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City of Ottawa
Committee of Adjustment
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Committee of Adjustment
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2023-09-22

Attention: Michel Bellemare, Secretary-Treasurer

**Reference: Application for Consent (Severance)
8134 Jock Trail, Richmond ON
Our File No.: 123045**

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Novatech has been retained to file a consent application on behalf of Hendrikus Wammes, the owner, for a property known municipally as 8134 Jock Trail. The subject property is legally described as Part Lots 7 & 8, Concession 2, Geographic Township of Goulbourn, excluding Parts 1 & 2 of Reference Plan 4R-26359, City of Ottawa. The subject property is located on the south side of Jock Trail between Munster Road and Dwyer Hill Road in the former Municipality of Goulbourn.

The subject property has a total lot area of approximately 58.2 ha and a frontage of approximately 225.5 m on Jock Trail. The property is currently developed with a single-detached dwelling on private services and several outbuildings which are sited more than 562 m from the road. The property contains agricultural fields near the road and is largely forested in the back half of the lot. There is a watercourse known as Kings Creek, which travels through the middle of the subject property. Surrounding the property are a mix of rural uses including agricultural fields and rural residential land uses. Rural residential properties abutting the property range in size of 0.75 ha to 43 ha with the majority being larger than 35 ha.

The property is designated as Rural Countryside on Schedule B9 of the City of Ottawa Official Plan. The property is zoned Rural Countryside (RU) in the City of Ottawa Comprehensive Zoning By-law 2008-250. Surrounding properties are either zoned Rural Countryside (RU) or Agricultural (AG) across the road to the north.

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 the division of the land into two land parcels with lot areas of 0.8 ha for the severed and 57.4 ha for the retained. The retained parcel will contain the existing single detached dwelling and outbuildings while the severed parcel will continue to be undeveloped at this time with the intent to be used for residential purposes. The attached application is detailed below:

Severed Lands

- The consent application proposes to create a new northeastern land parcel approximately 0.8 ha in area with a frontage of 50 m on Jock Trail and a depth of approximately 160 m. This property is undeveloped with a future intent of residential use.

Retained Lands

- The retained lands contain the existing single detached dwelling, outbuildings, and private services. The parcel will have an area of approximately 57.4 ha and a frontage of 175.5 m on Jock Trail. This retained parcel is intended to be used for residential purposes in accordance with the RU zone standards.

The City's Official Plan permits the maximum creation of two new lots from a lot as it existed on May 14, 2003 for lands within the Rural Countryside designation (Section 9.2.3.3.e)v.). It is understood that the subject land has had one prior severance (8160 Jock Trail) and therefore is only eligible for one more additional lot. The proposed severed and retained lots conform to the City of Ottawa's Official Plan as each parcel meets the minimum lot area requirements of 0.8 ha for the severed land and minimum 10 ha for the retained land (Section 9.2.3.3.d)). The proposed severed and retained parcels also comply with the applicable RU provisions of Zoning By-law 2008-250. The enclosed severance sketch demonstrates the parcels comply with the RU zone provisions with respect to existing development and the proposed lot boundaries. The proposed lot generally conforms in terms of lot size to neighbouring lots and has frontage on a publicly maintained road.

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. 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. The City's Official Plan identifies floodplain, and water features on the retained portion of the property. The Kings Creek watercourse is sited approximately 490 m from the proposed severed property lot line. It is noted that there is a vegetated swale adjacent to the proposed lot line dividing the severed and retained lot. The proposed severance will 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. The Official Plan does identify floodplain hazards on the subject property. The proposed severed lot does not contain identified floodplain hazards and there are lands outside of the floodplain hazard on the retained lands. Both the severed and retained property also have sufficient access from a publicly maintained road.

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 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 severed land parcel will accommodate future development as permitted by the RU zone.

(h) conservation of natural resources and flood control;

The severed lands are proposed outside of any natural heritage features and flood plain lands identified on the property. The retained lands are currently developed.

(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;

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 Jock Trail 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 fragmented. 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 Applications (1 original);
- Consent Sketches (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)
- Parcel Abstract Page (PIN) of the Property (1 - 8 ½ x 11 copy); and
- 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 8134 Jock Trail.

Yours truly,

NOVATECH

Prepared by:



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