

Committee of Adjustment

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2023-03-31

City of Ottawa | Ville d'Ottawa
Comité de dérogation



Consent

COMMENTS TO THE COMMITTEE OF ADJUSTMENT

Panel 3

Site Address: 3220A March Road

Legal Description: Part of Lot 15, Concession 7, Geographic Township of Huntley

No.: D08-01-22/B-002311

Date: March 30, 2023

Hearing Date: April 5, 2023

Planner: Jack Graham

Official Plan Designation: Rural Countryside (2021), General Rural Area (2003)

Zoning: RU – Rural Countryside

SYNOPSIS OF APPLICATION

The retained land, shown on the sketch, will have a frontage of ~~60~~ **21** metres on March Road, ~~499~~ **61** metres on Howie Road, a depth of 609 metres and an area of 11 hectares.

DEPARTMENT COMMENTS

The Planning, Real Estate, and Economic Development Department **Objects** with the application at this time. Should the Committee decide to hear the application, the Department has requested several conditions.

DISCUSSION AND RATIONALE

The subject application proposes to sever one 0.81-hectare parcel that would front onto Abbywood Court. The severed parcel would be vacant land. The retained land would be approximately 11 hectares with an existing dwelling.

The subject property is designated as Rural Countryside in the Official Plan. The General Rural Area designation accommodates a variety of land uses that are appropriate for a rural location and limits the amount of residential development so that development will not preclude or resist agricultural and or other non-residential uses.



The subject site is zoned RU – Rural Countryside. The purpose of the Rural Countryside Zone is to accommodate agricultural, forestry, and country residential lots created by severance and other lands uses. Section 9.2.3 of the Official Plan describes the rural severance policies. The Department must note that there is an error in the Official Plan where multiple severance policies were combined into a single, overly restrictive policy. In the Official Plan, Section 9.2.3 Policy 3 clauses a) through i) must all be met in order to sever. Clauses f) and g) relate to infill severances. It is Development Review staff's understanding that the Official Plan team will be preparing an amendment to correct this error in Q2 of this year. At this time, the application does not adhere to the rural severance policies of the Official Plan due to the error.

Staff note that the retained lot is in a state of legal non-conformity for lot width. The required lot width for the RU Zone is 50 metres, while the lot currently has a lot width of 21 metres. After consulting with legal staff, since the lot width is not being changed by the development, a Minor Variance is not required, and the retained lot maintains its legal non-conforming status.

The subject site contains significant woodlands and unevaluated wetlands. To address the potential impacts on these environmental features, staff has required that the applicant submit an Environmental Impact Study (EIS). The applicant has submitted an EIS which has been reviewed by City environmental planning staff. Staff have accepted the conclusions of the EIS so long as the mitigation measures in the report are adhered to.

Section 10.1.7 Policy 9 of the Official Plan states that development within 500 metres of a non-operating waste disposal site shall demonstrate that there is no risk to human health and safety from landfill gas. As the subject property is within 500 metres of 1470 Howie, a former waste disposal site, currently being used as a waste transfer station, the applicant must demonstrate that there is no risk to human health and safety from landfill gas. A Phase I Environmental Site Assessment (ESA) was requested by City staff to address these concerns. The applicant has submitted an ESA which states that there are no concerns with the proposed development. Staff have not yet had the opportunity to fully review the ESA, so a condition has been included to allow for staff to have the time for a fulsome review.

The Planning Department has no concerns apart from the rural severance policy error.



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

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 homeowner."

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 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 has identified that there is potential and inferred karst topography, organic soils, bedrock outcrops, and thin soils that may require site specific detailed geotechnical engineering solutions to allow for development, 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.

3. That the Owner(s) submit a Phase 1 Environmental Assessment prepared by a qualified person who meets the qualifications prescribed by the regulations, for approval by the **Development Review Manager of the Rural Branch within Planning, Infrastructure and Economic Development Department,**



or his/her designate, to be confirmed in writing from the Department to the Committee, outlining the assessment of the property and determining the likelihood that one or more contaminants have affected any land or water, in or under the property.

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 15 meters from the existing centerline of pavement/the abutting right-of-way on March Road, 13 meters from the existing centerline of pavement/the abutting right-of-way on Howie Road, and 10 meters from the existing centerline of pavement/the abutting right-of-way on Abbywood Court, 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.
5. That the Owner(s) provide proof to the satisfaction of **Development Review Manager of the Relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, that each existing parcel has its own independent private sewage system, storm/foundation drainage, and well and that they do not cross the proposed severance line. If the systems cross the proposed severance line, are not independent, or do not meet the minimum spacing requirements of the Ontario Building Code and City of Ottawa Hydrogeological and Terrain Analysis Guidelines, the Owner(s) will be required to relocate the existing systems or construct new systems, at his/her own cost.
6. 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:

- That the construction of any new well on the severed parcel is in accordance with the Ministry of the Environment, Conservation and Parks
- That the quality of the water meets the Ministry of the Environment, Conservation and Parks Regulations, Standards, Guidelines and Objectives;
- That the quantity of water meets all the Ministry of the Environment, Conservation and Parks requirements.
- 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 hydrogeologically 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".

7. That the Owner(s) enter into a Development Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the **Development Review Manager of the relevant Branch within Planning, Real Estate and**



Economic Development Department, or his/her designate, to adhere to the mitigation measures in the Environmental Impact Study completed by Muncaster Environmental Planning Inc., dated December 7, 2022.

8. 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 black ink, appearing to read "Jack Graham".

Jack Graham
Planner I, Development Review, PRED
Dept.

A handwritten signature in blue ink, appearing to read "Cheryl McWilliams".

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