



**Consent & Minor Variance**  
**COMMENTS TO THE COMMITTEE OF ADJUSTMENT**  
**Panel 3**

---

Site Address: 6151 First Line Road

Legal Description: Part of Lot 13, Concession A, Former Township of North Gower

No.: D08-01-23/B-00025 & A-00016

Date: April 12, 2023

Hearing Date: April 19, 2023

Planner: Luke Teeft

Official Plan Designation: Rural Countryside, Bedrock Resource Area Overlay

Zoning: RU – Rural Countryside, ME2 – Mineral Extraction, Subzone 2

---

**DEPARTMENT COMMENTS**

The Planning, Real Estate, and Economic Development Department **Must Object or Request an Adjournment** to the application as submitted.

**DISCUSSION AND RATIONALE**

The subject property is designated Rural Countryside on Schedule B9 of the Official Plan. The intent of the Rural Countryside designation is to protect and enhance rural character; strengthen the rural economy by permitting a diversity of uses that support the local rural community; limit the fragmentation of rural lands and ensure the preservation of health.

The subject property is zoned RU - Rural Countryside Zone according to the City of Ottawa Zoning By-Law (Section 227). The purpose of the Rural Countryside Zone is to accommodate agricultural, forestry, and country residential lots created by severance and other land uses characteristic of Ottawa's countryside. It recognizes and permits this range of rural-based land uses which often have large lots or distance separation requirements and regulates various types of development in manners that ensure compatibility with adjacent land uses and respects the rural context. The site is also currently zoned ME2 – Mineral Extraction, Subzone 2. This zone permits gravel and aggregate extraction through pit mining operations only.

The applicant is seeking a Minor Variance to permit the construction of a future



dwelling within the 150-metre setback from a mineral extraction operation. It is understood that the area of the property currently zoned ME is currently subject to an omnibus bill that will rezone the lands to RU. Staff have concluded that this is sufficient evidence to demonstrate that the Mineral Extraction operation at this site has been exhausted and is no longer feasible in accordance with Provincial Policy Statement Section 2.5.2.5 clause (a). As a result, staff will be reviewing this proposal according to the underlying Rural Countryside Designation. Please note that once the lands zoned ME are rezoned to RU, a Minor Variance will no longer be required.

The applicant proposes to sever one parcel of land off the existing property at 6151 First Line Road. This new lot would have 58.67 metres of frontage on First Line Road and a lot area of 0.916 hectares. The retained lot will have 60 metres of frontage on First Line Road, a lot depth of 1,005.97 metres and an area of approximately 35 hectares. Section 9.2.3 (3) of the Official Plan describes the severance policies for the Rural Countryside. As mentioned, the intent of these policies is to permit limited residential severances to prevent the fragmentation of rural lands and preserve the health of these lands. While it seems to have been Council's intent that the relevant severance policies for the subject application dictate that up to two residential lots may be created provided the retained lands will have a minimum area of 10 hectares and a minimum area of 0.8 hectares for the severed lands, the actual policy reads differently.

The Planning, Real Estate, and Economic Development Department must object or request an adjournment at this time to the application as submitted. In the Official Plan, Section 9.2.2 3) clauses a) through h) must all be met in order to sever. Sections a) through c) are the clauses which would have been intended to support the lot creation subject to this application. Clauses d), e) and h) are applicable to all consents in the Rural Countryside designation and clauses f) and g) relate to infill severances. The list, as written, indicates all clauses must be met, which this and most other ones cannot. It is Development Review staff's understanding that the Official Plan team will be preparing an amendment to clarify this, as the Province had been requested to, but did not.

The department has no further concerns with the application as subject to the following conditions.

#### **CONDITIONS:**

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 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 sensitive marine clays and thin 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

3. 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 First Line 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.

4. 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 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 Rural 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".

5. That the Owner(s), or any subsequent owners, shall demonstrate that a private approach can be established on the severed land. Prior to any development or construction on the property, the Owner, or any subsequent owners, acknowledges and agrees to obtain a private approach permit. In addition, the private approach 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 a road cut permit 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.
6. 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. 2009-95, as amended. Information regarding the appraisal process can be obtained by contacting the Planner.

\_\_\_\_\_  
Luke Teeft  
Planner I, Development Review, PRED  
Dept.

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