

October 15, 2021
Revised January 3, 2023
Revised September 15, 2023

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



Attention: Michel Bellemare, Secretary Treasurer

Dear Mr. Bellemare:

**Reference: 3 Rock Forest Road
Applications for Consent for Severances
Our File No.: 121235**

Consent applications were filed in October 2021 to sever two new parcels from the property at 3 Rock Forest Road. These applications were adjourned sine die in December 2021. The consent applications were activated in January 2023 for recirculation with no changes to the proposed severances. The applications were subsequently adjourned sine die in April 2023. The consent applications have been reactivated and revised to propose two new severance locations along Rock Forest Road.

Complete consent applications were originally filed in October 2021, prior to adoption of the 2022 Official Plan, and prior to the Province approving the 2022 Official Plan. Our October 15, 2021, and January 3, 2023 letters speak to the policies of the 2003 Official Plan. We maintain the policies of the 2003 Official Plan should apply to the proposed severances at 3 Rock Forest Road. Without prejudice of our position above, this revised letter speaks to the policies of the 2022 Official Plan.

Novatech has been retained by the owner of the property municipally known as 3 Rock Forest Road (the "Subject Property") to prepare and file two severance applications. The severance applications result in the creation of two new parcels and the retained parcel. The severed and retained parcels fully conform to the requirements of the Zoning By-law.

The following letter describes the existing conditions of the site, the proposed severances, and provides a rationale in support of the consent applications.

Existing Conditions

3 Rock Forest Road is located within the West Carleton - March Ward (Ward 5) of the City of Ottawa at the corner of Rock Forest Road and Greenland Road (see Figure 1). The Subject Property has approximately 777 metres of frontage along Rock Forest Road, and approximately 308 metres of frontage along Greenland Road. The Subject Property has an area of approximately 26.5 hectares.

The Subject Property is legally described as Part Lot 10, Concession 6 in the Former Municipality of Torbolton as in TO9525 Except Parts 1-2, 5R11492; in the Former Municipality of West Carleton. The property is designated Rural Countryside on Schedule B9 of the Official Plan, and zoned Rural Countryside (RU) by the City of Ottawa's Zoning By-law. The Subject Property is vacant.

Figure 1. Subject Property



Severance Applications

The consent applications propose to create two new parcels as identified on the Consent Sketches.

Consent application 1 proposes to sever a new parcel with a total area of approximately 1.4 hectares, a depth of 129 metres, and a frontage of 108 metres along Rock Forest Road (see Figure 2). This parcel fully complies to the zoning requirements of the Rural Countryside Zone.

Consent application 2 proposes to sever a new parcel with a total area of approximately 1.2 hectares, a depth of 129 metres, and a frontage of 109 metres on Rock Forest Road. This lot fully complies to the zoning requirements of the Rural Countryside Zone.

The retained land will have a total area of approximately 23.9 hectares, a depth of 923 metres, and a split frontage of 466 metres and 94 metres along Rock Forest Road, and 309 metres of frontage along Greenland Road. This lot fully complies to the Zoning requirements of the Rural Countryside Zone.

Figure 2. Consent Sketch 1 Excerpt

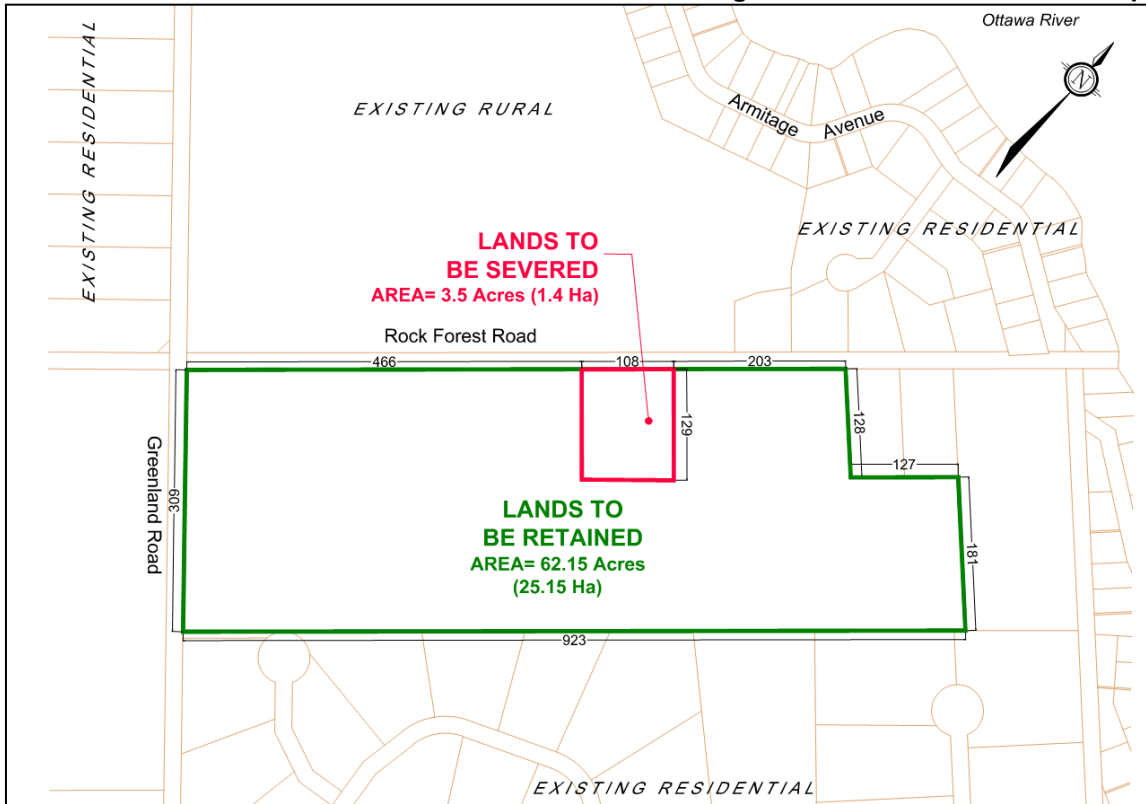
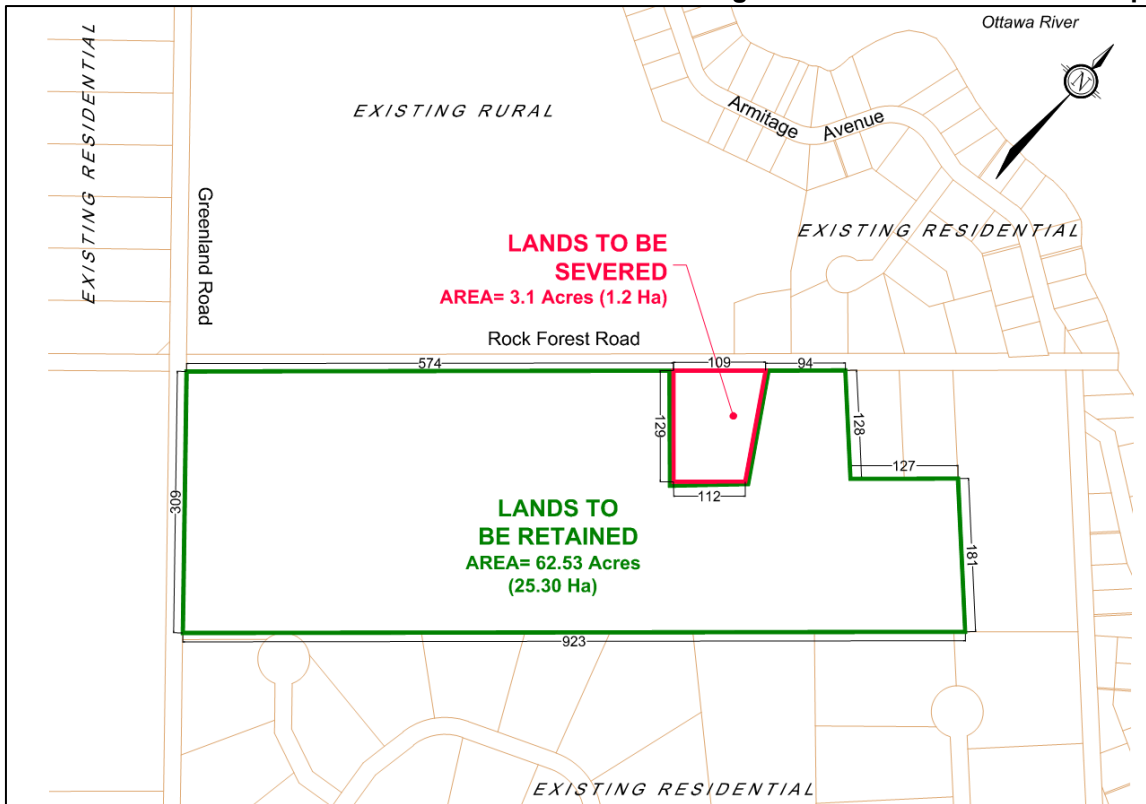


Figure 3. Consent Sketch 2 Excerpt



Consent Rationale

Provincial Policy Statement

The Provincial Policy Statement 2020 came into effect May 1, 2020. The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development in the Province of Ontario. The Provincial Policy Statement defines Rural Areas in Municipalities as:

“a system of lands within municipalities that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas.”

3 Rock Forest Road is located within the rural area of the City of Ottawa and is considered rural lands. The Provincial Policy Statement permits residential development, including lot creation, that is locally appropriate, on rural lands. This letter will address the policies in the City of Ottawa Official Plan to determine if the proposed severances are locally appropriate.

The Provincial Policy Statement states natural features should be protected. An Environmental Impact Study has been submitted in support of the proposed severances. The Environmental Impact Study concludes the proposed severances will not have a negative impact on the significant natural heritage features and functions of the area.

The proposed severances are consistent with the policies of the Provincial Policy Statement.

Planning Act

The evaluation of severances in Ontario is regulated by the Planning Act. Subsection 53(1) of the Planning Act states (*emphasis added*):

“An owner, chargee or purchaser of land, or the 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 addresses 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;

3 Rock Forest Road is within the rural area of the City of Ottawa. The proposed severance have regard for the following matters of provincial interest:

- the protection of ecological systems, including natural areas, features and functions;
- the conservation and management of natural resources and the mineral resource base;
- 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 proposed severed parcels and the retained parcel will be serviced with private well and septic systems. There is an adequate supply of land on the severed and retained parcels to ensure spacing requirements for the provision of private services. The proposed parcels have frontage on existing roads. The proposed severances are not premature and are in the public interest.

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

The Subject Property is designated Rural Countryside on Schedule B9 of the City of Ottawa 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.”

The proposed severances will create two new parcels for residential use. The proposed severed parcels are generally consistent in size and shape with other residential parcels in the surrounding area. The proposed severances maintain the character of the rural area. The consent applications conform to the intent of the Rural Countryside designation.

Policy 1 of Section 9.2 of the Official Plan states:

*“The following uses may be permitted:
c) Residential uses according to the policies of this plan;”*

A residential dwelling is currently permitted on the retained parcel. The proposed severances will facilitate the development of two new residential dwellings on the severed parcels. The Rural Countryside designation permits residential uses.

City Council approved a series of Official Plan Amendments on September 13, 2023. One of the approved Official Plan Amendments updated the rural residential severances criteria in Policy 3 of Section 9.2.3 of the Official Plan. The rural severance criteria as amended by City Council are discussed below.

Policy 3 of Section 9.2.3 of the Official Plan states:

“All applications for a consent to sever for a lot(s) that permits a residential use in the Rural Countryside designation must demonstrate compliance with the policies in this Plan and the following circumstances as applicable:

The circumstances described in Policy 3 are discussed below.

Policy 3 a) of Section 9.2.3 states:

Where a lot is within a historical settlement the following conditions apply:

- i) The proposed lot is a minimum of 0.4 hectares in size and is generally consistent with the size of adjacent lots;*
- ii) The retained lots is a minimum of 0.4 hectares in size and is generally consistent with the size of adjacent lots;*
- iii) The application does not extend the historical settlement;*

3 Rock Forest Road is not within a historical settlement. Policy 3 a) does not apply to the proposed severances.

Policy 3 b) of Section 9.2.3 states:

Where an infill lot is proposed between two existing dwellings not more than 250 metres apart on the same road and opposite the front yard of an existing dwelling the following conditions apply:

- i) The proposed lot is a minimum of 0.8 hectares in size and is generally consistent with the size of surrounding lots on either side and immediately opposite;*
- ii) The retained lot is a minimum of 0.8 hectares in size and is generally consistent with the size of surrounding lots on either side and immediately opposite;*

The proposed severances are not between two existing dwellings not more than 250 metres apart on the southern side of Rock Forest Road. Policy 3 b) does not apply to the proposed severances.

Policy 3 c) of Section 9.2.3 states:

Where a lot is within a registered plan of subdivision (country lot subdivision) the following conditions apply:

- i) The minimum size of the severed and retained lots is 0.8 hectares;*

The Subject Property is not within a registered plan of subdivision. Policy 3 c) does not apply to the proposed severances.

Policy 3 d) of Section 9.2.3 states:

In all other areas 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;

The proposed severed parcels and retained parcel meet the minimum required lot area required by Policy 3 d).

Policy 3 e) of Section 9.2.3 states:

In all circumstances:

i) The proposed and retained lots have frontage on an open, maintained public road;

The proposed severed parcels have frontage along Rock Forest Road. The proposed retained parcel has frontage along Rock Forest Road and Greenland Road.

ii) The proposed and retained lots can be adequately serviced without impacting existing private services on adjacent lots;

The proposed severed and retained parcels exceed the minimum lot areas required by policy 3 b). The proposed severed and retained parcels are adequately sized to accommodate private services.

iii) If applicable, provide confirmation of sufficient reserve sewage system capacity and/or reserve water system capacity within municipal water and sewage services, or private communal water and sewage services; and

Not applicable.

iv) The city may require development on the lot to be directed to areas away from mature vegetation or natural features. Where the proposed lot is located in an area with mature vegetation or natural features, a development agreement may be required as a condition of severance to ensure the protection of these natural features. The development agreement shall be informed by the conclusions and recommendations of an Environmental Impact Study; and

An Environmental Impact Study has been submitted in support of the proposed severances. The Environmental Impact Study concludes the proposed severances will not have a negative impact on the significant natural heritage features and functions of the area.

v) Except for c) (country lot subdivision) above, no more than two lots have been created from a lot in existence on May 14, 2003

3 Rock Forest Road as it currently exists was in existence on May 14, 2003. The proposed severances represent two permitted severances from the Subject Property.

The proposed severances conform 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;

3 Rock Forest Road is zoned Rural Countryside (RU) in the City of Ottawa Zoning By-law 2008-250. The Rural Countryside zone requires a minimum lot area of 0.8 hectares, and a minimum lot width of 50 metres for a residential use. Consent application 1 proposes to sever a 1.4-hectare parcel with 108 metres of frontage along Rock Forest Road. Consent application 2 proposes to sever a 1.2-hectare parcel with 109 metres of frontage along Rock Forest Road. The retained parcel will have an area of 23.9 hectares and 309 metres of frontage along Greenland Road. The severed and retained parcels conform to the minimum lot area and minimum lot width requirements of the Rural Countryside Zone. The land is suitable for the purpose for which it is to be subdivided.

(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 severances will result in parcels that fully comply with Rural Countryside Zone lot width and lot area requirements for detached dwellings. The consent applications have regard for the dimensions and shapes 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;

Not applicable.

(h) conservation of natural resources and flood control;

An Environmental Impact Study has been submitted with this application. The Environmental Impact Study, prepared by Muncaster Environmental Planning, dated June 28, 2023, concludes that the proposed severances will not have a negative impact on the significant natural heritage features and functions of the area.

(i) the adequacy of utilities and municipal services;

Private services including wells and septic systems will be required in support of the future residential development of the severed parcels and the retained parcel.

(j) the adequacy of school sites;

The proposed severances are not anticipated to have an impact on the adequacy of school sites.

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

We anticipate Cash-in-lieu of Parkland will be requested by the City as a condition of approval of the proposed severances.

(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 severances have regard for the criteria outlined in subsection 51(24) of the Planning Act and are consistent with the policies of the Provincial Policy Statement.

Conclusion:

The consent applications for severances at 3 Rock Forest Road are consistent with the policies of the Provincial Policy Statement 2020. The proposed severances do not require a plan of subdivision for the orderly development of the land. The proposed severances have regard for the criteria outlined in Subsection 51(24) of the Planning Act. The proposed severances represent good land use planning.

In support of the consent applications for severances please find enclosed:

- One (1) copy of this Cover Letter;
- Revised Consent Application Form 1 (one copy);
- Revised Consent Application Form 2 (one copy);
- Revised Consent Sketch 1, dated June 2023 (one 11 x 17 copy);
- Revised Consent Sketch 2, dated June 2023 (one 11 x 17 copy);

- Environmental Impact Study, prepared by Muncaster Environmental Planning Inc., dated June 28, 2023 (one copy); and
- Parcel Abstract for 3 Rock Forest Road, PIN: 04565-0384 (one copy).

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

Yours truly,

NOVATECH



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