

2023-04-14



Consent
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
Panel 3

Site Address: 3057 Greenland

Legal Description: Part of Lot 3, Concession 5, Geographic Township of West Carleton

No.: D08-01-23/B-00076 & D08-01-23/B-00077

Date: April 13, 2023

Hearing Date: April 19, 2023

Planner: Jack Graham

Official Plan Designation: Rural Countryside

Zoning: RU – Rural Countryside Zone

DEPARTMENT COMMENTS

The Planning, Real Estate, and Economic Development Department **Objects** with the application as submitted at this time. Should the Committee decide to approve the application, several conditions have been requested.

DISCUSSION AND RATIONALE

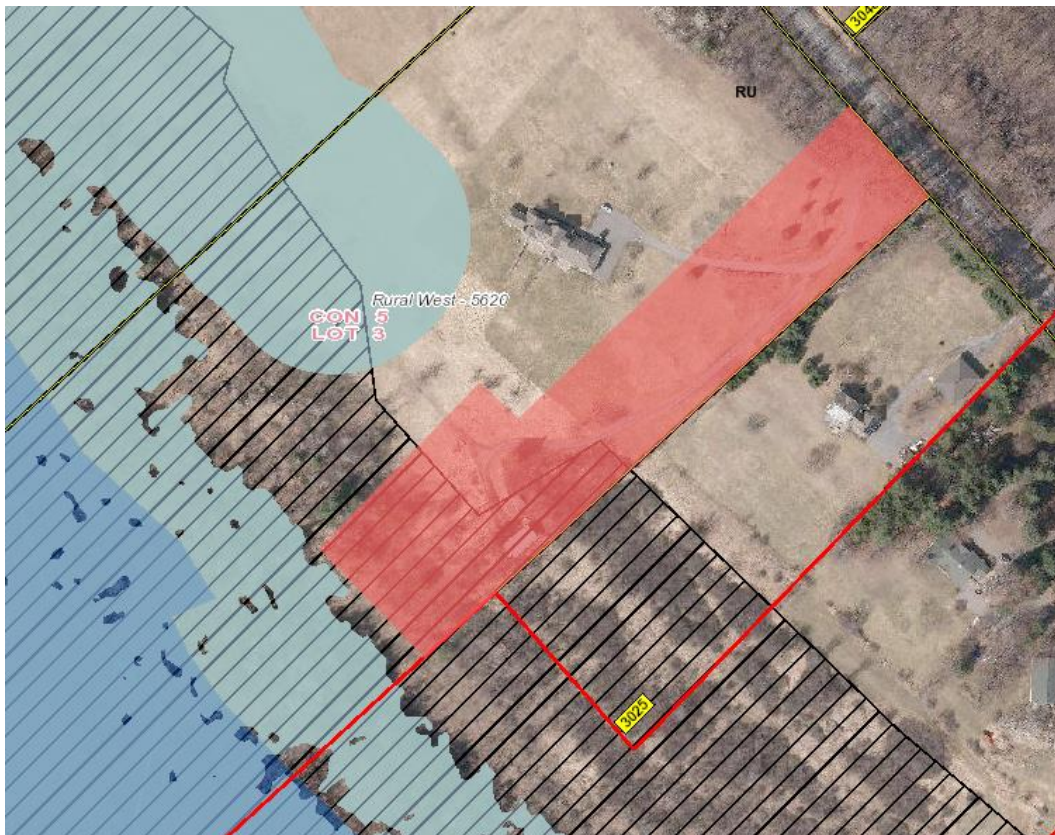
The subject site is designated as Rural Countryside and zoned as RU – Rural Countryside Zone. The purpose of the Rural Countryside Zone is to accommodate agricultural, forestry, and country residential lots created by severance and other lands uses.

Section 9.2.3 Policy 3 of the Official Plan sets out the requirements for severances in the Rural Countryside designation. There is currently an error in this section. This error forces staff to object to this application, as it does not conform with all of the requirements of the rural severance policy.

The applicant is proposing to create two new lots from the 12.83 hectare property. Proposed severance #1 (D08-01-23/B-00076) contains two existing accessory structures, and the driveway access for the existing dwelling. The structures would need to be demolished as a condition of the severance, or a temporary zoning by-

law amendment would be required as there would be no principal use on the property. The applicant has stated they intend to have separate access to each parcel. The existing link between the driveways would need to be removed and reinstated to City soft landscaping standards. Proposed severance #2 (D08-01-23/B-00077) is currently vacant land.

The subject property is predominantly covered by the Natural Heritage Overlay. The rear of the property is also primarily unevaluated wetlands. The applicant did not submit an Environmental Impact Study. Environmental planning staff reviewed the application, and noted that severance #1 would fragment the Natural Heritage System (NHS) Core Area. Official Plan Section 5.6.4.1 Policy 1 a) states that development or site alteration shall maintain or enhance the integrity, biodiversity and ecosystem services of the area; and not compromise the potential for long-term enhancement and restoration of the ecological integrity, biodiversity and ecosystem services of the area. This has stronger requirements than policy 5) for development within the NHS Overlay, which requires “no negative impact” on the Natural Heritage System and Features.



The red area is the approximate bounds of severance #1. The diagonal black lines are the bounds of the NHS Core Area.



As lot creation counts as development, and the creation of the new lot would likely progress to new construction, the Planning department cannot support the severance under application D08-01-23/B-00076 as it would not comply with Official Plan policies to maintain or enhance the integrity of the Natural Heritage System.

Severance #1 also intersects a slope with a 16 metre grade change with slope in areas exceeding a 5H:1V gradient. As such, severance #1 would require a slope stability report.

Staff noted that while severance #2 is close to the Natural Heritage System trigger area, the bounds of the lot are within a cleared area. If the applicant submits a development envelope to be registered on title, the requirement for an EIS for severance #2 could be waived.

The subject property is approximately 200 metres away from an existing mineral aggregate operation. Official Plan Section 5.6.3.2 Policy 3 states that new development shall only be permitted if it is demonstrated that the development will not conflict with future mineral extraction. As such, a Mineral Resource Impact Assessment will be required as a condition of approval. Further to that, it would also require a Noise Attenuation Study per Section 10.1.2.1 Policy 8.

In summary, Staff **Object** to severance #1 on the basis of the Official Plan error, as well as the development taking place in the NHS Core Area. Staff **Object** to severance #2 on the basis of the Official Plan error.

The Department has the following additional information to convey to the Applicant:

Access to the retained parcel is currently through the proposed severed land. In light of this, the retained land does not have its own direct vehicular access. Therefore, the Owner shall be made aware that a private approach application is required to obtain direct access to the retained parcel.

Should the Committee approve either of the applications, the following conditions are requested.

CONDITIONS APPLICABLE TO D08-01-23/B-00076 & D08-01-23/B-00077

1. The Owner, or any subsequent owners, shall demonstrate that a private approach can be established on both the severed lands. Prior to any development or construction, the Owner, or any subsequent owners, acknowledges and agrees to



obtain a private approach permit for each of the individual approaches. In addition, the private approaches 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, Heritage, and Urban Design Department. Furthermore, any works required to be done by the Owner(s) on the City Road allowances shall be according to the specifications and by-laws of the City. The Owner, or its contractor, shall be required to obtain road cut permits prior to the disruption of the City Road allowance and it is further understood and agreed that the aforementioned cuts shall be reinstated to the satisfaction of the Director, Infrastructure Services.

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 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.

3. 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 Rural 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 are potential thin soils and organic soils within the area 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

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 Greenland Road, 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 Owners provide a Mineral Resource Impact Assessment report, to the satisfaction of the **Development Review Manager of the Relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, demonstrating that the existing mineral aggregate operation, and potential future expansion of the operation in depth or extent, will not be affected by the development. The report must include a review of the impact of the development upon the current mineral extraction or future expansion. The report shall be prepared in accordance with the Province of Ontario's Aggregate Resource Policies and Procedures and the City of Ottawa Official Plan.
6. The Owner(s) shall prepare a noise attenuation study in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of **Development Review Manager of the Rural Branch within Planning, Real Estate and Economic Development Department, or his/her designate**. The Owner(s) shall enter into an agreement with the City that requires the Owner to implement any noise control attenuation measures recommended in the approved study. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.
7. 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".

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.

CONDITIONS APPLICABLE TO D08-01-23/B-00076 ONLY

1. That the Owner(s) prepares and submits an Environmental Impact Study (EIS) to satisfaction of the **Development Review Manager of the Relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate.** If the accepted report recommends specific mitigation measures or other requirements, the Owner shall enter into a Development Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the **General Manager of the Planning, Infrastructure and Economic Development Department, or his/her designate,** which is to be registered on the title of the property, which includes those recommendations.



2. That the Owner(s) file with the Committee evidence from the **Development Review Manager of the relevant Branch within Planning, Infrastructure and Economic Development Department, or his/her designate** that the severed land (to be known as 3031 Greenland) has been rezoned to permit the existing accessory structure, with all levels of appeal exhausted.

OR

That the Owner(s) provide evidence to the satisfaction of the **Development Review Manager of the Relevant Branch within Planning, Infrastructure and Economic Development Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, that the accessory structure has been demolished in accordance with the demolition permit, or relocated in conformity with the Zoning By-law.

3. That the Owners provide a Slope Stability Report prepared by a Professional Geotechnical Engineer currently licensed in the Province of Ontario, that is satisfactory to **Development Review Manager of the Relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate** and to the Mississippi Valley Conservation Authority to be confirmed in writing from PREDD and the Authority to the Committee, demonstrating that all parcels to be created by this application are, or can be made, suitable for residential purposes. The report shall be prepared primarily as per the City of Ottawa's Slope Stability Guidelines for Development Applications and Geotechnical Investigation and Reporting Guidelines for Development Applications.
4. That the Owner(s) enter into a Joint Use, Maintenance and Operating Agreement, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners.

The Owner shall ensure that the Agreement is binding upon all the unit owners and successors in title and shall be to the satisfaction of **Development Review Manager of the Relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate, and City Legal Services**. The Committee requires written confirmation that the Agreement is satisfactory to Development Review Manager of the Relevant Branch within **Planning, Real Estate and Economic Development Department, or his/her designate**, and is satisfactory to **City Legal Services**, as well as a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.

OR

That the Owner(s) provide evidence to the satisfaction of the **Development Review Manager of the Relevant Branch within Planning, Real Estate and Economic**



Development Department, or his/her designate, that the link between the driveways has been removed and reinstated to soft landscaping as per City standards.

CONDITIONS APPLICABLE TO D08-01-23/B-00077 ONLY

1. That the Owner(s) prepares and submits a development envelope to satisfaction of the **Development Review Manager of the Relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate.**

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.