

Report to/Rapport au :

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

and Council / et au Conseil

**October 12, 2012
12 octobre 2012**

**Submitted by/Soumis par : Nancy Schepers, Deputy City Manager/Directrice
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RIDEAU-GOULBOURN (21)

Ref N°: ACS2012-PAI-PGM-0233

SUBJECT: OFFICIAL PLAN AMENDMENT - 471 SANGEET PLACE

OBJET : MODIFICATION AU PLAN OFFICIEL – 471, PLACE SANGEET

REPORT RECOMMENDATIONS

That the Agriculture and Rural Affairs Committee recommend that Council refuse an amendment to the Official Plan to exempt the property at 471 Sangeet Place from General Rural Area previous policies 3.7.2 (7) d) and 14 (currently 3.7.2 (8) d) and 15) to permit a subdivision within one kilometre of the Village Boundary.

RECOMMANDATIONS DU RAPPORT

Que le Comité de l'agriculture et des affaires rurales recommande au Conseil de refuser la modification au Plan officiel visant à soustraire la propriété située au 471, place Sangeet des politiques antérieures du secteur rural général 3.7.2 (7) d) et 14 (actuellement 3.7.2 (8) d) et 15) afin de permettre un lotissement en-deçà d'un kilomètre de la limite du village.

BACKGROUND

The subject property is southwest of the Village of Richmond and is approximately 10.4 hectares in size. To the northwest of the subject lands is the first phase of the Jockvale Estates subdivision, which is adjacent to Ottawa Street. To the southeast are environmental lands (owned by the City) and the Jock River. To the southwest is an existing golf course. (See location map Document 1.)

This Official Plan Amendment application was deemed to be required following the submission of the Plan of Subdivision application D07-16-09-0022 and subsequent circulation. The subdivision application was submitted at such time as to be exempt from the Moratorium on Country Lot Development.

The purpose of this application is to permit relief from the Official Plan policies that do not permit new subdivisions to be located within one kilometre of a Village boundary, in order not to impede the ability of the Villages to expand.

The proposed subdivision, for which this Official Plan Amendment was prepared in support of, was to permit an 11-lot extension of the existing Jock River Estates subdivision. In response to addressing various issues determined through the review of this application, the applicant revised the proposed draft plan of subdivision to 10 lots. The proposed development is adjacent to the Village of Richmond boundary. The proposal involves the extension of the local road, known as Sangeet Place to accommodate the additional lots. The road is proposed to end in a cul-de-sac at the block of land owned by the City of Ottawa.

During the processing of the subdivision application it became apparent that the proposed subdivision was a new subdivision and could not be considered a subsequent phase as previously understood, thereby resulting in the need for an Official Plan Amendment, due to its adjacency to the Village boundary, to permit a subdivision development at this location.

The applicant wishes to amend General Rural Area policies 3.7.2 (8) d) and 15, of the Official Plan, in relation to his property to permit a subdivision within one kilometre of the Village Boundary.

DISCUSSION

It is recommended that the Official Plan Amendment proposed be refused, as it does not meet the intent of the Official Plan nor of the Provincial Policy Statement.

Official Plan (OP)

Policy 3.7.2 (8) d. of the Official Plan specifically states that "Country lot subdivisions will be considered within the General Rural Area designation subject to a list of various conditions including:

- d. Subdivisions may not impede the ability of Villages and urban areas to expand over the planning period, and; may not locate within 1 kilometre of an approved urban and Village boundary;

This proposed subdivision is abutting the Village of Richmond boundary and so does not meet the above policy.

Provincial Policy Statement

When reviewing development applications, a municipality is required to ensure proposals are consistent with the Provincial Policy Statement. It is of the opinion of staff that this proposal does not meet those criteria, for the following reasons:

- 1) Policies under Section 1.1.3 for Settlement Areas speak to the expansion of a settlement area boundary only at the time of a comprehensive review. This proposed subdivision is adjacent to the existing settlement boundary for the Village of Richmond and could be considered a settlement area expansion. The proposed lands were not considered to become part of the Village Boundary during the last Comprehensive Review but could form part of a village expansion in the future.
- 2) Policies under Section 1.7 refer to the long-term availability and use of land, resources, infrastructure and public service facilities. This subdivision proposal could create a situation where residential lands abutting each other will be on different services. Within the existing village boundary, there will be public services for water and wastewater and within the proposed subdivision there would be private water and wastewater servicing.

Richmond Community Design Plan, 2010

The lands abutting the subject property are within the Village Boundary and are subject to the policies of the Richmond Community Design Plan (CDP). These abutting lands are designated mostly as Open Space with some Residential – One and Two Unit land uses. The Open Space designation applies to natural lands not used for park purposes or that are constrained by floodplains. Lands in this designation link the parks and the shores of the Jock River together into an open space network that contributes to the quality of life for residents of the village. However Policy 2 of the CDP states:

“The boundaries of the Open Space designation are based on current mapping information. The precise boundary of open space will be defined by the zoning by-law.”

The Zoning By-law designates abutting lands to the subject property as mostly Development Reserve and some as Rural Countryside. No lands abutting to the west of the subject property are designated Open Space. The natural features may limit the

possible development of the subject lands, but it is premature to consider that the Village Boundary could not be expanded to the subject property sometime in the future.

Summary

The Official Plan policies basically reiterate the PPS policies in regards to development near settlement area boundaries. The intent of the policies is to prohibit development that would impede the logical growth of a settlement area. The Official Plan is more specific, not allowing subdivisions within 1 km of a Village Boundary.

The policies of the abutting lands, as reflected in the Richmond Community Design Plan, do not indicate with certainty that the Village Boundary could not include the subject property in the future. In summary, it is premature to allow a residential subdivision development on the subject property.

RURAL IMPLICATIONS

If the subject property is permitted to be developed as an estate lot subdivision it would impede the ability of the Village of Richmond to expand.

CONSULTATION

Registered Community Groups, property owners within a 120 metres radius of the lands subject to the proposal, and the Ward Councillor were circulated a summary of this Official Plan Amendment Application. Those members of the public who provided comment were notified of this public meeting. The Consultation Details are provided in Document 2 of this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Scott Moffatt is aware of the application.

LEGAL IMPLICATIONS

Should the recommendation be adopted and this matter appealed to the Ontario Municipal Board, it is estimated that a three day hearing would result. It is expected that this hearing could be conducted within staff resources. Were the requested Official Plan Amendment adopted and the amendment appealed to the Board, it would be necessary to retain an outside planner. The estimated cost of doing so would be \$15,000 to \$20,000.

RISK MANAGEMENT IMPLICATIONS

If the subject property is permitted to be developed as an estate lot subdivision it would impede the ability of the Village of Richmond to expand.

FINANCIAL IMPLICATIONS

If the recommendation is adopted and appealed, staff resources will be used to defend Council's position. In the event that the recommendation is not carried and the Official Plan Amendment is adopted and the amendment is appealed, an outside planner would need to be retained at an estimated cost of \$15,000 to \$20,000. Funds are not available within existing resources, and the expense would impact Planning and Growth Management's operating status.

ACCESSIBILITY IMPACTS

There are no accessibility implications.

ENVIRONMENTAL IMPLICATIONS

An Environmental Impact Statement, prepared for this application, has indicated that it is possible to protect the interior habitat of the significant woodlot, with the development of 10 residential estate lots.

TECHNOLOGY IMPLICATIONS

There are no technology implications associated with this report.

TERM OF COUNCIL PRIORITIES

By accepting the recommendation to refuse this application, Council priorities to; make sustainable choices (GP3); and to maintain and enhance the City's financial position (FS2) would be reflected by ensuring the orderly growth of the Village of Richmond.

APPLICATION PROCESS TIMELINE STATUS

This application was processed by the "On Time Decision Date" established for the processing of Official Plan amendment applications.

SUPPORTING DOCUMENTATION

Document 1 Location Map

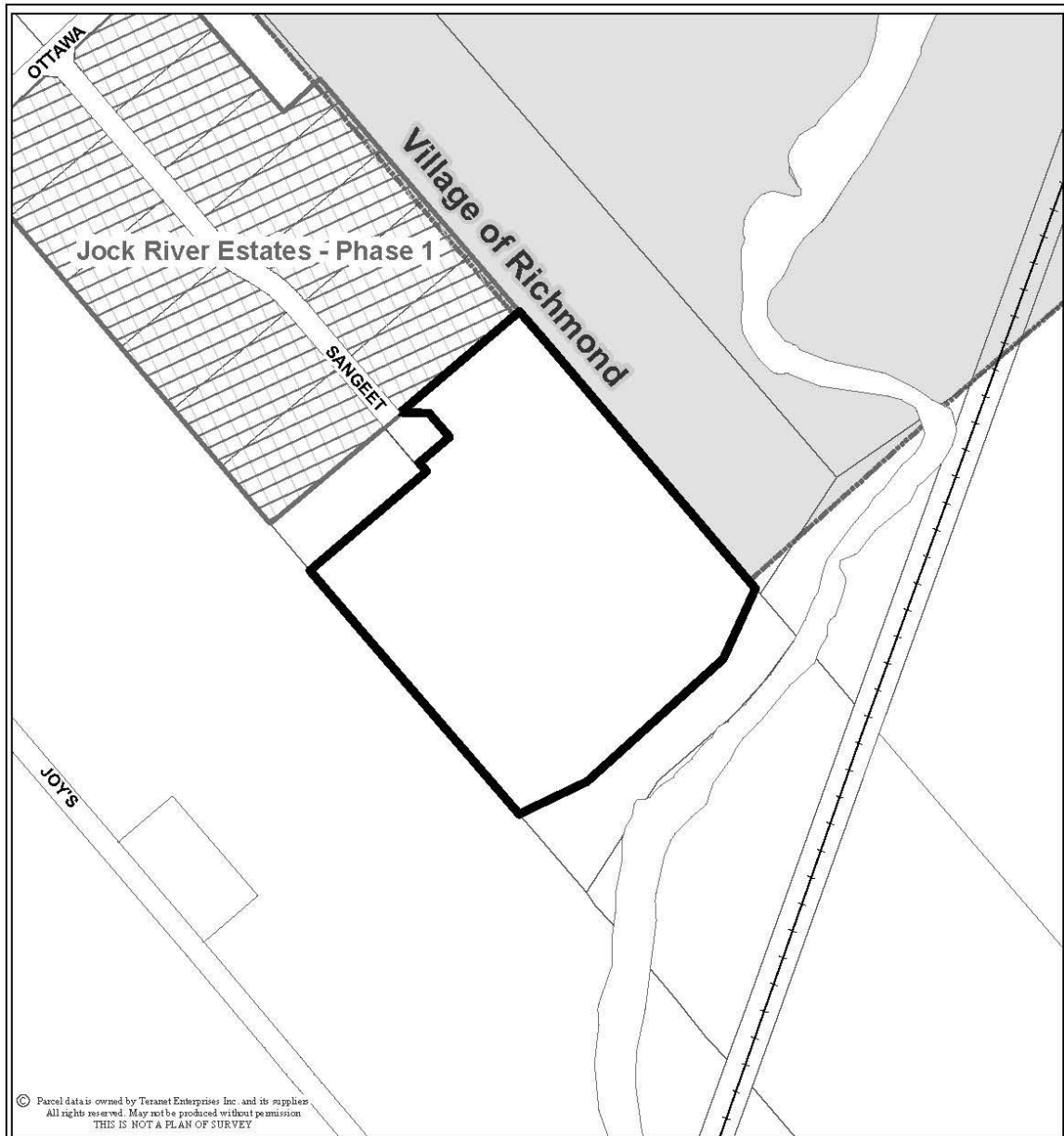
Document 2 Consultation Details


DISPOSITION

City Clerk and Solicitor Department, Legislative Services to notify the owner, applicant, Planner, and OttawaScene.com of City council's decision.

LOCATION MAP

DOCUMENT 1




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

D01-01-11-0013	11-1748
I:\CO\2011\ Location \ Sangeet_471	
2011 / 12 / 23	
REVISION DATE	DE RÉVISION



Location Map / Plan de révision
471 SANGEET PLACE

Échelle
N.T.S.
Mètres



Scale
N.T.S.
Metres

CONSULTATION DETAILS

DOCUMENT 2

PUBLIC COMMENTS

Registered Community Groups, property owners within a 120 metres radius of the lands subject to the proposal, and the Ward Councillor were circulated a summary of this Official Plan Amendment Application. Those members of the public who provided comment were notified of this public meeting.

SUMMARY OF PUBLIC INPUT

1. There is concern from a property owner, who has his home in the existing Jock Valley Estate subdivision, on the impact on the natural environment, specifically the forest. The property owner believes that there are many mature stands of trees 80 years of age or older (especially the NE half.) The property owner believes that many of the mature trees were not identified in the EIS report. This property owner was led to believe that development could not occur on the subject property due to a required protection of the Old Growth Forest and the significant archaeological aspects of the subject property.

The property owner was also saddened regarding the tree clearing that occurred in the summer of 2009 to build the proposed road. However, the property owner believes that interior forest habitat is located more than 100 m inside the edge of a forest patch, in spite of putting a road through it. The property owner also noted that the road area is slowly being regrown. It was believed that many of the trees cleared were Butternuts, which are considered endangered. The property owner cannot see how houses, garages, septic systems and wells can be accommodated without destroying butternut and mature trees.

Response

More rigour is required to demonstrate protection of the ecological features of the property with the application of Subdivision. However, for the purposes of this application the applicant was required to have demonstrated that lots would be feasible without having a negative impact on the features and functions of the natural area. One such parameter was to retain a minimum of 70% of the existing tree cover. Another parameter was to reflect the protection of significant habitat. With a revised Environmental Impact Statement, the applicant has demonstrated that this is feasible in the opinion of staff.

It is possible that butternuts were removed with the clearing of the proposed road. Staff can only estimate how many and the status of those butternuts. If the subdivision is to move forward, the property owner will be required to get permission from the Ministry of Natural Resources to remove any of the remaining butternuts and provide compensation for the retainable ones. Staff intends to estimate the

number of retainable butternuts already taken and to receive compensation for those ones.

2. There is concern from a property owner, who has his home in the existing Jock Valley Estate subdivision, for the woodlands adjacent to a surface water feature such as a river, stream, drain, pond or wetland, or any groundwater feature including springs, seepage areas, or areas of groundwater upwelling, as there is a small swamp area on this property besides being adjacent to the Jock River.

Response

Woodlands adjacent to watercourses are to be protected. The lands abutting the watercourse are owned by the City and there is no proposed alteration within the setback. Storm water management would need to meet certain standards, at the time of review of a subdivision application.

3. There is concern from a property owner, who has his home in the existing Jock Valley Estate subdivision that the proposed lots were too close to where flooding occurs and that septic systems could not be accommodated.

Response

Revised Flood Plain mapping was conducted by an Ontario Land Surveyor and provided to the City. This resulted in the reduction of one lot for the proposed subdivision. The property owner was still not convinced that the proposed lots could work and that the road was too close to the river. Any flood plain mapping will be required to be approved by the Rideau Valley Conservation Authority, used to revise City Official Plan schedules prior to any development and any development would be required to adhere to the floodplain policies of the Official Plan. The Rideau Valley Conservation authority has stated that they do not have any objection to the proposed Official Plan Amendment in regards to Flood Plain determination.

4. A property owner, who has his home in the existing Jock Valley Estate subdivision thought that there was no demand for estate lots in this area.

Response

Staff does not review applications in terms of economic feasibility of proposals.

5. A property owner, who has his home in the existing Jock Valley Estate subdivision thought, that at least the middle 6 lots have very little soil on them and did not believe services, could work.

Response

The applicant has demonstrated that lots can be created and serviced. The details of how that will be accomplished will be determined with the subdivision application.

6. A property owner, who has his home in the existing Jock Valley Estate subdivision, wants to know what happened to the archaeological site and if there is still a lot of

area containing artifacts there. If the archaeologist cant dig near where there are butternut how can the proposal go forward.

Response

A Stage IV Archaeological Assessment is in process. However, although investigations have been completed, the documentation has not. The Archaeologist has informed staff that in his “professional opinion this site has been fully and appropriately mitigated with regards to archaeological concerns.”

The approval from the Ministry of Culture will be required prior to any approval of a plan of subdivision. Staff are confident that approval will not be an issue in this regard.

7. A member of the public was not opposed to a subdivision in the area but wanted to ensure that the Jock River remained protected and possibly enhanced. In addition the member would like for there to be a trail along the river with mature trees retained.

Response

The City owns the lands along the Jock River, which are not part of the proposed development. However, the impact of the development would require mitigation as to not have a negative impact on the Jock River. This would be addressed with any approval of the plan of subdivision application. However, an interest in the extension of an off-road pathway connecting the Village and Joys Road has been conveyed. This will be investigated further if the Plan of Subdivision moves forward.

8. There is concern from a member of the public that if the subdivision were permitted to move forward that it would create a second exemption to the Official Plan policies of not permitting subdivisions within a kilometer of a Village boundary, making it more difficult in the future to further deny requests for relief of that policy. The member was also not convinced from the provided information that 70% tree retention would be probable. In response to the revised documents provided following the first review of the application, this member provided suggestions for ensuring the 70% tree coverage, which will be considered during the next review of the Subdivision Application. This member also suggested that two lots be removed in order to protect the stand of Butternut trees, in his statement of “While applications to remove healthy butternut trees identified for retention can be made to the Provincial Ministry of Natural Resources, the high concentration of healthy butternut trees on lots 3 and 4 presents a unique and special case for preservation and this stand of trees should not be disturbed and be used instead for regular harvesting of seed stock. Consequently lots 3 and 4 should be excluded from consideration as building lots and instead be designated as passive park lands as condition of sub-division approval.”

Response

City staff are also concerned with any precedent that would be set if this application is to move forward and this has been conveyed in this report. As noted above, staff

were also concerned as to whether the natural features could be protected and thus required more information from the applicant. This documentation was provided and reviewed and determined to meet the City's requirements. In regards to the Butternut trees, the applicant must review with the Ministry of Natural Resources and obtain permits. The City will take advisement from the Ministry of Natural Resources in regards to what should be done for the butternut trees.

ADVISORY COMMITTEE COMMENTS

The Ottawa Forest and Greenspace Advisory Committee (OFGAC) provided comments for this application which mirrored those provided by staff. Staff have reviewed the revised material and is satisfied that the applicant has demonstrated what was required. The revised documents were provided to the original commenter from OFGAC but with the disbandment of this committee, no comments were provided.