

2023-04-14



Consent
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
Panel 3

Site Address: 930 Smith Road

Legal Description: Part of Lot 10, Concession 9, Geographic Township of Cumberland

No.: D08-01-22/B-00332-B-00335 & D08-01-23/B-00047-B-00049

Date: April 14, 2023

Hearing Date: April 19, 2023

Planner: Jack Graham

Official Plan Designation: Village, Unstable Slopes

Secondary Plan: Village Residential

Zoning: DR3 – Development Reserve Zone, Subzone 3

DEPARTMENT COMMENTS

The Planning, Real Estate, and Economic Development Department has **Concerns** with the application as submitted.

DISCUSSION AND RATIONALE

The subject property is designated as Village on Schedule B9 of the Official Plan. The purpose of the Village designation is to consider villages as rural neighbourhoods that should evolve into 15-minute neighbourhoods and to ensure all development maintains rural and village character while facilitating the use of active transportation for short trips within each village. Unstable Slopes are identified in Schedule C15 through the property and opposite it (McKinnons Creek).

The subject property is zoned as DR3 – Development Reserve Zone, Subzone 3. The purpose of the Development Reserve Zone is to recognize lands intended for future development, to limit the range of permitted uses to those which will not preclude future development, and to permit lot creation on existing public streets in villages that will not preclude future development. As the lands would no longer meet the objectives of the DR3 zone, since the lots would preclude future development, they would need to be rezoned to a residential zone as a condition of approval.



The subject application proposes to divide the existing parcel into 7 irregularly shaped lots that vary in size between 0.46 hectares and 2.02 hectares. The land was previously farmed but is now vacant. The severances would not leave any retained land.

The Village of Navan policies are within the Consolidated Villages Secondary Plan. Objective 1.2 states that the village should expand slowly with development that respects the character of the village. Objective 1.3 states that development should preserve groundwater quality and quantity. These policies, in tandem with the objectives of the DR3 Zone state that vacant land designated as Village within Navan should allow development of a similar character to the existing village, without sacrificing the quality of the groundwater.

Objective 2.1 states that there should be an improvement of pedestrian connectivity along Colonial Road, Smith Road and Trim Road as well as having sidewalks on these roads. As the parcel fronts along a large portion of Smith Road, development on this lot should include improvements to the road. Objective 2.2 calls for improved pedestrian-scale lighting along main roads in the village.

The current proposal would create 7 developable lots on the existing 5.44-hectare parcel. The applicant was asked to submit a Hydrogeological Assessment and Terrain Analysis report to demonstrate the serviceability of the proposed lots. A draft report has been submitted, and reviewed by City engineering staff. The maximum number of lots as per the submitted study is 7, and therefore the Planning department is satisfied that the stated purpose of the DR3 – Development Reserve Zone, Subzone 3 is met. Specifically that further development will not be precluded by this development, as the maximum number of lots based on serviceability is met. City engineering staff noted concerns with the proposal as there are known water quality issues in the area, that are not yet resolved.

Staff do note that the proposed lot fabric consists of some irregularly shaped lots which can make future development of the sites, and adjacent land, more difficult. The lots also do not necessarily match the character or pattern of the surrounding village. However, due to the slope present on site, and the maximum number of lots, staff do recognize that the existing site is constrained and a significantly improved lot pattern may not be possible.

The Site also contains a potentially unstable slope and is also adjacent to the slopes associated with the McKinnons Creek ravine. A slope stability study has been requested as a condition of approval.



Official Plan Section 10.2.1 Policy 15 states that development within 75 metres of a railway corridor may require a noise and vibration study. Engineering staff have requested that this study be submitted.

In summary, the interim hydrogeological requirements have been satisfied, and further requirements will be addressed through the requested conditions.

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

- Based on geological survey information sensitive marine clays are likely to be found in the location of the application. The application shall follow the City of Ottawa's Trees in Clay Soils Policy, link to the referenced policy:
<https://ottawa.ca/en/city-hall/planning-and-development/community-plans-and-design-guidelines/design-and-planning/completed-guidelines/tree-planting-sensitive-marine-clay-soils-2017-guidelines>

Should the Committee choose to consider the consents the following conditions are requested:

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 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 sensitive marine clays 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 400.43 metre frontage of the lands, measuring 13 meters from the existing centerline of pavement/the abutting right-of-way, 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. The Owner(s) shall prepare a Noise and Vibration 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 and vibration 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.
5. 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 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".

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. 2022-280, as amended. Information regarding the appraisal process can be obtained by contacting the Planner.
7. That the Owner(s) obtain a Zoning By-law Amendment, satisfactory to the **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 accomplishes the following with all levels of appeal exhausted:
 - a. The lands are rezoned from DR3 – Development Reserve Zone, Subzone 3 to an appropriate residential zone.
8. 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 to design and construct at the Owner's expense, a pedestrian connection along the entire frontage of this property's frontage of Smith Road.

9. That the Owner provide a Geotechnical Report prepared by a Professional Civil Engineer licensed in the Province of Ontario, that is satisfactory to both **Development Review Manager of the Rural Branch within Planning, Real Estate and Economic Development Department, or his/her designate** and to the South Nation Conservation Authority to be confirmed in writing from the PREDD and the Authority to the Committee, demonstrating the following:
 - a. That all parcels to be created by this application are or can be made suitable for residential purposes (slope stability in the most critical slope areas, erosion protection, and building limits or setbacks adjacent to slopes);
 - b. That there are no adverse environmental impacts. The Geotechnical Report shall, as a minimum, determine the limit of sensitive marine clays present on the severed parcel and provide recommendations for construction methods based on the soil types encountered.

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

Jack Graham
Planner I, Development Review, PRED
Dept.

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