

Subject: Zoning By-law Amendment - 1814 and 1858 Old Montreal Road

File Number: ACS2022-PIE-PS-0128

Report to Agriculture and Rural Affairs Committee on 3 November 2022

and Council 9 November 2022

**Submitted on October 19, 2022 by Derrick Moodie, Director, Planning Services,
Planning, Real Estate and Economic Development**

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Ward: Cumberland (19)

**Objet : Modification du Règlement de zonage – 1814 et 1858, chemin Old
Montreal**

Dossier : ACS2022-PIE-PS-0128

Rapport au Comité de l'agriculture et des affaires rurales

le 3 novembre 2022

et au Conseil le 9 novembre 2022

**Soumis le 19 octobre 2022 par Derrick Moodie, Directeur, Services de la
planification, Direction générale de la planification, des biens immobiliers et du
développement économique**

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Quartier : Cumberland (19)

REPORT RECOMMENDATIONS

- 1. That Agriculture and Rural Affairs Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 1814 and 1858 Old Montreal Road as shown in Document 1 to recognize the approved lot line adjustment, permit additional land uses in accordance with the Official Plan**

designation, and ensure the vacant retained land is developed with proper consideration for known and potential hydrogeological, slope stability, and environmental concerns, 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 d'approuver une modification du Règlement de zonage 2008-250 visant les 1814 et 1858, chemin Old Montreal, des biens-fonds illustrés dans le document 1, afin de tenir compte de la nouvelle ligne de lot approuvée, de permettre des utilisations du sol supplémentaires prévues par la désignation du Plan officiel et de garantir que le terrain vacant conservé sera aménagé avec une attention appropriée aux problèmes connus et potentiels liés à l'hydrogéologie, à la stabilité des pentes et à l'environnement, comme l'expose en détail 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

1814 and 1858 Old Montreal Road

Owner/Applicant

Shirley Edwards

Description of site and surroundings

The subject properties to be rezoned are located south of Old Montreal Road and north of Wilhaven Drive. 1814 Old Montreal Road is currently vacant with woodlands covering the majority of the property while 1858 Old Montreal Road contains a detached dwelling, private services, and significant woodlands. Both properties are currently zoned RR1[515r]-h – Rural Residential Zone, Subzone 1, Exception 515, holding. The holding can only be removed upon compliance with an approval of a subdivision application or consent application.

Summary of requested Zoning By-law amendment proposal

This application was submitted to fulfill a condition of approval imposed by the Committee of Adjustment for Consent Application D08-01-21/B-00248. The intent is to rezone 1814 and part of 1858 Old Montreal Road, shown as Area A on Document 1, from RR1[515r]-h to RU and rezone the remainder of 1858 Old Montreal Road, shown as Area B on Document 1, from RR1[515r]-h to RU[XXXX]-h. The purpose of the rezoning is to recognize the approved lot line adjustment, permit additional land uses in accordance with the Official Plan designation, and ensure the vacant retained land shown as Area B on Document 1 is developed with proper consideration for known and potential hydrogeological, slope stability, and environmental concerns.

Brief history of proposal

An application for a lot line adjustment was heard and approved by the Committee of Adjustment Panel 3 on January 12, 2022 for 1858 Old Montreal Road. The applicant wished to convey the existing house and services on approximately 0.91 hectares with 200 metres of frontage on Old Montreal Road to the abutting property. The Planning

Department noted that the existing holding provision had to be removed as a condition of approval and that the existing Rural Residential Zone, characteristic of rural subdivisions, should also be changed to the Rural Countryside Zone (RU) to better align with the Official Plan designation.

During review of the Consent Application, Planning staff identified several concerns related to slope stability, suitable well water, and environmental features that impacts development potential on the retained vacant land. Through discussions with the applicant, it was determined that a suitable solution was to modify the existing holding provision on the retained land such that all development is prohibited, except agriculture and forestry, until the holding provision is lifted by providing a satisfactory Geotechnical Investigation Report, Hydrogeological Assessment and Terrain Analysis, and Environmental Impact Statement.

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. A public meeting was not held. No concerns were identified.

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. Planning Staff have applied the provision of the new Official Plan as it has the more restrictive provisions.

Current Official Plan

The subject properties are designated General Rural Area by Schedule A of the Official Plan. The intent of the General Rural Area designation is to provide a location for agriculture, non-agricultural uses that would not be more appropriately located within urban or village locations, and for a limited amount of residential development by severance. Agricultural uses, forestry, natural resource management activities,

residential uses, animal boarding, breeding and training facilities, bed and breakfast establishments, open spaces, and cemeteries will be permitted within the General Rural Area designation.

As per Official Plan policy 4.4.2.2, where a lot is reliant upon private services, the City will require proof that the lot can be serviced with potable water and an in-ground sewage disposal.

As per Official Plan section 4.7.8, an Environmental Impact Statement demonstrating no negative impacts is required for any development within natural features or within 120 metres of natural features. The subject site contains potential significant woodlands and Identified Natural Heritage Systems Features Overlay on Schedule L1 of the Official Plan.

As per Official Plan section 4.8.3, applications for consent shall be supported by a geotechnical study to demonstrate the suitability of soils for development. City staff have identified potential unstable slopes and soils on the subject properties, particularly around Old Montreal Road as per Schedule K of the Official Plan.

New Official Plan

The subject properties are designated Rural Countryside by Schedule B9 of the Official Plan. The intent of the Rural Countryside designation is to protect and enhance rural character, strengthen the rural economy by permitting a diversity of uses that support the local rural community, and limit the fragmentation of rural lands while ensuring the preservation of health. Agricultural uses, forestry, natural resource management activities, residential uses, animal boarding, breeding and training facilities, bed and breakfast establishments, open spaces, and cemeteries may be permitted within the Rural Countryside designation.

Official Plan section 5.6.4 provides direction for protecting the Natural Heritage System and Natural Heritage Features and requires any development or site alterations within or adjacent these overlays to demonstrate no negative impacts to the natural features. As identified on Schedule C11-C, the subject properties are almost entirely covered by the Natural Heritage Features Overlay and as such, an Environmental Impact Statement is required.

Official Plan policy 4.7.2(15) notes that as part of a complete application where development is proposed on the basis of private individual services, the City will require sufficient information with the application to assess the water quality and quantity and septic system requirements.

Official Plan Section 10.1.4(3), the City shall review all development using criteria that ensures sufficient soils and engineering information to confirm that the site is suitable or can be made suitable for development, site alterations will not adversely impact or create new hazards, and people and vehicles have a way of safely accessing the area during emergencies or following an erosion event. Planning staff have identified potential unstable slopes as per Schedule C15 and as such, require a Slope Stability Report before any development occurs.

Planning rationale

During review of Consent Application D08-01-21/B-00248, it was noted that the existing holding provision over both properties had to be lifted in order for the conveyance to be certified. Planning staff identified that removing the holding provision over the retained vacant land provided opportunities for development and as such, there is a requirement for technical considerations for hydrogeological, slope stability, and environmental concerns in accordance with the Official Plan. The applicant had no intention of developing the retained vacant land before selling the property. Staff in consultation with the applicant determined an appropriate solution was to modify the existing holding provision such that all development except for agriculture and forestry operations are prohibited until such a time that a satisfactory Hydrogeological Assessment and Terrain Analysis, Slope Stability Report, and Environmental Impact Statement are produced in accordance with applicable policies and guidelines.

Planning staff also noted that the current rural residential zone primarily used for rural country lot estate subdivisions is not appropriate for either the retained or conveyed/recipient lands given the Rural Countryside designation and prohibition of rural subdivisions. Staff view the Rural Countryside Zone (RU) as the more appropriate zone for both 1814 and 1858 Old Montreal Road as the list of permitted uses better aligns with the land uses identified under the Official Plan for the Rural Countryside designation.

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 help ensure any future development has proper considerations for hydrogeological, slope stability, and environmental concerns and adds additional permitted land uses characteristic of the rural area and which

strengthen the rural economy by permitting a diversity of uses that support the local rural community.

COMMENTS BY THE WARD COUNCILLOR

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

LEGAL IMPLICATIONS

There are no legal impediments to implementing the report recommendations.

RISK MANAGEMENT IMPLICATIONS

Planning staff have identified a potential risk to public health and safety associated with potential unstable slopes and variable groundwater quality and quantity. The requirement for a Hydrogeological Assessment and Terrain Analysis in order to lift the holding provision on Area B shown in Document 1 will ensure any development adequately address the potential risk to public health and safety.

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 application.

ENVIRONMENTAL IMPLICATIONS

Area B shown in Document 1 is almost entirely covered by the Natural Heritage Features Overlay as per Schedule C11-C. The requirement for an Environmental Impact Statement to lift the holding provision will help ensure no negative impacts to the environmental features.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- Economic Growth and Diversification
- Environmental Stewardship

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-22-0085) was processed by the "On Time Decision Date" established for the processing of Zoning By-law amendment applications.

Support Documentation

Document 1 Location Map

Document 2 Details of Recommended Rezoning

CONCLUSION

The Planning, Real Estate and Economic Development Department support this Zoning By-law Amendment as it adheres to the Official Plan and Provincial Policy Statement and helps ensure future development adequately addresses servicing requirements, potential public health and safety concerns, and protection of natural features.

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.

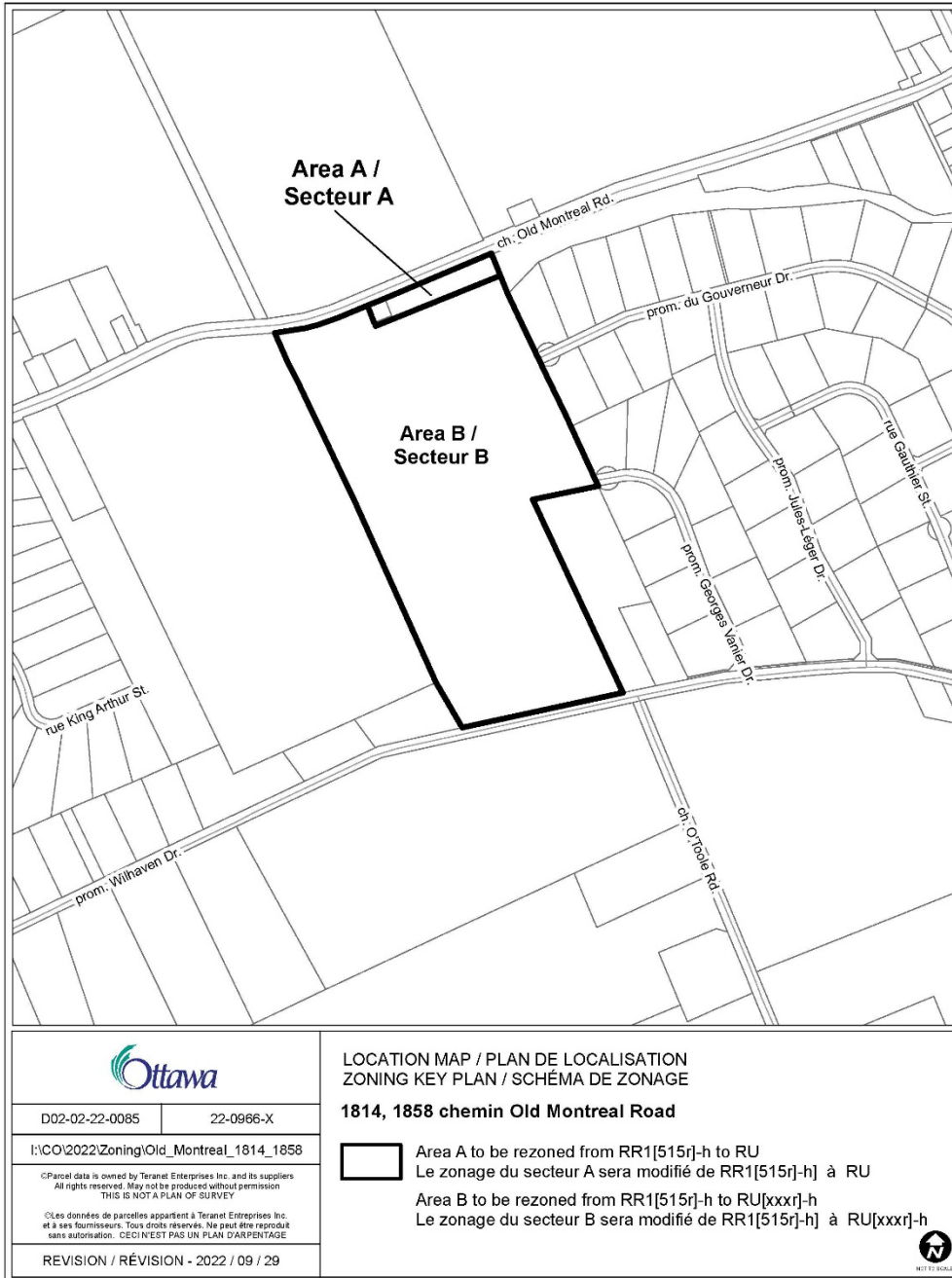
Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

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

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit geoOttawa

The subject properties are shown below south of Old Montreal Road, north of Wilhaven Drive, and west of du Gouverneur Drive.



Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 1814 Old Montreal Road and 1858 Old Montreal Road:

1. Rezone the lands as shown in Document 1
2. Add a new exception [xxxr] with provisions similar in effect to the follow:
 - In Column I, add the text “[xxxr]”
 - In Column II, add the text “RU[xxxr]-h”
 - In Column IV, add the text “All uses prohibited except for agriculture uses and forestry operation until such a time as the holding symbol is removed”

In Column V, add the text: “the holding provision may only be removed by amendment to this by-law when a Hydrogeological Assessment and Terrain Analysis, Slope Stability Report, and Environmental Impact Statement are completed to the satisfaction of the City.