

June 6, 2023

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

Attention: Michel Bellemare, Secretary – Treasurer

**Reference: 4160 William McEwen Drive
Application for Consent
Our File No.: 122095**

Committee of Adjustment
Received | Reçu le

2023-06-07

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Novatech has been retained by the owners of the property municipally known as 4160 William McEwen Drive (the “Subject Property”) to prepare and file a consent application to sever the Subject Property into two parcels to support future development.

This letter describes the existing conditions of the Subject Property, the proposed severance, and provides a rationale in support of the application.

Existing Conditions

4160 William McEwen Drive is located in the Rideau-Jock Ward (Ward 21) of the City of Ottawa, west of William McEwen Drive and Highway 416 (see Figure 1). The Subject Property has approximately 208 metres of frontage along William McEwen Drive, and an approximate area of 21.3 hectares.

Figure 1. Subject Property



4160 William McEwen Drive is legally described as NE 1/4 Lot 3 Concession 4 RF and Part of NW 1/4 Lot 3 Concession 4 RF as in CR565515 (Secondly) & CR686365; Subject to CR384004: Nepean, City of Ottawa. The Subject Property is designated Rural Countryside on Schedule B9 of the City of Ottawa's Official Plan. The property is zoned Rural Countryside by the City of Ottawa's Zoning By-law. The property is currently developed with a detached dwelling and accessory buildings. A driveway off William McEwen Drive provides access to the property. There is a hydro corridor that bisects the property. There is an easement registered on Title of the property in favour of Hydro Ottawa.

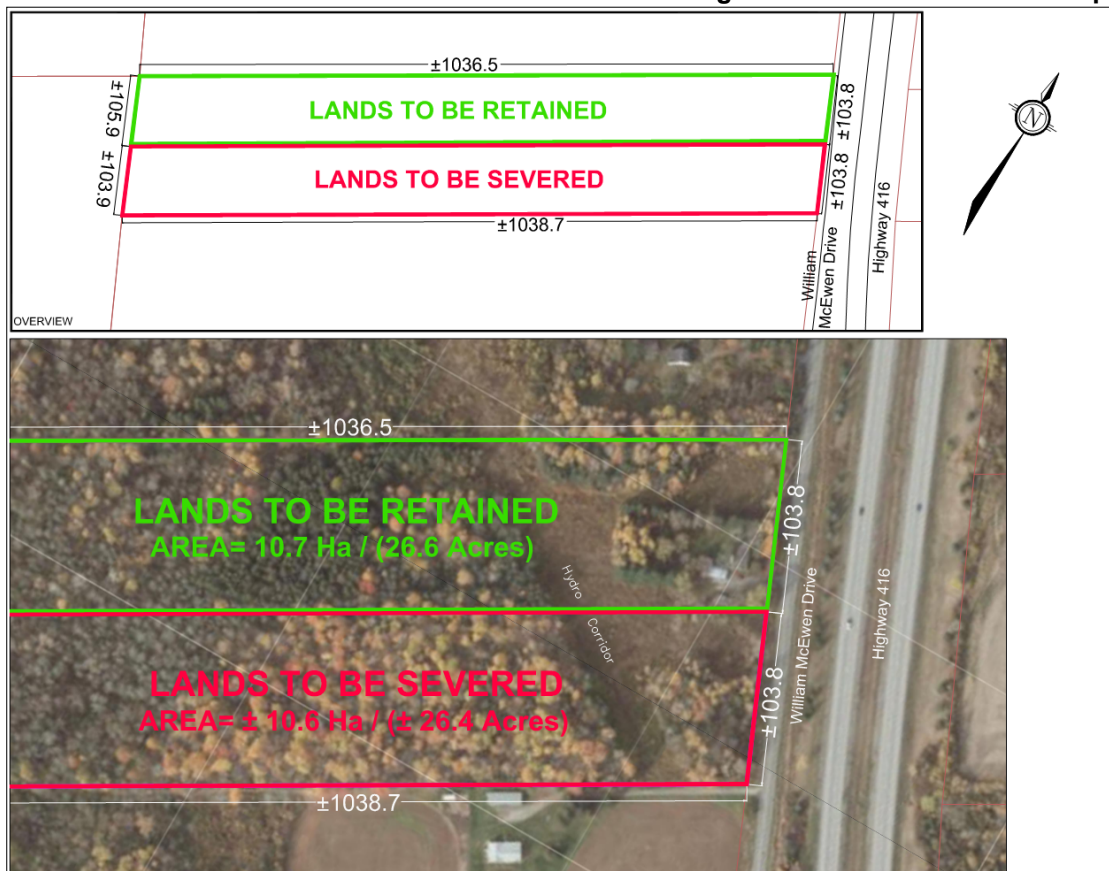
Proposed Development

It is proposed to sever 4160 William McEwen Drive into two equal parcels. The existing detached dwelling will be located on the northern parcel. The southern parcel will be generally limited to the lands between the west limit of the hydro corridor and William McEwen Drive. The requested severance will facilitate development of the southern parcel.

Consent Application

The consent application will sever the southern half of the Subject Property from the northern half. The severed parcel will have approximately 103.8 metres of frontage along William McEwen Drive and an approximate area of 10.6 hectares. The retained parcel will have approximately 103.8 metres of frontage along William McEwen Drive and an approximate area of 10.7 hectares.

Figure 2. Consent Sketch Excerpt



Consent Rationale

Planning Act

Subsection 53(1) of the Planning Act states (*emphasis added*):

“An owner, chargee or purchaser of land, or such owner’s, chargee’s or purchaser’s agent duly authorized in writing, 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 section, 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. 2021, c. 25, Sched. 24, s. 4 (1).”

The proposal does not necessitate the construction of new public infrastructure, including roads and services. A plan of subdivision is not required for the proper and orderly development of the municipality.

Subsection 53(12) of the Planning Act states (*emphasis added*):

“A council or the Minister in determining whether a provisional consent is to be given 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. 1994, c. 23, s. 32.”

This rationale will speak to the following criteria outlined in subsection 51(24) of the Planning Act.

51. (24) 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;

4160 William McEwen Drive is within the rural transect of the City of Ottawa. The proposed severance has regard for the following matters of provincial interest:

- the protection of ecological systems, including natural areas, features and functions;
- the orderly development of safe and healthy communities; and
- the appropriate location of growth and development.

(b) whether the proposed subdivision is premature or in the public interest;

The Subject Property is located within the rural transect of the City of Ottawa. The proposed severance will create a new parcel to facilitate future development. The proposed severed and retained parcels meet the minimum required lot width and minimum required lot area of the Rural Countryside zone. The proposed severance is not premature and is in the public’s interest.

(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

4160 William McEwen Drive is designated Rural Countryside on Schedule B9 of the City of Ottawa's Official Plan. Section 9.2 of the Official Plan sets out policies for lands designated Rural Countryside.

Section 9.2 of the Official Plan states:

"The intent of this designation is to accommodate a variety of land uses that are appropriate for a rural location, limiting the amount of residential development and support industries that serve local residents and the travelling public, while ensuring that the character of the rural area is preserved."

Approval of the proposed severed parcel will facilitate future development between the western limit of the existing hydro corridor and William McEwen Drive. Properties north and south of the Subject Property along the west side of William McEwen Road, and east of Highway 417, include woodlots and agricultural fields. The proposed severance maintains the character of the rural area.

Policy 1 of Section 9.2 of the Official Plan states:

"The following uses may be permitted:

- 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 Rural Countryside designation permits a variety of rural uses as-of-right on the Subject Property. Policy 2 of Section 9.2 of the Official Plan states:

"Subject to a Zoning By-law amendment or, when the process is enacted, a Community Planning Permit, the following uses may be permitted:

- a) Outdoor recreational and tourism uses, campgrounds and sports fields, unless considered to be a large-scale facility;*
- b) Small scale light industrial and commercial uses where all of the following criteria are met:*
 - i) The uses are necessary to serve the local rural community or the travelling public, such as restaurant, gas station, private medical or medical related-clinics, veterinary services, personal service or motel;*
 - ii) The lands are within 200 metres of an arterial or collector road and can be safely accessed;*
 - iii) The lands are located beyond 1 kilometre of an Urban or Village boundary, or where located less than 1 kilometre from a Village boundary, it can be demonstrated that there is insufficient opportunity for these types of uses to be established within the Village;*
 - iv) The lands are not adjacent to lands designated as Agricultural Resource Area;*

- v) *The development can be supported by services available according to applicable provincial regulations;*
- vi) *The scale of the development is suitable for a rural context and where the size of each commercial occupancy will not exceed 300 square metres of gross leasable floor area; and*
- vii) *The proposed development is designed to minimize hazards between the road on which it fronts and its vehicular points of access, mitigate incompatibilities with adjacent residential uses and to integrate appropriately with rural character and landscape.*
- c) *Institutional uses such as places of worship, medical facilities and post-secondary institutions, but not kindergarten to grade 12 schools, where:*
 - i) *It is demonstrated that lands within the Villages or Urban boundary are insufficient or inappropriate, or there is a specific need to locate in the Rural area;*
 - ii) *The development can be supported by services available according to applicable provincial regulations but will not place demand on the need to extend public services; and*
 - iii) *The proposed development is designed to minimize hazards between the road on which it fronts and its vehicular points of access and is appropriately integrated with rural character and landscape.*
- d) *An on-farm diversified or agriculture-related use where it is proposed to increase the permitted size; and*
- e) *Small-scale wineries, cideries, breweries or distilleries.”*

Policy 2 lists diverse land uses that may be permitted on lands designated Rural Countryside subject to a Zoning By-law Amendment.

Policy 2 of Section 9.2.3 states:

“Where the creation of less than three lots is proposed for a non-residential use, the Zoning By-law shall permit for non-residential uses prior to the application for a consent to sever and the City may require an amendment to the Zoning By-law to prohibit residential uses as a condition of severance.”

It is proposed to sever the Subject Property to create one new parcel for future development along William McEwen Drive. The Subject Property is currently zoned Rural Countryside (RU). Section 227 Provision 1 of the Zoning By-law lists the following non-residential uses as permitted uses within the RU zone:

- *agricultural use;*
- *agriculture-related use;*
- *animal care establishment;*
- *animal hospital;*
- *artist studio;*
- *bed and breakfast;*
- *cannabis production facility;*
- *cemetery;*
- *equestrian establishment;*
- *environmental preserve and educational area;*
- *forestry operation;*
- *kennel; and*
- *on-farm diversified use;*

A variety of non-residential uses are currently permitted on the Subject Property. The proposed severed and retained parcels are fully conforming to the minimum required lot width and minimum required lot area for all permitted uses in the RU zone except for a kennel with more than 4 dog runs.

The proposed severance conforms to the policies of the City of Ottawa's Official Plan.

(d) the suitability of the land for the purposes for which it is to be subdivided;

4160 William McEwen Drive is designated Rural Countryside on Schedule B9 of the City of Ottawa's Official Plan. The policies of the Rural Countryside designation support development of Rural Countryside designated lands with a variety of residential and non-residential uses as-of-right. A variety of uses may also be permitted subject to filing a Zoning By-law Amendment application. The proposed lot width and lot area of the severed and retained parcels generally meet the performance standards of the RU zone. The proposed lot area and lot width of the severed parcel is suitable for future development.

(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

Not applicable.

(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;

Not applicable.

(f) the dimensions and shapes of the proposed lots;

The proposed lot width and lot area of the severed and retained parcels meet the performance standards for an agricultural use, and for a residential use in the existing Rural Countryside (RU) zone. The consent application has regard for the dimension and shape of the proposed lots.

(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

The proposed severed parcel will accommodate future development.

(h) conservation of natural resources and flood control;

The Subject Property is not within nor adjacent to a flood plain. An Environmental Impact Statement has been prepared by Muncaster Environmental Planning Inc. in support of the consent application. The Environmental Impact Statement concludes:

"it is the professional opinion of the author that the construction and operation of a new development in the east portion of the lands proposed for severance will not have

a negative impact, as defined in the Provincial Policy Statement, on the significant natural heritage features and functions of the area, including the significant woodlands and associated significant wildlife habitat to the west, providing the above recommended mitigation measures are properly implemented.”

(i) the adequacy of utilities and municipal services;

Private services including a well and septic system will be required in support of the future development of the severed parcel.

(j) the adequacy of school sites;

Not applicable.

(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

A road widening may be required for William McEwen Road as a condition of approval.

(l) the extent to which the plan’s design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

Not applicable.

(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).

Not applicable.

The requested severance has regard for the criteria outlined in subsection 51(24) of the Planning Act.

Provincial Policy Statement

Section 3 (5) of the Planning Act states:

“A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,

(a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision;”

A Decision by the Committee of Adjustment with respect to a planning matter must be consistent with the Provincial Policy Statement (PPS). The PPS sets out policy direction on matters of provincial interest related to land use planning and development.

4160 William McEwen Drive is considered “Rural Lands” as defined by the PPS. Section 1.1.5 of the PPS sets out policies for Rural Lands within municipalities. Policy 1.1.5.2 states:

*“On rural lands located in municipalities, permitted uses are:
c) residential development, including lot creation, that is locally appropriate;
g) other rural land uses.”*

The policies of the PPS permit rural land uses on rural lands, and the creation of new lots. The new vacant parcel will be developed to accommodate rural uses.

Policy 1.1.5.4 of the PPS states: *“Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.”* Development of the proposed severed parcel will be serviced by private services, including a well and septic system.

Policy 1.1.5.8 states: *“New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.”* There is a large building located within a field approximately 400m south of the Subject Property (see Figure 3).

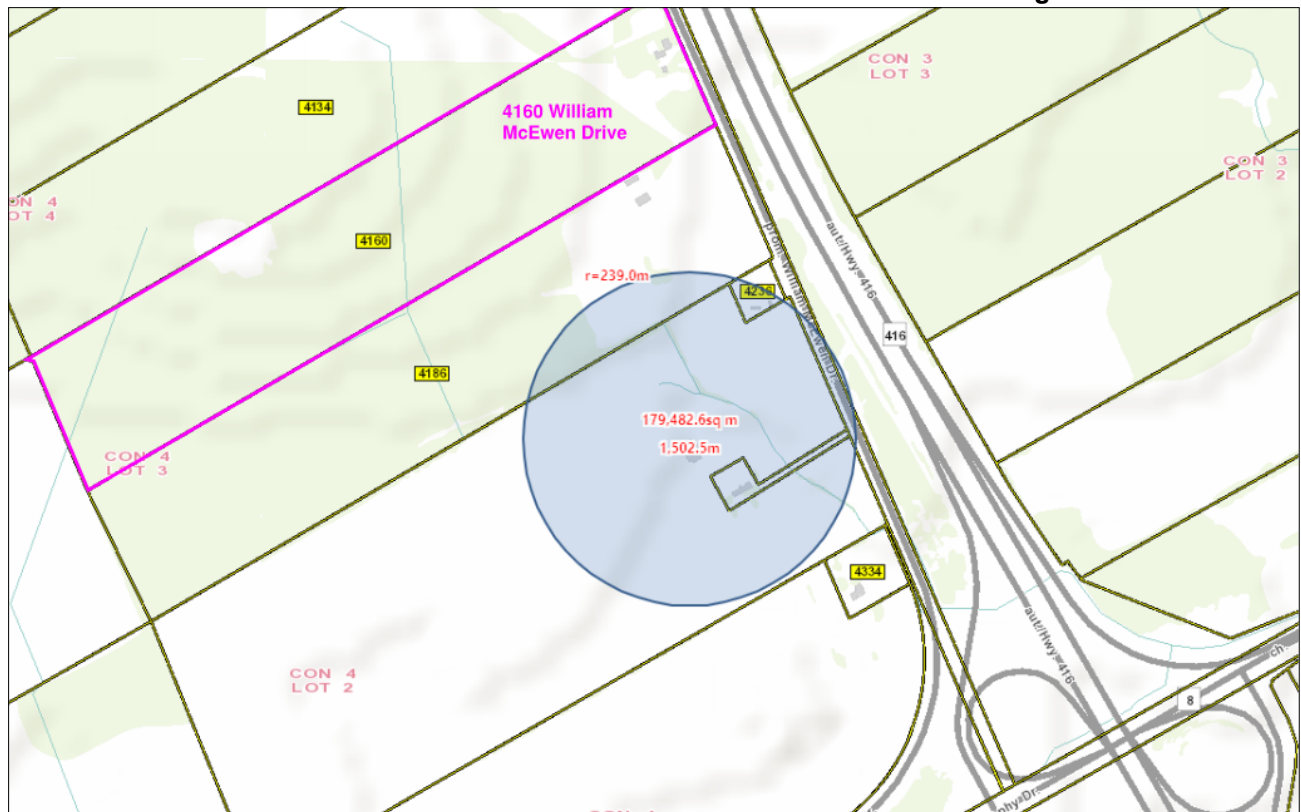
Figure 3. Rural Building south of Subject Property



This building has no outdoor manure storage, silos, ventilation, accessory buildings/structures, and almost no windows. Air photos would indicate that this building is used for storage. The land is cultivated close to the building, with space for vehicles or equipment to access either side of the building. It is very unlikely this building is used or has ever been used for livestock.

In the abundance of caution a Minimum Distance Separation (MDS) calculation was completed to determine the setback requirements if the building was considered an 'Unoccupied Livestock Barn'. The MDS setback is the shortest distance between a 0.5 hectare or larger building envelope on the severed parcel and the livestock occupied portions of the livestock barn. The calculated MDS setback is 239m. Please see Minimum Distance Separation I Report submitted in support of the consent application. The proposed severance is not impacted by the calculated MDS setback from the potential unoccupied livestock facility (see Figure 4). The proposed severance complies with the minimum distance separation formulae.

Figure 4. MDS setback



The consent application is consistent with the policies of the PPS.

The requested severance at 4160 William McEwen Drive has regard for the criteria outlined in subsection 51(24) of the Planning Act, and is consistent with the policies of the PPS.

Conclusion

The proposed severance at 4160 William McEwen Drive does not require a plan of subdivision for the orderly development of the land and has regard for the criteria outlined in subsection 51(24) of the Planning Act. The proposed severance is consistent with the policies of the Provincial Policy Statement. The proposed severance represents good land use planning.

In support of the application for consent please find enclosed:

- One (1) copy of this Cover Letter;
- Complete Consent Application Form (one copy);
- Consent Sketch (one 11x17 copy);
- Environmental Impact Statement, prepared by Muncaster Environmental Planning Inc., dated June 1st, 2023 (one copy);
- Minimum Distance Separation I Report, prepared by Novatech, dated May 26th, 2023 (one copy); and
- Parcel Abstract for 4160 William McEwen Drive, PIN: 04592-0023 (one copy).

Should you have any questions regarding this application, please do not hesitate to contact the undersigned.

Yours truly,

NOVATECH



Ryan Poulton, M.P.L., MCIP, RPP
Project Planner