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November 13, 2024

Committee of Adjustment  
City of Ottawa  
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Ottawa, ON  
K2G 5K7

Committee of Adjustment  
Received | Reçu le

Revised | Modifié le : 2024-11-14

City of Ottawa | Ville d'Ottawa  
Comité de dérogation

**Re: Application for Consent to Sever  
4305 McKenna Casey Drive and 3288-3300 Borrisokane Road, City of  
Ottawa  
Owner: Barrhaven Conservancy Development Corporation**

## 1.0 Introduction

We are the planning consultants retained by Barrhaven Conservancy Development Corporation (the "owner"), the owner of the lands municipally known as 4305 McKenna Casey Drive and 3288-3300 Borrisokane Road (the "subject site") to assist with the consent application.

The subject site is legally described as Part of Lots 13,14 and 15, Concession 4 (Rideau Front), formerly Township of Nepean, now City of Ottawa.

Please accept this letter and its enclosures as the owner's application for consent to sever the subject site by creating two new legal parcels. No minor variances or additional easements are required in order to permit the creation of the new parcels.

We are pleased to file the following materials in support of the application:

1. Completed copy of the Consent/Severance Application Form;
2. Cheque of \$5,279;
3. Parcel Abstracts for 4305 McKenna Casey Drive, and 3288 and 3300 Borrisokane Road, confirming names of all registered owners of the properties;
4. Draft Approved Plan of Subdivision;
5. Registered Plans 4R-34850, 5R-12999 and 4R-33706;
6. Draft Reference Plan prepared by J.D. Barnes, dated August 29, 2024; and
7. Certificate for the Retained lands.

A Tree Information Report is not provided given no trees are being requested for removal as part of this Consent application.

## 2.0 Location, Description of the Subject Site and Background

The subject site is irregularly shaped with an area of approximately 61.9 hectares, generally located within the community of Barrhaven, north of the Jock River, east of Highway 416, south of McKenna Casey Drive, and west of Borrisokane Road. The subject site primarily consists of former agricultural croplands. An aerial map of the subject site is shown on **Figure 1**.

The consent application is being filed subsequent to the Draft Plan of Subdivision (“DPS”) and Zoning By-law Amendment (“ZBA”) applications (File No. D02-02-21-0132 and D07-16-21-0036). The ZBA and the DPS was approved on July 30, 2024. The approvals will facilitate the development of a residential subdivision containing approximately 1,995 units in the form of single detached homes and townhouses of varying forms on the subject site with additional lands owned by the owner to the west.

A “blanket easement” over the entirety of the subject site, legally known as Parts 2, 4 and 5, Plan 4R-34850 as in OC2446018, currently exists allowing pedestrian and vehicular access to and from additional lands owned by the owner to the west (4345 and 4375 McKenna Casey Drive). After the Consent is complete, the easement referred to above will run with the Severed Lands.



Figure 1: Subject Site and Area Context

## 3.0 Area Context

The following summary sets out notable details of the surrounding area context. A corresponding map of the surrounding area is shown on **Figure 1**.

### North

- The lands northwest of the subject site consists of primarily an employment area known as Citigate Business Park. This area is developing with light industrial and commercial uses, sited on large lots with excellent access to Highway 416. The subject site is separated from the Citigate Business Park by McKenna Casey Drive and the rail line, the Barrhaven Snow Disposal Facility, Gregory Casey Stormwater Management Facility, and the Strandherd Ultimate Field.
- The lands to the northeastern half of the subject site include two large City-owned parcels which are vacant.
- Further northeast are recently developed residential neighbourhoods, including complementary community facilities such as schools, parks, and trail systems.

### East

- The subject site is bound by Borrisokane Road to the east. On the east side of Borrisokane Road is a draft approved subdivision, known as Conservancy East, also owned by the owner. This residential community is designed to integrate and consist of a mix of residential uses and other supporting land uses and facilities.

### South

- To the south are municipally-owned environmental lands abutting the Jock River. These lands are zoned 'Open Space' and are characterized by an environmental and hazard land feature, and passive recreational opportunities.
- South of the Jock River are lands currently used for agricultural operations. These lands are zoned as 'Development Reserve', which are planned to continue the urban residential fabric in the future.

### West

- To the west, are additional lands owned by the owner. Further west is Highway 416 which establishes the Urban Boundary. West of the highway are agricultural and rural uses.

## **4.0 Purpose of the Consent**

The purpose of this Consent application is to facilitate the orderly and efficient implementation of the development through separate ownership. The enclosed Committee of Adjustment application requests the Consent to Sever the subject site with two (2) new parcels in accordance with **Table 1** and **Figure 2**. Severance #1 measures 0.96 ha with a lot frontage of 64.9 m. Severance #2 measures 13.24 ha with a lot frontage of 464.15 m. The resulting Retained Lands will measure 47.99 ha with a lot frontage of 44.19 m.

**Table 1: Severance Details**

	Lot Frontage	Approximate Lot Area
<b>Severance #1</b>		
Part 1 on Draft R-Plan	64.9 m	0.96 ha
<b>Retained Lands (after Severance #1)</b>		
Parts 2,3,4,5,6 and 7 on Draft R-Plan, Part 2, 4R-34850, and Part 1, Plan 5R-12999 (Except Parts 3, 4, & 5, 5R-13395 and Part 5,4R-33706)	508.3 m	61.23 ha
<b>Severance #2</b>		
Parts 2, 3, 5 and 6 on Draft R-Plan (Parts 3 and 6 to be conveyed to the City as road widening)	464.15 m	13.24 ha
<b>Retained Lands (after Severance #1 and #2)</b>		
Parts 4 and 7 on Draft R-Plan, Part 2, 4R-34850, and Part 1, Plan 5R-12999 (Except Parts 3, 4, & 5, 5R-13395 and Part 5,4R-33706)	44.19 m	47.99 ha

**Figures 2 and 3** show the approximate locations of the Retained and Severed parcels on the subject site for Severances #1 and #2, respectively. The Severed parcels are outlined in purple, and the Retained portion is outlined in red.



**Figure 2: Approximate Location of Severed and Retained Lands – Severance #1**



**Figure 3: Approximate Location of Severed and Retained Lands – Severance #2**

**5.0 Policy Context**

**5.1 Planning Act**

In accordance with Section 53(1) of the *Planning Act*, the proposed Consent is appropriate, having regard to the matters under subsection 51(24), as detailed in the table below:

Planning Act Section 51(24)	Rationale
(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,	The purpose of the Consent is to facilitate the orderly and efficient implementation of the development through separate ownership.
a) The effect of development of the proposed subdivision on matters of provincial interest as referred to in Section 2.	The proposed Consent aligns with the draft approved Plan of Subdivision. Severance #1 aligns with Block 77 of the Plan of Subdivision and Severance #2 includes Blocks 20-34, 67-70, 75,76,78, 86 and 88. The proposed Consent would facilitate a multi-phase urban, residential community to be developed. The severed lots would be the next phase to the residential neighbourhood located immediately east of the subject site on the east side of

	Borrisokane Road. This contributes to the orderly development of safe and healthy communities where growth and development is appropriate and anticipated, having regard to Section 2 of the <i>Planning Act</i> .
b) Whether the proposed subdivision is premature or in the public interest	The proposed Consent would facilitate the next phase of development of the subject site, being located immediately adjacent to existing and approved neighbourhoods. It is in the public interest as it feasibly allows the approved subdivision to be properly divided to advance development.
c) Whether the plan conforms to the official plan and adjacent plans of subdivision, if any	The proposed Consent conforms to the applicable Official Plan designations as further detailed later in this letter.
d) The suitability of the land for the purposes for which it is to be subdivided	The proposed Consent aligns with the draft approved Plan of Subdivision. The subject site will be further subdivided upon final approval of the Plan of Subdivision.
d.1) If any affordable housing units are being proposed, the suitability of the proposed units for affordable housing	A variety of residential unit types will be available in the draft approved subdivision including “missing middle” housing options such as townhouses of varying forms.
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	Not applicable; no public highways are proposed for the purposes as result of the Consent application.
f) The dimensions and shapes of the proposed lots	As mentioned earlier, the proposed lot aligns with the draft approved Plan of Subdivision. The lands will be further subdivided upon final approval of the Plan of Subdivision.
g) The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structure proposed to be erected on it and the restrictions, if any, on adjoining land	Existing easements allow vehicular and pedestrian access to the additional lands owned by the owner to the west, as mentioned earlier. All Severed and Retained lands as part of this Consent application will have sufficient frontage onto a public road. Given, the Retained lands only have access through a floodplain, in the event access is not available during a flood, access can be made through the severed lands as they are currently vacant.

	Furthermore, as shown through the draft approved Plan of Subdivision roads will be provided through the Severed lands to service the Retained lands and beyond.
h) Conservation of natural resources and flood control	The draft approved Plan of Subdivision includes the floodplain boundary, as established by the Rideau Valley Conservation Authority. No portion of the Severed lands are located within the floodplain.
i) The adequacy of utilities and municipal services	Utilities and municipal services are not relevant to the proposed Consent. This will continue to be implemented through the DPS process. The Adequacy of Services Report prepared by DSEL dated March 2024 and approved as part of the DPS Draft Plan approval of July 2024 concludes that adequate municipal infrastructure capacity is expected to be available for the planned development on the subject site.
j) The adequacy of school sites	Not applicable. This is dealt with through the ZBA and DPS applications.
k) The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes	Not applicable. This is dealt with through the DPS process.
l) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy	Energy conservation is addressed through the DPS process.
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 designated under subsection 41 (2) of this Act or subsection 114 (2) of the <i>City of Toronto Act, 2006</i> .	The draft Plan of Subdivision includes stacked townhouses and mixed use development which may be subject to Site Plan Control.

## 5.2 Provincial Planning Statement, 2024

The Province has released the Provincial Planning Statement, 2024 (PPS 2024) which is in effect as of October 20, 2024. The PPS 2024 requires that all decisions affecting planning matters be consistent with the policies of the PPS.

The PPS 2024 replaces the Provincial Policy Statement, 2020 (PPS). It is intended to be a streamlined province-wide land use planning policy framework that provides municipalities with the tools and flexibility in order to facilitate the development of at least 1.5 million homes by 2031. The PPS 2024 provides policy direction on matters of provincial interest related to land use planning and development and all decisions “must be consistent with” these policies.

According to the PPS 2024, by definition, the subject site is located within a *Designated Growth Area* defined as follows:

*“Designated growth areas: means lands within settlement areas designated for growth or lands added to settlement areas that have not yet been fully developed. Designated growth areas include lands which are designated and available for residential growth in accordance with policy 2.1.4a), as well as lands required for employment and other uses.”*

Policy 2.1.4a) provides: “To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall maintain at all times the ability to accommodate residential growth for a minimum of 15 years through lands which are designated and available for residential development.

Policy 2.2.1 b) further provides that planning authorities shall permit and facilitate: “all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities;...”

The Consent application advances Provincial policy direction by facilitating the development of additional housing options on the subject site for future residents. This will be further implemented through the ZBA and DPS application process. As such and in our opinion, the Consent application is consistent with and implements the policies of the PPS.

### **5.3 City of Ottawa Official Plan, 2022**

The City of Ottawa Official Plan, 2022 (the “City OP”), was approved by the Ministry of Municipal Affairs and Housing on November 4, 2022, enacted through By-law 2021-386, and is currently in effect.

The subject site is in the Suburban Transect on Schedule A of the City OP. The majority of the subject site is designated *Neighbourhood* however a small portion is designated *Greenspace* towards the southern end, per Schedule B6 Suburban (Southwest) of the City OP, as shown on **Figure 4**. This southern portion of the subject site is also within the *Urban Natural Feature* on Schedule C11-A – Natural Heritage System (West) and Sub-designated as *Park* on Schedule C12 – Urban Greenspace.



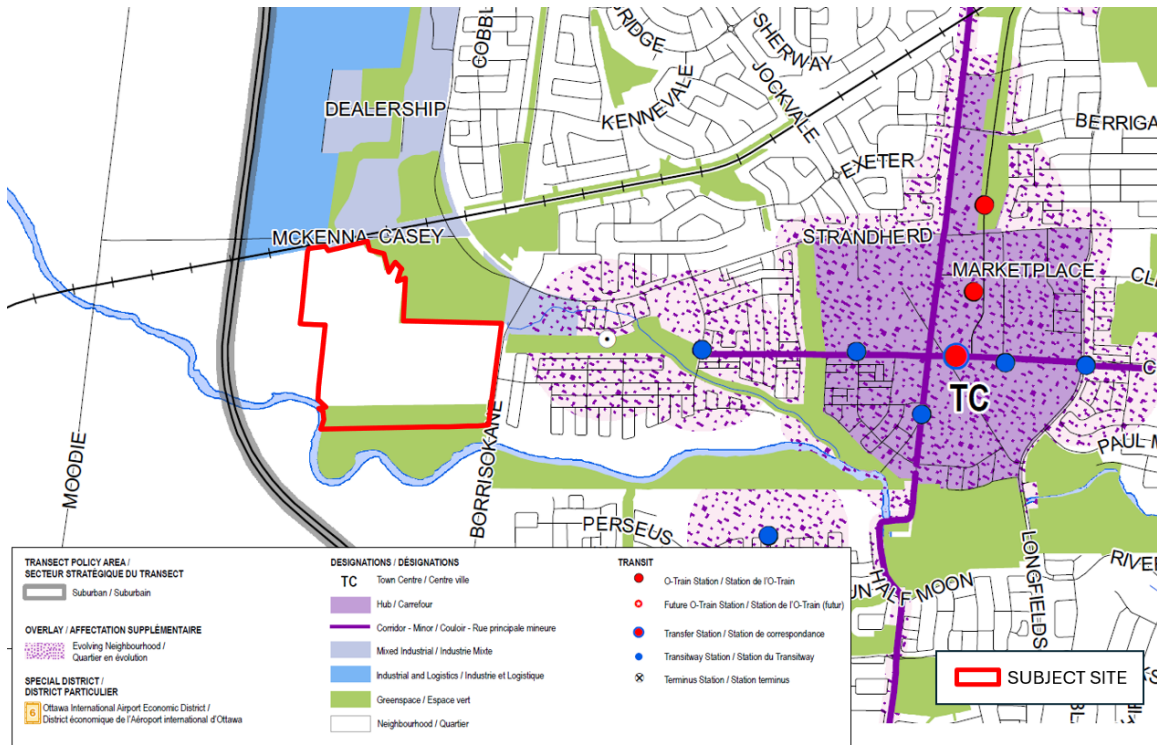


Figure 4: City of Ottawa Official Plan Schedule B6 – Suburban (Southwest) Transect

Section 7.1 of the City OP provides the following relevant policy:

*“3) Lot creation shall not be permitted within the Greenspace designation and associated sub-designations, to protect and maintain their overall integrity and character.”*

The Consent application aligns with the draft approved Plan of Subdivision and will not impact the overall integrity and character of the Greenspace.

It is my opinion that the Consent application conforms to the policies of the City OP.

## 6.0 Zoning

The ZBA as approved on July 30, 2024 includes site-specific provisions implemented as exceptions 2967 to 2969 under Section 239 of the City of Ottawa Zoning By-law 2008-250.

The subject site is zoned Parks and Open Space Zone - O1, Residential Third Density Zone - R4Z (exception 2968), Residential Third Density Zone - R3YY (exception 2967) and general Mixed Use Zone - GM (exception 2969).

The site-specific R3YY zone includes provisions for minimum lot areas applicable to detached dwellings, detached dwelling on a corner lot, semi-detached and townhouse dwellings, back-to-back townhouse dwellings. No other provisions with respect to lot area or frontage apply.

No development is being proposed as part of this Consent application. As such, there will not be impact on the approved zoning. The use and layout of the subject site is

constrained by the approved zoning, regardless of whether the lot is severed into multiple legal parcels.

Section 59 of the Zoning By-law 2008-250 provides the following provisions with respect to Frontage on a Public Street:

*“(1) No person shall develop or otherwise use any lot unless that land abuts an improved public street for a distance of at least 3.0 metres; and*

*(2) No person shall sever any land unless the land severed and the land retained each abut to a street, in accordance with subsection (1).*

*(3) Where a severance involves more than two lots, subsection (1) applies with all necessary modification to each lot involved.*

*(4) Subsections (1), (2) and (3) do not apply to a lot used for a marine facility, a utility installation, urban agriculture, a cemetery, a forestry operation, a military training facility, a park, an environmental preserve and education area, or an agricultural use excluding any accessory dwelling unit.*

*(5) Despite subsections (1), (2) and (3), the following are deemed to be improved public streets for the purpose of this section:*

- 1. a parkway, or*
- 2. a private way within a planned unit development that complies with the planned unit development provisions.”*

The proposed Severed and Retained parcels each have a frontage of over 3 m on a public street (Borrisokane Road). As such, the consent application meets the provisions and no variances are required.

## **7.0 Overall Conclusion**

The proposed Consent application is consistent with the Provincial Planning Statement, conforms to the City OP and is permitted by the Zoning By-law. Both City Council and the OLT concluded that the implementing planning documents in the form of the site-specific ZBA and DPS constitute good land use planning and are in the public interest.

A pre-consultation meeting was held with City of Ottawa on September 19, 2024, wherein staff indicated that they did not foresee any significant concerns with this application.

The Consent application represents good planning and meet the applicable evaluation criteria established in Sections 51 and 53 of the *Planning Act*.

We trust that this application package is satisfactory and complete and we would appreciate if this would be scheduled for the earliest possible Committee of Adjustment hearing date. If you require additional information or wish to discuss this matter further, please do not hesitate to call the undersigned at (416) 322-6364 ext. 2100 or Valentina Chu at ext. 2105.

Yours very truly,  
**GOLDBERG GROUP**



Michael S. Goldberg, MCIP, RPP  
Principal

Cc: Barrhaven Conservancy Development Corporation