

3. ZONING - 3228 MOODIE DRIVE
ZONAGE - 3228, PROMENADE MOODIE

COMMITTEE RECOMMENDATION AS MODIFIED

That Council approve an amendment to the Zoning By-law 2008-250 to change the zoning of 3228 Moodie Drive from Mineral Extraction Subzone 2 Exception [4r]-h (ME2 [4r]-h) to Mineral Extraction Subzone 2 with an Exception (ME2 [xxxr]-h, as shown in Document 1 and as detailed in revised Document 2.

RECOMMANDATION MODIFIÉ DU COMITÉ

Que le Conseil municipal approuve une modification au Règlement de zonage 2008-250 afin de changer la désignation de zonage du 3228, promenade Moodie de Zone d'extraction de minerai, sous-zone 2, exception [4r]-h (ME2 [4r]-h) à Zone d'extraction de minerai, sous-zone 2 assortie d'une exception (ME2 [xxxr]-h), comme il est montré dans le Document 1 et expliqué en détail dans le Document 2 révisé.

DOCUMENTATION / DOCUMENTATION

1. Deputy City Manager's report, Planning and Infrastructure, dated 23 January 2013 (ACS2013-PAI-PGM-0045).
Rapport de la Directrice municipale adjointe, Urbanisme et Infrastructure, le 23 janvier 2013 (ACS2013-PAI-PGM-0045).
2. Extract of Draft Minutes, Agriculture and Rural Affairs Committee, 7 February 2013.
Extrait de l'ébauche du procès-verbal du Comité de l'agriculture et des affaires rurales, le 7 février 2013.

Report to/Rapport au :

Agriculture and Rural Affairs Committee
Comité de l'agriculture et des affaires rurales

and Council / et au Conseil

**January 23, 2013
23 janvier 2013**

Submitted by/Soumis par : **Nancy Schepers, Deputy City Manager/Directrice
municipale adjointe,
Planning and Infrastructure/Urbanisme et Infrastructure**

Contact Person / Personne ressource: *Derrick Moodie, Manager/Gestionnaire,
Development Review-Rural Services/Examen des projets d'aménagement-Services
ruraux, Planning and Growth Management/Urbanisme et Gestion de la croissance
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Rideau-Goulbourn (21)

Ref N°: ACS2013-PAI-PGM-0045

SUBJECT: ZONING - 3228 MOODIE DRIVE

OBJET : ZONAGE - 3228, PROMENADE MOODIE

REPORT RECOMMENDATION

That the Agriculture and Rural Affairs Committee recommend Council approve an amendment to the Zoning By-law 2008-250 to change the zoning of 3228 Moodie Drive from Mineral Extraction Subzone 2 Exception [4r]-h (ME2 [4r]-h) to Mineral Extraction Subzone 2 with an Exception (ME2 [xxxxr]-h, as shown in Document 1 and as detailed in Document 2.

RECOMMANDATION DU RAPPORT

Que le Comité de l'agriculture et des affaires rurales recommande au Conseil municipal d'approuver une modification au Règlement de zonage 2008-250 afin de changer la désignation de zonage du 3228, promenade Moodie de Zone d'extraction de minerai, sous-zone 2, exception [4r]-h (ME2 [4r]-h) à Zone d'extraction de minerai, sous-zone 2 assortie d'une exception (ME2 [xxxxr]-h), comme il est montré dans le Document 1 et expliqué en détail dans le Document 2.

BACKGROUND

Kott Lumber is located on the west side of Moodie Drive, south of Fallowfield Road and the Jock River, and north of Cambrian Road, as depicted in Document 1.

Kott Lumber, which currently operates out of 3228 and 3270 Moodie Drive opened its business in Ottawa in 1974. Kott has expanded its business to northern Canada, having developed a high-performance building system designed specifically for the arctic climate, the components of which are manufactured at this location. Their expanding operation cannot be accommodated on their current site so they are looking to utilize vacant lands to the west. These lands are not currently zoned appropriately for their needs and as such the need for a Zoning By-law amendment.

The surrounding area has a mix of active quarry operations, industrial business, rural lots and agricultural lands. The CP Rail Line and the Jock River bound the western and northern boundaries of the property. Immediately across the street on the east side of Moodie Drive is a rural residential use, and south of the property is an active sand quarry (Burnside Sand and Gravel Ltd.).

The entire Kott Lumber holdings are approximately 32.1 ha and have frontage on Moodie Drive. The business currently operates on the easterly portion of the site, which is approximately 18.5 ha in size. The property has a main office building at the northern end with several buildings and storage areas located around the property, which service the lumber business. The driveway access to the site is located at the northern end of the property by the main office.

The parcels to be rezoned are approximately 13.6 ha in size and are located at the back west end of the property as shown in Document 1 as Area A. The current operation is located in Area B. There is an existing 20 m access easement located at the south end of the site. The easement is in favour of the property owner north of the rail line to provide access to his site. The easement is not actively used as no crossing is permitted over the rail line at this time, however the easement will remain intact. The site is privately serviced. Storm drainage of the site is split where the western half of the property slopes in a westerly direction and sheet drains toward the railway. The rest

of the site slopes in the north-easterly direction with the central area draining north to an existing ditch. This ditch flows westerly towards the railway and the remaining area drains easterly towards the existing lumber business.

It is the intention of the owner to expand its existing business westerly, as it currently has outgrown the zoned portion of the site. He wishes to rezone the remainder of the property in accordance with the existing zoning on the active portion of the site to allow the business to expand. The operation would continue to operate in the same fashion with the access and egress as it currently functions. Although a site plan application has not yet been filed, it is anticipated that this expansion area will accommodate a new warehouse, additional parking and outdoor storage areas.

Existing Zoning

The expansion lands subject of this Zoning By-law amendment are zoned Mineral Extraction Subzone 2 Exception [4r]-holding zone (ME2 [4r]-h). The ME2 zone is prevalent throughout the surrounding area. The ME2 zone allows for a limited range of uses related to or compatible with mineral extraction operations, which include agricultural uses, environmental preserve and educational area, equestrian establishment, forestry operation, kennel, leaf and yard waste composting facility and mineral extraction operation related to a pit only. Exception 4r requires a minimum lot area of 3 ha. The holding symbol (h) only applies to the permitted use of the mineral extraction operation which requires an application to obtain a license to extract mineral aggregates from the province and municipal approval of an Environmental Impact Statement.

The active portion of the Kott site is zoned Mineral Extraction Exception-Holding [483r] (ME[483r]-h) and Mineral Extraction Exception [485r]-Holding ME[485r]-h. The ME[483r] zone permits the following uses: light industrial uses limited to manufacturing of prefabricated roof trusses and wood; framed panels-retail store limited to the sale of lumber and other building materials. The exception also addresses minimum lot area, width, coverage and setback requirements. The ME[485r]-h zone permits the following uses: light industrial uses limited to the manufacturing of millwork and other lumber products for the building industry. The exception also addresses minimum lot area, width, coverage and setback requirements.

Proposed Zoning

It is proposed that the lands of this application be rezoned from Mineral Extraction Subzone 2 Exception [4r]-holding zone (ME2 [4r]-h) to Mineral Extraction Subzone 2 with an Exception, holding zone (ME2 [xxxxr]-h). The proposed amendment would add light industrial uses limited to the manufacturing of millwork and other lumber products for the building industry to the list of permitted uses. This site-specific zone will be

similar to that which exists on the active portion of the property, on which the business operates. No other exceptions to the zone are being requested.

DISCUSSION

Official Plan

The property is predominately within the "Sand and Gravel Resource Area" designation of the Official Plan. The permitted uses within the sand and gravel area are as follows: pits and wayside pits along with other related uses of portable asphalt plants and other uses associated with sand and gravel extraction operations.

A small area of the property at the south west tip is designated Agricultural Resource Area in the Official Plan. The area appears to be part of a larger agricultural designated parcel to the west however is severed by the CP rail line. For the most part this area is surrounded by a Sand and Gravel Resource Area and is not a viable agricultural parcel. This appears to be somewhat of an anomaly and staff have agreed, as part of the five year review of the Official Plan to address this issue accordingly.

Sand and Gravel and Limestone Resource Areas are designated on Schedules A and B of the Official Plan with the intent to:

- a. Protect non-renewable mineral aggregate resources, located close to markets, for future use;
- b. Protect mineral aggregate resource and aggregate operations from incompatible activities; and
- c. Minimize community and environmental disruptions from aggregate extraction activities.

Where the sand, gravel or limestone aggregate resources of a property have been fully extracted, the property may be used for other purposes. Similarly, if a technical study (prepared by a person qualified to assess the condition of the aggregate) demonstrates that the aggregate resources of a site are not suitable for exploitation, then alternative land uses may be permitted. The City will not require the proponent to amend the Official Plan; instead the Plan will be amended to accurately reflect the new use at the time of the next comprehensive Official Plan update or through a general Official Plan amendment.

In support of the Owner's submission, a Mineral Aggregate Extraction Assessment was conducted by the Paterson Group Inc. In short the findings suggest that the bulk of the central portions of the subject lands had been previously excavated and filled as part of some previous activity. There does not appear to be any active or former Aggregate Extraction License identifying such. Based on the test pit and borehole information there is clearly negligible aggregate extraction potential remaining on these lands. Also

in support, is a letter received by the City from the previous Owner claiming much of the aggregate material was extracted while under his ownership.

In Sand and Gravel Resource Areas that are depleted or not suitable for exploitation, the property may be used for purposes listed in Section 3.7.3 or additional new uses as follows:

- a. If the lands are predominantly surrounded by an Agriculture Resource designation, the uses identified in Section 3.7.3 for Agricultural Resource Areas may be permitted. Where a pit licence has been surrendered and the pit was located on prime agricultural lands, the site will be rehabilitated for productive agricultural use except where extraction has occurred below the water table; or if the lands are predominantly surrounded by designations other than Agricultural Resource, the uses in Section 3.7.2 for the General Rural Area, including farming, may be permitted; and
- b. In all cases, a rezoning to an appropriate zone will be required.

The lands are not predominantly surrounded by active agricultural operations. The Sand and Gravel Resource, and Kott Lumber, appears to be the prominent features in the area and as such the uses in Section 3.7.2 for the General Rural area are therefore permitted. The General Rural Area permits several rural land uses such as the lumber operation.

Finally there is one more issue with respect to establishing new development within 300 metres of a Sand and Gravel Resource Area. Section 3.7.4.10 of the Official plan states:

“limited types of new development within 300m of a sand and gravel resource area can be provided if such developments do not conflict with the future extraction of the resource”

The subject lands are located within 300 m of a sand and gravel resource area (active operations). For the most part much of the aggregate activity is taking place to the south. A considerable amount of material has been excavated adjacent to the Kott Lumber site with some areas exhausted and rehabilitated. The active operations south of the Kott Lumber site appear to be moving south along Moodie Drive.

To summarize, it is clear that based on the results of the Mineral Aggregate Extraction Assessment that the subject lands no longer have any aggregates worthy of extraction. With a large percentage of the resource already removed adjacent to the Kott Lumber site, much of the aggregate activity is now focused on moving further south. This of course is indicative of the Official Plan designation which identifies a large percentage of the resource running south along both sides of Moodie Drive. The current aggregate operations adjacent to the Kott Lumber site have worked side by side for at least three

decades. With little resource remaining around the subjects lands the existence of the lumber operation and the subject expansion lands will have a negligible impact on existing and future aggregate operations.

RURAL IMPLICATIONS

The proposal is consistent with the documents in which guide the development within and adjacent to Sand and Gravel Resource areas. The proposed Zoning By-law amendment will not conflict with existing or future mineral aggregate extraction.

CONSULTATION

Notice of this application was carried out in accordance with the City's Public Notification and Consultation Policy. No comments or objections were received.

COMMENTS BY THE WARD COUNCILLOR

The Ward Councillor is aware of the application.

LEGAL IMPLICATIONS

There are no direct legal implications associated with this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications association with the recommendation in this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no accessibility implications associated with this report.

ENVIRONMENTAL IMPLICATIONS

There are no environment implications associated with this report.

TECHNOLOGY IMPLICATIONS

There are no technology implications associated with this report.

TERM OF COUNCIL PRIORITIES

The application, as proposed, is perceived as supporting the growth of the economy in the rural area.

APPLICATION PROCESS TIMELINE STATUS

The application was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments.

SUPPORTING DOCUMENTATION

Document 1 Location Map/Zoning Key Plan
Revised Document 2 Details of Recommended Zoning

DISPOSITION

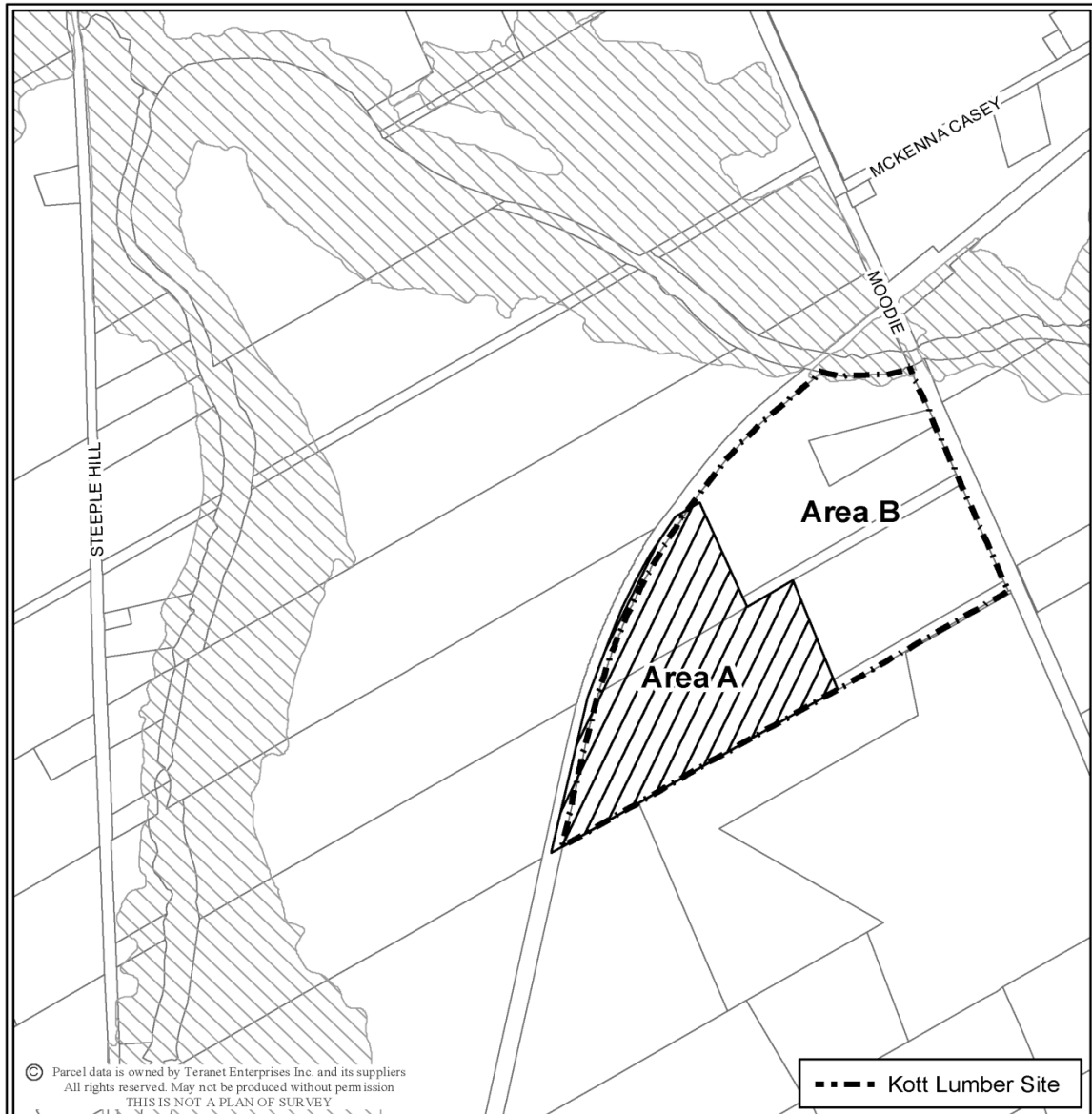
Planning and Growth Management Department to notify the owner, applicant, OttawaScene Canada Signs, 1565 Chatelain Avenue, Ottawa, ON K1Z 8B5, Ghislain Lamarche, Program Manager, Assessment, Financial Services Branch (Mail Code: 26-76) of City Council's decision.

Planning and Growth Management to prepare the implementing by-law, forward to Legal Services and undertake the statutory notification.

Legal Services to forward the implementing by-law to City Council


LOCATION MAP/ZONING KEY PLAN

DOCUMENT 1




Ottawa
 Produced by Infrastructure Services
 and Community Sustainability
 Produit par Services d'infrastructure
 et Viabilité des collectivités

D02-02-12-0101	12-1501-X
I:\CO\2012\ZONING\MOODIE_3228	
2012 / 10 / 29	
REVISION DATE	DE RÉVISION

 **Location Map / Plan de révision
 Zoning Key Plan / Schéma de zonage
 3228 promenade Moodie Drive**

Area A to be rezoned from ME2[4r]-h to ME2[xxxx]-h

 Flood Plain (Section 58)
 Plaine inondable (Article 58)

045940122 Denotes Teranet-Polaris Parcel Identification Number

Échelle
 N.T.S.
 Mètres



Scale
 N.T.S.
 Metres

DETAILS OF RECOMMENDED ZONING

REVISED DOCUMENT 2

Proposed Changes to the Comprehensive Zoning By-law

1. Rezone the lands shown in Document 1 as follows:

- Area A from ME2 [4r]-h to ME2[xxxr]-h

2. Add a new exception, ME2[xxxr]-h, to Section 240 – Rural Exceptions, which includes the following:

a. In Column II the text “ME2[xxxr]-h”;

b. In Column III the following as additional permitted uses:

- light industrial use limited to the manufacturing of millwork and other lumber products for the building industry
- Storage yard limited to the storage of building materials
- Warehouse limited to the storage and distribution of building materials

c. In Column V the following additional provisions:

- i. minimum lot area: no minimum
- ii. maximum lot coverage 30 %
- iii. the holding symbol applies only to the permitted use mineral extraction operation- the holding symbol may only be removed by amendment to this by-law upon compliance with the following:

(a) a completed application has been made to the province for a license to extract mineral aggregates;

(b) the City has approved an Environmental Impact Statement submitted when the proposed mineral extraction operation is adjacent to lands zoned EP3 - Environmental Protection or lands designated Rural Natural Feature in the Official Plan.