

Subject: Zoning By-law Amendment – 7700 Copeland Road

File Number: ACS2022-PIE-PS-0142

Report to Agriculture and Rural Affairs Committee on 3 November 2022

and Council 9 November 2022

**Submitted on October 20, 2022 by Derrick Moodie, Director, Planning Services,
Planning, Real Estate and Economic Development**

Contact Person: Adam Brown, Manager, Development Review Rural

613 580-2424, 28352, *Adam.Brown@ottawa.ca*

Ward: Rideau-Goulbourn (21)

Objet : Modification au Règlement de zonage – 7700, chemin Copeland

Dossier : ACS2022-PIE-PS-0142

Rapport au Comité de l'agriculture et des affaires rurales

le 3 novembre 2022

et au Conseil le 9 novembre 2022

**Soumis le 20 octobre 2022 par Derrick Moodie, Directeur, Services de la
planification, Direction générale de la planification, des biens immobiliers et du
développement économique**

**Personne ressource : Adam Brown, Gestionnaire des demandes d'aménagement
ruraux**

613 580-2424, 28352, *Adam.Brown@ottawa.ca*

Quartier : Rideau-Goulbourn (21)

REPORT RECOMMENDATIONS

- 1. That Agriculture and Rural Affairs Committee recommend Council refuse an amendment to Zoning By-law 2008-250 for 7700 Copeland Road, as shown in Document 1, to allow for the construction of a single residence on a lot where it is within 150 metres of lands zoned Mineral Reserve (MR) and Mineral Reserve Subzone 1 (MR1), 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 9 November 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 de rejeter une modification au Règlement de zonage 2008-250 visant le 7700, chemin Copeland, comme indiqué dans le document 1, qui permettrait l'aménagement sur un lot d'une résidence à moins de 150 mètres de terrains désignés Zone de réserve de granulat minéral (MR) et Zone de réserve de granulat minéral, sous-zone 1 (MR1), comme expliqué en détail 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 9 novembre 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

7700 Copeland Road

Owner

Howden Sample

Applicant

City Initiated

Description of site and surroundings

The subject site is located on the south side of Copeland Road and east of Munster Road in the northeast corner of Lot 11, Concession 4, Geographic Township of Goulbourn. It is 0.81 hectares in lot area and save for a small portion, has been used as part of the farmland at 7712 Copeland Road. There is a sand and gravel ridge south of the lot and depleted pits north of Copeland Road and south of the lot. The sand and gravel reserves north of Copeland Road have been extracted. There are no existing licenced pits within 300 metres of the subject property. The neighbouring lots contain crop and pasture, wooded areas, and residential uses. The lot west of the property is on the heritage register.

Summary of requested Zoning By-law amendment proposal

The subject site is currently zoned Rural Countryside (RU) and it is proposed to construct a single residence. While the RU zone permits the use, Section 67(1)(a) of the Zoning By-law does not permit dwellings within 150 metres of a Mineral Aggregate Reserve (MR) Zone. Given that the lot is abutting an MR1 zone on two sides and is opposite an MR zone, a Zoning By-law amendment is required.

Brief history of proposal

The subject site is an existing lot of record created through a consent to sever in 1991. At the [meeting of July 6, 2022](#), City Council directed staff to bring forward a report

through Agricultural and Rural Affairs Committee to provide an exception to the Zoning By-law to allow for the construction of a single residence at the property identified by PIN 04440009, addressed as 7700 Copeland Road.

DISCUSSION

Public consultation

Notification was undertaken in accordance with the Public Notification approved by City Council for Zoning By-law amendments. No concerns were received.

For this proposal's consultation details, see Document 3 of this report.

Official Plan designation(s)

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 current and new OP, is more restrictive.

Current Official Plan

The existing Official Plan designates the subject site as Sand and Gravel Resource Area on Schedule A with a portion in the northeast corner falling within the General Rural Area. Sections 3.7.4(3) and (4) provide direction for development within the Sand and Gravel Resource area. The main land uses are sand and gravel pits subject to provisions of the *Aggregate Resources Act*. Additional related uses are permitted along with some existing uses such as farming, forestry, and resource management, provided they do not create difficulties for the future extraction of mineral aggregates from any lands in the designation. The City will permit the construction of a detached dwelling and accessory buildings subject to the following conditions:

- a. The lot fronts on a public road;
- b. The lot was created under the Planning Act prior to July 9, 1997;
- c. The use is shown as permitted in the zoning by-law
- d. All requirements for private servicing requirements are met;

- e. New development will be sited on existing lots in order to minimize the impact upon future extraction of mineral aggregate resources.

Section 3.7.4(10) states that new development will not be approved within 300 metres of a Sand and Gravel Resource Area unless it can be demonstrated that such development will not conflict with future mineral aggregate extraction.

The General Rural designation does permit single family homes. Section 5.3.2 (below) of the existing Official Plan does permit single family homes to be built on lots of record despite other policies. While the zoning does permit the use, private servicing has not been demonstrated and the use cannot comply with the mineral aggregate setbacks in the zoning by-law.

2. Irrespective of any other policy in this Plan, an individual has a right to develop a single-detached dwelling on a lot of record fronting on a public road that is maintained year round, if the lot was created under the Planning Act prior to the date of adoption of this Plan, if the zoning permits the use and if the use can meet all the requirements for private or central servicing.

New Official Plan

The new Official Plan (OP) designates the subject site as Rural Countryside with a Sand and Gravel Resource Area Overlay over all but the northeast portion of the lot as shown on Schedule B9 Rural Transect. Section 5.6.3.1 provides direction to protect important mineral aggregate resources from incompatible development. Sand and Gravel Resource areas are shown as additional to the underlying Rural Countryside designation. Permitted uses are those of the underlying designation and those of the overlay. The new Official Plan also recognizes existing lots of record with the same conditions as the current plan but indicates that the City may, not will, permit the development of the lot of record if those conditions are met. The new OP does not contain any general as-of-right policies for lots of record that the existing OP does.

Planning rationale

As part of the application a Mineral Resource Impact Assessment (MRIA) was required and filed. That report supported the development of a residence on the lot concluding that generally the resources in this area have either been depleted or are of limited quality and quantity to be commercially viable for licencing and not worth protecting. It noted that the Sand and Gravel overlay should be removed from the area.

Planning staff in their review of the MRIA have a number of concerns with the report and its conclusions. While there may be some validity to the quality and quantity of sand and gravel resources it is not fully justified in the report. As the protection of the resource is long-term there needs to be more clarity on its viability in the long-term such that the establishment of another house would not hinder its extraction. The report does not follow the former Ministry of Natural Resource guidance relating to adding to existing development (houses) impeding the ability to extract resources. The report notes that the overlay is not appropriate in this area and should be considered for removal as part of an Official Plan review. The Sand and Gravel Resource Overlay is therefore more appropriately dealt with comprehensively through an Official Plan amendment and zoning amendment not a site-specific zoning amendment for one lot.

Provincial Policy Statement

Section 2.5.2 of the Provincial Policy Statement seeks to protect mineral aggregate operations and resources for the long term. More specifically:

In known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

- a) resource use would not be feasible; or
- b) the proposed land use or development serves a greater long-term public interest; and
- c) issues of public health, public safety and environmental impact are addressed

It is not clear at this time that the resource use would not be feasible nor is a single lot development serving a greater long-term public interest.

Staff have reviewed this proposal and have determined that it is not consistent with the 2020 Provincial Policy Statement.

RURAL IMPLICATIONS

There are rural implications associated with this report. Refusal of the Zoning By-law amendment would result in a lot not permitted to build a house on it and approval could result in a resource not being protected.

COMMENTS BY THE WARD COUNCILLOR

The Ward Councillor is aware of the application related to this report.

LEGAL IMPLICATIONS

If Council adopts the staff recommendation and refuses the application, and if the owner appeals, it is expected that a five-day hearing would be required before the Ontario Land Tribunal. Such a hearing could be conducted within available Legal Services staff resources and utilizing planning staff as expert planning witnesses. An outside mineral resource consultant would likely need to be retained.

RISK MANAGEMENT IMPLICATIONS

There are risk implications. These risks with the loss of protection for aggregates have been identified and explained in the report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications with this report.

FINANCIAL IMPLICATIONS

Potential financial implications are outlined in the above Legal Implications section. In the event an outside consultant is retained, the expense would be funded from within Planning Services' operating budget.

ACCESSIBILITY IMPACTS

There are no accessibility impacts.

ECONOMIC IMPLICATIONS

This report and recommendations do not have a significant impact on Ottawa's economy nor the strategic priorities including economic diversification, economic growth, business attraction and talent attraction as identified within the City's Economic Development Strategy.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications with this report and recommendations.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- Economic Growth and Diversification;
- Sustainable Infrastructure and Thriving Workforce.

APPLICATION PROCESS TIMELINE STATUS

This application D02-02-22-0078 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 Requested Zoning

CONCLUSION

The Planning, Real Estate, and Economic Development Department does have concerns with this proposal as it has not been demonstrated that it is consistent with the Provincial Policy Statement, the City's existing Official Plan, and the City's new Official Plan.

DISPOSITION

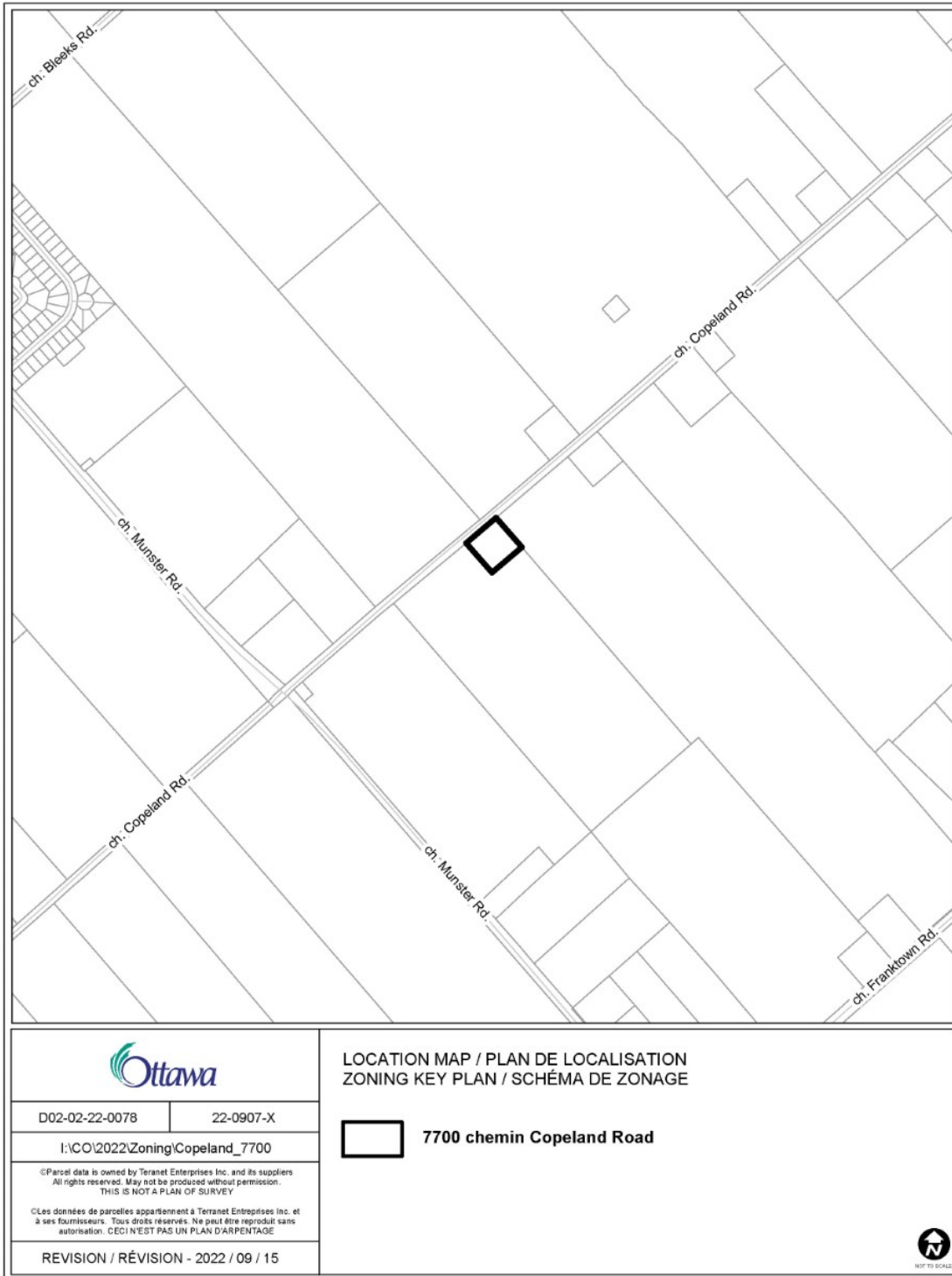
Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Ottawa Scene Canada Signs, 13-1920 Merivale Road, Ottawa, ON K2G 1E8; Krista O'Brien, Program Manager, Tax Billing & Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

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 2 – Details of Requested Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 7700 Copeland 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)(a) does not apply”