained lot for agricultural uses*. This distinction excludes the retained lot from the MDS I evaluation.

Given that the proposed severance would result in fewer than four residential lots, it is therefore classified as a Type A land use for MDS purposes. Type A land uses are considered "less sensitive" while Type B land uses are considered "more sensitive" per Publication 853. As described in IG #6, Type A land uses require a 750-metre investigation radius.

Based on a review of aerial photography, two (2) potential livestock and manure facilities were identified within the 750-metre distance from the subject lands. The barn and yard on 6222 First Line Road and the non-operational barn and yard on 6114/6122 First Line Road were identified in the search surrounding the subject lands, and a subsequent MDS study was completed.

Address	Livestock	Manure Storage	MDS Building + Storage Base Distance	Actual Distance from Livestock Barn
6222 First Line Road	Beef – 70 head (Feeders, Yard/Barn)	Outside - Barnyard	157 metres	260 metres
6114/6122 First Line Road	None	None	N/A	N/A

Per IG #41, the actual distance is calculated based on the following factor:

- / For a new lot with an area < 1 hectare and an existing house, it would be to the lot line
- / For a new lot with an area > 1 hectare and an existing house, it would be to the house
- / For a new lot with an area < 1 hectare and no existing house, it would be to the lot line; and,
- / For a new lot with an area > 1 hectare and no existing house, it would be to the edge of the 0.5 hectare or larger building envelope.

The proposed severed lot has an area of less than 1 hectare with no existing house on the property, so the third guideline would apply.

The MDS report for the proposed severance indicated that, given the existing conditions on the adjacent farmland and the characteristics of the subject lands, the required setbacks from the surrounding farmland are as follows:

- / The required setback from the livestock barn on 6222 First Line Road is 157 metres, and the actual distance to the livestock barn is 260 metres; and,
- / There is no required setback from the livestock barn on 6114/6122 First Line Road.

The results from the MDS report concluded that the proposed severance complies with the applicable MDS I setbacks.

A full MDS report completed with the AgriSuite software has been submitted as part of the subject application. The dataset informing this study and subsequent report were gathered through communications between the owner of the subject lands and the farmers of the adjacent lots under analysis.

3.0 Ontario Planning Act – Consents

3.1 Legislative Authority

Section 53(1) of the Ontario Planning Act pertains to Consents and Plans of Subdivision. It states that an owner:

“may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this subsection, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality.”

Section 53(12) of the Planning Act notes that when determining if a consent is to be given, a council or the Minister:

“shall have regard to the matters under subsection 51(24) and has the same powers as the approval authority has under subsection 51(25) with respect to the approval of a plan of subdivision and subsections 51(26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent”.

3.2 Consent Criteria

Section 51(24) of the Planning Act sets forth the criteria for considering Plans of Subdivision with regards to the “health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality.” A response to each of the criteria from Section 51(24) is provided below.

“In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,”

- a) The effect of development of the proposed subdivision on matters of provincial interest (as referred to in section 2)
The proposed Consent conforms to the goals and policies of provincial interest and complies with the necessary Minimum Distance Separations, as required by the Provincial Policy Statement.
- b) Whether the proposed subdivision is premature or in the public interest
The proposed Consent would ensure suitable development capabilities on both the severed and retained lots. Currently, the subject lands are irregularly shaped and non-conducive to efficient development, therefore the proposed consent creates two separate lots capable of positively contributing to and supporting development consistent with the rural character of the area.
- c) Whether the plan conforms to the official plan and adjacent plans of subdivision, if any
The proposed Consent conforms to the policies of the City of Ottawa Official Plan, specifically, the Rural Transect and Rural Countryside designation policies, as they are applicable to the subject lands. This application aligns with the policies guiding rural severances, maintaining the rural character of the area, minimizing excessive subdivisions of land, and ensuring both retained and severed lots are capable of supporting appropriate development.
- d) The suitability of the land for the purposes for which it is to be subdivided
The subject lands are irregularly shaped, limiting the capacity for alternative uses on the property. The zoning on the lands is also conducive to the proposed Consent as the application seeks to sever the lot along a consistent edge in relation to adjacent properties and along the boundary of two zones.
 - d.1) If any affordable housing units are being proposed, the suitability of the proposed units for affordable housing

This application is not considering any proposed development on the subject lands at the time of this application.

- e) The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them
The subject lands are accessed via First Line Road, which is identified as a Collector road in Schedule C9 – Rural Road Network in the City of Ottawa’s Official Plan (2022). Collector roads are identified as principal streets in urban and rural settings providing connectivity for resident, commercial, transit, school bus, and cycling road users. The proposed Consent provides adequate road access to both retained and severed lands.
- f) The dimensions and shapes of the proposed lots
The proposed Consent creates a rectangular lot with road frontage as well as an irregular, large lot with road access and frontage with the majority of the lands setback behind an existing parcel (6161 First Line Road). The proposed Consent has regard to the resultant parcel sizes and dimensions, creating a rectangular lot from an irregular, split double-frontage lot (the subject lands), maintaining a consistent lot depth with the adjacent property.
- g) The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structure proposed to be erected on it and the restrictions, if any, on adjoining land
No restrictions are anticipated as part of this Consent application.
- h) Conservation of natural resources and flood control
Portions of the subject lands are already preserved for natural resources through the Sand and Gravel Resource Area Overlay, reflecting a previously operating condition that has now lapsed. The subject lands are not within a designated flood plain. Accordingly, no undue impacts are forecast.
- i) The adequacy of utilities and municipal services
The subject lands will be privately serviced.
- j) The adequacy of school sites
It is expected that the availability of schools in Manotick and Kars are capable of serving the future potential residents of the proposed retained and severed lands, given the minor potential scope of increase in students arising from this severance.
- k) The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes
No lands are proposed to be dedicated for public uses.
- l) The extent to which the plan’s design optimizes the available supply, means of supplying, efficient use and conservation of energy
Future development on the lands will be subject to the energy usage directives outlined in Provincial legislation and the Ontario Building Code in order to receive a building permit.
- m) The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2)

It is not anticipated that future development on this property would be of a scale or typology that would trigger the need for Site Plan Control. If Site Plan Control was triggered, the applicant would be subject to adhering to such application requirements.

4.0

Four Tests of the Planning Act

Section 45 (1) of the Planning Act (R.S.O. 1990, c. P.13) outlines four tests for determining the suitability of a proposed minor variance. If all four tests are met, the Committee of Adjustment is authorized to grant a variance.

The variance being sought relates to Section 67 of the Zoning By-law and is outlined in further detail below:

- / *Despite any other provisions to the contrary, in the AG, EP3, and RU zones no new building consisting of a dwelling, dwelling units or rooming units may be constructed any closer than:*
 - a) 150 metres to an ME2 or ME3 - Mineral Extraction Pit Only subzones, or an MR - Mineral Aggregate Reserve zone boundary.

Should the concurrent Consent application be approved, the severed lot is expected to be developed with a residential dwelling in the future. In order to permit this use, a Minor Variance is being sought to receive relief from Section 67 of the Zoning By-law to permit the construction of a detached residential dwelling within 150 metres of lands zoned ME2 – Mineral Extraction, Subzone 2.

The Sand and Gravel Mineral Resource Area Overlay, as identified by the City of Ottawa Official Plan, applies to a large portion of the proposed retained lot as an area with natural resource attributes. The owner has confirmed that the lands are no longer in use as an extraction pit and the license has been surrendered. The purpose of the Zoning By-law seeks to minimize the impacts from uses incompatible with natural resource extraction, specifically residential dwellings. Given that the extraction operation is no longer licensed, the risks associated with a potentially incompatible use are negated, fulfilling the purpose of the By-law.

The evaluation criteria are explored below:

1) The variance is minor in nature.

The proposed variance serves to facilitate the creation of a lot capable of supporting development to the fullest extent permissible by the existing zoning on the site, while maintaining the broader intent of the Zoning By-law, specifically Section 67 as it relates to the proximity of a residential dwelling to a mineral extraction site. The variance is minor in nature as it seeks only to recognize the decommissioned nature of the pit and allow, as intended by the By-law, development on the severed lot as per the existing RU zoning on the property.

2) The variance is considered desirable for the development and use of the property.

The proposed variance enables development on the subject lands to the capacity of the existing zoning, while maintaining the purpose of the zoning provisions of Section 67. The proposed applications will permit the creation of a quadrilateral lot, capable of supporting the development permitted and planned for through the Rural Countryside Zone on the non-prime agricultural subject lands.

3) The variance maintains the general intent and purpose of the Zoning By-law.

The proposed variance seeks to maintain the purpose of the Zoning By-law by recognizing the decommissioned nature of the mineral extraction site on the subject lands, therefore eliminating any future risks or impacts from noise and vibration-generating uses in proximity to residential uses, as delineated by Section 67(2). Permitting a detached dwelling on the subject lands is not impacted by the lands zoned ME2 as is intended by the By-law, thus, the general intent of the Zoning By-law is maintained.

4) The variance maintains the general intent and purpose of the Official Plan.

The Official Plan designates the subject lands Rural Countryside with a portion of the lands under the Sand and Gravel Aggregate Area Overlay. The proposed variance conforms to all applicable policies guiding rural lot creation outside of villages and permits the suitable subdivision and development of rural lands, as planned, without conflicting with the future extraction of aggregates from the area zoned for such purposes on the subject lands.

5.0 Conclusion

In our professional opinion, the Consent and Minor Variance applications represent good planning and meet the applicable evaluation criteria established in Sections 45, 51 and 53 of the Planning Act. The application therefore upholds sound land use planning principles and is in the public interest.

Please contact the undersigned at saunders@fotenn.com and alain@fotenn.com with any questions or requests for additional material.

Sincerely,



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