

October 12, 2023

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

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**RE: Application for Consent
2850 Montague Boundary Road
Lots 29 & 30, Concession 9
Geographic Township of Marlborough
City of Ottawa
Owner: HMH Properties**

Committee of Adjustment
Received | Reçu le
2023-11-01
City of Ottawa | Ville d'Ottawa
Comité de dérogation

Dear Committee Members,

ZanderPlan Inc. has been retained by the property owner to assist with a single Severance Application for the property located at 2850 Montague Boundary Road, described as Lots 29 & 30, Concession 9, in the Geographic Township of Marlborough. The property is rectangular in shape and resides within the rural area of Ottawa. The property owner is looking to sever a single parcel on the south west side, fronting onto Montague Boundary Road to encompass the existing house that has been recently built. The single severance will utilize 4.64 hectares of land, retaining 158.7 hectares. The 158.7 hectares will conserve the existing Natural Heritage features of the lot with adequate buildable area for any future residential development. The subject property resides within the Rural Countryside, Greenspace and Natural Heritage System Core Area land use designation of the Official Plan and is also zoned Rural Countryside (RU) and Environmental Protection (EP3) and located within Area D in the City of Ottawa Zoning By-Law. The proposed severance size adheres to the policies and provisions in place for the Rural Countryside in the City of Ottawa.

SITE LOCATION

The subject property is located South East of the main intersection of Beckwith Boundary Road and Montague Boundary Road with a civic address of 2850 Montague Boundary Road, as Lots 29 & 30, Concession 9, in the former municipality of Marlborough (Figure 1). The lot is approximately 163.4 hectares and currently contains a dwelling setback approximately 17.6 metres from Montague Boundary Road and 368 metres from the Southern property line. The total depth of the lot is approximately 1,078 metres with Provincially Significant Wetlands (PSW) located in the South running North through a portion of the property. The proposed severance is outside of the PSW, with a small corner of the proposed lot falling within the 120 metre buffer required

around Provincially Significant Wetlands; development has already taken place on the proposed severed lot, well away from the wetland and setbacks. A large area in the north part of the retained lands remains outside of the Natural Heritage System Core Area and PSW for a building envelope in the future. Due to the proximity to numerous natural heritage features a scoped Environmental Impact Study was performed to ensure the retained lands can support future development with minimal impacts, ensuring connectivity is continued on and surrounding the property. Surrounding properties to the East and South consist mainly of large vacant forested properties, where small to large rural residential lots reside along the West and North of the subject property. The proposed severance location and size will continue to contribute to a cohesive rural landscape.



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 severance will add a new residential lot fronting to an existing municipal road, creating an increase in value to the lands and to the community while maintaining compatibility with the surrounding area. The new lot will continue to use the existing infrastructure and servicing, and contribute to the supply of housing opportunities in Rural part of the City.

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 severance offering opportunities for an additional lot without the need for additional development within the rural communities. This will increase 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 includes a recently built dwelling. The single severance will encompass the existing dwelling leaving the retained lands with 1,336.1 metres of frontage along Montague Boundary Road. The severance size is similar in shape to the existing surrounding rural residential lots, continuing to maintain a consistent and cohesive mix of residential properties, while retaining the larger rural parcel. The proposed severance will utilize a total of 46,646 sq.m of the subject property, leaving the remaining 1,587,641 sq.m to conserve the Provincially Significant Wetlands and remaining Natural Heritage System Core Area, with enough open space for future development / uses. A scoped Environmental Impact Study has been performed, identifying the various species and habitats located throughout the property. The study evaluated the proposed development area of the retained lands to ensure there will be no negative effects to the natural environment and surrounding. Lastly, the size of the proposed severance will adhere to the provisions of the Rural Countryside designation and zoning and will not affect the rural character or surrounding landscape.

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 existing development of the new proposed lot does not meet the definition of a major facility as defined by the Provincial Policy Statement and is not anticipated to present any adverse effects from contaminant discharges, noise, odour, or other public health risks from creation of the single lot. 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 severance is already developed with its own private individual services. If future development were to take place on the retained lands, private individual services would be required. The retained lot maintains enough area and space to ensure the proper spacing and setbacks would be in place for any possible development and implementation of private services in the future.

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 retained subject property. The proposed severance is located outside of these areas in order to protect and conserve the biodiversity found within these areas. There is ample room on the retained lands, where an EIS has been performed to support future development while fully respecting the required natural heritage setbacks.

Section 2.2 speaks to Water, with no significant water resources identified on the severed lot. A small seasonal watercourse/ditch runs through the subject property across the South East end of the retained lands, as well as local and provincially significant wetlands areas, however, these will not be affected by the proposed severance, as confirmed by the attached EIS.

Section 2.3 speaks to Agriculture, with no identified significant agricultural resources identified on or surrounding the subject property. A number of livestock buildings have been identified to the north of the subject property on Beckwith Boundary Road; however, these properties are approximately 1500 metres from the proposed severed lot. In addition, there is ample room to build on the retained lands and be more than 1000 metre from the livestock facilities.

Section 2.4 speaks to Minerals and Petroleum, with no identified resources found on or in proximity to the subject property. **Section 2.5** speaks to mineral aggregate resources; there are no known mineral aggregate resources on or within close proximity to the subject site. **Section 2.6** speaks to Cultural Heritage and Archaeology; given that the proposed lot is already developed, 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. Although the subject property does contain areas of identified natural hazards, the proposed severance and future developable area on the retained lot are

outside of these natural hazard areas with adequate spacing and buffering. There are no known human-made hazards or 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 and Greenspace within a Natural Heritage System Core Area along the South end, as seen on Schedule C11-B and the attached sketch.

Section 4.8.1 of the Plan speaks to the Natural Heritage System and features within being subject to a higher standard of protection as identified on schedule C11-B, and recognizes the following as part of the Natural Heritage System:

- 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. The wetlands identified on the lot are recognized as Provincially Significant Wetlands residing with the NHS Core Area, identified on Schedule C11 which indicates the need to protect and preserve these areas in order to improve the long term integrity and connectivity of the system. The proposed severance is 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.

Further, the retained lands that will contain the natural heritage features has ample buildable area that is outside of the natural heritage features, such that future development could still be accommodated on the lot. An Environmental Impact Study has been completed, listing mitigation measures to be taken during future development as to not infringe or effect the identified species and habitats on the subject property. The full report and findings can be found as an attachment as part of this application.

Section 7 speaks to the Greenspace Designation identifying natural lands that collectively provide essential ecosystem services to support Ottawa's residents, biodiversity, and climate resilience. The Greenspace identified falls within the privately owned Greenspaces which are not publicly accessible but are valued for their ecosystem services. Lot creation shall not be permitted within the identified Greenspaces. The Greenspace on the subject property seen on Schedule B-9 resides in the same area as the Provincially Significant Wetlands identified on the provided Severance Sketch. The proposed severance of the subject property resides outside of the identified Greenspace, continuing to promote the biodiversity and essential ecosystems throughout.

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 severance will help create a more diverse range of uses by increasing 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 notes 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 severance is intended to create a single severed lot, currently used for residential purposes, a permitted use within the City of Ottawa's Official Plan, while leaving the retained lands vacant with opportunities for future residential 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 size is well above the minimum requirements of 0.8 ha, and the retained parcel is comprised of a total of 158.7 hectares. The severed and retained lots will maintain adequate frontage onto Montague Boundary 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 severance complies with and is 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 in the Rural Countryside (RU) and Environmental Protection (EP3) zones in the Zoning By-law.

Part 2 of the Zoning By-law speaks to General Provisions that are applied to all land use 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, therefore requiring private individual well and waste water services. The lot is already developed with a single detached dwelling with exiting private individual services, compatible with the house and lot area.

Section 62 speaks to Minimum Distance Separation. As the subject property resides within the rural area, the potential for surrounding livestock facilities and setbacks to nearby livestock facilities must be considered. Due to the already developed nature of the proposed severance, any surrounding livestock facility shall not affect the proposed severance as there is no additional development to take place on the lot. Any future development of the retained lands will ensure adequate distance from the potential livestock properties, all of which appear to exceed a distance of 1000 metres from the subject property.

Part 9 speaks to Environmental Protection zones. The purpose of the EP zone is to recognize lands that contain important environmental resources which must be protected and to permit only those uses which are compatible with and assist in the protection while regulating development. The Environmental Protection zone on the subject property falls on the retained lands. The already developed proposed severance is outside of the EP3 zone, leaving the retained land with an abundance of possible lands for residential development in the Rural Countryside zone, as the retained frontage onto Montague Boundary Road, a public street is 1,336.1 metres.

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 severance 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 proposed severance encompassing the residential dwelling complies with the permitted uses of the Rural Countryside zone and all zone provisions. The retained lands will remain vacant with opportunities for future development.

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

Provisions	Required	Severance 1	Retained
Minimum Lot Width	50m	177.2	1,336.1m
Minimum Lot Area	0.8ha	46.6ha	157.7ha

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

ENVIRONMENTAL IMPACT STUDY, 2023

A scoped Environmental Impact Study was conducted for the retained portion of the property known as 2850 Montague Boundary Road by BCH Environmental Consulting Inc. in September of 2023. The purpose of the review was to identify natural heritage features, assess potential impacts and to recommend mitigation measures to eliminate possible impacts to the subject property and surrounding use that may be affected by future residential development. A background review and field study were performed in order to document existing ecological conditions. Results from the review concluded that the area consisted of a mix of meadow, wetland and forested habitats with drainage leading to the wetland area and a man-made pond. The area proposed for future development on the retained lands is located in a clearing with a cobble/gravel access road passing through the meadow and wetland habitat connecting to Montague Boundary Road. Soils throughout were considered a mix of well drained silty clay loam and well drained gravelly to very gravelly coarse textured sand. Vegetation, ground cover and forested areas were identified and analyzed in addition to potential species at risk, significant wildlife habitats and wellhead protection areas. The development area proposed within the retained lands resides outside of any significant natural features with adequate buffers and shall not impose any negative effects. A full list of mitigation measures and recommendations

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throughout the development stage for the various species and landscapes identified can be found in the completed report as an attachment as part of this application. Ultimately, the completed study supports future residential development within the area identified on Figure 2 of the EIS.

SUMMARY

The applicant is seeking a single severance from the property known as 2580 Montague Boundary Road, to create a single lot encompassing the existing residential dwelling, leaving the retained lot with opportunities for future development. The retained lands will maintain 1,336 metres of frontage on Montague Boundary Road with a total lot size of 1,587,641 sq.m, conserving the identified Natural Heritage System Core Area and Greenspace located on the property. The proposed severance is consistent with the policies in the 2020 Provincial Policy Statement, and meets 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 and retained lot.

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

All respectfully submitted by:



Tracy Zander, M.Pl, MCIP, RPP