

November 17, 2023

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

**Committee of Adjustment**  
Received | Reçu le

2023-11-20

City of Ottawa | Ville d'Ottawa  
**Comité de dérogation**

**RE: Applications for Consent**  
**3200 Mackey Road**  
**Part of Lot 8 & 9, Concession 3**  
**Geographic Township of Marlborough**  
**City of Ottawa**  
**Owners: Jennifer Wallace and Earl Wallace**

Dear Committee Members,

**This document is presented in the language it was provided.  
Ce document est présenté dans la langue dans laquelle il a été fourni.**

ZanderPlan Inc. has been retained by the property owners to assist with two Severance Applications for the property located at 3200 Mackey Road, described as Part of Lot 8 & 9, Concession 3, in the Geographic Township of Marlborough. The property is irregular in shape and resides within the rural area of Ottawa. The property owners are looking to sever two parcels on the North West corner of the property, with both of the severances and retained lands fronting onto Mackey Road. Each severance will create a vacant lot of 0.8 hectares in size with 60m of frontage, leaving the retained lands with 73.4 hectares and 86.6m of frontage to conserve the existing non-evaluated wetlands, while still leaving adequate space and frontage onto Mackey 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 closest to the main intersection of Gallagher Road and Mackey Road with a civic address of 3200 Mackey Road, as Part of Lot 8 & 9, Concession 3 in the former municipality of Marlborough (Figure 1). The lot is approximately 751,101 sq.m and currently contains an existing building setback approximately 255 metres in the North West portion of the lot with an existing driveway out to Mackey Road. The depth of the subject property is approximately 1,668 metres with non-evaluated wetlands located to the South and East on and surrounding the property, leaving the North end of the retained lands and the proposed severances clear for future building envelopes. The existing structure and wetlands will be encompassed by the retained land. Both severances will have 60m of frontage onto Mackey

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Road, above the 50 metre minimum requirement for frontage in the Rural Countryside zone, and will be 0.8 hectares in size. Surrounding properties consist of a mix of small to large rural properties. Due to its rural zoning and possible livestock buildings on surrounding properties, Minimum Distance Separation has been calculated to ensure the location of the severances will continue to create a compatible rural neighbourhood; no conflicts with nearby barns is anticipated as a result of these severances.



**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 an existing municipal road, 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 rural area of the City of Ottawa.

**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 contains an existing structure located in the northerly part of the lot, which will fall in the retained lands. The proposed severances will create two new lots consisting of 0.8 hectares each, the permitted minimum size for the Rural Countryside zone. Each lot will have an approximate depth of 137 metres to utilize the vacant land located to the North West of the subject property along Mackey Road. The 73.4 hectares of retained land will encompass the existing structure and non-evaluated wetlands to the South and East leaving 86.6 metres of frontage along Mackey Road. The proposed severance size and depth are similar to previous severances along Mackey Road and the surrounding area, creating opportunity for the severances to continue to build upon the rural residential character while maintaining a consistent and cohesive mix of residential properties. A portion of subject property does fall within the Natural Heritage Overlay Area of the Official Plan, where a majority of the severed lands will be outside of the overlay area as to not disturb the connectivity of the existing natural heritage system.

**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 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 two lots 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 severances and 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. 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 portion of the property. The

proposed severances will be located outside of these areas in order to protect and conserve the biodiversity found within these areas. The retained lands provide ample room and spacing 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 from the North to the South 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 3103 Mackey Road, requires a MDS setback of 244 metres. As shown on the enclosed sketch, the MDS setback does not encroach onto the proposed severed lots, 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 Resources, with no identified resources found on or surrounding the subject property.

**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 mostly outside of these areas for this purpose. The intention of any future development of the proposed lots shall reside outside of these areas or within areas that will cause the least disturbance, with any required 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 the minimum requirements of 0.8ha, and the retained parcel is comprised of a total of 73.4 hectares. Each lot will maintain adequate frontage onto Mackey Road, a public maintained road and will ensure setbacks are in place as to not disrupt any natural features or resources identified on and surrounding the property.

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 the facilities must be considered. Information of surrounding livestock facilities has been collected and calculations have been performed to ensure adequate distance from future residential development is maintained. The information of the livestock buildings, calculations and setbacks can be seen in the attached MDS report and severance sketch, to be submitted along with this application.

**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. Both severances and the retained is intended for future residential 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	60m	60m	86.6m
Minimum Lot Area	0.8ha	0.8ha	0.8ha	73.4ha

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

**ENVIRONMENTAL IMPACT STUDY**

BCH Environmental was retained to complete an Environmental Impact Study for the site (report dated November 2, 2023). The study evaluated the environmental constraints and natural heritage features and functions in the area, following the City of Ottawa’s guidelines. The study includes a detailed assessment of woodland and wildlife habitat, species at risk habitat, as well as a Wildland Fire Assessment. The study includes a number of mitigation measures intended to reduce/minimize the potential for natural heritage impacts; these measures can be implemented through a development agreement on site.

**SUMMARY**

The applicants are seeking two severances from the property known as 3200 Mackey Road for the purpose of future residential dwellings. The retained lands will maintain 86.6 metres of frontage on Mackey Road with a total lot size of 734,773 sq.m, conserving the identified Natural Heritage Features Overlay located to the South and East 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