



August 4, 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
2886 Mackey Road
Part of Lot 4, Concession 3
Geographic Township of Marlborough
City of Ottawa
Owners: Samantha Parker and Scott McGuire

Dear Committee Members,

ZanderPlan Inc. has been retained by the property owners to assist with a Severance Application for the property located at 2886 Mackey Road, described as Part of Lot 4, Concession 3, in the Geographic Township of Marlborough. The property is rectangular in shape and resides within the rural area of Ottawa. The property owners are looking to sever a single parcel on the North East side of the property, fronting to Mackey Road. The proposed severance is located to the East of the existing housing within a depth of 255.7 metres and a width of 75 metres, leaving the retained lot to encompass the existing house and accessory buildings, woodlands and wetlands consisting of 43 hectares. 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 size adheres 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 Mackey Road and Malakoff Road with a civic address of 2886 Mackey Road, at Part of Lot 4, Concession 3 in the former municipality of Marlborough (Figure 1). The lot is approximately 449,290 sq.m and currently contains a dwelling with outbuildings set back approximately 197 metres from Mackey Road. The depth of the lot is approximately 1,710.5 and also includes 202.5 metres of frontage onto Cowell Road. There are non-evaluated wetlands and woodlands throughout the property falling within the Southern and Eastern portion of the property. A 30 metre buffer area for the wetlands and 25 metre buffer area for the woodlands has been applied to the severed lot, demonstrating an adequate buildable area of 8,022 m² within the proposed severance which is outside of the identified constraints. Surrounding properties to the North and West consist of smaller rural residential properties, where a smaller rural subdivision is located to the North. Larger rural properties

reside to the South and East. Possible livestock buildings have been identified, and MDS calculations have been performed to ensure compatibility.

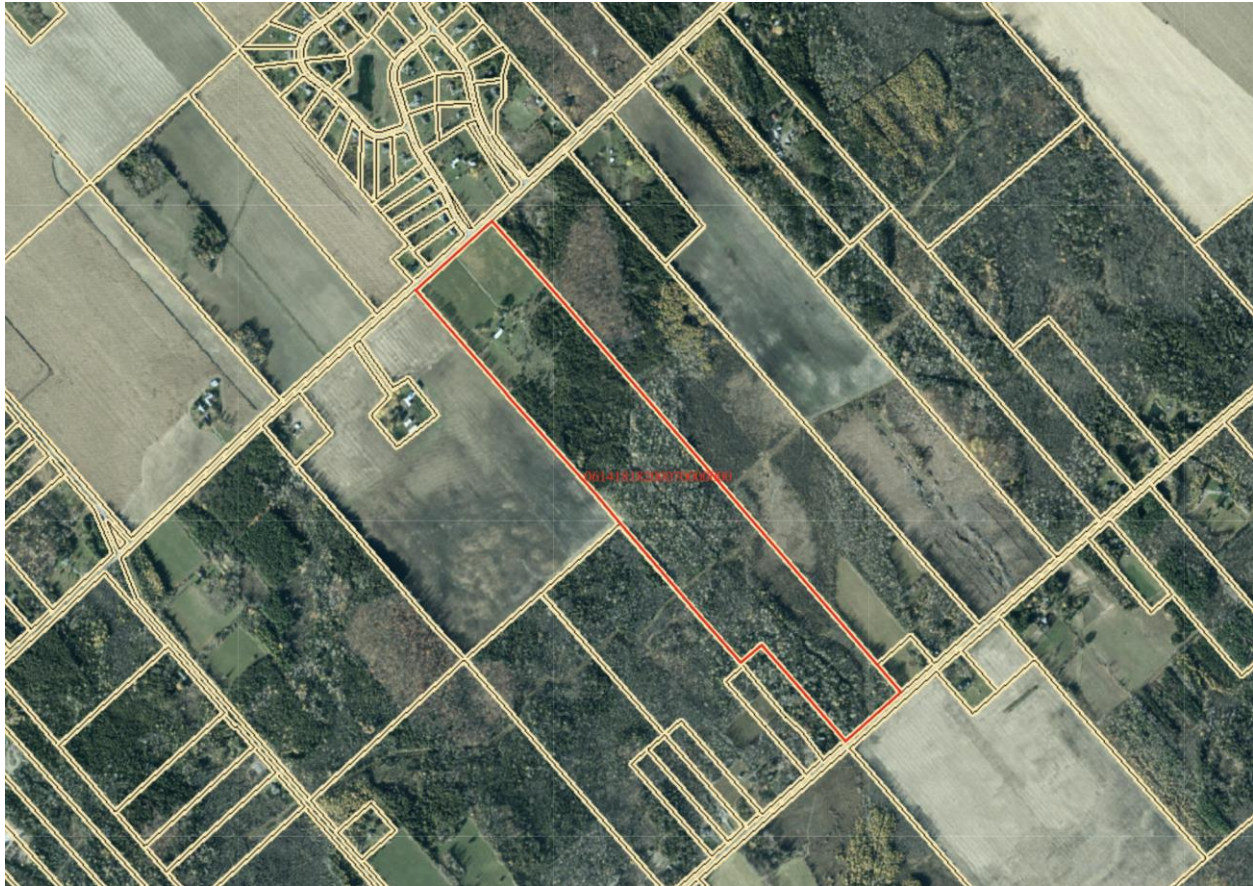


Figure 1. Aerial of Subject Property

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 severance will add a new lot creating an increase in value to the lands and to the community while maintaining compatibility with its surrounding area.

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 severance offering opportunities for an additional lot for potential development within the rural community. 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 northerly part of the lot. The severance is located beside the existing dwelling to the East fronting on to Mackey Road, continuing to build upon the rural residential character. The proposed severance is 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 parcel. The proposed severance will utilize a total of 19,178 sq.m of the subject property, leaving the remaining 430,112 sq.m to conserve the existing dwelling, identified non-evaluated wetlands and woodlands. The size of the proposed severance 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 lot does not meet the definition of a major facility as defined by 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 single lot for future dwelling purposes. 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 proposed severance will require private individual wells and septic systems, as there are no municipal services in this rural part of the City. The proposed lot is large enough to ensure the proper spacing and setbacks are 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 subject property. The proposed severance will be located outside of the identified local wetland area. A small portion of the significant woodlands fall within the proposed severance; however, adequate setbacks and a buildable area have been demonstrated and therefore the natural areas can be preserved and protected.

Section 2.2 speaks to Water, with no significant water resources identified on the proposed severed lot. A small watercourse/ditch runs through the retained lands but will not be affected

by the proposed severance; the retained lands are already developed with a dwelling and private servicing.

Section 2.3 speaks to Agriculture, with no identified significant agricultural resources identified on or surrounding the subject property. The required Minimum Distance Separation (MDS) calculations have been completed for nearby livestock facilities and the associated MDS report is included in this submission. There is sufficient room on the severed lot to build a future dwelling without impacting nearby livestock facilities.

Section 2.4 speaks to Minerals and Petroleum, with no identified resources found on or within proximity to the subject property. **Section 2.5** speaks to Mineral Aggregate Resources, with no identified resources found on or within proximity to the subject property. **Section 2.6** speaks to Cultural Heritage and Archaeology. Given that the existing lot is already developed and has historically been used for agricultural activity, 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 severance is 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 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 overlay 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 significant woodlands and the need to protect and preserve these highlighted areas in order to improve the long term integrity and connectivity of the system. The proposed severance is mostly 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. The severance sketch includes setbacks to demonstrate that there is an ample buildable area on the severed lot to ensure protection for the natural heritage features.

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 severance will help create a more diverse range of uses by adding new 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 feels 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 severance is intended to create a single severed lot for residential purposes, a permitted use within the City of Ottawa’s Official Plan, while leaving the retained lot to continue its existing use without negative impacts.

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 size is above the minimum requirements of 0.8, and the retained parcel is comprised of a total of 43 hectares. Each lot, retained and severed, will maintain adequate frontage onto Mackey Road, a public road, and will ensure setbacks are in place so as to not disrupt any natural features or resources identified on and surrounding the property.

The proposed severance meets the intent of and is 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.

Part 2 of the Zoning By-law speaks to General Provisions that are applied to all land 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 proposed severance is 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 size.

Section 62 speaks to Minimum Distance Separation. Due to the proximity of the subject site falling within a rural area with the potential for impacts from surrounding livestock facilities, setbacks to nearby livestock facilities must be considered. MDS calculations have been performed, where the distance of the severance is outside of any identified setbacks. The completed MDS report is submitted along with the application, and the calculated setbacks are identified on the severance sketch.

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 severance

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 severance complies with the permitted uses of the Rural Countryside zone as described above. The proposed severance is intended for future residential development where the retained will encompass and maintain the existing dwelling, structures and uses on the lot. Both the severed and retained lots will utilize private services.

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

Provisions	Required	Severance 1	Retained
Minimum Lot Width	50m	75m	205.5m
Minimum Lot Area	0.8ha	1.9ha	43ha

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

SUMMARY

The owners are seeking a single severance from the property known as 2886 Mackey Road for the purpose of a future residential dwelling. The severed lot will have a lot area of approximately 1.9 ha, with 75 metres of frontage on Mackey Road. The retained lands will maintain 205.5 metres of frontage on Mackey Road and 202.5 metres on Cowell Road with a total lot size of 430,112 sq.m, conserving the identified Natural Heritage Features Overlay located throughout the South and East portion of the property. The proposed severance is consistent with the policies in the 2020 Provincial Policy Statement, and meets 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 use of the new lot.

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

All respectfully submitted by:

Tracy Zander, M.Pl, MCIP, RPP