



July 28, 2023

Committee of Adjustment
City of Ottawa
101 Centrepointe Drive
Nepean, ON K2G 5K7

Committee of Adjustment
Received | Reçu le
2023-08-15
City of Ottawa | Ville d'Ottawa
Comité de dérogation

RE: Applications for Consent
3455 Donnelly Drive
Part of Lot 12, Concession 1
Geographic Township of Marlborough
City of Ottawa
Owner: RASA Capital Inc.
c/o Robert Astore

Dear Committee Members,

ZanderPlan Inc. has been retained by the property owner to assist with two Severance Applications for the property located at 3455 Donnelly Drive, described as Part of Lot 12, Concession 1, in the Geographic Township of Marlborough. The property is rectangular in shape and resides within the rural area of Ottawa. The property owner is looking to sever two parcels on the South East of the property, with one of the severances fronting onto County Road 2 (Donnelly Drive) with the other situated at the corner of Harnett Road and County Road 2. The first proposed severance will encompass the existing house, while the second application will create a vacant lot, leaving the retained with 32.6 hectares to conserve the existing wetlands while still leaving adequate space and frontage onto Harnett Road for future development. The subject property resides within the Rural Countryside land use designation of the Official Plan and is also zoned Rural Countryside (RU) and located within Area D in the City of Ottawa Zoning By-Law. The proposed severance sizes adhere to the policies and provisions in place for the Rural Countryside in the City of Ottawa.

SITE LOCATION

The subject property is located off the main intersection of Harnett Road and County Road 2 (Donnelly Drive) with a civic address of 3455 Donnelly Drive, as Part of Lot 12, Concession 1 in the former municipality of Marlborough (Figure 1). The lot is approximately 360,098 sq.m and currently contains a dwelling and outbuilding setback approximately 12 metres from County Road 2 located in the Southern portion of the lot. The depth of the total lot is approximately 1,303 metres with the identified non-evaluated wetlands located to the North of the subject property, leaving the South end of the retained and the proposed severances clear for future building envelopes. A Mineral Extraction and Reserve area resides to the East of the property, but the setbacks of 150 and 210 metres do not affect the severed or retained lands. Proposed

severance 1 will have 120.7 metres of frontage onto Harnett Road and 206.8 metres of frontage onto County Road 2 and will fully encompass the existing dwelling and outbuildings while maintaining/exceeding required yard setbacks. The second severance will maintain a frontage of 65 metres and is the minimum lot size for the Rural Countryside, creating a vacant lot for future residential development on private services. Surrounding properties to the South and West consist of smaller rural residential properties, with Mineral Extraction/ Reserve sites located to the East of the property along County Road 2 and Paden Road. A smaller rural subdivision is also located to the West.



Figure 1. Aerial of Subject Property

PROVINCIAL POLICY STATEMENT, 2020

The Provincial Policy Statement (PPS) 2020 was issued under Section 3 of the *Planning Act* and came into effect May 1, 2020, replacing the Provincial Policy Statement issued April 30, 2014. The PPS provides policy direction on matters of Provincial interest relating to land use planning while providing for appropriate development that protects resources of provincial interest, public health and safety and the quality of the natural and built environment.

Section 1.0 speaks to efficient land use and development patterns to support sustainability through the promotion of strong, liveable, healthy and resilient communities. The subject land adheres to this policy as the proposed severances will add two new lots fronting to existing municipal roads, creating an increase in value to the lands and to the community while maintaining compatibility with its surrounding area. The new lots will use existing infrastructure and servicing, and contribute to the supply of housing opportunities in the City.

Section 1.1. speaks to managing and directing land use in order to achieve efficient and resilient development. The site is located within a rural area with the proposed severances offering opportunities for additional lots for potential development within the rural communities. This will aid in housing opportunities while supporting and promoting the sustainability of these smaller rural communities without affecting settlement area boundaries or the surrounding environment.

Section 1.1.4 speaks to the importance of leveraging rural assets and amenities and protecting the environment as a foundation for a sustainable economy. The subject property currently maintains an existing dwelling located in the South West of the lot. The first severance will encompass the existing dwelling leaving the retained lands with 1,182.4 metres of frontage along Harnett Road. The second proposed severance is located on the opposite side of the existing dwelling to the East fronting on to County Road 2, continuing to build upon the rural residential character along County Road 2. Both proposed severances are similar in shape to the existing surrounding rural residential lots continuing to maintain a consistent and cohesive mix of residential properties, while retaining the larger rural parcel. The proposed severances will utilize a total of 33,201 sq.m of the subject property, leaving the remaining 326,897 sq.m to conserve the identified non-evaluated wetlands, with enough open space for future development/ uses. The size of the proposed severances will adhere to the provisions of the Rural Countryside designation and zoning and will not affect the rural character.

Section 1.2.6 speaks to Land Use Compatibility, noting that *“Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects”*. The future development of the proposed lots does not meet the definition of a major facility as defined the Provincial Policy Statement and shall not present any adverse effects from contaminant discharges, noise, odour, or other public health risks from creation of the two lots for future dwelling purposes. Location of the ME and MR zones to the East shall not exude any adverse effects as the proposed severance are outside the influence areas of each zone. There are no other surrounding uses falling within the major facilities classification surrounding the subject property that would result in a conflict with the proposed development.

Section 1.6 speaks to infrastructure and public service facilities. The second proposed severance and the retained lands will require private individual wells and septic systems for future development, as there are no municipal services in this rural part of the City; severance 1 is

already developed on private services. Each lot is large enough to ensure the proper spacing and setbacks is in place for any future development and implementation of private services.

Section 2.1 of the PPS speaks to Natural Heritage. The subject site is located in a rural residential area with identified natural heritage features found on the retained subject property. The proposed severances will be located outside of these areas in order to protect and conserve the biodiversity found within these areas, and there is ample room on the retained lands to support future development that fully respects the required natural heritage setbacks.

Section 2.2 speaks to Water, with no significant water resources identified on the severed lots. A small watercourse/ditch runs through the subject property across the north end of the retained lands, but will not be affected by the proposed severances.

Section 2.3 speaks to Agriculture, with no identified significant agricultural resources identified on or surrounding the subject property. A number of livestock buildings have been identified within proximity to the subject property. The required MDS calculations have been completed. The closest livestock facility, located across the street at 3440 Donnelly Drive, requires a MDS setback of 98 metres. As shown on the enclosed sketch, the MDS setback does encroach onto the proposed severed lots. The development is already existing on severance 1. Severance 2 has more than 1 acre of buildable area that is beyond the MDS setback, thereby meeting the intent of the MDS guidelines.

Section 2.4 speaks to Minerals and Petroleum, with no identified resources found on the subject property.

Section 2.5 speaks to Mineral Aggregate Reserve (MR) and Mineral Extraction zones (ME) which are identified to the East of the subject property. The existing dwelling (Severance 1) has not been affected by the resource area, while severance 2, residing closer to the possible aggregate zones maintains enough distance from the zones to not be affected or to affect possible expansion to the extraction/reserve areas.

Section 2.6 speaks to Cultural Heritage and Archaeology; given that the existing lot is somewhat developed, it is unlikely to contain resources of archaeological or cultural significance.

Section 3.0 of the PPS speaks to Protecting Public Health and Safety with policies related to natural and man-made hazards. The subject site does not contain any identified natural hazards or known man-made hazards and there have been no documented sources of contamination on the property.

Overall, the proposed severances are consistent with the 2020 Provincial Policy Statement.

CITY OF OTTAWA OFFICIAL PLAN, 2022

The Official Plan sets forth broad policies that will help govern growth and change in Ottawa, as well as specific policies dependent upon land use designations. Schedule B9 of the Official Plan identifies the land designation for the subject property as Rural Countryside within a Natural Heritage Feature Overlay at the north end, as seen on Schedule C11-B.

Section 4.8.1 of the Plan speaks to the Natural Heritage System and features within it subject to a higher standard of protection as identified on schedule C11-B, and recognizes the following as part of the natural heritage features within the overlay as:

- a) Significant wetlands;
- b) Habitat for endangered and threatened species;
- c) Significant woodlands;
- d) Significant valleylands
- e) Significant wildlife habitat;
- f) Areas of Natural and Scientific Interest;
- g) Urban Natural Features;
- h) Natural Environment Areas;
- i) Natural linkage features and corridors;
- j) Groundwater features;
- k) Surface water features, including fish habitat; and
- l) Landform features.

The intent of the Natural Heritage System is to protect the natural features identified on the subject property and to limit development which could impact these features. The City strives to take a “no net loss” approach with respect to evaluated wetlands. Although the wetlands identified on the lot are non-evaluated wetlands, the heritage overlay area identified on Schedule C11 indicates the need to protect and preserve these areas in order to improve the long term integrity and connectivity of the system. The proposed severances are situated outside of these areas for this purpose, with the intention of any future development to be outside of these areas with adequate setbacks to continue preservation and connectivity. Further, the retained lands that will contain the natural heritage features has ample buildable area that is outside of the natural heritage features, such that future development could still be accommodated on the lot.

Section 9.2 speaks to the Rural Countryside designation with the general intent to create opportunities and accommodate a variety of land uses appropriate for the rural location, predominately protecting the character of the rural countryside. The proposed severances would

help create a more diverse range of uses by adding additional residential opportunities within the rural countryside while maintaining the rural character.

Section 9.2.2 lists the uses permitted within the rural countryside that the City notes will help strengthen the rural economy as:

- a) Forestry, conservation and natural resource management activities;
- b) Agriculture, agriculture-related and on-farm diversified uses;
- c) Residential uses according to the policies of this plan;
- d) Animal services boarding, breeding and training and equestrian establishments;
- e) Bed and breakfasts;
- f) Utility Installations;
- g) Cemeteries; and
- h) Sand and gravel pits.

The purpose of the proposed severances is intended to create two severed lots for residential purposes, a permitted use within the City of Ottawa's Official Plan, while leaving the retained lands available for future development options.

Section 9.2.3 sets forth additional policies to limit the fragmentation of rural lands and to ensure the preservation of health by limiting lot creation to only two lots with a minimum lot size of 0.8 hectares from any lot in existence on May 14, 2003, and allowing a minimum of 10 hectares on the retained lot. The proposed lot sizes are above the minimum requirements of 0.8, and the retained parcel is comprised of a total of 32.6 hectares. Each lot will maintain adequate frontage onto County Road 2 (Donnelly Drive) and Harnett Road, both public roads and will ensure setbacks are in place as to not disrupt any natural features or resources identified on and surrounding the property.

Section 10.1.10 speaks to abandoned mineral and mineral aggregate mining operations. There are 2 identified mineral extraction and reserve sites located to the East of the subject property. At this time, they do not appear to be abandoned, but also don't appear to be in operation. The ME site is zoned ME[1r]-h meaning either "*a completed application has been made to the province for a license to extract mineral aggregates or the City has approved an Environmental Impact Statement submitted when the proposed mineral extraction operation is adjacent to lands zoned EP3- Environmental Protection or lands designated Rural Natural Feature in the Official Plan*", indicating an extraction site may arise in the future. Regardless of such, the proposed severances are outside of the required setbacks to a ME and MR zone and should not be affected by or affect future mineral extraction.

Overall, the proposed severances comply with and are supported by the policies found within the City of Ottawa Official Plan.

CITY OF OTTAWA ZONING BY-LAW, 2008-250

The Zoning By-Law sets forth specific policies that will help govern growth and change in Ottawa dependent upon specific land designations. The subject property falls in the Rural Countryside (RU) zone in the Zoning By-law.

Part 2 of the Zoning By-law speaks to General Provisions that are applied to all land use designations in the City of Ottawa. **Section 56** of the Zoning By-Law speaks to adequate urban, suburban and rural services to ensure that any expansion or intensification of land can accommodate the required services. The two proposed severances are outside of the municipal service area of Ottawa, and therefore will require private individual well and waste water services which are compatible with the proposed parcel sizes.

Section 62 speaks to Minimum Distance Separation. Due to the proximity of the subject site falling within a rural area with the potential for surrounding livestock facilities, setbacks to nearby livestock facilities must be considered. Due to the already developed nature of proposed severance 1, any surrounding livestock facility shall not affect the proposed severance as there is no additional development to take place on the lot. Any future development of the retained lands and proposed severance 2 will ensure adequate distance from the potential livestock properties. Information of the livestock buildings will be obtained, and a completed MDS report will be submitted along with this application.

Section 67 speaks to residential building setbacks from a mineral aggregate zone. Surrounding properties are zoned ME[1r]-h and MR requiring a 150 metre setback and a 210 metre setback. The proposed severances fall outside both setbacks as seen on the severance sketch attached.

Part 13 Section 213 speaks to Mineral Extraction zones. The purpose of the zone is “ *to permit licensed mineral extraction operations in areas mainly designated as Sand and Gravel Resource Area or Limestone Resource Area in the Official Plan and to allow a limited range of permitted uses which are related to or compatible with mineral extraction operations, as well as interim uses that would not sterilize the potential of future mineral extraction operation on the lands within the ME zones; and lastly to impose regulations to minimize the impact of mineral extraction operations on the surrounding area*”. The proposed severances will not cause any conflict with the surrounding Mineral Extraction zone and the intent of the By-law as there is adequate distance provided between the proposed severances and Mineral Extraction zone.

Part 13 Section 215 speaks to Mineral Aggregate Reserve zones. The purpose of the zone is to “*identify areas that are designated as sand a gravel or limestone resource areas, identify lands that have yet to be exploited mineral aggregate resources and to impose regulations reflective of the ME zone as they may be rezoned to ME to permit extraction*”. The proposed severances reside in close proximity to already developed lots, where expansion of any future extraction

sites would not have the ability to expand in that direction. Additionally each severance retains enough distance from the MR zone that if rezoned to ME shall not inflict adverse effects to the future development of the rural lots.

Part 13 speaks to Rural Countryside Zones. The purpose of the zone is *“to accommodate agricultural, forestry, country residential lots created by severance and other land uses characteristic of Ottawa’s countryside, in areas designated as General Rural Area, Rural Natural Features and Greenbelt Rural in the Official Plan. To recognize and permit this range of rural based land uses which often have large lot or distance separation requirements and to regulate various types of development in manners that ensure compatibility”*. The proposed severances will not cause any conflict with the intent of the By-law and the proposed severed and retained lots will comply with the provisions set forth in the Rural Countryside Zone.

Section 227 outlines the permitted uses within the Rural Countryside as follows;

- A.the provisions of subsection 227(2) to (5);
- B.a maximum of 10 guest bedrooms is permitted in a bed and breakfast
- C.a maximum of 10 persons are permitted in a group home,
- D.a maximum of 10 persons are permitted in a retirement home, converted

agricultural use, see Part 2, Section 62

agriculture-related use, see Part 3, Section 79B (By-law 2021-222)

animal care establishment

animal hospital

artist studio

bed and breakfast, see Part 5, Section 121

Cannabis Production Facility, limited to outdoor and greenhouse cultivation. (By-law 2019-222)

cemetery

detached **dwelling**

equestrian establishment

environmental preserve and educational area

forestry operation

group home, see Part 5, Section 125

home-based business, see Part 5, Sections 127 and 128

home-based day care, see Part 5, Section 129

kennel, see Part 3, Section 84

on-farm diversified use, see Part 3, Section 79A (By-law 2019-41) (By-law 2021-222)

retirement home, converted, see Part 5, Section 122

secondary **dwelling** unit, see Part 5, Section 133

The proposed severances comply with the permitted uses of the Rural Countryside zone and all zone provisions. Proposed severance 2 is intended for future residential development where severance 1 intends to encompass and maintain the existing dwelling and structures on the lot. The retained lands will remain as is for additional future development.

The required zoning provisions for the Rural Countryside Zone (RU) are as follows:

Provisions	Required	Severance 1	Severance 2	Retained
Minimum Lot Width	50m	206.8	65m	1,182.4m
Minimum Lot Area	0.8ha	2.5ha	0.8ha	32.6ha

The proposed severances and retained lot comply with the Rural Countryside Zoning provisions set forth within the City of Ottawa Zoning By-Law.

SUMMARY

The applicant is seeking two severances from the property known as 3455 Donnelly Drive for the purpose of future residential dwellings. The retained lands will maintain 1,182.4 metres of frontage on Harnett Road with a total lot size of 326,897 sq.m, conserving the identified Natural Heritage Features Overlay located to the North of the property. The proposed severances are consistent with the policies in the 2020 Provincial Policy Statement, and meet the intent of the policies in the City of Ottawa’s Official Plan, and will comply with the Zoning By-Law requirements of the Rural Countryside (RU) zone for the intended uses of the 2 new lots.

Should you require any additional information please do not hesitate to contact the undersigned.

All respectfully submitted by:



Tracy Zander, M.Pl, MCIP, RPP