



Consent
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
Panel 3

Site Address: 1867 Donald B. Munro

Legal Description: Part of Lot 26, Concession 6, Geographic Township of Huntley

No.: D08-01-23/B-00092 and D08-01-23/B-00093

Date: May 2, 2023

Hearing Date: May 3, 2023

Planner: Jack Graham

Official Plan Designation: Agricultural Resource Area

Zoning: AG – Agricultural Zone

DEPARTMENT COMMENTS

The Planning, Real Estate, and Economic Development Department has **Some Concerns** with the application as submitted. To address these concerns, several conditions have been requested.

DISCUSSION AND RATIONALE

The subject site is designated as Agricultural Resource Area in the Official Plan and zoned as AG – Agricultural Zone. The subject site contains an existing farmhouse and accessory buildings. The remainder of the site is farmland, with a watercourse running through the parcel and adjacent to the existing dwelling.

The applicant wishes to sever the existing dwelling from the remaining farmland in accordance with surplus farmhouse dwelling Official Plan policies, set out in Section 9.1.3 Policy 3. Policy 3 c) states that the size of the lot must minimize the loss to agricultural land. The current delineation only includes the land necessary for the existing buildings, lands designated as Natural Heritage Features, and the access to Donald B. Munro. As such, this policy is met, as no agricultural land will be lost. However, the current lot size is approximately 1.6 hectares, which is larger than a typical surplus farmhouse dwelling severance. After review by Environmental Planning staff, it is recommended that the applicant review the proposed lot line to minimize the new lot's size, to minimize the amount of fragmentation of the natural features.



As the site is partially within the Natural Heritage Features overlay, an Environmental Impact Study (EIS) has been requested by Environmental Planning staff. The EIS can be owner-completed, and can be completed after approval as a condition of the severance. The applicant should be made aware that the watercourse is identified as Blanding's Turtle habitat, a species protected under the *Endangered Species Act*. Encroachment into this water feature could result in heavy penalties. It is understood that there are no current plans for redevelopment, but it should be known that future redevelopment will be constrained by the natural heritage features and species-at-risk habitat.

The retained lands will need to be rezoned to prevent future residential development.

Should the Committee approve this application, 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 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 Donald B. Munro Drive and Shanna 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.

3. 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.
4. That the Owner(s) obtain a Zoning By-law Amendment, satisfactory to 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 restricts residential development on the retained lands and permits a reduced lot width on the severed lands, with all levels of appeal exhausted.
5. That the Owner(s) provide proof, to the satisfaction of the **Development Review Manager of the Relevant Branch within Planning, Infrastructure and Economic Development Department, or his/her designate**, of the purchase of the lands to be consolidated by the farm operator or a legally binding agreement of purchase and sale.
6. That the Owner(s) prepares and submits a revised sketch of the proposed severance to the satisfaction of the **Development Review Manager of the Relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate**.
7. That the Owner(s) prepares and submits an Environmental Impact Study (EIS) to the 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.



8. That the Owner(s) satisfy the **Chief Building Official, or designate**, by providing design drawings or other documentation prepared by a qualified designer, that as a result of the proposed severance the existing building on part of lot 26 on concession 6 shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regards to the limiting distance along the north property line. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.

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.