

**Report to  
Rapport au:**

**Agriculture and Rural Affairs Committee  
Comité de l'agriculture et des affaires rurales  
5 September 2019 / 5 septembre 2019**

**and Council  
et au Conseil  
11 September 2019 / 11 septembre 2019**

**Submitted on 19 August 2019  
Soumis le 19 août 2019**

**Submitted by  
Soumis par:  
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Director / Directrice  
Planning Services / Services de la planification,  
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**Ward: CUMBERLAND (19)**

**File Number: ACS2019-PIE-PS-0088**

**SUBJECT: Official Plan Amendment – 2518 Devine Road**

**OBJET: Modification du Plan officiel – 2518, chemin Devine**

**REPORT RECOMMENDATIONS**

- 1. That Agriculture and Rural Affairs Committee recommend Council approve an amendment to the Official Plan, Volume 1, Section 3.7.2. by incorporating a site-specific policy for 2518 Devine Road relating to the**

maximum number of residential lots permitted to be created, as detailed in Document 4.

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 City Clerk and Solicitor's Office 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 September 11, 2019," 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, Volume 1, Article 3.7.2. afin d'intégrer une politique propre au secteur pour le terrain dont l'adresse municipale est le 2518, chemin Devine, et liée au nombre maximal de lots résidentiels qui peuvent y être aménagés, comme le précise le document 4.
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 de l'avocat général 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 11 septembre 2019 », 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

### Location and Surrounding Context

The 32-hectare property, 2518 Devine Road, is currently privately owned and located at the southwest corner of Devine Road and Dunning Road, shown in Document 1. The southern boundary of the Village of Vars is approximately 1.3 kilometres west of the

subject property. The development pattern along this portion of the Devine Road consists of strip rural residential establishments. A portion of the land east of Dunning Road is recognized as the Limoges Provincially Significant Wetland.

The rectangular City owned parcel, municipally known as 2512 Devine Road, in the centre of the subject property contains the municipal well currently servicing the Village of Vars. As this parcel does not have legal frontage on a road, an easement is registered on the subject property to provide City staff access to the municipal well facility. The City owned well parcel is currently secured with chain link fencing and the access to the parcel is currently gated to prevent unauthorized access.

#### Official Plan and Zoning By-law

The subject property is designated Rural Natural Features Area on Schedule A of the Official Plan and zoned Rural Countryside under the Zoning By-law. The Rural Natural Features designation is intended to recognize the potential presence of significant woodlands, wetland and wildlife habitat. Schedule L1 of the Official Plan also identifies the potential presence of the natural heritage system, as defined in the Official Plan. Developments defined in Section 4.7.8 of the Official Plan are permitted on these lands, however must be assessed in terms of their potential impact.

Schedule K of the Official Plan recognizes a significant portion of land surrounding the municipal well parcel as the Wellhead Protection Areas (WHPA) for the Vars municipal drinking water supply well, as shown in Document 2. A Wellhead Protection Area is the area around a well where land use activities have the potential to affect the quality of water that flows into the well. The size and shape of the WHPA were determined through technical studies and are affected by the amount of water being pumped and the direction and rate at which the groundwater naturally travels. WHPAs with higher vulnerable scores (8 to 10) indicate a greater risk that contaminants can get to the drinking water supply. Inappropriate land use activities in these areas, especially the area with higher vulnerability scores, has the potential to impact groundwater quality. WHPAs are considered 'designated vulnerable areas' under Ontario's *Clean Water Act* (2006), the *Act* outlines requirements to identify areas vulnerable to contamination around municipal sources of drinking water and the implementation of policies to protect source water. Policies to protect the drinking water supply for the Vars Municipal well are outlined in the Raisin-South Nation Source Protection Plan.

Rural Countryside Zone is intended to accommodate a wide range of rural based land uses. Given the presence of the WHPA, some of the rural based land use activities currently permitted on the property are considered a 'significant drinking water threat'

activity (as defined under the *Clean Water Act*).

#### Site Alteration By-law

As per the City's Site Alteration Bylaw, site alteration activities on this property do not currently require any City approval or permit.

#### Recent Development History

In 2018, the Committee of Adjustment conditionally approved the creation of two privately serviced residential parcels, municipally known as 2440 and 2502 Devine Road, from 2518 Devine Road. These two lots are located outside the wellhead protection areas with higher vulnerability scores. As part of the conditions, an Environmental Impact Statement and a Hydrogeological Study were prepared by the applicant/landowner to support these consent applications. Staff reviewed these technical studies and accepted their findings and recommendations; development agreements were registered on title for the new residential parcels to ensure the implementation of these reports. These consent applications were finalized and 2440 and 2502 Devine Road were legally created in April 2019.

### **DISCUSSION**

The City of Ottawa is in the process of acquiring 28 hectares of lands at 2518 Devine Road, surrounding the Vars Municipal Well. These lands encompass the Vars Wellhead Protection Area with higher vulnerability scores where groundwater is more vulnerable to significant drinking water threat activities (such as spreading manure, storing fuel or handling chemicals). This acquisition will achieve the following two objectives:

- to protect the safety of the drinking water resource by eliminating the potential for significant drinking water threat activities within the WHPA that could be harmful to the groundwater resource.
- to ensure the long-term protection of the natural heritage features by eliminating future opportunity for private land development.

To further ensure the protection of these lands, the City intends to restrict future developments through rezoning, once the acquisition is finalized.

In order to facilitate the land acquisition, the City has initiated this site-specific Official Plan Amendment Application (OPA), amending the City's Official Plan, Section 3.7.2, to permit the creation of two residential lots, in addition to the two severances that were finalized in April 2019, subject to the following conditions:

- two additional residential lots shall be located outside the high-vulnerable areas, WHPA A and WHPA B, as shown on Schedule L of the Official Plan;
- two additional residential lots have minimal impact on the surrounding natural environment;
- two additional residential lots can be sufficiently serviced by private services; and
- the retained lands, approximately 28 hectares, be transferred to the City according to the agreement in place.

Proposed Official Plan Amendment details have been included in Document 4.

The recommended exception to the severance policies under Section 3.7.2 of the Official Plan should not be considered as a precedent to allow similar lot creations in the Rural Area, as the primary objective is to secure the land around the well site in order to maintain the wellhead protection area.

### **Provincial Policy Statement**

Staff have reviewed this proposal and have determined that it is consistent with Section 2.1 Natural Heritage and 2.2 Water of the Provincial Policy Statement, 2014.

### **RURAL IMPLICATIONS**

It is expected that the creation of two additional lots will follow the existing development pattern along this portion of Devine Road. The proposed Official Plan Amendment is intended to facilitate the land acquisition of a large portion of the subject property in order to protect these lands from further private developments and harmful land use activities. The acquisition is expected to have a long-term benefit for the natural environment and the protection of health and safety of residents, who are currently serviced by the Vars Municipal Well. The risk to that municipal well will be reduced. It is worth noting that this is a site-specific consideration based on unique circumstances and should not be treated as precedence.

### **CONSULTATION**

Notification and public consultation were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council. Concerns and objection were received from one resident in the Village of Vars. The staff response has been included in Document 3.

## **COMMENTS BY THE WARD COUNCILLOR**

Councillor Blais is in support of this application.

## **LEGAL IMPLICATIONS**

The Agreement of Purchase and Sale expressly notes that Committee and Council have independent planning authority over this matter. As a City-initiated matter, should the amendment not be adopted, there is no right of appeal.

## **RISK MANAGEMENT IMPLICATIONS**

There are risks identified in the report and those risks are being monitored and addressed by the appropriate staff and through the ultimate outcome of the acquisition of lands by the City of the more vulnerable areas of the well head protection area of the Vars Municipal Well.

## **ASSET MANAGEMENT IMPLICATIONS**

The recommendations documented in this report are consistent with the City's [Comprehensive Asset Management \(CAM\) Program](#) objectives.

The retained lands, as proposed in this report, are necessary to protect the Village of Vars drinking water system and ensure the safety of the drinking water resource by eliminating the potential for significant drinking water threat activities within the WHPA that could be harmful to the groundwater resource.

## **FINANCIAL IMPLICATIONS**

There are no direct financial implications.

## **ACCESSIBILITY IMPACTS**

There are no accessibility impacts associated with this application.

## **ENVIRONMENTAL IMPLICATIONS**

Staff will ensure any potential impact due to the additional lot creations are sufficiently mitigated through the subsequent consent stage. The associated land acquisition is intended to ensure the long-term protection of the environment.

**TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priority:

- ES1- Support an environmentally sustainable Ottawa.

**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 Vulnerable Areas Vars WHPA

Document 3 Consultation Details

Document 4 Proposed Official Plan Amendment

**DISPOSITION**

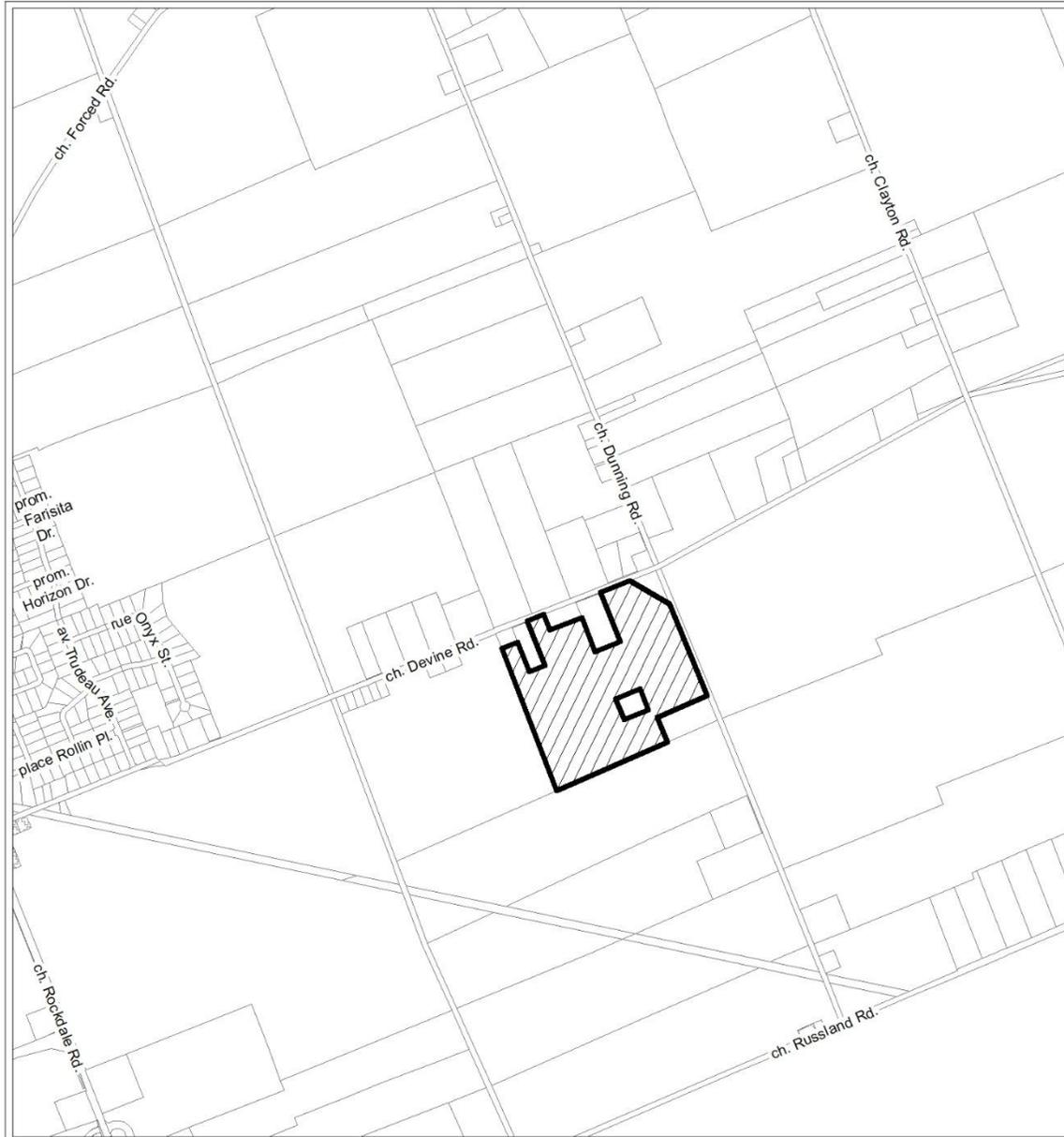
Legislative Services, Office of the City Clerk and Solicitor to notify the owner; applicant; Ottawa Scene Canada Signs, 415 Legget Drive, Kanata, ON K2K 3R1; Krista O'Brien, Tax Billing, Accounting and Policy Unit, Revenue Service, Corporate Services (Mail Code: 26-76) of City Council's decision.

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, Office of the City Clerk and Solicitor 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	
D01-01-19-0005	19-0356-D		
I:\COI\2019\OPA\Devine_2518RevisedJuly9			
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REVISION / RÉVISION - 2019 / 07 / 09		 <b>2518 ch. Devine Road</b>	

Document 2 – Vulnerable Areas Vars WHPA (South Nation Conservation, 2016)

Map 14: Vulnerable Areas – Vars



### **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 Official Plan amendments. The following Public comment was received.

#### Comment

“Today I saw the posting of the official plan amendment at 2518 Devine rd., to allow for development of two residential properties.

I am opposed to this amendment. This land should remain natural. There is currently enough development in Vars and much of this is not yet complete.

We have declared a climate emergency in Ottawa and Nationally.

The last thing we should be doing is cutting down more forests, which not only affects CO2 absorption, oxygen production, shaded area, but also displaces animals and birds and affects biodiversity.

It really disturbs me that governments are declaring a climate emergency and yet carry on business as usual when they know full well the affects of cutting down more forests.

Please explain to me how this in any way will protect of the natural heritage features while facilitating the acquisition of the Vars wellhead protection area? How does this in any way protect any of this natural Heritage if it is going to be bulldozed!!!!

[...]”

#### Response

The property surrounding the Vars Municipal Well is privately owned and zoned Rural Countryside Zone - RU, which permits a wide range of uses. Under the City’s current policies, the forest cover on the property is not protected and could be removed by the owner at any time without the requirement for approvals and/or permits. The acquisition would be an opportunity to increase protection of the groundwater (Vars Municipal Well drinking water) and the majority of the natural habitats on the property, while respecting the interests of the land owner. The landowner will be required to demonstrate that additional lots have minimal impact on the natural environment through a subsequent consent application process.

**Document 4 – Proposed Official Plan Amendment**

**Official Plan Amendment XX to the**

**Official Plan for the**

**City of Ottawa**

**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

## **PART A – THE PREAMBLE**

### Purpose

In order to protect the natural heritage features and facilitate the acquisition of the Vars wellhead protection areas, the City of Ottawa has initiated a site-specific Official Plan Amendment to permit two additional residential lots to be created from 2518 Devine Road in addition to the existing two lots permitted under the Official Plan policies.

### Location

The subject property, 2518 Devine Road, is located at the southwest corner of Devine Road and Dunning Road, east to the Village of Vars.

### Basis

The property is currently under private ownership and could be subject to future development that may be harmful to the groundwater resource. The existing forest cover on-site can currently be removed without the requirement of any permits or approvals. The subject Official Plan Amendment will facilitate the acquisition of 28 hectares of land and protect it from further developments and land use activities that may be harmful to the groundwater.

## **PART B – THE AMENDMENT**

### 1. Introduction

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

### 2. Details

The following changes are hereby made to the Official Plan for the City of Ottawa:

- Adding the following site-specific policy to Section 3.7.2.10 General Rural Area

“Notwithstanding policies above regarding the maximum number of lot creation permitted from a lot in existence as of May 14, 2003, two lots will be permitted on the property known municipally as 2518 Devine Road as exists on the date of the passing of this amendment, subject to the following conditions:

- a. the applicant demonstrates that there is no negative impact to the natural heritage features;
- b. the applicant demonstrates that the severed lots can be sufficiently serviced by private services;
- c. the retained lands will be transferred to the City and protected from further development.”

### 3. 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.