

2. Zoning By-law Amendment – 4639 Donnelly Drive

Modification du Règlement de zonage – 4639, promenade Donnelly

COMMITTEE RECOMMENDATION

That Council approve an amendment to Zoning By-law 2008-250 for part of 4639 Donnelly Drive to put a holding provision on the retained land until a Risk Assessment Report is and Slope Stability Report are completed, as detailed in Document 2.

RECOMMANDATION DU COMITÉ

Que le Conseil approuve une modification du Règlement de zonage (n° 2008-250) pour une partie de la propriété située au 4639, promenade Donnelly en vue de permettre l'établissement d'une disposition d'aménagement différé visant le terrain conservé jusqu'à la réalisation d'un rapport d'évaluation des risques et d'un rapport sur la stabilité des pentes, selon les modalités précisées dans le document 2.

Documentation/Documentation

Acting Director's report, Planning Services, Planning, Real Estate and Economic Development, dated April 22, 2022 (ACS2022-PIE-PS-0048)

Rapport de la Directrice par intérim, Services de la planification, Direction générale de la planification, des biens immobiliers et du développement économique, daté le 22 avril 2022 (ACS2022-PIE-PS-0048)

**Agriculture and Rural
Affairs Committee
Report 30
May 5, 2022**

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**Comité de l'agriculture et des
affaires rurales
Rapport 30
Le 5 mai 2022**

Subject: Zoning By-law Amendment – 4639 Donnelly Drive

File Number: ACS2022-PIE-PS-0048

**Report to Agriculture and Rural Affairs Committee on 5 May 2022
and Council 11 May 2022**

**Submitted on April 22, 2022 by Lily Xu, Acting Director, Planning, Real Estate and
Economic Development**

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Ward: Rideau-Goulbourn (21)

Objet : Modification du Règlement de zonage – 4639, promenade Donnelly

Dossier : ACS2022-PIE-PS-0048

Rapport au Comité de l'agriculture et des affaires rurales

le 5 mai 2022

et au Conseil le 11 mai 2022

**Soumis le 22 avril 2022 par Lily Xu, Directrice par intérim, Direction générale de la
planification, des biens immobiliers et du développement économique**

**Personne ressource : Sean Harrigan, Urbaniste I, Examen des demandes
d'aménagement ruraux**

613-580-2424 poste 23489, Sean.Harrigan@Ottawa.ca

Quartier : Rideau-Goulbourn (21)

REPORT RECOMMENDATIONS

- 1. That Agriculture and Rural Affairs Committee recommend Council approve an amendment to Zoning By-law 2008-250 for part of 4639 Donnelly Drive to put a holding provision on the retained land until a Risk Assessment**

Report is and Slope Stability Report are completed, as detailed in Document 2.

2. That Agriculture and Rural Affairs Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of Written and Oral Public Submissions, to be prepared by the Office of the City Clerk and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to *the Planning Act* 'Explanation Requirements' at the City Council Meeting of May 11, 2022 subject to submissions received between the publication of this report and the time of Council's decision.

RECOMMANDATIONS DU RAPPORT

1. Que le Comité de l'agriculture et des affaires rurales recommande au Conseil d'approuver une modification du Règlement de zonage (n° 2008-250) pour une partie de la propriété située au 4639, promenade Donnelly en vue de permettre l'établissement d'une disposition d'aménagement différé visant le terrain conservé jusqu'à la réalisation d'un rapport d'évaluation des risques et d'un rapport sur la stabilité des pentes, selon les modalités précisées dans le document 2.
2. Que le Comité de l'agriculture et des affaires rurales donne son approbation à ce que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux 'exigences d'explication' aux termes de la *Loi sur l'aménagement du territoire*, à la réunion du Conseil municipal prévue le 11 mai 2022 », sous réserve des observations reçues entre le moment de la publication du présent rapport et la date à laquelle le Conseil rendra sa décision.

BACKGROUND

Learn more about [link to Development Application process - Zoning Amendment](#)

For all the supporting documents related to this application visit the [link to Development Application Search Tool](#).

Site location

4639 (4635) Donnelly Drive

Owner

4GARDE Inc.

Applicant

Jeff Shipman

Description of site and surroundings

The subject property is located at 4639 Donnelly Drive. The lands to be rezoned have broken frontage of approximately 96.2 metres on Donnelly Drive and a lot area of approximately 33 hectares. The site is currently zoned Rural Countryside (RU) and contains a solar array and residential house and associated structure. A recognized former landfill is within proximity.

Summary of requested Zoning By-law amendment proposal

The application has been submitted in order to fulfill a condition of severance approval imposed by the Committee of Adjustment with respect to Consent Application D08-01-21/B-00108. The intent is to prohibit residential uses on the retained lands until the holding provision is lifted by completing a Risk Assessment Report and Slope Stability Report demonstrating that there are no concerns to public health and safety regarding the former landfill south of the subject site and unstable slope along the Rideau River should development occur on the retained land.

Brief history of proposal

An application to sever a parcel of land containing the existing residential dwelling from 4639 Donnelly Drive was granted by Committee of Adjustment Panel Three on June 16, 2021. Staff had concerns with the application due to the residential development potential of the retained land and possible public health concerns related with the nearby former landfill and unstable slope. During the Committee of Adjustment hearing, the Panel Members in consultation with the applicant and City Staff agreed that an appropriate approach to this concern was to place a holding provision over the retained land preventing development until a Risk Assessment Report and Slope Stability Report are completed.

Once the severance is finalized, the retained solar farm will become known as 4635 Donnelly Drive.

DISCUSSION

Public consultation

Notification and public consultation were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments. No concerns were identified. Official Plan designation(s).

Official Plan

Applications must be evaluated against the [existing Official Plan](#) and must also include an evaluation of the application against the Council approved [new Official Plan](#) (and new Secondary Plan, where applicable).

In this current period, between Council approval of the New OP and the Minister's approval of the New OP, staff are to apply whichever provision, as between the Existing and New OP, is more restrictive.

Existing Official Plan

The property is designated as General Rural Area and Rural Natural Features Area as per Schedule A of the existing Official Plan. The General Rural Area designation is intended to provide a location for agriculture, non-agricultural uses, and limited amount

of residential development by severance. The intent of the Rural Natural Features Area designation is to protect locally significant natural areas and the city's tree cover. Severances are permitted within both designations under Section 3.7.2(10). Section 3.8(5-9) requires any development requiring planning approval within 500 metres of an operating or non-operating solid waste disposal site be supported by a study demonstrating that the disposal site will not pose any risks to human health and safety, with particular attention required for development proposals that will accommodate people or animal husbandry. Section 4.7.3 requires a slope stability assessment to identify the geotechnical limit of hazard lands associated with unstable slopes shown on Schedule K. This Zoning By-law amendment application satisfies the requirements of the Official Plan [Section 3.8(5-9) and 4.7.3] as conditioned by the Committee of Adjustment.

New Official Plan

The property is designated Rural Countryside Area as per Schedule B9. The intent of the Rural Countryside designation under the existing Official Plan is similar to that of the General Rural designation in the current Official Plan with a greater focus on limiting the amount of residential development.

Planning rationale

The zoning change to add a holding provision for a Risk Assessment Report and Slope Stability Report on part of the lot identified as 4639 Donnelly as shown in Document 1, fulfills a condition relating to the approval of a severance application granted by the Committee of Adjustment on June 16, 2021. The portion of the site to be rezoned contains the large solar array and will have residential development potential once the severance application is finalized. Staff initially had concerns with the severance application but have determined that the proposed Zoning By-Law Amendment resolves these concerns and ensures the severance application is consistent with both the existing Official Plan, the new Official Plan, and the Zoning By-law. Staff are also satisfied the Zoning By-law Amendment application is consistent with both the existing Official Plan, the new Official Plan, and the Zoning By-law. No new development is proposed.

Provincial Policy Statement

Staff have reviewed this proposal and have determined that it is consistent with the 2020 Provincial Policy Statement.

RURAL IMPLICATIONS

This Zoning By-law amendment will restrict new residential development until a Risk Assessment Report and Slope Stability Report are completed.

COMMENTS BY THE WARD COUNCILLOR

Councillor Scott Moffatt is aware of the application related to this report.

LEGAL IMPLICATIONS

There are no legal implications associated with implementing the recommendations contained within this report.

RISK MANAGEMENT IMPLICATIONS

The holding provision requires that a Risk Assessment Report and Slope Stability Report are completed before any development occurs to demonstrate that the former solid waste disposal site and unstable slope will not have any unacceptable adverse effects on the proposed development and will not pose any risks to public health and safety.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications relating to this application.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this application.

ECONOMIC IMPLICATIONS

There are no economic impacts associated with this application.

CLIMATE IMPLICATIONS

There are no climate implications associated with this application.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this application.

INDIGENOUS GENDER AND EQUITY IMPLICATIONS

This application has no Indigenous or gender equity implications.

TERM OF COUNCIL PRIORITIES

This application supports the following 2019-2022 Term of Council Priorities:

- Economic Growth and Diversification and Thriving Communities.

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number (D02-02-21-0091) was processed by the "On Time Decision Date" established for the processing of Zoning By-law amendment applications.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Details of Recommended Rezoning

CONCLUSION

The Planning, Real Estate and Economic Development Department supports this Zoning By-law amendment as it is consistent with the Provincial Policy Statement, the City's existing Official Plan, the City's new Official Plan, and the Zoning By-law.

DISPOSITION

Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Ottawa Scene Canada Signs, 13-1920 Merivale Road, Ottawa, ON K2G 1E8; Krista O'Brien, Program Manager, Tax Billing & Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.

Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

Planning Operations Branch, Planning Services to undertake the statutory notification.

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit [geoOttawa](https://geoottawa.com)

Document 1 is a location map that shows the portion of 4639 Donnelly Drive that is subject to rezoning application D02-02-21-0091.



Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for part of 4639 Donnelly Drive:

1. Rezone the lands shown as part of 4639 Donnelly Drive in Document 1 from RU to RU[xxxr]-h
2. To add a new rural exception zone XXXr with the intent as follows:
 - a. The holding provision may only be lifted upon satisfactory completion of a Risk Assessment Report and Slope Stability Report to demonstrate that the solid waste disposal site and unstable slope will not have any unacceptable adverse effects on the proposed development and will not pose any risks to human health and safety.