



**Consent**  
**COMMENTS TO THE COMMITTEE OF ADJUSTMENT**  
**Panel 3**

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Site Address: 1980 Phelan Road W

Legal Description: Part of Lot 16 and 17, Concession 2, Former Township of North Gower

File No.: D08-01-23/B-00038

Date: March 30, 2023

Hearing Date: April 5, 2023

Planner: Sean Harrigan

Official Plan Designation: Agricultural Resource Area

Zoning: AG – Agricultural Zone and RC[56r] – Rural Commercial Zone, Exception 56

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## **DEPARTMENT COMMENTS**

The Planning, Infrastructure and Economic Development Department has **significant concerns** with the applications. At this time an **adjournment** would be an appropriate approach in order to allow time for the applicant to better address the Official Plan requirements.

## **DISCUSSION AND RATIONALE**

The subject application was first heard on March 15, 2023 and subsequently adjourned to allow time for the applicant to discuss planning staff's concerns with the application. The applicant has since provided an addendum to their cover letter, however, the information contained is insufficient to address the Official Plan and Provincial Policy Statement requirements.

The subject site is designated Agricultural Resource Area by Schedule B9 of the Official Plan. The intent of the Agricultural Resource Area designation is to protect farmland for long-term use for agricultural production. Severances within this designation are significantly limited by the Provincial Policy Statement (PPS) section 2.3.4 and Official Plan section 9.1.



The subject site is currently 72 hectares and consists of primarily agricultural fields along with an events and wedding venue facility along Phelan Road. Almost the entire property is anticipated to be covered by the updated RVCA floodplain mapping.

PPS policy 2.3.4.1(a) states that a severance is permitted for agricultural uses provided that the lots are of a size appropriate for the type of agricultural uses common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations. The Official Plan provides further guidance that the minimum lot size for new agricultural uses shall be no less than 36 hectares to maintain flexibility for future changes in the type and size of agricultural operations. It is understood that 36 hectares is the minimum lot size for new agricultural parcels, but depending on the site circumstances and constraints, 36 hectares exactly may not be sufficient to meet the PPS and Official Plan requirements.

The proposed severed and retained lot will be a minimum of 36 hectares each. However, there has been no discussion, except for a few statements without any supporting rationale or evidence, that these lot sizes and configurations are sufficient to maintain flexibility for future changes to type or size of agriculture or that they are appropriately sized for the type of agricultural uses common in the area. As a result, planning staff are not satisfied the current proposal adheres to the PPS and Official Plan and must request an adjournment until further rationale is provided.

#### **Additional Information**

Staff requested a Hydrogeological and Terrain Analysis Report as a condition of approval, should the application be approved, as residential would be a permitted use within the severed lot and the site would be significantly limited in building locations with the RVCA's updated floodplain mapping.

***Should the Committee approve the applications despite the Department's objection, the Department requests the following conditions be imposed on the applications.***

1. That the Owner enter into an Agreement with the City, at the expense of the Owner(s) and to the satisfaction of **Development Review Manager of the relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, which provides the following covenant/notice that runs with the land and binds future Owner(s) on subsequent transfers:



“The City of Ottawa does not guarantee the quality or quantity of the groundwater. If, at some future date, the quality or the quantity of the groundwater becomes deficient, the City of Ottawa bears no responsibility, financial or otherwise, to provide solutions to the deficiency, such solutions being the sole responsibility of the home owner.”

The Committee requires a copy of the Agreement and **written confirmation from City Legal Services** that it has been registered on title.

2. That the Owner, or any subsequent owners, provides written confirmation acknowledging that the private approach, including temporary construction access to the severed land, shall be designed and located in accordance with and shall comply with the City’s Private Approach By-Law, being By-law No. 2003-447, as amended, and shall be subject to approval of the **Right-of-Way Management Department** and the **General Manager, Planning, Real Estate and Economic Development**. Furthermore, if required, the Owner shall submit a letter of written permission from the area **Conservation Authority**, which confirms that the construction of the temporary or permanent private approach conforms to the legal standards set out in the Conservation Authority Acts.
3. That the Owners provide a report, to the satisfaction of the City of Ottawa, demonstrating the adequacy of the aquifer with respect to quality and quantity to support the proposed development, failing which the Owners construct a new well on the severed lot and provide a report, to the satisfaction of the City of Ottawa, to demonstrate the adequacy of the aquifer with respect to quality and quantity to support the proposed development. The report must include a septic impact assessment to evaluate the water quality impact of the on-site septic system on the receiving aquifer.

The Owners’ report must demonstrate the following to the City of Ottawa:

- a. That the construction of any new well on the severed parcel is in accordance with the Ministry of the Environment, Conservation and Parks
- b. That the quality of the water meets the Ministry of the Environment, Conservation and Parks Regulations, Standards, Guidelines and Objectives;
- c. That the quantity of water meets all the Ministry of the Environment, Conservation and Parks requirements.
- d. That the septic impact assessment meets the Ministry of the Environment, Conservation and Parks requirements.



A qualified Professional Engineer or Professional Geoscientist must prepare the report. It is the Owner's responsibility to coordinate the person drilling a new well, if required, and the professional noted herein in order to properly satisfy this condition.

If the accepted report recommends specific mitigation measures or design requirements, the Owners shall enter into a Development Agreement with the City, at the expense of the Owners, which is to be registered on the title of the property, which includes those recommendations. In instances where the subject site has sensitive soils, the drilling of a well or the conveyance of a 30-centimetre reserve may be required. Both the report and any required Development Agreement shall be prepared to the satisfaction of **Development Review Manager of the relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate.**

The Report shall be prepared as per Procedure D-5-4 "Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment" and Procedure D-5-5 "Technical Guideline for Private Wells: Water Supply Assessment".

4. That the Owner acknowledges and agrees to convey to the City, at no cost to the City, an unencumbered road widening across the complete frontage of the lands, measuring 13 meters from the existing centerline of pavement/the abutting right-of-way along Phelan Road West, measuring 15 meters from the existing centerline of pavement/the abutting right-of-way along Prince of Wales Drive, and 13 meters from the existing centerline of pavement/the abutting right-of-way along Third Line Road South, pursuant to Section 50.1(25)(c) of the Planning Act and Schedule C16 of the City's new Official Plan. The exact widening must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the widening, to the City Surveyor for review and approval prior to its deposit in the Land Registry Office. Such reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys. The Owner(s) must provide to the City Surveyor a copy of the Committee of Adjustment Decision and a draft Reference Plan that sets out the required widening. The Committee requires written confirmation from City Legal Services that the transfer of the widening to the City has been registered. All costs shall be borne by the Owner.



The Owner is advised that the required road widening described above may be reduced or waived under certain situations, as described in Schedule C16 s.2.1.1 (c) of the Official Plan or where the right-of-way requirement exceeds the front yard setback or corner side yard setback, or where an existing building or structure encroaches into the required road widening, as of the day the Consent to Sever application was deemed complete, as applicable, and determined by the Director, Transportation Planning, Planning, Real Estate and Economic Development Department.

5. That the Owner(s) provide evidence (payment receipt) to the Committee that payment has been made to the City of Ottawa of cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal costs. The value of the land otherwise required to be conveyed shall be determined by the City of Ottawa in accordance with the provisions of By-Law No. 2022-280, as amended. Information regarding the appraisal process can be obtained by contacting the Planner.

A handwritten signature in blue ink that reads 'Sean Harrigan'.

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Sean Harrigan  
Planner I, Development Review, PIED  
Dept.

A handwritten signature in blue ink that reads 'Cheryl McWilliams'.

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Cheryl McWilliams, MCIP, RPP  
Planner III, Development Review, PIED  
Dept.