

Report to:
Planning and Development Committee and Council

20 March 2003

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ATTACHMENTS

Document 10: Country Lot Subdivisions

Background

The preliminary draft Official Plan released in June, 2002, proposed that rural development in the General Rural Area designation be restricted to non-residential development. The public response was divided in almost equal measure with respect to country lot subdivisions. However, an overwhelming majority of rural residents felt that being able to provide a building lot for a family member, or as a means to assist in their retirement income, should be regarded as a right.

A policy was added to the January, 2003 draft Official Plan to allow for one severance for residential purposes where the lot is large enough that the retained parcel will be at least 10 hectares in area. After the initial severance, the draft plan proposed that additional severances not be permitted. Country lot subdivisions continued to be prohibited.

Public Comments

A number of concerns have been raised with respect to the growth management approach for the General Rural Area that prohibits the creation of country lots by plan of subdivision (43, 51, 59, 62, 63, 69, 92, 99, 111, 125, 140, 167, 178, 212, 213, 215, 258, 268, 306, 308, 361, PDC Motion #71). In summary, it was stated that the loss of country lot subdivision potential will:

1. Deprive developers of a livelihood and will cause economic harm;
2. Deprive many people of the opportunity for an alternative lifestyle afforded by large lot development in the country;
3. Cause an increase in the value of existing lots;
4. Result in a loss of work for local tradespeople;
5. Increase out-migration to surrounding municipalities and therefore increase the traffic coming in from outside the City;
 - a. have a negative impact on the environment,
 - b. increase potential for loss of human life; and
 - c. decrease the opportunity to create a light rail service to the outer city.
6. Be a loss to local economy when people live and pay taxes outside the city but use city services
7. Be unfair because it restricts lot creation in all areas while the availability of lots in the rural area is not uniform;
8. Be unfair to Gloucester where there are only two small villages with little potential for growth;
9. Remove current development rights;

Many supported country lot development within a planning framework that:

1. Placed conditions on approvals of subdivisions such as lot size, clustering to reduce sprawl, requiring communal servicing and avoiding locations set aside for agriculture will adequately control the amount of development.

2. Could support Planned Rural Communities (PRC) by allowing developments such as Adult Lifestyle Communities, Land Lease Communities and Mobile Home Parks serviced by privately operated communal services.

3. Considered Hamlet-style development created on the basis of communal services.

Basis for Proposed Official Plan Policy

The draft Official Plan for the City of Ottawa, does not permit additional country lot subdivisions. Many reasons exist for this change in policy direction. During the public meeting, the focus was on numbers: how many lots currently exist and where they are. However, the existing supply of rural lots is not a determining factor in proposing this policy approach. It had simply been raised for illustrative purposes. The more important reasons are as follows.

One of the key premises of the Plan is to use land and infrastructure wisely – reduce consumption of land and reduce dependence on the private automobile. Country lot subdivisions are entirely car oriented and at very low densities. The balance to smart growth is building liveable communities. The model of liveable communities includes mixed-use development, where many of the daily needs of residents can be met locally – community services, schools, shops and other amenities such as public pathways. The focus is on complete communities. Many villages act as local centers for the surrounding rural area, or would like to re-establish their role, and focusing rural development on these villages enhances their ability to thrive. Country lot subdivisions tend to cluster thereby creating a village without any of the village amenities.

The location of country lots may impact on the ability of an urban area or village to expand over time. For example, a concentration of lots exists north of the former Kanata urban boundary and east of the Orleans urban boundary. Also, subdivisions have clustered around the Villages of Greely and Cumberland.

Country lot development is not ‘planned’ in the sense that a community is. One does not anticipate the cumulative impact of development. Hydrogeology studies and terrain analyses evaluate the expected impact at the boundary of the site for that particular subdivision. No requirement exists to evaluate the cumulative effect of a number of subdivisions. In villages, on the other hand, any proposed expansion is based on a village-wide groundwater assessment.

Initially the developer pays for the construction of the road in a country lot subdivision as they would anywhere. However, the cost of maintaining and upgrading that road over time is much higher on a per household basis than it would be for a village or urban area.

Country lot subdivisions, as a use in the General Rural Area, often result in conflict. Two sorts of conflicts occur. Within the General Rural Area are uses that, owing to their non-residential nature, may come into conflict with homes. Examples are kennels, concrete batching plants, and other rural industrial uses. These needn’t only refer to the uses that are directed to a rural industrial park, but rather the small scale activities that operate in conjunction with the owners home (eg- back hoe operator). These people cannot locate elsewhere.

The second sort of conflict is that residential uses in the General Rural Area may impact on adjacent resource areas. For example, when identifying long-term viable mineral aggregate deposits, many were eliminated due to the presence of residential uses in proximity. Also, adjacent agricultural activities and potential future agricultural activities may be impeded by residential uses. The LEAR score which the City uses to assess potential for agriculture is reduced in the presence of adjacent country lot subdivisions.

Much emphasis has been placed on the rural quality of the landscape. If all of the existing lots of record are developed and additional lots continue to be approved, the quality of the rural landscape will be diminished. Country lot subdivisions tend to be located in the trees – they are less intrusive on the landscape and they provide a quality setting for custom homes. The trees are also the areas where we have identified environmental features that have ecological value. In the last version of the Regional Official Plan, the requirement to locate in the trees was relaxed to allow for tree planting and avoidance of natural features. However, this means that for a number of years, the subdivision will be very prominent in the rural landscape.

On a broad rural basis there is a large potential for rural development. There exists about an 11,500 unit potential on vacant lots of record along with vacant land in villages. In addition, we have potential for farm related severances, infill severances (hamlet type locations) and severances from large lots (draft OP). Historically, the average number of lots created in the rural area per year has been around 500 (but ranges from 130 in 1998 to 1300 in 1988). Approximately 28% of rural lots have been country lot subdivisions (about 140 per year ranging from 18 in 1998 to 300 in 1986). The supply of country lot subdivision lots tends to be absorbed over about a five-year period. There is not a large supply of country lot subdivision lots, but there is a large supply of rural lot potential.

The villages, provided some of them expand, can absorb the additional development potential. To meet the population projection in the Official Plan for the rural area, additional land would be required in villages (in addition to vacant village land that already exists within approved boundaries today) to allow for an additional 2,500 lots by 2021. 26 villages are designated in the OP and some have potential for expansion onto marginal lands. From 1975 to 2001, 5570 lots were created in villages.

Planning and Development Committee Motion #71

The Committee requested that staff develop options and alternatives to a complete ban and provide such recommendations to the Committee prior to the Official Plan public meetings scheduled for late March.

Discussion

A country lot subdivision policy has been drafted below. It is not being recommended for inclusion in the Official Plan but has been drafted in response to the direction of committee. It's chief weakness is that it does not address the issues of clustering of subdivisions. The reason that clustering is not supported is that it tends to create a village like development in terms of numbers of lots but provides no amenities or mix of uses required to ensure that a village thrives.

In order to address this tendency to cluster, one of the following policies could be added to the draft policy below:

1. Country lot subdivisions may not locate within 1 km of an existing (proposed, draft approved, registered) country lot subdivision; or
2. No country lot subdivision will be considered where a total of 120 country lots already exists in proposed, draft approved or registered subdivisions within a 4 km radius of the proposed development; or
3. Concentrations of country lot development will not be permitted so that the rural character of the area is maintained. In that regard, concentrations of lots will not be permitted where they will have the effect of creating a village (in terms of the total number of lots).

None of these approaches would be easy to implement and they have not been included in the draft policy below. Should a country lot policy be brought forward, this matter ought to be addressed.

Draft Policy Permitting Country Lot Subdivisions

Amend Section 3.7.2, Policy 2b) to add: “or by country lot subdivision as provided for in policy 5 below.”

Amend Section 3.7.2 to include the following policies after policy 4 and renumber remaining accordingly:

1. Country Lot subdivisions will be considered within the General Rural Area designation subject to the following criteria. The extent to which any of these apply will be determined through pre-consultation with the applicant:
 - a. All development will conform with the requirements from Section 4 of this plan including, but not limited to, protection of vegetative cover, water and wastewater services, erosion prevention and so on.
 - b. All development will be evaluated within the context of any existing sub-watershed studies or groundwater studies approved by the City;
 - c. The minimum lot size shall be 0.8 ha but studies may indicate the requirement for larger lots;
 - d. The maximum size of a country lot subdivision shall be 40 lots
 - e. Subdivisions may not impede the ability of Villages and Urban Areas to expand over the planning period and:
 - i. May not locate within 2 kilometres of an approved Village boundary;
 - ii. May not locate within 3 kilometres of an approved Urban boundary.
 - f. Subdivisions will not create conflicts with non-residential uses that need to locate in the rural area, and the proposed location or country lots will be evaluated relative to:
 - i. Agricultural operations and Agricultural Resource Area designations in the context of the Minimum Distance Separation guidelines;
 - ii. Mineral operations and Mineral Resource Area designations;
 - iii. Adjacent non-residential uses such as home-based business and clusters of non-residential uses such as rural industrial subdivisions, whose expansion potential may be impeded by the presence of residential uses;
 - iv. Adjacent clusters of non-residential uses, including home-based businesses,
 - v. Avoiding locations at existing or planned interchanges with Highways 7, 416 and 417 which will be better suited to non-residential uses in the long term.
 - g. Subdivisions will develop where there is the least impact on municipal operations and:

- i. May not have direct access to an arterial road where there is the possibility of accessing a local road;
- ii. May not locate on a dead end road;
- iii. May not locate where their construction will require paving or upgrading of an existing road.
- iv. May not require the construction of a new public road on an unopened road allowance.

h. Subdivisions will be planned on the basis of assessments of sufficient detail to ensure the long term quality and quantity of the groundwater:

- i. Development will not be permitted where studies prepared by the City indicate that the aquifer is considered to be of high vulnerability to contamination (e.g.-areas of very thin overburden);
- ii. All development will be on the basis of a hydrogeology study and a terrain analysis in accordance with Section 4.4;
- iii. Information from the hydrogeology study and terrain analysis will be enhanced through the evaluation of the performance of private systems in the vicinity and in the same sort of geology, including drawing from the same aquifer, as the proponent.

2. The City will monitor the residential development activity in the rural area on an annual basis to determine if Villages are remaining as the primary focus of rural development. Based on that assessment, Council may revisit these policies for Country Lot Subdivisions.