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City of Ottawa
Committee of Adjustment
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2023-11-02

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Attention: Michel Bellemare, Secretary-Treasurer

**Reference: Application for Consent (Severance)
2800 Yorks Corners Rd, Osgoode ON
Our File No.: 122172**

Novatech has been retained to file an application for consent on behalf of Michael Zandbelt on the property known municipally as 2800 Yorks Corners Road. The subject property is legally described as Part of Lot 22, Concession 9 in the geographic township of Osgoode. The property is located on the west side of Yorks Corners Road.

The subject property is a rectangular shaped parcel with a total area of approximately 19 ha and a depth of approximately 1,044 m. The property has approximately 148 m of frontage on Yorks Corners Road. The property is presently developed with a detached dwelling and outbuildings and is currently unoccupied. The balance of the property is predominantly mixed forest-covered area. Surrounding the property there are low-density residential lots and small agricultural farms ranging from 0.8 hectares to upwards of 35 hectares. The property is within proximity of agricultural uses. As such a Minimum Distance Separation (MDS) calculation has been prepared to accompany this application which demonstrates the proposed severed lot is located an appropriate distance away from the livestock facilities to meet MDS requirements.

The subject property is designated as Rural Countryside on Schedule B9 of the City of Ottawa's new Official Plan and is zoned RU (Rural Area) on Schedule 1 of the City of Ottawa's Comprehensive Zoning By-law 2008-250.

The purpose of the consent application is to obtain approval to sever the subject lands to create one new land parcel. The application will result in two land parcels with lot areas of approximately 1.7 ha for the severed and 18.2 ha for the retained. The severed parcel will contain the existing single detached dwelling while the retained parcel will be undeveloped at this time with the intent to be used for agricultural purposes. The attached application is detailed below:

Severed Lands

- The consent application proposes to create a new land parcel approximately 1.7 ha in area with a frontage of approximately 87.6 m on Yorks Corners Road. This property will contain the existing single detached dwelling with private services and is intended to be used for residential purposes in accordance with the RU zone standards. Access to the lot will be obtained by a future easement on the existing driveway (currently located on the retained portion), or by the creation of a new private laneway with location to be determined.

Retained Lands

- The retained lands are undeveloped, and the parcel will have an area of approximately 18.2 ha and a frontage of 60 m on Yorks Corners Road. This retained parcel is intended to be used for future agricultural purposes in accordance with the RU zone standards.

In accordance with Section 53 (42.1) of the Planning Act, this application requests certificates to the applicant for both the severed and retained lots resulting from the proposed consent. An accompanying letter from the client's solicitor is attached in support of this request.

The City's Official Plan sets out severance criteria for Rural Countryside designated properties in Section 9.2.3 as amended by the Official Plan Amendment No 5. This application conforms to Section 9.2.3 (3)(d) with the minimum lot area requirements of 0.8 ha for the severed land and minimum 10 ha for the retained land. All severance applications must also comply with Section 9.2.3 (3)(e)(i, ii, iv and v) with having frontage on an open maintained public road, private servicing that will not impact services on adjacent lots, an Environmental Impact Study was conducted to determine potential impacts to identified natural features, and that no more than two new lots have been created from a lot of existence on May 14, 2003. This application complies with these provisions. The proposed severed and retained parcels also comply with the applicable RU provisions of Zoning By-law 2008-250. The enclosed severance sketch demonstrates compliance with respect to the lot sizes, frontage, and the existing development setbacks in the RU zone.

Section 1.1.4 of the PPS provides policies on Rural Areas in Municipalities and Section 1.1.5 provides policies on Rural Lands in Municipalities. Section 1.1.5.2 identifies permitted uses on rural lands such as agricultural uses and residential development including lot creation that is locally appropriate. Section 1.1.5.8 of the PPS requires that new land uses, including the creation of new lots, comply with the minimum distance separation formulae. Minimum Distance Separation (MDS I) requirements have been reviewed against the proposed severance applications and there are no concerns with respect to meeting the MDS setbacks for the proposed severed lot from surrounding livestock facilities, as demonstrated on the enclosed MDS compliance figure. The enclosed MDS I calculations were prepared using air photos to determine an approximate floor area for surrounding livestock facilities.

Section 2 of the PPS provides policies on the Wise Use and Management of Resources including natural heritage resources. The City's Official Plan identifies a watercourse on the retained parcel. The watercourse is located outside of the proposed severance parcel and will not be impacted by this application. Natural heritage features identified through an Environmental Impact Statement determined that no negative impacts are anticipated as a result of the proposed development as long as all mitigation measures (as provided in the attachment) are enacted and best management practices are followed.

The following demonstrates how the proposed consent application addresses the applicable consent criteria of the *Planning Act*.

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

53. (1) An owner or chargee of land, or such owner's or chargee'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. 1994, c. 23, s. 32; 2020, c. 34, Sched. 20, s. 2 (2).

The application proposes to create one new lot and one retained parcel which front onto a publicly maintained road and the proposed consent does not necessitate the construction of new public infrastructure. A plan of subdivision is not necessary for the proper and orderly development of the lands.

Subsection 53(12) of the *Planning Act* notes that provisional consent is to have regard for matters under Subsection 51(24) of the Act. Below notes how the proposed consent addresses the criteria of Subsection 51(24):

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;

The proposed consent application is found to address matters of provincial interest for development in the rural area including orderly development of safe and healthy communities, appropriate location of growth and development and protection of ecological systems including natural areas.

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

The proposed consent application conforms to relevant planning policies, is not considered premature and is in the public interest.

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

The proposed consent is found to conform to the City's Official Plan with respect to development and lot creation in the Rural Countryside designation, as described above.

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

The proposed severed and retained parcels propose suitable lot configurations for the existing and proposed land uses.

(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, the proposed severed and retained lots front onto an existing City road.

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

The dimensions and shape of the proposed lots are considered appropriate for the proposed land uses. The proposed lots also conform to the minimum lot area and lot width standards of the City's Zoning By-law.

(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 retained land parcel will accommodate future development as permitted by the RU zone and demonstrated in the Environmental Impact Assessment.

(h) conservation of natural resources and flood control;

The severed lands are proposed outside of any natural heritage features identified on the property. The retained lands are currently undeveloped with enough potential development envelopes to avoid identified natural heritage features in the future.

(i) the adequacy of utilities and municipal services;

Private services (well and septic system) are existing on the severed parcel. The retained parcel will require private services in any future development plans.

(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 Yorks Corners 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.

As noted, the subject lands do not require a plan of subdivision for the proper and orderly development of the lands and addresses criteria outlined in subsection 51(24) of the *Planning Act*.

The proposed severed and retained lots are consistent with the Provincial Policy Statement and conform to policies of the City's Official Plan which permit limited residential development provided MDS guidelines can be met, and natural features are not impacted. It is our opinion the proposed consent is an appropriate use of land within the City's rural area and represents good land use planning.

In support of the consent applications, please find the following enclosed:

- Cover Letter (1 - 8 ½ x 11 copy)
- Consent Application (1 original)
- Consent Sketch (1 – 8 ½ x 11 copy and 1 – 11 x 17 copy)
- MDS Compliance Sketch (1 - 8 ½ x 11 copy and 1 – 11 x 17 copy)
- MDS Calculations Report (1 copy)
- Letter from Solicitor (1 copy)
- Environmental Impact Statement prepared by GEMTEC (1 copy)
- Parcel Abstract Page (PIN) of the Property (1 - 8 ½ x 11 copy)
- One Cheque in the amount of \$3,691.

Please do not hesitate to contact either of the undersigned in the event that you require either additional information or clarification with respect to the consent applications filed for 2800 Yorks Corners Road.

Yours truly,

NOVATECH

Prepared by:



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