

Subject: Zoning By-law Amendment – 6199 Dwyer Hill Road

File Number: ACS2022-PIE-EDP-0021

Report to Agriculture and Rural Affairs Committee on 30 June 2022

and Council 6 July 2022

**Submitted on June 14, 2022 by Don Herweyer, Director, Economic Development
and Long Range Planning**

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Ward: Rideau-Goulbourn (21)

Objet : Modification du Règlement de zonage – 6199, chemin Dwyer Hill

Dossier : ACS2022-PIE-EDP-0021

Rapport au Comité de l'agriculture et des affaires rurales

le 30 juin 2022

et au Conseil le 6 juillet 2022

**Soumis le 14 juin 2022 par Don Herweyer, Directeur, Développement économique
et planification à long-terme**

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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 6199 Dwyer Hill Road to reduce the required setback of a detached dwelling from a Mineral Extraction (ME) zone, 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 July 6, 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 au Règlement de zonage 2008-250 pour le bien-fonds situé au 6199, chemin Dwyer Hill dans le but de réduire le retrait minimal requis dans une zone d’extraction de minerai (ME), comme l’explique en détail le document 2.
2. Que le Comité de l’agriculture et des affaires rurales donne son approbation afin 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 6 juillet 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

6199 Dwyer Hill Road

Owner

Michael and Kelly McKenna

Applicant

City-initiated

Description of site and surroundings

The subject site is located on Dwyer Hill Road between O'Neill Road and Roger Stevens Drive. It is approximately 0.4 hectares in size and is currently vacant. The property on the west side of Dwyer Hill Road, opposite the subject site and known municipally as 6192 Dwyer Hill Road, is zoned Mineral Extraction Zone, Subzone 1, Rural Exception 1, Holding Zone (ME1[1r]-h).

Summary of requested Zoning By-law amendment proposal

The subject site is currently zoned Rural Countryside (RU) and it is proposed to construct a detached dwelling. While the RU zone permits the use, Section 67(1)(b) of the Zoning By-law does not permit dwellings within 210 metres of a Mineral Extraction (ME) zone. Given that the site is located 25 metres from an ME zone, this Zoning By-law amendment is required to permit construction.

Brief history of proposal

On February 24, 1999, the Land Division Committee of the former Township of Rideau approved the creation of a farm retirement lot. The lot, which was permitted to have a dwelling, has remained vacant since it was created. At the time of review, the surrounding area was agricultural and as a condition of severance, a notice was placed on title to indicate that the property may be subjected to noise, odours or other nuisances associated with agricultural industry.

The lot opposite the subject site, known municipally as 6192 Dwyer Hill Road, was zoned General Rural Zone (A2) in the former Township of Rideau Zoning By-law (2004-428). Upon amalgamation, the City of Ottawa Official Plan designated the lands as Bedrock Resource Area, and accordingly, the site was zoned Mineral Extraction Zone, Subzone 1, Rural Exception 1, Holding Zone (ME1[1r]-h) in the City of Ottawa Zoning By-law 2008-250.

Section 67 of Zoning By-law 2008-250 addresses the development of residential buildings in proximity of mineral extraction zones. Section 67(1)(b) prohibits the construction of a dwelling within 210 metres of a Mineral Extraction (ME) zone. The Agricultural and Rural Affairs Committee carried a motion on May 5, 2022 directing staff to bring forward this report to address this.

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 received.

Official Plan designation(s)

Existing Official Plan

The existing Official Plan designates the subject site as General Rural Area on Schedule A. Section 3.7.2 of the Plan provides direction to accommodate a variety of land uses that are appropriate for the rural area which includes residential uses. In addition, Section 5.3(2) allows for the development of a single detached dwelling on an existing lot of record, provided that the use is permitted in the Zoning By-law and that it can be adequately serviced.

The lands located opposite the subject site, known municipally as 6192 Dwyer Hill Road, are designated Bedrock Resource Area on Schedule A. Section 3.7.4(10) directs that new development will not be approved within 500 metres of a Bedrock Resource Area, unless it can be demonstrated that such development will not conflict with future mineral aggregate extraction.

New Official Plan

The new Official Plan designates the subject site as Rural Countryside on Schedule B9 and it is located in the Rural Transect Area shown on Schedule A. Sections 5.5.1 and 9.2 of the Plan provide direction for development within the rural area which includes low-rise, low-density residential uses, predominantly on private services.

The lands located opposite the subject site, known municipally as 6192 Dwyer Hill Road, are designated as Rural Countryside with Bedrock Resource Area Overlay on Schedule B9. Section 5.6.3.2 prohibits development within 500 metres of lands designated as Bedrock Resource Area unless it can be demonstrated that the development will not conflict with future aggregate extraction operations.

Planning rationale

The subject site is permitted residential uses by the Zoning By-law, the existing Official Plan, and the new Official Plan. It is not proposed to add new uses through this Zoning

By-law amendment and an amendment to the Official Plan is not required. The subject lot was permitted residential development at the time it was created. Policies in these documents also provide direction on permitting development on existing lots of record.

The purpose of aggregate policies of the existing and new Official Plan are to ensure that no development will hinder mineral aggregate operations. Staff do not believe the development of the lot in this case will provide such hindrance. Staff also submit that the by-law amendment as proposed would not set a precedent as under current policies lot creation would not be permitted and this can be viewed as a relatively unique situation.

The Owners are aware of their proximity to a mineral extraction zone and the potential nuisances that may arise from future extraction operations. They have been working with the local Councillor on solutions to permit development of the site, and on May 5, 2022, the Agricultural and Rural Affairs Committee carried a motion directing staff to bring forward this report.

Provincial Policy Statement

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

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

The Ward Councillor 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

There are no risk management implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications associated with this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

TERM OF COUNCIL PRIORITIES

This report addresses the Term of Council Priorities of Thriving Communities.

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-22-0045) 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 Zoning

CONCLUSION

The Planning, Real Estate, and Economic Development Department does not have concerns with this proposal 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

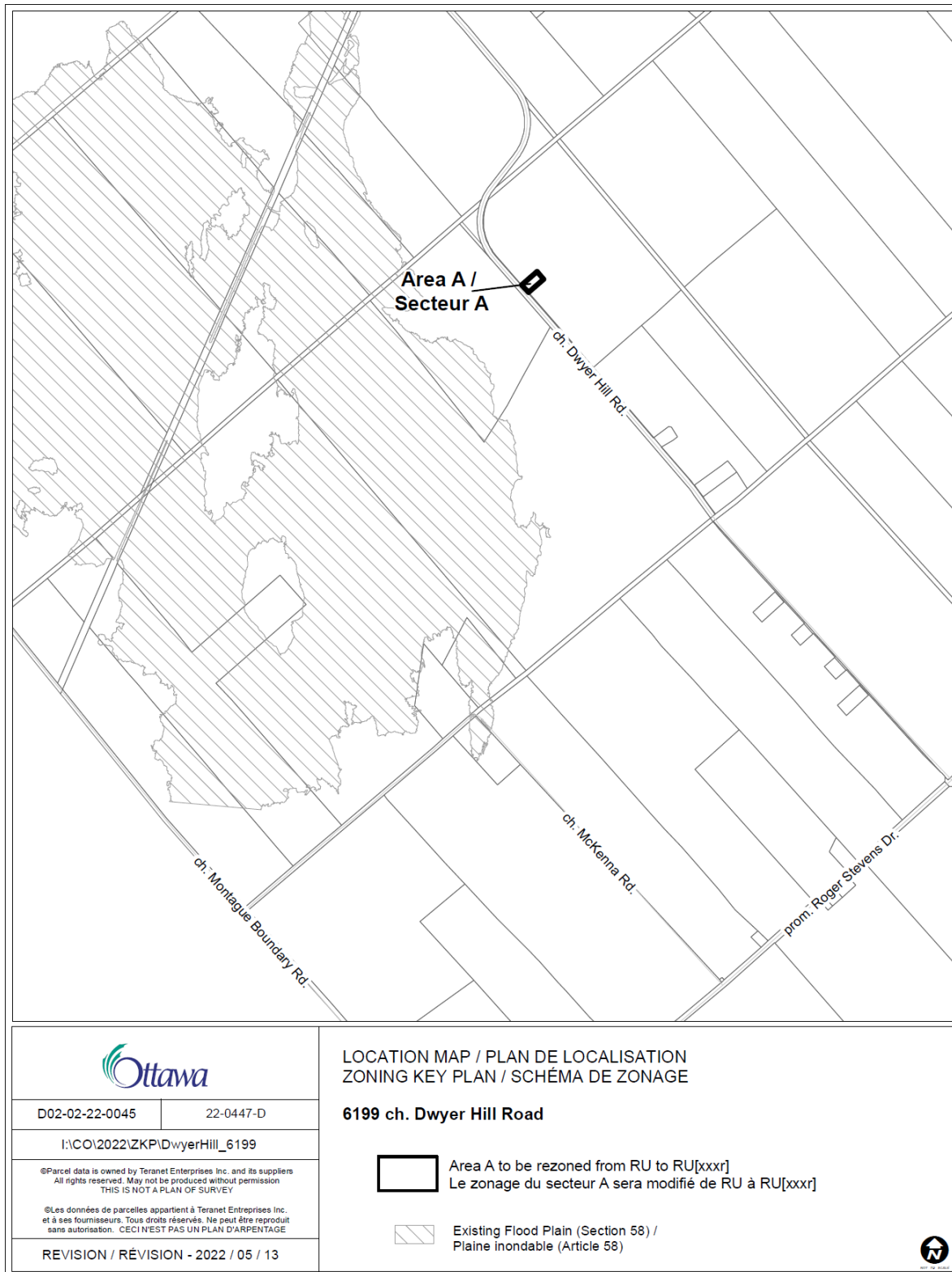
Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Ottawa Scene Canada Signs, 13-1920 Merivale Road, Ottawa, ON K2G 1E8; Krista O'Brien, Program Manager, Tax Billing & Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

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.ca)

Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 6199 Dwyer Hill Road:

1. Rezone the lands shown in Document 1
2. Amend Section 240 – Rural Exceptions by adding a new exception similar in intent to the following:
 - a) In Column II, add the following, “RU[xxxr]”
 - b) In Column V, add the following, “Subsection 67(1) does not apply”