

**OFFICIAL PLAN AMENDMENT – 481 TULLAMORE STREET
MODIFICATION AU PLAN OFFICIEL – 481, RUE TULLAMORE**

COMMITTEE RECOMMENDATION

That Council approve an amendment to the Official Plan for 481 Tullamore Street to permit the development of nine residential lots which is Phase 3 of the Emerald Creek subdivision, as detailed in Document 2.

RECOMMANDATION DU COMITÉ

Que le Conseil approuve une modification du Plan officiel visant le 481, rue Tullamore, afin de permettre l'aménagement de neuf lots résidentiels, dans le cadre de la phase 3 du lotissement Emerald Creek, comme le précise le document 2.

Documentation/Documentation

1. Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated May 18, 2021
(ACS2021-PIE-PS-0059)

Rapport de la Directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 18 mai 2021 (ACS2021-PIE-PS-0059)

**AGRICULTURE AND RURAL
AFFAIRS COMMITTEE
REPORT 22
JUNE 9, 2021**

2

**COMITÉ DE L'AGRICULTURE ET
DES AFFAIRES RURALES
RAPPORT 22
LE 9 JUIN 2021**

**Report to
Rapport au:**

**Agriculture and Rural Affairs Committee
Comité de l'agriculture et des affaires rurales
3 June 2021 / 3 juin 2021**

**and Council
et au Conseil
9 June 2021 / 9 juin 2021**

**Submitted on 18 May 2021
Soumis le 18 mai 2021**

**Submitted by
Soumis par:**

**Lee Ann Snedden
Director / Directrice**

**Planning Services / Services de la planification,
Planning, Infrastructure and Economic Development Department / Direction
générale de la planification, de l'infrastructure et du développement économique**

Contact Person

Personne ressource:

**Krishon Walker, Planner / Urbaniste, Development Review Rural / Examen des
demandes d'aménagement ruraux
613-580-2424, 24161, Krishon.Walker@ottawa.ca**

Ward: OSGOODE (20)

File Number: ACS2021-PIE-PS-0059

SUBJECT: Official Plan Amendment – 481 Tullamore Street

OBJET: Modification au Plan officiel – 481, rue Tullamore

REPORT RECOMMENDATIONS

- 1. That Agriculture and Rural Affairs Committee recommend Council approve an amendment to the Official Plan for 481 Tullamore Street to permit the development of nine residential lots which is Phase 3 of the Emerald Creek subdivision, 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 June 9, 2021," 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 Plan officiel visant le 481, rue Tullamore, afin de permettre l'aménagement de neuf lots résidentiels, dans le cadre de la phase 3 du lotissement Emerald Creek, comme le précise le document 2.**
- 2. Que 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 juin, 2021 », à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.**

BACKGROUND

Site Location

481 Tullamore Street

Owner

8298025 Canada Inc.

Applicant

Eric Bays, Stantec Consulting Ltd.

Description of Site and Surroundings

This site is located at the northwest corner of the existing Emerald Creek subdivision within Ward 20. The property is approximately 3.30 hectares in size and is currently vacant. The property is surrounded by woodlands to the north, south and west and Phases 1 and 2 of the Emerald Creek subdivision to the east. Access is provided to the site from Tullamore Street on the east.

Summary of Requested Official Plan Amendment

The subject property is currently designated as Rural Natural Features Area. Section 3.4.2 of the Official Plan states that the policies of Section 3.7.2 – General Rural Area, also apply to the Rural Natural Features designation. The amendment is to add a site-specific policy exemption to the General Rural Area policies to permit a residential subdivision.

Brief History of Proposal

Emerald Creek is a rural conservation subdivision which received Draft Plan approval in 2005 (File No.: OLV2002-0005). The conservation subdivision includes 89 residential lots and approximately 36.3 hectares of natural area and open space to be jointly owned between the 89 lots. Zoning was approved shortly after Draft Plan approval. Phases I and II of the subdivision, each containing 40 lots, were subsequently registered. However, Draft Plan approval lapsed before the third and final phase of the subdivision could be registered.

At the time Emerald Creek was approved, country lot subdivisions on private services were permitted in the General Rural Area and Rural Natural Features designations of the Official Plan. In June 2009, City Council placed a five-year moratorium on all country lot subdivision and directed City staff to undertake an analysis of how to best regulate this form of development. The 2013 comprehensive Official Plan review subsequently prohibited all country lot subdivisions and deleted policies regarding their development through Official Plan Amendment 150.

Due to the prohibition of country lot subdivisions, a site-specific amendment to the Official Plan is required to permit the City to issue Draft Plan approval for the remaining nine lots in the third and final phase of the subdivision. The remaining phase will complete the previously approved 89-lot community and allow Emerald Creek Properties to transfer the open space and natural areas to joint-ownership between all residential lots.

DISCUSSION

Public Consultation

Notification and public consultation for this Official Plan amendment were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council. In total, two residents provided comments and/or their contact information to the City within the public circulation period.

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

Official Plan Designation

The subject site is designated Rural Natural Features on Schedule A – Rural Policy Plan of the Official Plan. Rural Natural Features are natural areas in the rural area that contain significant woodlands, wetlands, and wildlife habitat that were identified by the Natural Environment Systems Strategy in the 1990s. These lands include many components of the natural heritage system defined in Section 2 of the Official Plan. Any development within or adjacent to these lands must be assessed in terms of its impact on the area's natural features and functions, particularly impacts arising from the extent of disturbance and the location of buildings. Section 3.4.2 of the Official Plan states that the policies of Section 3.7.2.4 – General Rural Area, also apply to the Rural Natural Features designation.

General Rural Areas are designated on Schedule A with the intent to provide:

- a. A location for agriculture and for those non-agricultural uses that, due to their land requirements or the nature of their operation, would not be more appropriately located within urban or Village locations;
- b. For a limited amount of residential development by severance and other rural and tourist service uses that do not conflict with a) above. [Amendment #150, December 21, 2017]

Residential subdivisions are not permitted except in the following circumstances:

- a. Applications lodged prior to December 31, 2009; or
- b. New applications on the land identified by Parcel Identification Numbers 04446-1995, 04446-0636, 04446-1670, 04438-0313 and 04438-0314.

The proponent is proposing to add a site-specific policy exemption to the General Rural Area policies to permit a residential subdivision.

Section 4.3 – Transportation supports development of integrated, safe, and efficient transportation systems which balance the needs of all road users.

Section 4.4.2 – Private Water and Wastewater Servicing states that, where development of the basis of private water and wastewater is proposed, the City will require sufficient information to demonstrate there is groundwater of sufficient quantity and quality to sustainably support the development. Supporting information must also demonstrate that wastewater systems on new lots will not impact on new or existing wells.

Section 4.7.6 – Stormwater states that stormwater site management plans are required to support subdivision development.

Section 4.7.8 – Environmental Impact Statement states that an Environmental Impact Statement is required for development and site alteration proposed within, or adjacent to, natural heritage features and no development may occur unless it is demonstrated there will be no negative impact on natural heritage features.

Section 4.8.7 – Environmental Noise Control states that Development proposals for new noise sensitive land uses will require a noise feasibility study in certain circumstances.

This application has been reviewed under the consolidated Official Plan (2003) and relevant amendments in effect. Staff are of the opinion that this proposal is generally consistent with the policies of the Official Plan.

Zoning

The site is currently zoned Rural Residential, Subzone 5, Rural Exception 241r (RR5[241r]). The purpose of this zone is to recognize and permit large-lot residential development in planned subdivisions and to acknowledge existing smaller lot development in areas designated as General Rural Area or Rural Natural Features in the Official Plan. The proposal complies with the provisions of the Zoning By-law.

Planning Act

The *Planning Act* requires that all City planning decisions be consistent with the Provincial Policy Statement (PPS), as the document that provides policy direction on matters of Provincial interest related to land use development.

Provincial Policy Statement

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

RURAL IMPLICATIONS

The proposal would allow for the completion of the Emerald Creek rural conservation subdivision which received Draft Plan approval in 2005.

CONSULTATION

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy approved by Council for development applications.

COMMENTS BY THE WARD COUNCILLOR

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

ADVISORY COMMITTEE COMMENTS

There are no Advisory Committee comments in relation to these applications.

LEGAL IMPLICATIONS

There are no legal impediments to implementing the recommendations of this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with these applications.

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

The subject property is designated as Rural Natural Features Area on Schedule A of the Official Plan and is part of the Natural Heritage System. In accordance with Section 4.7.8 of the Official Plan, an Environmental Impact Statement and a Tree Conservation Report were submitted which supports the proposal.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- Thriving Communities
- Environmental Stewardship

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D01-01-20-0023) was processed by the "On Time Decision Date" established for the processing of Official Plan amendment applications.

CONCLUSION

Planning, Infrastructure and Economic Development supports this Official Plan amendment as the proposal is consistent with the Official Plan policies. The amendment represents good planning and, for the reasons stated above, staff recommends approval of the Official Plan Amendment.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Draft Official Plan Amendment

Document 3 Consultation Details

DISPOSITION

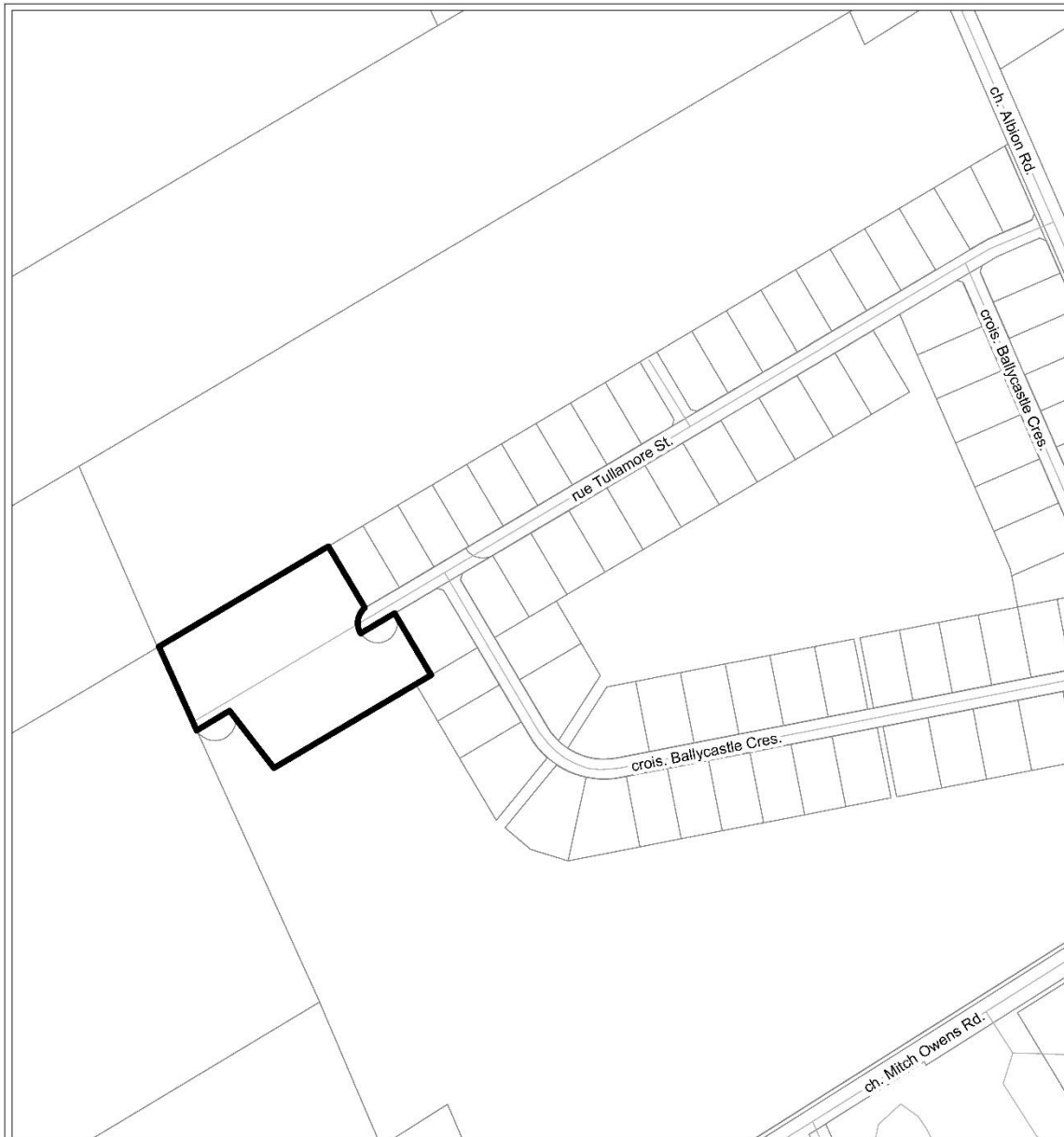
Legislative Services, Office of the City Clerk to notify the owner; applicant; Krista O'Brien, Tax Billing, Accounting and Policy Unit, Revenue Service, Corporate Services (Mail Code: 26-76) of City Council's decision.




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



		LOCATION MAP / PLAN DE LOCALISATION OFFICIAL PLAN AMENDMENT / MODIFICATION DU PLAN OFFICIEL PLAN OF SUBDIVISION / PLAN DE LOTISSEMENT
D01-01-20-0023 D07-16-20-0030	21-0092-L	
I:\CO\2020\OPA_and_Subdivision\Tullamore_481		 481 rue Tullamore St.
©Parcel data is owned by Terranel Enterprises Inc. and its suppliers All rights reserved. May not be produced without permission. THIS IS NOT A PLAN OF SURVEY		 <small>NOT TO SCALE</small>
©Les données de parcelles appartiennent à Terranel Enterprises Inc. et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit sans autorisation. CECI N'EST PAS UN PLAN D'ARPENTAGE		
REVISION / RÉVISION - 2021 / 05 / 07		

Document 2 – Draft Official Plan Amendment

INDEX

THE STATEMENT OF COMPONENTS

PART A – THE PREAMBLE introduces the actual amendment but does not constitute part of Amendment No. XX to the Official Plan for the City of Ottawa.

PART B – THE AMENDMENT constitutes Amendment XX to the Official Plan for the City of Ottawa.

PART A – THE PREAMBLE

Purpose

Location

Basis

PART B – THE AMENDMENT

Introduction

Details of the Amendment

Implementation and Interpretation

Schedule of Amendment XX – Official Plan for the City of Ottawa

PART C – THE APPENDIX

PART A – THE PREAMBLE

Purpose

The Official Plan Amendment would to add a site-specific policy exemption to the General Rural Area policies to permit a residential subdivision.

Location

The amendment applies to the property at 481 Tullamore Street (PIN 04327-0391)

Basis

Background

Emerald Creek is a rural conservation subdivision which received Draft Plan approval in 2005 (File No.: OLV2002-0005). The conservation subdivision includes 89 residential lots and approximately 36.3 hectares of natural area and open space to be jointly owned between the 89 lots. Zoning was approved shortly after Draft Plan approval. Phases I and II of the subdivision, each containing 40 lots, were subsequently registered. However, Draft Plan approval lapsed before the third and final phase of the subdivision could be registered.

At the time Emerald Creek was approved, country lot subdivisions on private services were permitted in the General Rural Area and Rural Natural Feature designations of the Official Plan. In June 2009, City Council placed a five-year moratorium on all country lot subdivision and directed City staff to undertake an analysis of how to best regulate this form of development. The 2013 comprehensive Official Plan review subsequently prohibited all country lot subdivisions and deleted policies regarding their development through Official Plan Amendment 150.

Due to the prohibition of country lot subdivisions, an amendment to the Official Plan is required to permit the City to Draft Plan approve the remaining nine lots in the third and final phase of the subdivision. The remaining phase will complete the previously approved 89-lot community and allow Emerald Creek Properties to transfer the open space and natural areas to joint-ownership between all lots.

Rationale

The Provincial Policy Statement and the Official Plan set the guidelines for development on rural lands. These documents permit limited development within

the rural area and provides direction for the management and use of resources. The proposed subdivision is consistent with the Provincial Policy Statement, conforms to the overarching policies of the Official Plan, and complies with the established zoning. Site specific design details will be reviewed as part of the Plan of Subdivision application review process.

PART B – THE AMENDMENT

Introduction

All of this part of this document entitled Part B – The Amendment consisting of the following text and the attached Schedule(s) constitutes Amendment No. XX to the Official Plan for the City of Ottawa.

Details

The Official Plan for the City of Ottawa is hereby amended by modifying 9(b) under the heading “*Subdivisions*” of Section 3.7.2 to contain the following:

9. Residential subdivisions are not permitted except in the following circumstances:
 - a. Applications lodged prior to December 31, 2009; or
 - b. New applications on the land identified by Parcel Identification Numbers 04446-1995, 04446-0636, 04446-1670, 04438-0313 **and**, 04438-0314 **and** **04327-0391**.

Implementation and Interpretation

Implementation and interpretation of this Amendment shall be in accordance with the policies of the Official Plan for the City of Ottawa.

Document 3 – Consultation Details

Notification and Consultation Process

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. In total, two residents provided comments and/or their contact information to the City. There were no objections.

Public Comments and Responses

Comment: Given that the owner of the lands for Phase III is not the same as the owner of Phase I and II, the community member was concerned that there would be a violation of Section 3.3 of Formation of Co-Tenancy Committee (covenant). They wanted to know the name and contact information of individual/company responsible for forming the co-tenancy committee and maintaining the common lands until the committee is formed.

Response: The community member was informed that the City is not party to the private agreement between the former owner and the property owners. The City's requirement through the subdivision agreement was that a separate private agreement was created, was acceptable, and was registered on title, all of which was completed. The details regarding who is responsible for maintaining the common lands and setting up the committee, etc. is not something the City would be involved in, as the City is not party to the private agreement.

Comment: A community member wanted to know who the owner of the lands was and what they intended to do with the lands. The community member also wanted to know who was responsible for paving the roads that were a part of Phase II of the subdivision.

Response: The community member was informed that the owner of the lands was 8298025 Canada Inc. and that the application is to create nine new residential lots through a plan of subdivision. Whether the developer will build the houses or simply create the lots and convey them to other buyers is up to them. They were also informed that Phase II of the development is already registered. Through that process the developer of that Phase entered into a subdivision agreement with the City to fulfil certain obligations, including building roads and ditches to City standard. The agreement for each phase of a subdivision requires the developer to provide financial securities to ensure the required works are completed to the City's satisfaction. The City is still holding approximately \$400K in securities for Phase II.