

December 9, 2024

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City of Ottawa
Committee of Adjustment
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Committee of Adjustment
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City of Ottawa | Ville d'Ottawa
Comité de dérogation

**Attention: Michel Bellemare,
Secretary-Treasurer**

**Reference: 7063 Malakoff Road
Applications for Consent
Our File No.: 124040**

Novatech has been retained to file an application for consent on behalf of 2834080 ONTARIO LTD on the property known municipally as 7063 Malakoff Road. The subject property is legally described as Part of Lot 6, Concession 3 in the Township of Marlborough, N410120; Rideau.

The subject property is a rectangular shaped parcel with a total area of approximately 47.7 ha and approximately 848 m of frontage on Malakoff Road along with additional frontage of approximately 531 m on Mackey Road.

The intent of the consent applications is to sever two parcels from the subject property to facilitate the development of single-detached dwellings on each. The proposed lots are designed to align with the area's rural character and natural heritage considerations. The retained lands contain the existing single dwelling and private water and sewer services.

The proposed severed and retained lots will be divided as follows, and as shown on the consent sketches submitted with the applications:

Consent #1 (Lot #1)

- The first consent application proposes to create one new land parcel of approximately 2 ha in area with approximately 120 m of frontage on Mackey Road. The new land parcel is intended for future residential use.
- The retained lands will have a lot area of approximately 45.6 ha with approximately 410.5 m of frontage on Mackey Road.

Consent #2 (Lot #2)

- The second consent application proposes to create a land parcel of approximately 2 ha in area with approximately 125 m of frontage on Mackey Road.
- The retained lands will have a lot area of approximately 43.5 ha with approximately 284.5 m of frontage on Mackey Road.

Policy

The subject property is designated as "Rural Countryside" on Schedule B9 - Rural Transect in the City of Ottawa's Official Plan. Additionally, Schedule C11-B - Natural Heritage System (South) indicates that most of the parcel is subject to the "Natural Heritage Features Overlay", thus triggering the need for an Environmental Impact Study (EIS) to assess natural features found on the property.

The City's Official Plan sets out severance criteria for Rural Countryside-designated properties in Section 9.2.3, as amended. This application conforms to relevant policies of Section 9.2.3, and in particular, Section 9.2.3 (3) d) with the minimum lot area requirements of 0.8 ha for the severed lands and minimum 10 ha for the retained land. The lots to be severed meets further severance policies, in complying with Section 9.2.3 (3)(e) (i, ii, iii, and iv) with i) having frontage on an open maintained public road private; ii) servicing that will not impact private services on adjacent lots which is to be demonstrated through the preparation of a hydrogeological study as a condition of severance; iii) an EIS has been prepared; iv) and no lots have been created from the lot in existence on May 14, 2003.

On the basis of the Environmental Impact Study (EIS) findings, the lots were configured appropriately to avoid wetland buffer and the 30m buffer as recommended in the EIS. The proposed severed lots comply with the EIS recommendations, ensuring adherence to setback requirements and permissible development limits within the scope of the "Natural Heritage Features Overlay". It is anticipated that a development agreement will be required as a condition of severance, and will include the recommendations as outlined in the EIS.

The property is in proximity of agricultural lands, some of which contain livestock barns, thereby necessitating a Minimum Distance Separation (MDS) calculation. MDS requirements have been assessed, and as shown in the attached MDS compliance figure, there are no concerns regarding compliance with MDS setbacks for the proposed severed lots. The MDS calculations were prepared using aerial photos to approximate the barn area of nearby livestock facilities.

The subject lands are designated as "Rural" (RU) on Schedule 1 of the City of Ottawa Comprehensive Zoning By-law 2008-250, as amended. Both the proposed severed and the retained parcels conform to lot area and width requirements of the "Rural" provisions.

Provincial Planning Statement, 2024

Section 2.5 of the PPS provides policies on Rural Areas in Municipalities and Section 2.6 provides policies on Rural Lands in Municipalities. Section 2.6.1 identifies permitted uses on rural lands such as agricultural uses and residential development including appropriate lot creation.

Section 2.6.1.5 of the PPS requires that new land uses, including the creation of new lots, comply with the minimum distance separation formulae. Minimum Distance Separation (MDS) requirements have been reviewed against the proposed severance applications and there are no concerns with respect to meeting the MDS setbacks.

Section 4 of the PPS provides policies on the Wise Use and Management of Resources including natural heritage resources. The EIS has determined that no negative impacts are anticipated as a result of the proposed developments provided the recommended and proposed mitigation is implemented.

Planning Act

The following demonstrates how the proposed consent application addresses the applicable consent criteria of the *Planning Act*.

Subsection 53(1) of the *Planning Act* states:

53. (1) An owner or chargee of land, or such owner's or chargee's agent duly authorized in writing, may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. 1994, c. 23, s. 32; 2020, c. 34, Sched. 20, s. 2 (2).

The applications propose to create two new lots and one retained parcel which front onto a publicly maintained roads. The proposed consents do not necessitate the construction of new public infrastructure. A plan of subdivision is not necessary for the proper and orderly development of the lands.

Subsection 53(12) of the *Planning Act* notes that provisional consent is to have regard for matters under Subsection 51(24) of the Act. Below notes how the proposed consent addresses the criteria of Subsection 51(24):

51(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,

(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

The proposed consent applications are found to address matters of provincial interest for development in the rural area including orderly development of safe and healthy communities, appropriate location of growth and development and protection of ecological systems, natural areas, and agricultural lands.

(b) whether the proposed subdivision is premature or in the public interest;

The proposed consent applications conform to relevant planning policies, is not considered premature and is in the public interest.

(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

The proposed consents are found to conform to the City's Official Plan with respect to development and lot creation in the Rural Countryside designation, as described above.

(d) the suitability of the land for the purposes for which it is to be subdivided;

The proposed severed and retained parcels propose suitable lot configurations for the existing and proposed land uses.

(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

Not applicable.

(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, the proposed severed and retained lots front onto existing public roads.

(f) the dimensions and shapes of the proposed lots;

The dimensions and shape of the proposed lots are considered appropriate for the proposed land uses. The proposed lots also conform to the minimum lot area and lot width standards of the City's 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 severed land parcels can accommodate future development as permitted by the Rural Countryside zone. No restrictions are proposed.

(h) conservation of natural resources and flood control;

The severed lands are currently undeveloped. Provided the recommendations of the EIS are implemented for the proposed severance, there should be minimal impact on the identified natural heritage features.

(i) the adequacy of utilities and municipal services;

Private services (well and septic system) are existing on the retained parcel. Private services (well and septic system) will be required to support future development on the severed parcels and will be addressed through the completion of a hydro-geological assessment as a condition of consent.

(j) the adequacy of school sites;

Not applicable.

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

A road widening may be required as a condition of approval.

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

Not applicable.

(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 City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

Not applicable.

As noted, the subject lands do not require a plan of subdivision for the proper and orderly development of the lands and addresses criteria outlined in subsection 51(24) of the *Planning Act*.

The proposed severed and retained lots are consistent with the Provincial Policy Statement and conform to policies of the City's Official Plan which permit limited residential development provided MDS guidelines can be met, and natural heritage features are not impacted. It is our opinion the proposed consent is an appropriate use of land within the City's rural area and represents good land use planning.

In support of the consent applications, please find the following enclosed:

- Cover Letter
- Consent Application #1 including Schedule A (1 original)
- Consent Application #2 including Schedule A (1 original)
- Consent Sketches x 2
- MDS Compliance Sketch
- MDS Calculations Report
- Environmental Impact Statement prepared by GEMTEC, dated November 28th, 2024
- Parcel Abstract Page (PIN) of the Property
- One Cheque in the amount of \$6,092.

Please do not hesitate to contact either of the undersigned in the event that you require additional information or clarification with respect to the consent applications filed for 7063 Malakoff Road.

Yours truly,
NOVATECH

Prepared by:
Leena Lamontagne-Dupuis



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Planner

Reviewed by:
Steve Pentz



Steve Pentz, MCIP, RPP
Senior Project Manager