

Committee of Adjustment,

We are the Vance family and it is with great pleasure that we introduce you to our property 5030 Machardy Road. We were fortunate enough to purchase this 1.30 acre parcel of land two years ago. Since that time we have dreamt of the day we could finally bring our son and daughter home. Both of our families and ancestors lived, worked and farmed in West Carleton for over 100 years. Blair's grandmother grew up on the corner of Machardy Road and Galetta Side Road. She has given us incredible insight into the history of the property and of the family who lived there before us. This property means absolutely everything to us. It is our dream to build a modest home to raise our children in while we tend the land and maintain the rural landscape we love so much!

We are applying for this Minor Variance because the 150m setback from the MR and ME2 zones would put our house in an undesirable location in the middle of a low lying hay field. We feel strongly that all

The location of our proposed dwelling was chosen for the following reasons:

- Maintains the integrity of our hay field and natural essence of the property
- It maintains all setbacks from environmental boundaries and rail line
- Building into the hill will have dryer ground and good drainage
- Closer for hydro
- Already cleared from previous dwelling (burned down late 90s)
- Easy access to existing driveway
- Southern exposure

The detailed report attached was researched and written by professional Gary McLaren. He points out that although the location of our building envelope is within the 150m setback from ME2 zoning. The evidence shows that the actual location of the mineral aggregate is closer to 500m away. Gary also exhausted all of his efforts trying to gather information on the reasoning behind the MR zoned lands as he has substantial evidence detailing that the small parcel consists of clay soil and no valuable resource (other than its current use of agriculture).

We are certain that building and the location of our proposed dwelling will have zero impact on present and future use of the adjacent properties, and they will have zero impact on ours. For these reasons we feel encouraged and are heartfelt about our choice to apply for this Minor Variance. Thank you for taking the time to review our submission

Jackson & Blair Vance

Nature of Application:

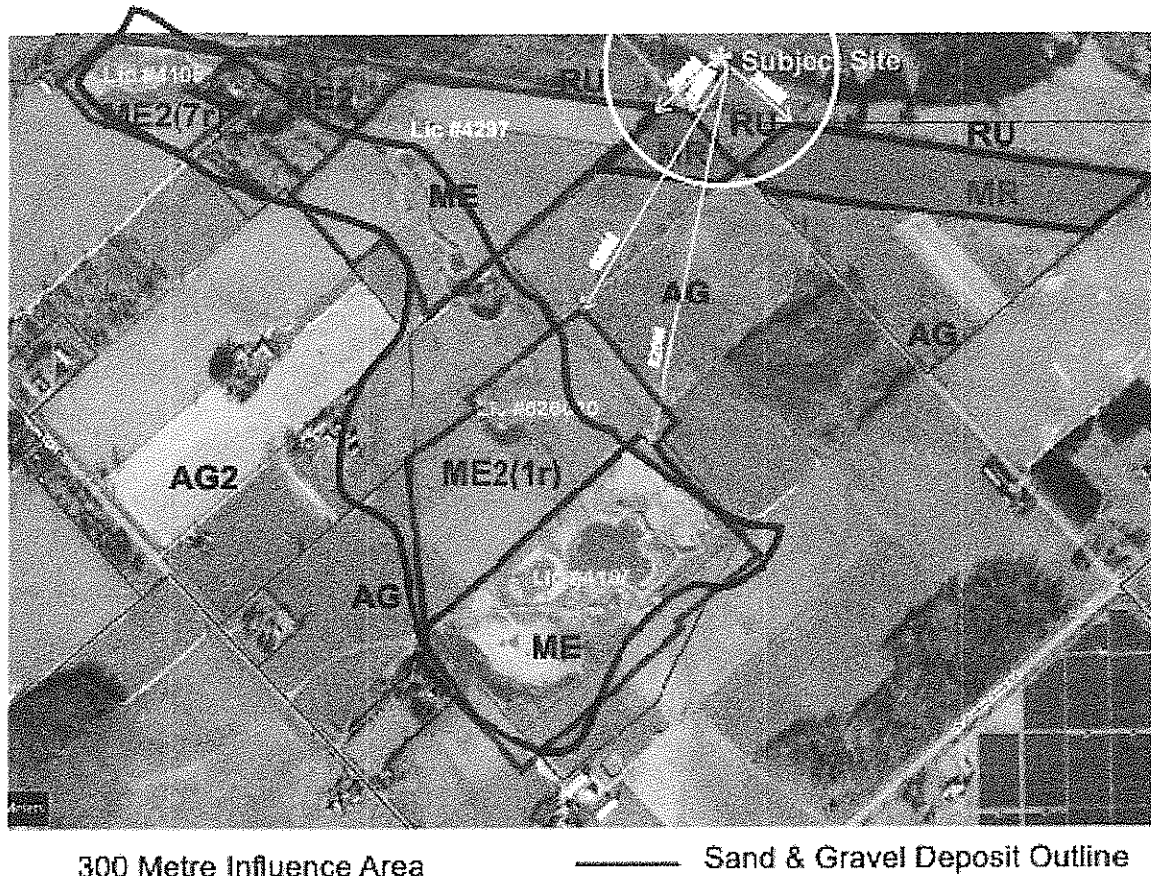
Permission to build a residential family home on a 131 acre (zoned RU) owned property located on the North side of 5030 MacHardy Rd, Pt Lot 23 Conc 5, Geographic Township of Fitzroy in the City of Ottawa.

The new landowners are requesting permission to build a new home which is 110m from the setback as apposed to 150m from an MR zone property across the road (40m minor variance request) and 130m from the setback as apposed to 150m from ME2 zoned property across the road (20m minor variance request). The attached MRIA report will provide the details outlining the nature of the MR/ME2 zones and the proximity to the new building envelope meets all 4 tests and addresses no impacts for i) Dust; ii) Noise; iii) Vibration; iv) Traffic; and v) Groundwater (well interference).

We have for submission a 34-page Mineral Resource Impact Assessment (MRIA) created by Gary McLaren from Milestone Aggregate Consulting Services Inc who has extensive knowledge and experience with this particular area with his credentials outlined within the report. This report was prepared with consideration to The City of Ottawa Official Plan; the 2020 Provincial Policy Statement (PPS), the Ottawa Aggregate Inventory Paper, the Aggregate Resources Act (ARA) and regulations and policies related to implementation of the ARA, regulations and standards, a complete list is included in the report.

Figure 7 below shows the application separation distances between the building site and the Mineral Extraction and Mineral Reserve zones. This diagram shows the distances for the building envelope is approximately 200 metres from the one pit license but is in excess of 500 meters from the edge of further MR/ME licensed extraction areas. There are no sand and gravel resources to support the MR (Sand and gravel reserve) boundary

Figure 7 - Separation Distances between Building Site and Zone Boundaries, Pit Licences and sand and gravel deposit outline



Addressing the 4 Tests:

1. Maintain the general intent and purpose of the official plan;
 - The MRIA report reviewed and provides technical information in support of a minor variance for a building permit adjacent to a MR zone located directly west of Machardy Road and a ME zone to the southwest and north west containing licenced sand pits. Specifically, the OP triggers the assessment of potential impacts of a proposed residential dwelling adjacent to a Sand and Gravel Resource overlay designation and an area zoned for Mineral Aggregate Reserve MR and Mineral Extraction (ME2). The ME2 zone directly west contains sand pit licences along a defined gravel ridge within the influence area of 300 metres of the proposed building site. The sand pit, to the north west, "Campbell Mills Pit" Licence No. 4297, and licensed sand pits to the south west, "Donald Carrs Pit" Licence No. 626020 and Cavanagh sand pit Licence No. 4207. Directly west of the proposed building envelope is a mineral reserve (MR) overlay designation which is not licenced but lies between the Mills and Carrs Pits. (refer to Figure 3 in the MRIA report)

- *This report was prepared with respect to the guidelines of The City of Ottawa Official Plan; the 2020 Provincial Policy Statement (PPS), the Ottawa Aggregate Inventory Paper, the Aggregate Resources Act (ARA) and regulations and the policies related to implementation of the ARA, regulations, and standards were used in preparation of this report. (a complete list of references is included at the end of the report in section 10).
- According to the policies noted above *, the identified excerpts from the MRIA below for sections 5.6.3.1.9 and 5.6.3.2 addresses the intent of the OP and confirmation that the minor variance application would be appropriate to the plan,
 - +Section 5.6.3.1. 9) of the new O.P. speaks to a 300-metre influence area from pits and the technical reports required by the province and the city when for assessing impacts and determining mitigation between extraction operations and perceived incompatible land uses: 5.6.3.1. 9) As part of a complete application, studies and the site plans required under the Aggregate Resources Act shall also be required by the City. The areas of influence generally are 500 metres around quarries, 300 metres for sand and gravel pits, and the proposed haul route. The required studies, as are determined to be appropriate considering the type of extraction proposed, may include those identified in the Aggregate Resources Act.
 - According to 5.6.3.2 f the O.P. speaks to the protection of mineral resource areas from encroaching development. More specifically, the policy indicates that residential development can occur in the influence area of the resource overlay where the use does not preclude or hinder future operations. The attached MRIA addresses this policy with further indications that the application would not hinder future operations with the mapping on Schedule B9 properly reflects the intended land uses identified in the O.P. policies and the applicable resource mapping done by the province.

2. Maintain the general intent and purpose of the zoning by-law;

- The subject property is zoned as Rural Countryside (RU) in Area D of the City of Ottawa's Zoning By-law 2008-050, as noted on the GeoOttawa webpage and demonstrated by Figure 6 below and shown on the Ottawa Geoportal (Teranet Enterprises Inc. 2020). Section 67 of the By-law speaks to residential use building setbacks from mineral aggregate zones, noting no new dwellings may be constructed within 150 metres of a ME zone. The zoning applies to this discussion only in the way that it must conform to the Official Plan designation and the land use.
- The following excerpts from the MRIA report addresses and confirms the building envelope is well beyond the minimum 150 metre setback required in section 67:
 - There is a Mineral Extraction (ME) zone approximately 200 metres west of the building envelope for the proposed dwelling. (See Figure 7). The ME zone and the pit licence boundary have the same east boundary limit. As indicated, though the licence and zoning abut Machardy Road, there is no sand and gravel

to extract on the east end of the licenced and zoned area. The zoning by-law adopts a 150 metres between a ME zone and a residential dwelling which aligns with requirements for noise study for a pit in the new ARA Provincial Standards (150 metres) and with the NPC – 300 Noise by-law. The east boundary was most likely determined at the time of licensing, because of the property boundary was fenced and it is a regulatory requirement to fence the licence boundary. Considering the Mills licence boundary is 200 metres west and the deposit edge well beyond that distance, the building envelope is well beyond the minimum 150 metre setback required by section 67.

- There is a Mineral Aggregate Reserve (MR) zone along the west side of Machardy Road directly adjacent to the subject lands. There are no proven resources located in the reserve zone as indicated by the aggregate resource mapping and verified during previous site visits and recent photos attached to this report showing cultivated silty clay work fields in the MR zone. The MR zone is approximately 150 metres from the location of the building envelope, is incorrectly mapped on the schedule, and is in compliance with the zoning setback requirements.

3. Be desirable for the appropriate development or use of the land, building or structure

- Land Use Compatibility Analysis excerpt from the MRIA report: The concept of an influence area is recognized as a means of protecting mineral aggregate resources and/or operations from the encroachment of incompatible land uses. The influence area to be considered for the lands designated Sand and Gravel Resource Area is 300 metres. The influence area is not a strict buffer or setback area in which development is prohibited, but rather, it is an area where impacts may be assessed and mitigation measures and monitoring considered and applicable conditions developed that might allow the development. In the context of the proposed minor variance and building permit, the 300-metre influence area is used to evaluate possible impacts of the proposed residences on the ME zone including the Mills Pit licence operation and the adjacent lands designated as MR which do not contain sand and gravel resources. Since the identification of the MR zone was done in error, the burden of correcting the zone classification, should not be on the new land owner. This correction could be made during the next comprehensive review of the zoning by-law. As stated, the building envelope for the lot is approximately 200 metres from the ME zone and, impacts on the adjacent pit operations are negligent. I am not aware of any complaints from Machardy Road residents during my period as an Inspector of the surrounding pits, including the home that pre-existed within 10 metres of the proposed building site.

4. Be minor in nature

- Summary outlined from the MRIA report: In summary, there are no sand and gravel resources in the area indicated as MR in the zoning Bylaw. There are no bedrock resources within 500 metres of the building site and none indicated on the bedrock resource overlay map as part of the O.P. Although the Mills licence pit is 200 metres

from the proposed building site, the resource area within the licence boundary is at least 500 metres from the east boundary of the licence. There would be no impact on future reserves. This would satisfy the requirements of section 5.6.3.2. of the new Official Plan. The location of the residential dwelling as proposed will have little to no negative effect or place undue restrictions or conditions on the closest pit operation directly adjacent to the west or the sites further to the south west. The subject dwelling would not preclude or hinder the operation of the Mills or Carss Pits. There are some residential dwellings along Machardy Road adjacent to the Cavanagh pit licence at a similar distance as the subject application. Since the pit operator must control social and environmental impacts at the source to meet provincial guidelines, the proposed minor variance should have little or no hinderance on the pit operation. The primary reason being, extraction is beyond 300 metres from the active area of the remaining resource extraction area.

MRIA Recommendation:

Based on the location of the building envelope for the minor variance, the pit site plans, my personal knowledge of the Mills pit operation and similar sites, the licensee's compliance record and lack of complaints, the acknowledged separation distances between the building envelope and the ME zone/pit licence boundary, location of the remaining extraction and processing area of the adjacent pits and monitoring programs established, the depleted and abandoned portions of pits on either side of the Smith Pit site, the fact that there is no resource in the MR zone, I conclude that the adjacent building lot would have negligible or no effect or constraint on the existing pit operations to the immediate east. I would therefore support the acceptance of a minor variance to allow a residential building lot on the proposed building envelope proposed in this application. Yours sincerely, Gary McLaren President
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