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August 4, 2023

Committee of Adjustment
City of Ottawa
101 CentrepoinTE Drive
Nepean, ON K2G 5K7

**RE: Applications for Consent
1380 Howie Road
Part of Lot 13, Concession 7
Geographic Township of Huntley
City of Ottawa
Owners: Lois Carroll and Tom Carroll**

Committee of Adjustment
Received | Reçu le

2023-08-15

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Dear Committee Members,

ZanderPlan Inc. has been retained by the property owners to assist with two Severance Applications for the property located at 1380 Howie Road, described as Part of Lot 13, Concession 7, in the Geographic Township of Huntley. The property is somewhat rectangular in shape and resides within the rural area of Ottawa. The property owners are looking to sever two parcels on the East and West side of the property, with one of the severances requiring an extension of Bearhill Road in order to have adequate frontage. The second severance proposed is located off of Howie Road and would include the existing house, leaving the retained lands with approximately 65.3 hectares to conserve the existing wetlands and organic soils, while still leaving adequate space for future development. The subject property resides within the Rural Countryside land use designation of the Official Plan and is also zoned Rural Countryside (RU) and located within Area D in the City of Ottawa Zoning By-Law. The proposed severance sizes adhere to the policies and provisions in place for the Rural Countryside in the City of Ottawa.

SITE LOCATION

The subject property is located off the main intersection of County Road 49 and Howie Road with a civic address of 1380 Howie Road, at Part of Lot 13, Concession 7 in the former municipality of Huntley (Figure 1). The lot is approximately 795,102 sq.m. and currently contains a dwelling setback 137 metres from Howie Road located in the southwest portion of the lot. The depth of the lot is approximately 1,040 metres with the identified non-evaluated wetlands and organic soils located throughout the middle of the subject property leaving each end of the property and proposed severances clear for future building envelopes. Proposed severance 1 falls within close proximity to a Mineral Extraction zone, but maintains enough depth to allow for a buildable area outside of the required 150 metre setback to a ME2 zone. Proposed severance 1 will also require

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the extension of Bearhill Road in order for the new lot to maintain adequate frontage. Bearhill Road currently ends along the Northern property line of the subject lands where it then leads into a road allowance between concessions, allowing for easy access and extension of the road to the proposed severance.

Proposed severance 2 will fully encompass the existing dwelling on the property and fronts onto Howie Road with a frontage of 257m. Adequate setbacks from the existing dwelling to the proposed lot lines are maintained while continuing to retain adequate developable land to the North West for future development on the retained lands. Surrounding properties to the South and West consist of smaller rural residential properties, with Mineral Extraction sites located to the East and West of the property along Howie Road and South East of Bearhill Road, along with a waste disposal site located to the West side of the subject property. A smaller subdivision is located to the North, abutting the subject property and the waste disposal site. Location and proximity of the existing residential subdivision indicates that the surrounding ME2 zones and waste disposal area will not cause any adverse effects or compatibility issues to the proposed severances for residential use.

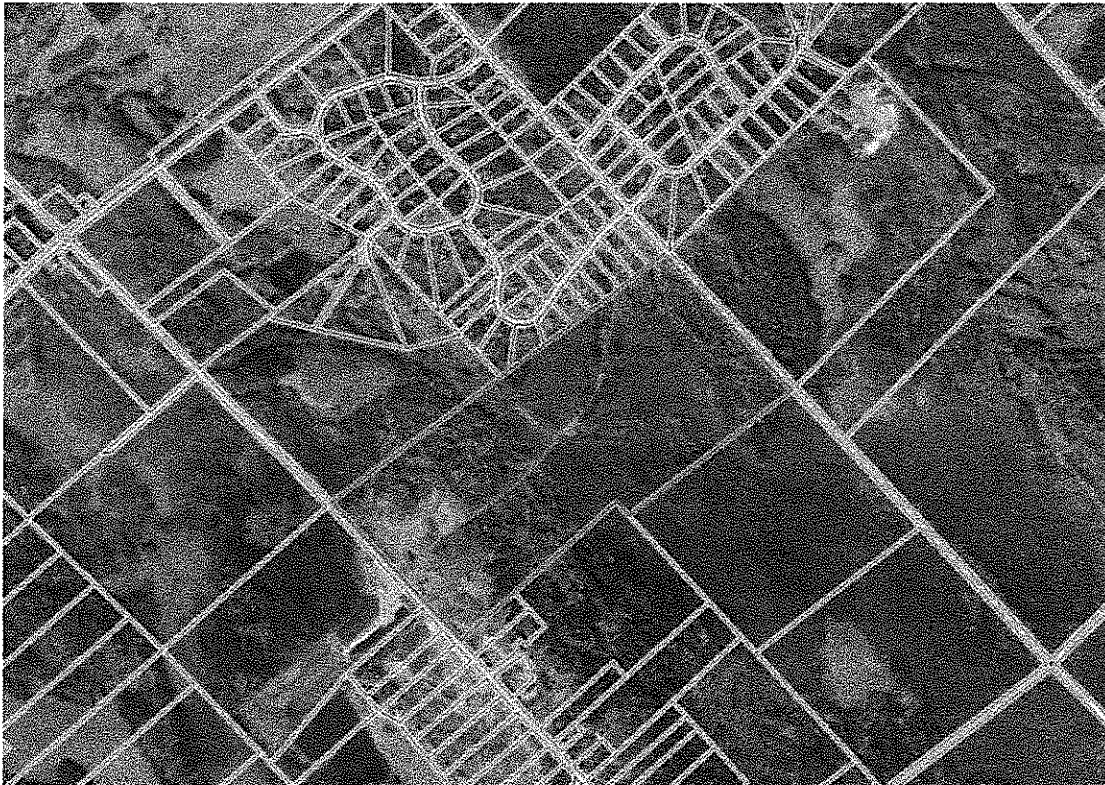


Figure 1. Aerial of Subject Property

PROVINCIAL POLICY STATEMENT, 2020

The Provincial Policy Statement (PPS) 2020 was issued under Section 3 of the *Planning Act* and came into effect May 1, 2020, replacing the Provincial Policy Statement issued April 30, 2014. The PPS provides policy direction on matters of Provincial interest relating to land use planning while providing for appropriate development that protects resources of provincial interest, public health and safety and the quality of the natural and built environment.

Section 1.0 speaks to efficient land use and development patterns to support sustainability through the promotion of strong, liveable, healthy and resilient communities. The subject land adheres to this policy as the proposed severances will add two new lots creating an increase in value to the lands and to the community while maintaining compatibility with the surrounding area. The lots will contribute to the supply of housing and will be appropriately serviced with private services. Adequate separation from nearby land uses has been demonstrated through the supporting studies and reports described later in this report.

Section 1.1. speaks to managing and directing land use in order to achieve efficient and resilient development. The site is located within a Rural area with the proposed severances offering opportunities for additional lots for potential development within the rural communities. This will aid in housing opportunities while supporting and promoting the sustainability of these smaller rural communities without affecting settlement area boundaries or the surrounding environment.

Section 1.1.4 speaks to the importance of leveraging rural assets and amenities and protecting the environment as a foundation for a sustainable economy. The subject property currently maintains an existing dwelling located in the South West corner of the lot. The first proposed severance is located on the opposite side of the existing dwelling to the North, requiring frontage to Bearhill Road, continuing to build upon the rural character along Bearhill Road. The second severance will encompass the existing dwelling leaving the retained lands with 353.5 metres of frontage along Howie Road. The second proposed severance is larger than the existing surrounding residential lots, but is consistent with the larger rural properties creating opportunities to accommodate a range and mix of housing opportunities. The proposed severances will utilize a total of 141,889 sq.m of the subject property, leaving the remaining 653,213 sq.m to conserve the identified non-evaluated wetlands, organic soils and watercourses while also leaving enough open space for future development/ uses. The size of the proposed severances will adhere to the provisions of the Rural Countryside designation and zoning and will not affect the rural character. The EIS completed to support the applications concludes that the

two severances can occur without having a negative impact on the natural heritage features and functions of the area.

Section 1.2.6 speaks to Land Use Compatibility, noting that *“Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects”*. The proposed severances and future development of the lots does not meet the definition of a major facility as defined the Provincial Policy Statement and there are not any adverse effects expected from contaminant discharges, noise, odour, or other public health risks from creation of the two lots for future dwelling purposes. Due to the located of the nearby aggregate operations, a Noise Control Study was performed deeming the anticipated noise levels at both proposed property locations to be acceptable and requiring no addition noise mitigation measures. A former waste disposal site is located northwest of the subject property. Paterson Group conducted an Environmental Site Assessment Phase 1, which does recommend the completion of a Phase 2 study; this can be addressed as a condition of severance approval.

Section 1.6 speaks to infrastructure and public service facilities. The first proposed severance and retained lands will require new private individual wells and septic systems, as there are no municipal services in this rural part of the City; the lands included in severance 2 are already developed with a residential dwelling on private services. Each lot is large enough to ensure the proper spacing and setbacks is in place for any future development and implementation of private services. A hydrogeological and terrain analysis report has been completed and is submitted as an attachment to the application.

Section 2.1 of the PPS speaks to Natural Heritage. The subject site is located in a rural residential area with identified natural heritage features found on the subject property. As demonstrated in the completed Environmental Impact Study for the site, the proposed severances will be located outside of these areas in order to protect and conserve the biodiversity found within these areas, and no negative impacts on natural heritage features and functions are anticipated.

Section 2.2 speaks to Water, with no significant water resources identified on the subject property. A small watercourse/ditch runs through the subject property but will not be affected by the proposed severances, as noted in the EIS report. The subject properties will be serviced by private wells, which have been evaluated through the Hydrogeology Study included with this submission.

Section 2.3 speaks to Agriculture, with no identified agricultural resources identified on or surrounding the subject property. **Section 2.4** speaks to Minerals and Petroleum, with no identified resources found on the subject property.

Section 2.5 speaks to Mineral Aggregate Resources. Mineral Extraction zones (ME2) are located on the East and West sides of the subject property. The existing dwelling (Severance 2) has not been affected by the nearby mineral extraction site, and no new development will result from the creation of Severance 21. Severance 1 maintains enough depth to accommodate the 150 metre setback which is required around an ME2 zone. A Mineral Resource Impact Assessment was performed indicating that the spacing between the existing extraction areas and the proposed severance is sufficient to avoid adverse effects on either the residential or the mineral extraction area. Fifteen metres of vegetation is suggested to aid in visual buffers from the residential area to the resource area. The full report is submitted as an attachment of the application.

Section 2.6 speaks to Cultural Heritage and Archaeology. Given that the existing lot is somewhat developed and has been disturbed, it is unlikely to contain resources of archaeological or cultural significance. No significant features have been identified on or within proximity to the site that would require an archaeological or cultural heritage assessment.

Section 3.0 of the PPS speaks to Protecting Public Health and Safety with policies related to natural and man-made hazards. The subject site does not contain any identified natural hazards or known man-made hazards and there have been no documented sources of contamination on the property.

Overall, the proposed severances are consistent with the policies in the 2020 Provincial Policy Statement.

CITY OF OTTAWA OFFICIAL PLAN, 2022

The Official Plan sets forth broad policies that will help govern growth and change in Ottawa, as well as specific policies dependent upon land use designations. Schedule B9 of the Official Plan identifies the land designation for the subject property as Rural Countryside within a Natural Heritage System Linkage Area as seen on Schedule C11-A.

Section 4.8.1 of the Plan speaks to the Natural Heritage System and features within it which are subject to a higher standard of protection as identified on schedule C11-A, and recognizes the following as part of the natural heritage features within the overlay as:

- a) Significant wetlands;
- b) Habitat for endangered and threatened species;
- c) Significant woodlands;
- d) Significant valleylands
- e) Significant wildlife habitat;
- f) Areas of Natural and Scientific Interest;
- g) Urban Natural Features;
- h) Natural Environment Areas;
- i) Natural linkage features and corridors;
- j) Groundwater features;
- k) Surface water features, including fish habitat; and
- l) Landform features.

The intent of the Natural Heritage System is to protect the natural features identified on the subject property and to limit development which could impact these features. The City strives to take a “no net loss” approach with respect to evaluated wetlands. Although the wetlands identified on the lot are non-evaluated wetlands, the system linkage area identified on Schedule C11 indicates the need to protect and preserve these areas in order to improve the long term integrity and connectivity of the system. The proposed severances are situated outside of these areas for this purpose, with the intention of any future development to be outside of these areas with adequate setbacks to continue preservation and connectivity. The completed EIS evaluated the natural heritage features and functions of the site and concluded that these could be adequately protected and no negative impacts are anticipated from the proposed development.

Section 9.2 speaks to the Rural Countryside designation with the general intent to create opportunities and accommodate a variety of land uses appropriate for the rural location, predominately protecting the character of the rural countryside. The proposed severances would help create a more diverse range of uses by adding additional residential opportunities within the rural countryside while maintaining the rural character.

Section 9.2.2 lists the uses permitted within the Rural Countryside that the City feels will help strengthen the rural economy as:

- a) Forestry, conservation and natural resource management activities;
- b) Agriculture, agriculture-related and on-farm diversified uses;
- c) Residential uses according to the policies of this plan;
- d) Animal services boarding, breeding and training and equestrian establishments;
- e) Bed and breakfasts;
- f) Utility Installations;
- g) Cemeteries; and
- h) Sand and gravel pits.

The purpose of the proposed severances is intended to create two severed lots for residential purposes, a permitted use within the City of Ottawa's Official Plan, while leaving the retained available for future development options.

Section 9.2.3 sets forth additional policies to limit the fragmentation of rural lands and to ensure the preservation of health by limiting lot creation to only two lots with a minimum lot size of 0.8 hectares from any lot in existence on May 14, 2003, and allowing a minimum of 10 hectares on the retained lot. The proposed lot sizes are above the minimum requirements of 0.8, and the retained parcel is comprised of a total of 65.3 hectares. Each lot will maintain adequate frontage onto the future extension of Bearhill Road and existing network of Howie Road, both public roads, and will ensure setbacks are in place so as to not disrupt any natural features or resources identified on and surrounding the property.

Section 10.1.4 speaks to natural hazards specifically unstable soils or bedrock such as organic soils. No development is proposed within the identified organic soils on site eliminating any possible natural hazards. A geotechnical investigation has been completed to assess the soil and groundwater conditions on the site, and includes recommendations to be considered for future development.

Section 10.1.7 speaks to waste disposal sites, and there is a former waste disposal site to the West of the subject property. Surrounding areas falling within 3 kilometres of a waste disposal site are considered to be within the influence area, which requires a notice on title in addition to demonstrating that the disposal site shall not have any unacceptable adverse effects on proposed development or risk to human health and safety. The proposed severances are outside the 30 metre setback of the licensed perimeter of the disposal site, where no development is proposed on the actual waste disposal site itself. Ultimately the waste disposal site is not anticipated to have any effects or impacts to the proposed severances and future development of the subject property.

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Section 10.1.10 speaks to abandoned mineral and mineral aggregate mining operations. There are 2 identified mineral extraction sites surrounding the subject property. At this time, they are not abandoned as both are actively licensed sites. A Mineral Resource Impact Assessment has been performed to ensure the operating capacity of both extraction sites will not have any adverse effects on the proposed severances and future development of the site or to the possible expansion of the extraction areas. Additionally, each severance is able to maintain buildable area outside of the 150 metres if the identified extraction sites.

Overall, the proposed severances meet the intent of and are supported by the policies found within the City of Ottawa Official Plan.

CITY OF OTTAWA ZONING BY-LAW, 2008-250

The Zoning By-Law sets forth specific policies that will help govern growth and change in Ottawa dependent upon specific land designations. The subject property falls within the Rural Countryside (RU) zone in By-law 2008-250.

Part 2 of the Zoning By-law speaks to General Provisions that are applied to all land designations in the City of Ottawa. **Section 56** of the Zoning By-Law speaks to adequate urban, suburban and rural services to ensure that any expansion or intensification of land can accommodate the required services. The two proposed severances are outside of the municipal service area of Ottawa, and therefore will require private individual well and waste water services which are compatible with the proposed parcel size. Severance 2 is already developed with a residential dwelling and a private well and septic system. A Hydrogeological and Terrain Analysis has been performed to ensure the required resources are available on site for private individual services, and will be discussed later in this report.

Section 62 speaks to Minimum Distance Separation. Due to the proximity of the subject site falling within a rural area with the potential for surrounding livestock facilities, setbacks to nearby livestock facilities must be considered. A possible livestock facility is identified at 1250 Howie Road; however, due to the already developed nature of proposed Severance 2, the livestock facility shall not affect the proposed severance as no new land use conflict is being introduced. Any future development of the retained lands will ensure adequate distance from the potential livestock building.

Section 67 speaks to residential building setbacks from a mineral aggregate zone. Abutting lands to the east are zoned ME2 requiring a 150 metre setback. The proposed severance 1 falls within

the 150 metre setback, but is of an appropriate size and shape to accommodate a buildable area outside of the 150 metre setback. Further, the ME2 property is owned by the same property owners, and there is a future intention to reduce the aggregate license on the abutting property.

Part 13 Section 213 speaks to Mineral Extraction zones. The purpose of the zone is “to permit licensed mineral extraction operations in areas mainly designated as Sand and Gravel Resource Area or Limestone Resource Area in the Official Plan and to allow a limited range of permitted uses which are related to or compatible with mineral extraction operations, as well as interim uses that would not sterilize the potential of future mineral extraction operation on the lands within the ME zones; and lastly to impose regulations to minimize the impact of mineral extraction operations on the surrounding area”. A Mineral Resource Impact Assessment has been completed to assess the potential for impacts between the proposed severed lots and the mineral aggregate sites. The report concludes that the proposed severances will not cause any conflict with the surrounding Mineral Extraction zones and the intent of the By-law as there is adequate distance provided between the proposed severances and Mineral Extraction zone.

Part 13 speaks to Rural Countryside (RU) Zone. The purpose of the zone is “to accommodate agricultural, forestry, country residential lots created by severance and other land uses characteristic of Ottawa’s countryside, in areas designated as General Rural Area, Rural Natural Features and Greenbelt Rural in the Official Plan. To recognize and permit this range of rural based land uses which often have large lot or distance separation requirements and to regulate various types of development in manners that ensure compatibility”. The proposed severances will not cause any conflict with the intent of the By-law and the proposed severed and retained lots will comply with the provisions set forth in the Rural Countryside Zone.

Section 227 outlines the permitted uses within the Rural Countryside as follows:

- A.the provisions of subsection 227(2) to (5);
- B.a maximum of 10 guest bedrooms is permitted in a bed and breakfast
- C.a maximum of 10 persons are permitted in a group home,
- D.a maximum of 10 persons are permitted in a retirement home, converted

agricultural use, see Part 2, Section 62

agriculture-related use, see Part 3, Section 79B (By-law 2021-222)

animal care establishment

animal hospital

artist studio

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bed and breakfast, *see Part 5, Section 121*

Cannabis Production Facility, limited to outdoor and greenhouse cultivation. (By-law 2019-222)

cemetery

detached dwelling

equestrian establishment

environmental preserve and educational area

forestry operation

group home, *see Part 5, Section 125*

home-based business, *see Part 5, Sections 127 and 128*

home-based day care, *see Part 5, Section 129*

kennel, *see Part 3, Section 84*

on-farm diversified use, *see Part 3, Section 79A (By-law 2019-41) (By-law 2021-222)*

retirement home, converted, *see Part 5, Section 122*

secondary dwelling unit, *see Part 5, Section 133*

The proposed severances comply with the permitted uses and zone provisions of the Rural Countryside zone. Proposed Severance 1 is intended for future residential development while Severance 2 will encompass the existing dwelling and associated private servicing. The retained lands will remain as is for additional future development.

The required zoning provisions for the Rural Countryside Zone (RU) are as follows:

Provisions	Required	Severance 1	Severance 2	Retained
Minimum Lot Width	50m	107m	257m	353.5m
Minimum Lot Area	0.8ha	2ha	12.1ha	65.3ha

The proposed severances and retained lot comply with the Rural Countryside Zone provisions set forth within the City of Ottawa Zoning By-Law.

ENVIRONMENTAL NOISE CONTROL STUDY

An Environmental Noise Control Study was performed for the proposed residential development located at 1380 Howie Road and at the North East corner of the site. The Study was prepared by

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Paterson Group on August 31, 2022 to address the proximity to the Leonard Killeen Pit and 40995 Sand and Gravel Pit. The stationary noise sources include sources or facilities that are fixed or mobile and can cause a combination of sound and vibrations levels that extend past the property line. The two identified pits are the only sources of fixed noise within the 300 m proximity of the proposed development. The analysis considered the proposed lot layout and approximate dwelling alignments with no sound mitigation measures in place. Both analyzed noise levels were considered acceptable, requiring no additional mitigations to be implemented aside from the possible provision to include the use of a central air conditioner to ensure windows will not need to be opened in summer months. In addition, a warning clause on the deeds of sale of the potential dwellings is suggested for future buyers. The full report and assessment details can be observed in the attached report submitted along with the application.

MINERAL RESOURCE IMPACT ASSESSMENT

A Mineral Resource Impact Assessment was prepared by Paterson Group on August 31, 2022 to evaluate the potential for land use impacts relating to land use compatibility between the proposed development and the adjacent mineral aggregate resource sites currently and potentially in operation. Based on the analysis, the surrounding natural features and road networks demonstrate that it is not possible for either aggregate operation to expand in the general direction of the proposed severances. Traffic, dust, vibration, and groundwater were analyzed and the report concludes that the implications for potential homeowners would be "minor to non-existent". The location of the dwellings set back at least 100 metres plus vegetative buffers will eliminate visual impacts as well, concluding there is no foreseen adverse effects on either land use. Further, the report concludes that the proposed development will not impede future extraction from the aggregate sites. The full report and assessment details can be observed in the attached report submitted along with the application.

HYDROGEOLOGICAL AND TERRAIN ANALYSIS REPORT

Paterson Group completed a Hydrogeological and Terrain Analysis Report to determine the suitability of the water supply aquifer to service the proposed lot severances. In order to determine the adequacy of the aquifer a drilled well located at the north west corner of the subject site was tested. An 8 hour pumping test was performed where the pumping rate was periodically measured using the timed volume correlation method. After the 8 hours, recovery data was collected, noting to achieve 95% recovery within 30 seconds. The newer well in the Southeast corner was also reviewed, but not tested as this would have been performed at the time of installation. Water samples were also taken at the time of the field inspection for lab

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analysis. A Terrain analysis was also performed through 12 test pits to delineate the subsurface soil conditions, where soil morphology and depth to the groundwater table were recorded. Based off theoretical dwelling designs and data collected, a class 4 sewage system with a fully raised absorption trench style leaching bed may be installed for the proposed single family dwelling. The report concludes that the results of the terrain analysis and water quality and quantity have provided satisfactory evidence that the subject site can support the proposed severance. The full report and assessment details can be observed in the attached report submitted along with the application.

ENVIRONMENTAL IMPACT STUDY

An Environmental Impact Study (EIS) was completed by Muncaster Environmental Planning dated July 7, 2023. The assessment evaluated the natural heritage features and functions on the site, noting that no Provincially Significant Wetlands are mapped on or within 120 metres of the subject property. Woodlands, Significant Wildlife Habitat and Species at Risk habitat were also evaluated during the field work completed in the summer of 2022. The report concludes that no wetland habitat is present on either of the severed lots, and recommended building areas are included for severance 1 and the retained lands. A number of mitigation measures are included in the report and can be implemented through a development agreement as a condition of severance approval. Overall, impacts to the natural heritage features and functions on the site are not anticipated to result from the proposed development. The complete report is included in this submission.

PRELIMINARY GEOTECHNICAL INVESTIGATION

A Preliminary Geotechnical Investigation was completed by Paterson Group in June of 2021. The intent of the study was to assess the subsoil and groundwater conditions on the site, and provide preliminary geotechnical recommendations that would inform future development. A series of test pits and associated sampling were completed across the site, with observations taken to evaluate groundwater conditions. Soils were lab-tested for analytical purposes. The report concludes that the site is generally suitable for development, and makes specific recommendations related to topsoil and bedrock removal and fill placement. While the report concludes that the site can support future development, future assessment is recommended when specific development plans are in place. The complete report is included in this submission.

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PHASE 1 ENVIRONMENTAL SITE ASSESSMENT

Paterson Group was retained to complete a Phase 1 ESA, due to the proximity of the subject lands to a former landfill site nearby. The study included a review of historical activity and mapping on the subject property and on abutting lands. The study does identify several Potentially Contaminating Activities and recommends the completion of a Phase 2 ESA; this study can be completed as a condition of draft plan approval. The lands included in severance 2 are already developed with an existing residence; it is the owner's intent to re-zone the retained lands to an appropriate rural commercial/industrial zone, which can exclude any future sensitive land uses.

SUMMARY

The owners are seeking two severances from the property known as 1380 Howie Road; severance 1 will be a vacant lot for future residential development, while severance 2 will include the existing dwelling and associated private servicing. The retained lands will maintain 353.5 metres of frontage on Howie Road with a total lot size of 653,213 sq.m, conserving the identified Natural Heritage System Linkage Area located through the middle of the lot. The proposed severances are consistent with the policies in the 2020 Provincial Policy Statement, and meet the intent of the policies in the City of Ottawa's Official Plan, and will comply with the Zoning By-Law requirements of the Rural Countryside (RU) zone for the intended uses of the 2 new lots.

Should you require any additional information please do not hesitate to contact the undersigned.

All respectfully submitted by:



Tracy Zander, M.Pl, MCIP, RPP