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January 31, 2024

Committee of Adjustment

City of Ottawa
101 CentrepoinTE Drive,
Ottawa, Ontario K2G 5K7

Attention: **Mr. Michel Bellemare**
Secretary Treasurer
And Committee Members

Committee of Adjustment
Received | Reçu le

2024-01-31

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Re: **Application for Consents to Sever for lands at 7604 Franktown Road, Richmond, ON.
Reactivating Sine Die File: D08-01-22/B-00267 & D08-01-22/B-00268**

PT LT 12 CON 3 GOULBOURN; PT LOT 13 CON 3 GOULBOURN AS IN NS205027,
EXCEPT PTS 1, 2, & 3, 5R14104; GOULBOURN
OTTAWA
Ward 21, Rideau-Goulbourn
Zoning RU, Zoning By-law 2008-250

Dear Mr. Bellemare,

This application was sine die on March 1, 2023 due to errors in the new official plan wording, to allow time for the Official Plan severance policies to be amended. While waiting for the official plan amendments, the owner decided to revise the size and location of the proposed severed lots to better suit their needs. At this time, we wish to reactivate the file with the enclosed revised application for consents to sever.

Douglas Garland has retained Miroca Design Consulting Services to act as agent on his behalf for the preparation of Consents to Sever Application for his lands known municipally as 7604 Franktown Road, Richmond, ON.

The following materials have been enclosed in support of these applications:

1. 1 copy of the completed Application Form
2. 1 copy this cover letter prepared by Miroca Design Consultants Inc.
3. 1 full-sized copy and 1 reduced copy of the Severance Sketch prepared by Miroca Design Consultants Inc.
4. 1 copy of the Minimum Distance Separation Report prepared by Miroca Design Consultants Inc.
5. 1 copy of the Environmental Impact Statement prepared by Munster Environmental Planning Inc.
6. 1 copy of the Schedule A: Rural Consent Additional Information form
7. A cheque payable to the City of Ottawa, and a copy of the Parcel Register showing ownership.

Purpose of the Application

The owner would like to subdivide their property in order to create two new lots for future residential use. The existing residence and farm outbuildings will remain on the retained portion of lands.

Subject Property

The subject property has a total area of approximately 139.2ha and a frontage of approximately 926.44m on Franktown Road, and 1,013.41m frontage on Jock Trail. The property is currently developed with a single-family dwelling on private services, and several farm outbuildings which are all sited more than 410m from the nearest road. The property contains agricultural hay fields and pastureland primarily along the Franktown Road (North) side and is mostly forested along the Jock Trail (South) side. There is an unevaluated wetland forest swamp in the east and west corners of the property along Jock Trail. A mix of rural uses surround the property, including agricultural fields and rural residential land uses.

Consents Requested

In order to proceed, the owners require the Consent of the Committee for Conveyances. The property is shown as Parcels A, B & C on the Severance Sketch filed with the application. The separate parcels will be as follows:

Lot ID	Description	Frontage	Depth	Area	Municipal Address
Parcel A	Retained Lands; existing home & outbuildings to remain for agricultural and residential use	± 728.08m (Franktown Road) ± 924.71m (Jock Trail)	± 1,295.04m	± 136.64ha	7604 Franktown Road
Parcel B	Proposed new lot for future residential use	± 88.70m (Jock Trail)	± 137.16m	± 1.21ha	___ Jock Trail
Parcel C	Proposed new lot for future residential use	± 198.31m (Franktown Road)	± 68.58m	± 1.36ha	___ Franktown Road

Zoning

The zoning of the subject property is Rural Countryside Zone, RU - Zoning Bylaw 2008-250. The intent of this zone is to accommodate agricultural, forestry, and country residential lots created by severance, in areas designated as Rural Countryside in the Official Plan. Development is to be regulated in a manner that recognizes and permits this range of rural-based land uses which often have large lot or distance separation requirements; and to regulate various types of development in a manner that ensures compatibility with adjacent land uses and respects the rural context. The proposed severed and retained lots will meet all performance standards of the RU Zone for residential development.

Environmental Impact Statement

The enclosed EIS (Munster Environmental Planning) was prepared for the original application, and references Lot B as a 58.5ha parcel on the north-east side of the subject property, and Lot C as a 1.7ha parcel in the northern most corner of the subject property.

In this updated application Lot C is in the same location, but has been reduced in depth to avoid fragmenting the unevaluated wetland overlay.

Lot B is now much smaller and located near the south corner of the subject property, is has also been located to avoid fragmenting the woodlands and unevaluated wetland overlay.

During consultations with the Planner, Luke Teeft, it was indicated to us that the environmental reviewers were satisfied with the EIS report as-is, and as long as the proposed new lot boundaries would avoid fragmenting the unevaluated wetland overlay, they indicated that they were satisfied that this file will not require any additional EIS work.

Official Plan

The subject property is located within the Rural Transect, under the Rural Countryside Designation on Schedule B9 in the Official Plan. Under Section 9.2 of the Official Plan, the intent of the Rural Countryside 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 residents and the travelling public, while ensuring that the character of the rural area is preserved.

The rural countryside area relative to this proposal features a mixture of farming operations and rural residential single-family dwellings. Section 9.2.2. indicates that residential use are permitted where they meet the criteria outlined within the Official Plan. The criteria for new residential uses under Section 9.2.3 of the Official Plan seeks to limit the fragmentation of rural lands and ensure the preservation of health.

The proposed new lots are outside of any historical settlement area, are not located between 2 existing dwellings, and are not within a registered plan of subdivision, and therefore must abide by the following criteria under Section 9.2.3.(3)(d)&(e)

- *The proposed lot size is a minimum of 0.8 hectares in size and the retained lot is a minimum of 10 hectares in size;*

Satisfied; the proposed severed lots each meet or exceed the minimum parcel area of 0.8ha and lot width of 50m, and the retained lands exceed the minimum required 10ha.

- *The proposed severed and retained lots have frontage on an open, maintained public road;*

Satisfied; the proposed new lots front onto Jock Trail and Franktown Road respectively, which are open and maintained public roads.

- *The proposed severed and retained lots can be adequately serviced without impacting existing private services on adjacent lots;*

Satisfied; the proposed lots will be independently serviced with private septic and well systems, details to be confirmed at building permit stage.

- *development on the lot to be directed to areas away from mature vegetation or natural features.*

Satisfied; both proposed lots have been carefully located to maintain appropriate setbacks from the adjacent woodlands and unevaluated wetlands to avoid potential future negative impacts to habitats and natural features. The proposed severance lines have been located to avoid fragmenting the unevaluated wetland overlay from the retained lands, and the future building areas can maintain a 30m setback from the wetlands to help ensure no negative impacts to the ecological functions or habitat associated with the wetland.

- *no more than two lots have been created from a lot in existence on May 14, 2003.*

Satisfied; 2 new lots are proposed.

Provincial Policy Statement

Section 1.1.4 of the Provincial Policy Statement (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 as well as consultation with the subject property owner to determine an approximate floor area for surrounding livestock facilities. Further, there are no livestock facilities on the subject lands that would be impacted by MDS requirements.

Section 2 of the PPS provides policies on the Wise Use and Management of Resources including natural heritage resources. GeoOttawa mapping identifies unevaluated wetlands on the retained portion of the property, adjacent to the proposed new lots. The proposed severance will maintain adequate setbacks from the wetlands and avoid fragmenting this feature which meets the intent of the City's Official Plan for consents (Section 9.2.3.3e iv)). Further, Section 3 of the PPS provides policies on Protecting Public Health and Safety. There are no floodplain hazards identified on the subject property, and both the severed and retained property have sufficient access from a publicly maintained road.

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 proposed severances do not require a Plan of Subdivision, as the proposal is intended to facilitate the creation of two additional residential lots and one retained lot, which will meet the requirements of the underlying zoning. The proposed severances do not require the construction of new public infrastructure, including roads and services. The subsequent building permit applications will ensure that future construction of new detached dwellings will conform to the appropriate performance standards, and that appropriate site servicing is in place, ensuring that these parcels are developed in a proper and orderly manner.

The proposed severances have adequate regard for the subdivision criteria set out in Section 51(24) of the *Planning Act*, reviewed as follows:

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 severances have regard for the relevant 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 severance conforms to the relevant policies of the City of Ottawa 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 are suitable lot configurations for the proposed residential land uses.

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

Not applicable. No affordable housing units are proposed.

(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;

The proposal does not suggest any new roads and will not affect highways or the transportation system. The proposed severed and retained lots front onto existing City roads.

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

The dimensions and shape of the proposed lots are appropriate for the proposed land uses. The proposed lots meet the minimum lot area and lot width standards of the City's Zoning By-law, and will accommodate future development as permitted by the RU zone performance standards.

(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 new lots will accommodate future development as per the RU Zoning By-law provisions.

Following discussions with the Planning Department and Environmental Planner, it was agreed that no additional EIS work would be necessary, provided that the locations of the proposed lots do not fragment the unevaluated wetland boundary. The proposed severance lines have been located as such, and all lot dimensions will be verified on site for the Reference Plan as a condition of severance.

For Parcel B, the RVCA notes that the roadside ditch on Jock Trail is considered a watercourse as it is providing a headwater connection to the wetlands. It is noted that future entrance access will require a permit from the Conservation Authority for alteration to a watercourse for any future culvert installation, to ensure they are sized and designed appropriately.

(h) conservation of natural resources and flood control;

The severed lands are proposed outside of any natural heritage features identified on the property; future development will maintain appropriate setbacks from the unevaluated wetlands. The retained lands are currently developed as a residential farm property, and no alternations are proposed.

(i) the adequacy of utilities and municipal services;

Private services (well and septic system) will be required in support of future development on the severed parcel.

(j) the adequacy of school sites;

The subject property is located in proximity to Richmond Public School, South Carleton High School, and St Phillip School.

(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 Jock Trail and/or Franktown 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).

The proposed development is not subject to site plan control, and does not require a plan of subdivision as noted above.

Conclusion

It is our opinion that Section 53(1) of the Planning Act has been satisfied and a plan of subdivision is not necessary for the orderly development of the land and all provisions of Section 51(24) of the Planning Act have been met.

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 fragmented.

We believe that the Consents sought represent good land use planning and are appropriate for the subject property.

We trust this is satisfactory. Please do not hesitate to contact us if you require further information.

Regards,

Michael Segreto
Miroca Design Consulting Services Inc.