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Application for Consent 5190 MacHardy Road

September 24, 2024

Ms. Cheryl Williams
Deputy Secretary-Treasurer
Committee of Adjustment
101 Centrepointe Drive, Fourth Floor
Ottawa, ON, K2G 5K7

**RE: Application for Consent
5190 MacHardy Road, Ottawa**

Committee of Adjustment
Received | Reçu le
Revised | Modifié le : 2024-09-24
City of Ottawa | Ville d'Ottawa
Comité de dérogation

Dear Ms. Williams,

Fotenn Planning + Design ("Fotenn") has been retained by James and Tara Pocket (the "Applicants") on behalf of Margaret and Anthony Pocket (the "Owners") to prepare a Planning Rationale and act as agents for the submission of the enclosed Consent application for the lands known as 5190 MacHardy Road (the "subject site") in Ward 5 (West Carleton-March) in the City of Ottawa. Of note, the property is also referred to as 5301 Steen Lane; following communication from the Committee of Adjustment, the MacHardy Road address shall be utilized for the purposes of this application.

The subject site contains one (1) existing single detached dwelling. The intent of the enclosed consent application is to sever one (1) lot to create two (2) separate lots, compliant with the required lot size and lot area in the Zoning By-law. No new physical development is proposed for the severed lands; however, it is understood that the severed lot is intended to be used for residential purposes in the future.

Please find enclosed the following material in support of the application:

- / Completed application form (1 copy);
- / Completed Schedule: Rural Consent Additional Application Information (1 copy);
- / Severance Sketch (1 reduced and 1 full-size);
- / Registered Plan of Survey 5R165 (1 reduced and 1 full-size);
- / Parcel Abstract Page (1 copy);
- / Confirmation email that a TIR is not necessary;
- / Environmental Impact Statement (1 copy); and,
- / Cheque in the amount of \$4,014.00.

Please do not hesitate to contact the undersigned at scollon@fotenn.com with any questions or requests for additional material.

Sincerely,



Gabi Amos, M.Pl.
Planner



Scott Alain, RPP MCIP
Senior Planner

FOTENN

1.0 Introduction

Fotenn Planning + Design (“Fotenn”), acting as agents on behalf of the applicants and property owners, has been retained to prepare this Planning Rationale in support of the enclosed Consent application for the site municipally known as 5190 MacHardy Road (the “subject site”) in Ward 5 (West Carleton-March) of the City of Ottawa.

The intent of this Planning Rationale is to assess the proposed Consent application against the applicable policy and regulatory framework and to demonstrate how the proposed severance is appropriate for the subject site and compatible with surrounding land uses and existing infrastructure.

The applicant team discussed the proposed severance with City staff in March 2024. Staff did not identify concerns pending the preparation of an Environmental Impact Statement (EIS) to demonstrate whether the severance and future residential development would negatively impact the Natural Heritage System Core Area. This report is enclosed with the submission and provides recommendation measures to ensure residential development of a detached dwelling can be accommodated without generating undue impacts on the natural assets on-site.

1.1 Application Overview

The proposed Consent application seeks to create one (1) severed lot. The severed lot will be approximately 4.5 hectares and generally rectangular, with a notch corner closest to the existing dwelling unit to provide a more significant interior yard setback for the residential use. No new development is currently proposed; however, it is understood the parcel will be used for residential purposes in the future. The retained lot will contain the existing dwelling unit and maintain approximately 140 metres of frontage on MacHardy Road south of the severed lot.

Site Context and Surrounding Area

2.1 Subject Site

The subject site, 5190 MacHardy Road, is located in Ward 5 (West Carleton-March) in the City of Ottawa. The site is legally described as Part Lot 25, Concession 4, Roll Number 06144228201310100000, West Carleton, in the City of Ottawa. The irregularly shaped site has a total lot area of 14.85 hectares and a total lot frontage of 376.12 metres on MacHardy Road and 201.17 metres along Steen Lane.

The existing parcel currently contains a single detached dwelling oriented at the east end of Steen Lane. The site is privately serviced by a well and partially raised septic bed field. A driveway from Steen Lane accesses the dwelling. Lowland mixed forest covers most of the site.

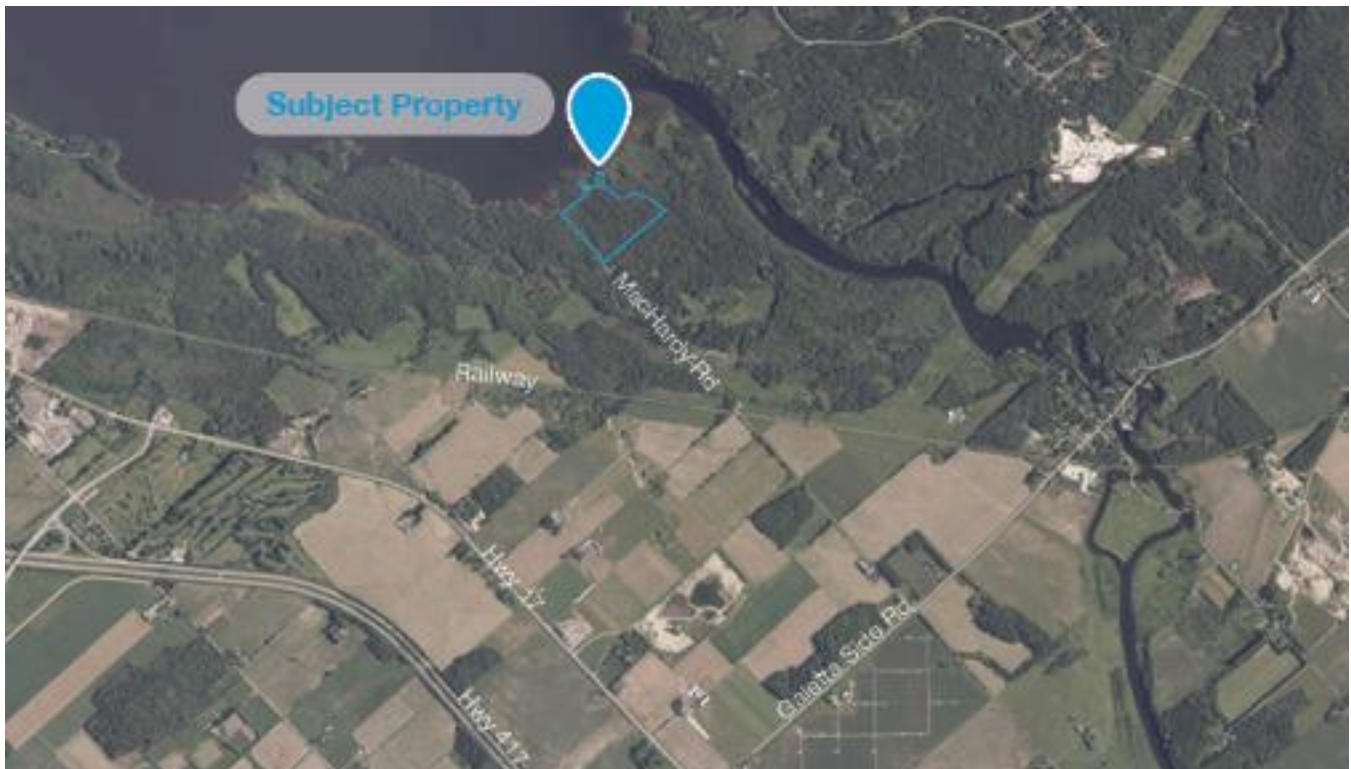


Figure 1: Aerial image of the subject site

2.2 Surrounding Area

The subject site is in Fitzroy, a rural Ottawa neighbourhood located at the City's west side, northeast of Highway 417. The area surrounding the site can be characterized as the following:

- North:** Steen Lane abuts the northwest frontage of the subject site. Five (5) waterfront residential lots have frontage on the north side of Steen Lane. The northeast corner of the site abuts Ottawa River's Marshall Bay.
- East:** Two waterfront undeveloped parcels are immediately east of the subject site. The confluence with the Mississippi River is east of the vacant parcel.
- South:** Immediately south of the site is vacant rural land. This parcel appears to have a tree canopy similar to that of the subject site. A CP Railway runs east-west approximately 670 metres south of the subject site.

West: MacHardy Road abuts the west side of the site. To the west of this road are heavily treed properties, as well as a watercourse that runs northwest into the Ottawa River. The City of Ottawa limits are approximately 1.8 kilometres west of the subject site, abutting the Town of Arnprior.

No agricultural uses were identified within the proximity of the site.

3.0 Overview of Applications

The proposed Consent application proposes to sever the existing site into two (2) separate, independent lots (



Figure 2). The new lot is proposed to be located in the northwest corner of the subject site, with frontage along Steen Lane and MacHardy Road. At present, there are no development plans for the severed parcel.



Figure 2: Severance sketch

The following table summarizes the development standards of the severed and retained parcels.

Table 1. Project Statistics

Property	Total Lot Area	Lot Frontage	Compliance
Severed Lot	4.5 ha	175 m (Steen Lane) 236 m (MacHardy Road)	✓
Retained Lot	10.35 ha	31 m (Steen Lane) 140 m (MacHardy Road)	✓

As discussed herein, the severance conforms to Official Plan policies and provisions within the City of Ottawa.

4.0 Supporting Study

4.1 Environmental Impact Statement (EIS)

GEMTEC completed an Environmental Impact Statement (EIS) in August 2024 to identify and evaluate the natural heritage features and species at risk (SAR) on and surrounding the subject site. The entire subject site is within the Natural Heritage System Core Area as identified by City of Ottawa Schedule C11-A Natural Heritage System (West).

The EIS assessed the impact of a future development parcel with a proposed development envelope of 0.2 hectares in size. It is not anticipated that the vegetation removal associated with a development parcel would negatively impact the function of the natural core area. The proposed 0.2 ha development envelope prescribed for protecting significant woodlands will ensure limited forest habitat loss on-site. A minor loss of 0.2 ha of the approximately 14.88 ha (1%) of woodland habitat in the greater Study Area will not impede the continued function of the Natural Core Area. Wildlife is anticipated to have continued access across the site.

To protect the natural heritage during future development, the following mitigation measures were recommended:

- / Clearing for construction be limited to a development envelope of approximately 0.2 hectares;
- / Position development envelope as closed as possible to the right-of-way to minimize forest disturbance;
- / Exclude the use of fencing around the site to allow natural deer movement;
- / During construction, utilize exclusion fencing around active construction areas to prohibit the movement of amphibians and reptiles into the construction area;
 - Each day of construction a daily pre-work sweep of the construction area should occur to ensure no SAR are present and to remove any wildlife from inside the construction area;
 - During construction if any SAR is identified on-site all work should stop and a qualified professional and the MECP should be contacted for next steps. SAR sightings should be reported to the MECP and the NHIC;
- / Vegetation and tree removal should occur outside of March 31 to August 31 to avoid the key breeding bird period and the roosting bats; and,
- / Cover all stockpiled material with a geotextile to prevent turtles from nesting in the material between May 1 and August 1 of any year.

The EIS concluded that if all mitigation measures and best practices outlined in the report are followed, then no adverse impacts to identified natural heritage features or their ecological functions are anticipated due to the proposed development.

5.0 Policy & Regulatory Framework

5.1 Planning Act

It is our professional opinion that the application meets the criteria for lot division as described in Sections 53(1), 53(12) and 51 of the *Planning Act*. As the proposal does not include an internal road network, major servicing or other elements of a subdivision, the following criteria are generally those which apply to applications for consent:

a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2; **As discussed further within this report, the proposed severance is consistent with the policies of the Provincial Policy Statement (2020) by facilitating the provision of residential lots in a location that does not result in undue or adverse impacts on the surrounding neighbourhood and context.**

b) whether the proposed subdivision is premature or in the public interest; **The proposed severance allows for the creation of one (1) new lot for residential purposes in the rural area. The proposed severance will create a lot of a size that can accommodate the services available in the rural area. Therefore, the application is not premature and is in the public interest.**

c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any; **As outlined in this report, the proposed severance conforms with the policies of the City of Ottawa Official Plan and Omnibus Official Plan Amendment 1. The severance is consistent with the policy direction of the Rural Transect and the Rural Countryside designation.**

d) the suitability of the land for the purposes for which it is to be subdivided; **The proposed severance of the subject site will result in severed and retained parcels suitable for their intended use. The proposed new parcel and the retained parcel will comply with the required lot area and lot width.**

e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them; **The severed and retained lands will continue to have frontage on a public road (MacHardy Road). The public road is paved and is sufficient to support the proposed severance.**

f) the dimensions and shapes of the proposed lots; **The proposed severed lots will be similar in size and shape to other residential lots along MacHardy Road, which is characterized by large rural land holdings. The retained parcel will be generally rectangular and consistent with several other nearby parcels of land. As outlined above, the retained and severed parcels will meet all applicable policies of the Official Plan and provisions of the Zoning By-law.**

g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land; **The proposed severance complies with all provisions as outlined in the PPS, Official Plan and Zoning By-law. A small portion of the retained parcel along the northeast property line will be subject to a floodplain as per the City of Ottawa Zoning By-law. Despite the presence of the floodplain on a small portion of the site, the floodplain does not affect the developable area of the severed lot. The proposed severance does not impose any restrictions on the land or nearby buildings and is consistent with the Rural Countryside zone.**

h) conservation of natural resources and flood control;

The proposed severance is located away from any water courses on the site and in an area with limited vegetation compared to the remainder of the site. The floodplain does not extend into the severed lot. The Official Plan identifies the subject site as being located within the Natural Heritage Linkage Area; the EIS concluded a development envelope of 0.2 hectares would not impact the natural heritage.

- i) the adequacy of utilities and municipal services;

The retained and severed lands will be privately serviced. The severed parcels have been designed with an adequate lot area to accommodate a future septic system.

- j) the adequacy of school sites;

The proposal for one (1) new lot is modest and is not anticipated to generate enough students to impact the local school system.

- k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

No land is proposed to be dedicated or conveyed for public purposes.

- l) the extent which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

The proposed lots are not anticipated to have an impact on energy delivery.

- m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area.

A Site Plan Control application is not required for the creation of a lot or the development of a single-detached dwelling.

5.2 Provincial Policy Statement (2020)

The Provincial Policy Statement 2020 (PPS) provides direction on matters of provincial interest related to land use planning and development. The Planning Act requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the Act, which includes the PPS.

The PPS supports the goal of enhancing the quality of life for residents of Ontario, including the protection of public health and safety, the quality of the natural and built environment, and resources of provincial interest. The PPS also recognizes that the "long-term prosperity and social well-being of Ontario depends upon planning for strong, sustainable and resilient communities for people of all ages...". The policies of the PPS support building strong healthy communities, wise use and management of resources, and protecting public health and safety.

The PPS identifies rural areas as important to the province's economic success and our quality of life. Leveraging rural assets and amenities and protecting the environment is important as a foundation for a sustainable economy.

The following PPS policies are applicable to the proposed development and subject site, among others:

- / Policy 1.1.4.1 – Healthy, integrated and viable rural areas should be supported by:
 - a) Building upon rural character, and leveraging rural amenities and assets;
 - b) Promoting regeneration, including the redevelopment of brownfield sites;
 - c) Accommodating an appropriate range and mix of housing in rural settlement areas;
 - d) Encouraging the conservation and redevelopment of existing rural housing stock on rural lands;
 - e) Using rural infrastructure and public service facilities efficiently;

- f) Promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
- g) Providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
- h) Conserving biodiversity and considering the ecological benefits provided by nature; and
- i) Providing opportunities for economic activities in prime agricultural areas, in accordance with policy 2.3.

/ Policy 1.1.5.2 – On rural lands located in municipalities, permitted uses are:

- a) The management of resources;
- b) Resource-based recreational uses (including recreational dwellings);
- c) Residential development, including lot creation, that is locally appropriate;
- d) Agricultural uses, agricultural-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;
- e) Home occupations and home industries;
- f) Cemeteries; and
- g) Other rural land uses.

/ Policy 1.1.5.4 – Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

/ Policy 1.1.5.5 – Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

/ Policy 1.1.5.8 – New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.

The proposed severance represents the creation of one (1) new residential lot within the rural area. The severed lot will be of a shape and size consistent with the surrounding area and compatible with the rural landscape. The subject site is also not located on existing agricultural lands.

5.3 City of Ottawa Official Plan (2022)

The City of Ottawa Official Plan was approved on November 4, 2022. The Plan provides a framework for the City's development until 2046, when its population is expected to surpass 1.4 million. The Plan directs how the City will accommodate this growth over time and sets out the policies to guide its development and growth.

5.3.1 Rural Transect

The subject site is located within the Rural Transect, as identified on Schedule A – Transect Policy Area. The Rural Transect area accounts for approximately 80 percent of the City's total land area. The use of land in this transect area varies in intensity from untouched natural areas and cultivated farmland to more intense development within villages and commercial industrial areas.

The following policies are applicable to the subject site and the proposed Consent applications:

- / Policy 1 of Section 5.5.1 – Built form in the Rural Transect areas, where development is permitted shall be low rise.

- b) Outside Villages, where development is permitted, built form and site design shall be premised on maintaining the rural character, image and identity; and
- c) Outside of Villages, sites shall be designed to locate surface parking, storage and paved areas far from the road frontage, and access to such areas shall be designed to maintain rural character. The frontage along the road shall be landscaped and treed in a way that respects the rural landscape and enhances the green edge of rural roads. Elements such as low fences, hedges or landscape-based ornaments may be used to enhance the site frontage.

/ Policy 1 of Section 5.5.1 – Development in the Rural Transect areas shall:

- a) Be of low density throughout, with the majority of residential uses and commercial and institutional uses concentrated within Villages;
- e) Be adequately serviced and not create any risk that cannot be adequately mitigated, to the quality and quantity of groundwater for the surrounding area; and

The proposed severance will create one (1) new residential lot outside of a village boundary in the rural area. The proposed lot has not yet been designed for future development, but it is anticipated that any future development of the lot will be premised on maintaining the rural character, image, and identity in line with the applicable zoning requirements of the RU – Rural Countryside zoning.

5.3.2 Rural Countryside Designation

The subject site is designated as “Rural Countryside” on Schedule B9 – Rural Transect (4). The Rural Countryside comprises a variety of low-intensity uses such as farming, small-scale industries and outdoor recreation and tourism-supportive uses. The Rural Countryside also contains clusters of low-density residential units. The Rural Countryside designation intends to accommodate a variety of land uses that are appropriate for a rural location, limiting the amount of residential development and support industries that serve local residents and the travelling public while ensuring that the character of the rural area is preserved.

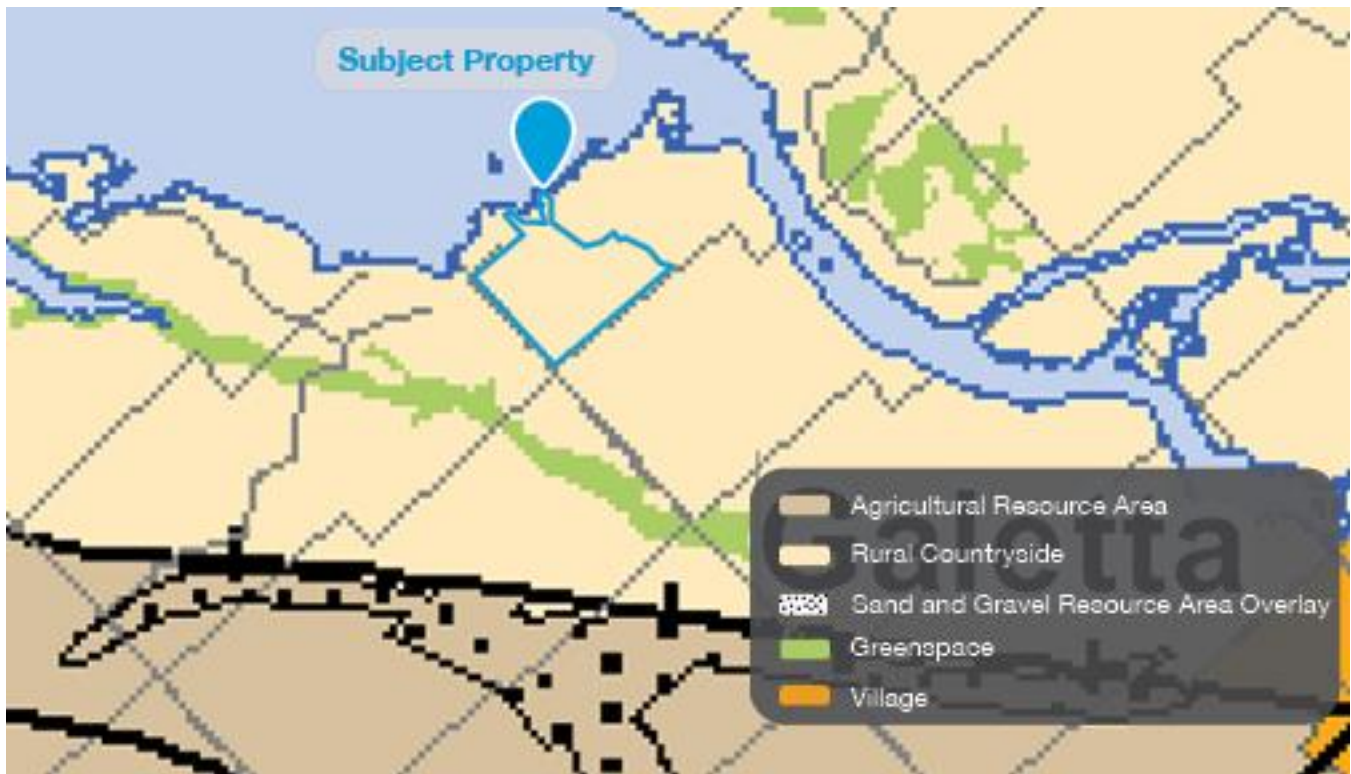


Figure 3: Extract of Schedule B9 - Rural Transect Area, City of Ottawa Official Plan

The following are applicable to the subject site and the proposed Consent application:

- / Policy 1 of Section 9.2.2 – The following uses may be permitted:
 - 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.

- / Policy 3 of Section 9.2.3 – All applications for a consent to sever for a lot(s) that permits a residential use in the Rural Countryside designation must demonstrate compliance with the policies in this Plan and the following circumstances as applicable:
 - a) Where a lot is within a historical settlement the following conditions apply:
 - i. The proposed lot is a minimum of 0.4 hectares in size and is generally consistent with the size of adjacent lots;
 - ii. The retained lots is a minimum of 0.4 hectares in size and is generally consistent with the size of adjacent lots;

- iii. The application does not extend the historical settlement;
- b) Where an infill lot is proposed between two existing dwellings not more than 250 metres apart on the same road and opposite the front yard of an existing dwelling the following conditions apply:
 - i. The proposed lot is a minimum of 0.8 hectares in size and is generally consistent with the size of surrounding lots on either side and immediately opposite;
 - ii. The retained lot is a minimum of 0.8 hectares in size and is generally consistent with the size of surrounding lots on either side and immediately opposite;
- c) Where a lot is within a registered plan of subdivision (country lot subdivision) the following conditions apply:
 - i. The minimum size of the severed and retained lots is 0.8 hectares;
- d) In all other areas the proposed lot size is a minimum of 0.8 hectares in size and the retained lot is a minimum of 10 hectares in size;
- e) In all circumstances:
 - i. The proposed and retained lots have frontage on an open, maintained public road;
 - ii. The proposed and retained lots can be adequately serviced without impacting existing private services on adjacent lots;
 - iii. If applicable, provide confirmation of sufficient reserve sewage capacity and/or reserve water system capacity within municipal water and sewage services, or private communal water and sewage services; and
 - iv. The city may require development on the lot to be directed to areas away from mature vegetation or natural features. Where the proposed lot is located in an area with mature vegetation or natural features, a development agreement may be required as a condition of severance to ensure the protection of these natural features. The development agreement shall be informed by the conclusions and recommendations of an Environmental Impact Study; and
 - v. Except for c) (country lot subdivision) above, no more than two lots have been created from a lot in existence on May 14, 2003.

The proposed severance and creation of one (1) new residential lot is permitted on the subject site as per the policies above. The proposed severance is not located within a historical settlement area or an existing country lot subdivision, nor is it considered infilling; therefore, the required minimum lot size is 0.8 hectares for the severed parcels and 10 hectares for the retained parcel. The proposed severance adheres to the required minimum lot sizes for both the severed and retained parcels. The severed and retained lots will each have frontage on a public road (MacHardy Road). An Environmental Impact Study was identified and required, resulting in recommendations which have been discussed in this report. Lastly, only one lot is being created from a lot in existence. The proposed consent application is therefore supported by the City of Ottawa Official Plan.

5.4 City of Ottawa Comprehensive Zoning By-law (2008-250)

The subject site is zoned Rural Countryside, Rural Exception 19 (RU[19r]) in the City of Ottawa's Comprehensive Zoning By-law (2008-250) (

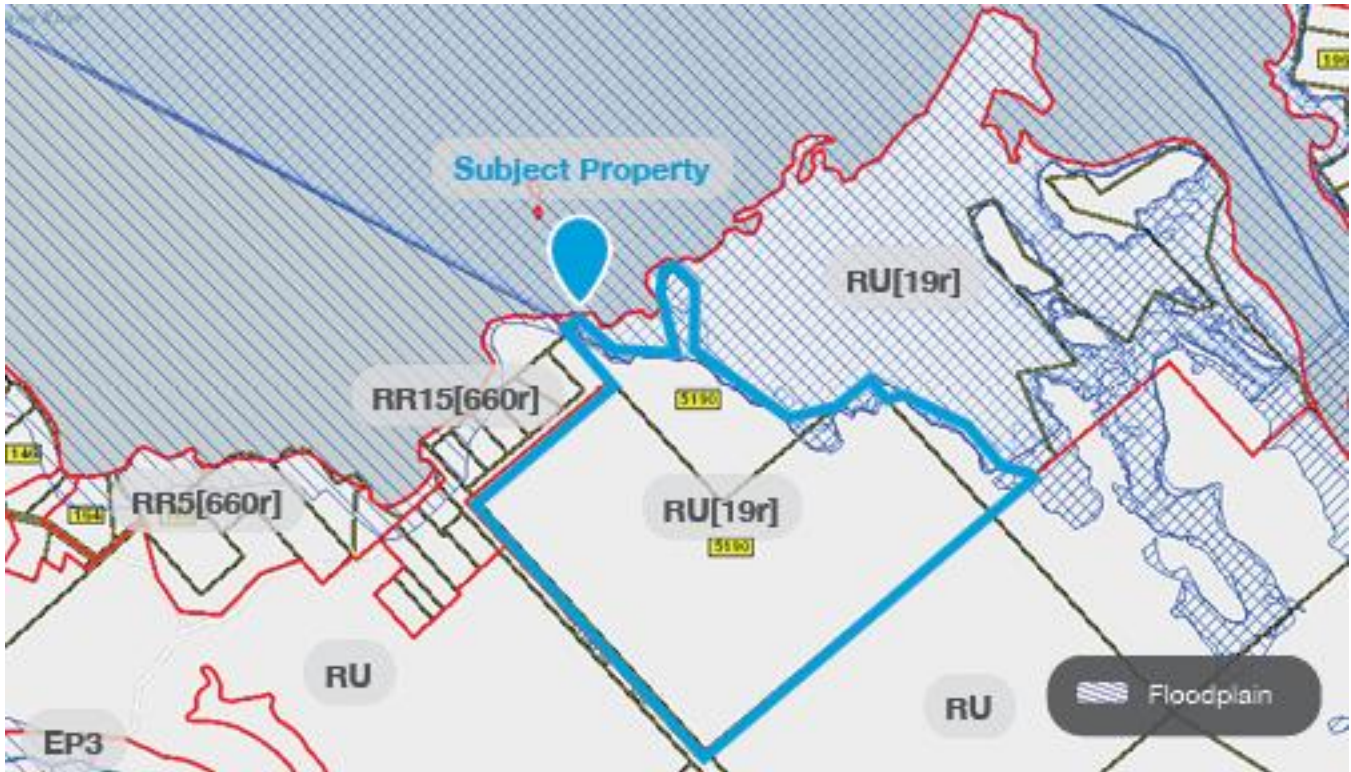


Figure 4).

The purpose of the Rural Countryside 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;
- / Recognize and permit this range of rural-based land uses which often have large lot or distance separation requirements; and
- / Regulate various types of development in manners that ensure compatibility with adjacent land uses and respect the rural context.

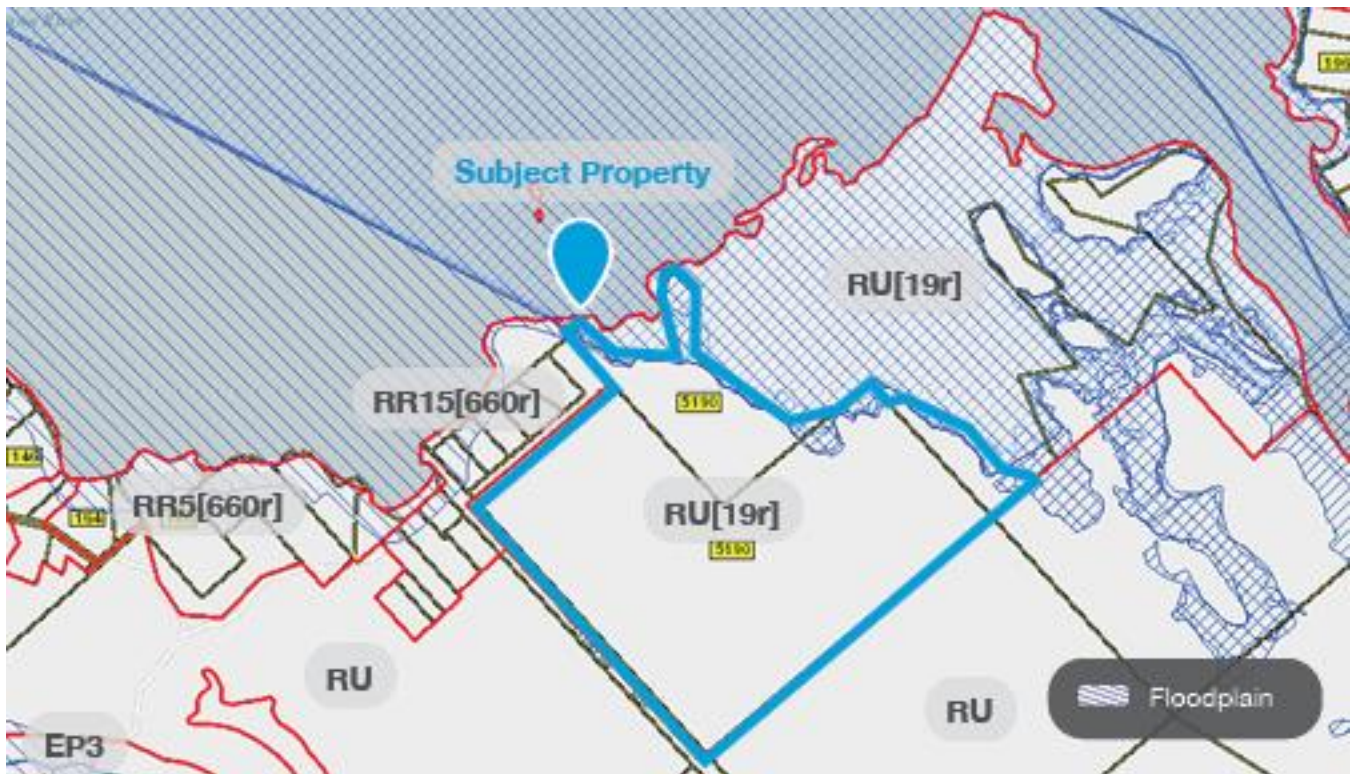


Figure 4: Zoning Map

The permitted uses within the RU zone include:

- | | |
|---|---|
| / agricultural use | / equestrian establishment |
| / agriculture-related use | / environmental preserve and educational area |
| / animal care establishment | / forestry operation |
| / animal hospital | / group home |
| / artist studio | / home-based business |
| / bed and breakfast | / home-based day care |
| / Cannabis Production Facility, limited to outdoor and greenhouse cultivation | / kennel |
| / cemetery | / on-farm diversified use |
| / detached dwelling | / retirement home, converted |
| | / secondary dwelling unit |

The site is further subject to Rural Exception 19 which applies the following provisions:

- / despite Section 59 - Frontage on a Public Street, development of the subject land is permitted; and,
- / required yard setbacks are determined by considering the lot line closest or parallel to the nearest street, or to an access lane in front of the lot, as the front lot line.

The table below demonstrates the proposed severance's compliance with existing provisions of the Zoning By-law.

Table 2. Rural Countryside Zoning Requirements

Zoning Mechanisms	Required (RU Zone)	Provided		Compliance
Minimum Lot Width Table 227(a)	50 m	Retained	+/- 88.4 m	✓
		Severed	+/- 175 m	✓
Minimum Lot Area Table 227(b)	Retained: 10 ha	Retained	+/- 10.35 ha	✓
	Severed: 0.8 ha	Severed	+/- 4.5 ha	✓
Minimum Front Yard Setback Table 227(c)	10 m	Retained	+/- 11.7 m	✓
		Severed	n/a	n/a
Minimum Corner Yard Setback Table 227(d)	10 m	Retained	n/a	✓
		Severed	n/a	✓
Minimum Rear Yard Setback Table 227(e)	10 m	Retained	+/-	✓
		Severed	n/a	n/a
Minimum Interior Side Yard Setback Table 227(f)	5 m	Retained	+/-	✓
		Severed	n/a	n/a
Maximum Lot Coverage Table 227(h)	20%	Retained	+/-	✓
		Severed	0%	✓

While no future residential development has been proposed on the severed parcel, the proposed severed parcel complies with provisions of the Zoning By-law. Any future development will be subject to a detailed zoning compliance review at the time of the Building Permit.

6.0 Conclusion

It is our professional opinion that a Plan of Subdivision is not required for the orderly development of the lands, and an Application for Consent is appropriate to proceed with the proposed land severance. The proposal to create one (1) new lot from an existing parcel satisfies the Planning Act criteria for a Consent and conforms with the policies of the Provincial Policy Statement and the City of Ottawa Official Plan. The proposed severance is not anticipated to create any undue adverse impacts to the surrounding rural area or natural environment. The severed and retained lots would satisfy the lot dimension requirements under the Zoning By-law, and future residential development of a single detached dwelling on the severed lot could be facilitated on-site within the applicable zoning provisions.

Please contact the undersigned with any questions.

Sincerely,



Gabi Amos, M.Pl.
Planner



Scott Alain, RPP MCIP
Senior Planner