



August 28, 2023

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

**RE: Applications for Consent
4446 Stonecrest Road
Part of Lot 17, Concession 1
Geographic Township of Torbolton
City of Ottawa
Owner: Krishen Matharu**

Committee of Adjustment
Received | Reçu le
2023-08-31
City of Ottawa | Ville d'Ottawa
Comité de dérogation

Dear Committee Members,

ZanderPlan Inc. has been retained by the property owner to assist with two Severance Applications for the property located at 4446 Stonecrest Road, described as Part of Lot 17, Concession 1, in the Geographic Township of Torbolton. The property is rectangular in shape and resides within the rural area of Ottawa. The property owner is looking to sever two parcels on the South East of the property, fronting to Stonecrest Road. The proposed severances are located to the South of the existing housing leaving 64.3m from the house to the proposed side property line. The retained lot will full encompass the existing house, outbuilding and hydro poles consisting of 10 hectares. Severance 1 is proposed to have a frontage of 70m and an area of 1.72 ha while Severance 2 will have 8.7 ha with 87.9m of frontage. The subject property resides within the Rural Countryside land use designation within a Natural Heritage System Linkage Area of the Official Plan and is also zoned Rural Countryside (RU) 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 Kilmaurs Side Road and Stonecrest Road with a civic address of 4446 Stonecrest Road, at Part of Lot 17, Concession 1 in the former Township of Torbolton (Figure 1). The lot is approximately 204,456 sq.m and currently contains a dwelling with an outbuilding setback approximately 180 metres from Stonecrest Road located in the North West portion of the lot. The depth of the lot is approximately 663.9m and maintains a total of approximately 309 metres of frontage. There is a watercourse along the rear portion of the property and is within a Natural Heritage Linkage Area of Ottawa. A 30 metre buffer area along the watercourse in addition to the required Minimum Distance Separation from surrounding livestock buildings has been applied, indicating an adequate buildable area of 35,382m² for Severance 2 and 5,239m² for Severance 1. Surrounding properties to the North

and East consist of medium to large rural residential properties, where smaller rural residential lots are located across the street to the South and West. Due to the rural area, possible livestock buildings have been identified and MDS calculations have been performed to ensure compatibility and appropriate separation distances, with buildable areas shown on each of the severed lots.



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 new lots creating an increase in value to the lands and to the community while maintaining compatibility with its surrounding area.

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 two additional lots for potential development within the rural community. 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 North West of the lot. The severances are located on the opposite side of the existing dwelling to the East fronting on to Stonecrest Road, continuing to build upon the rural residential character. The proposed severances are similar in shape to the existing surrounding rural residential lots continuing to maintain a consistent and cohesive mix of small to large residential properties. The proposed severances will utilize a total of 104,383 sq.m of the subject property, leaving the remaining 100,073 sq.m to contain the existing dwelling and identified natural features. The size of each proposed severance adheres to the provisions of the Rural Countryside designation and zoning and will not affect the rural character.

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 future development of the proposed lot does not meet the definition of a major facility as defined by the Provincial Policy Statement and shall not present any adverse effects from contaminant discharges, noise, odour, or other public health risks from creation of the two lots for future dwelling purposes. There are no other surrounding uses falling within the major facilities classification surrounding the subject property that would result in a conflict with the proposed development.

Section 1.6 speaks to infrastructure and public service facilities. The proposed severances will require private individual wells and septic systems, as there are no municipal services in this rural part of the City. The proposed lots are large enough to ensure the proper spacing and setbacks are in place for any future development and implementation of private services.

Section 2.1 of the PPS speaks to Natural Heritage. The subject site is located in a rural residential area within a Natural Heritage Linkage Area of Ottawa, encompassing the whole subject property and surrounding properties. An Environmental Impact Study was performed and concluded that the proposed severances and buildable area will have no negative impacts to the identified natural heritage area. A summary of the report can be found below in addition to the full report as part of the application.

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 buildable area of the proposed severances, as there is sufficient room for appropriate building setbacks.

Section 2.3 speaks to Agriculture, with no identified agricultural resources or prime agricultural areas identified on or surrounding the subject property. The required Minimum Distance Separation (MDS) calculation has been completed, with relevant setbacks depicted on the severance sketch. A suitable building envelope has been demonstrated on each of the two severed lots, while the retained lot is already developed.

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, with no identified resources found on the subject property.

Section 2.6 speaks to Cultural Heritage and Archaeology, given that the existing lot is partially developed, with no significant identified cultural heritage resources nearby, it is unlikely to contain resources of archaeological or cultural significance.

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 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 Linkage Area as seen on Schedule C11-A.

Section 4.8.1 of the Plan speaks to the Natural Heritage System and features which is subject to a higher standard of protection as identified on schedule C11-A, and recognizes the following as parts of the natural heritage features connected by linkage areas 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 Linkage Area provides connectivity between the various natural features, where the general intent of the overlay is to provide protection and to limit development which could have an impact. There are no significant features identified directly on the subject property aside from a watercourse/ drainage ditch running through the rear portion of the lot. The proposed severances and building areas will not affect this particular area, allowing continuous connectivity and open space for the surrounding natural features. An Environmental Impact Study has been performed, confirming the proposed severances will have little to no impact on the Natural Heritage Linkage Area.

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 will help create a more diverse range of uses by adding new 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 to create two severed lots for residential purposes, a permitted use within the City of Ottawa's Official Plan, while leaving the retained to continue its existing use without negative impacts.

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 10 hectares. Each lot, retained and the two severed lots, will maintain adequate frontage onto Stonecrest Road, a public road, and will ensure setbacks are in place as to not disrupt any natural features or resources identified on and surrounding the property.

Overall, the proposed severances comply with 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.

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 proposed severance is 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 sizes.

Section 62 speaks to Minimum Distance Separation. The subject site falls within the rural area with close proximity to potential livestock facilities, where setbacks must be considered. MDS

calculations have been performed and can be seen on the provided severance sketch and report. The abutting property to the south houses 20 chickens creating a setback requirement of 116m. The poultry structure is located approximately 34m from the side yard property line, where the MDS setback infringes onto both proposed severances. Although the setback encroaches into the proposed properties, each lot still contains adequate buildable area of at least 0.5 hectares outside of the identified setback requirement. Additional lots surrounding the subject property were also considered, with calculated setbacks having no effect on the severances in question. The completed MDS report will be submitted along with the application, where the calculated setbacks are identified on the severance sketch.

Section 69 speaks to watercourses and waterbodies, as a stream/ditch is located on the subject property. A 30 metre buffer has been applied surrounding the stream to ensure longevity and protection of the natural area. All building areas will be located outside the identified setback.

Part 13 speaks to Rural Countryside Zones. 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

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 two proposed severances comply with the permitted uses of the Rural Countryside. The proposed severances are intended for future residential development where the retained will encompass and maintain the existing dwelling, structures and uses of the lot.

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

Provisions	Required	Severance 1	Severance 2	Retained
Minimum Lot Width	50m	70m	87.9m	151.5m
Minimum Lot Area	0.8ha	1.72ha	8.71ha	10ha

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

ENVIRONMENTAL IMPACT STUDY

An Environmental Impact Study was performed by BCH Environmental Consulting Inc. on May 2023 to assess the impacts of the proposed severance for the creation of two new residential lots. The study assessed the environmental constraints and potential for Species at Risk through aerial imaging and field surveys. The study's recommendations based of the survey findings mitigate the potential negative impacts imposed by future residential development of the proposed lots. Minimizing the development areas to 0.2 ha, preserving existing vegetation and critical root zones surrounding the proposed building areas and ensuring removal of any natural features is performed outside peak breeding season, will aid in minimizing effects. The full mitigation measures for Special at Risk and Migratory Birds, Tree Protection and Additional Measures can be seen in Section 7 of the full EIS report. Property implementing the listed mitigation measures and controlled development, the proposed will not negatively impact the Natural Heritage Linkage Areas or habitats of Species at Risk. The full report is submitted as an attachment within the application.

SUMMARY

The applicant is seeking two severances from the property known as 4446 Stonecrest Road for the purpose of future residential dwellings. The retained lands will maintain 151.5 metres of frontage on Stonecrest Road with a total lot size of 100,073 sq.m. The total subject property falls within a Natural Heritage Linkage Area, where future development of the proposed lots will be directed towards the front and away from natural heritage features. Development located closer to the roadside preserves a linkage area at the rear of the property to provide continued connectivity of surrounding natural features. 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 use of the new lot.

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

All respectfully submitted by:



Tracy Zander, M,PI, MCIP, RPP