



**CONSENT APPLICATION  
COMMENTS TO THE COMMITTEE OF ADJUSTMENT  
PANEL 3  
PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

Site Address: 3486 French Hill Road  
Legal Description: Part of Lot 4 Concession 2 former Geographic Township of Cumberland  
File No.: D08-02-2023/B-00154  
Report Date: June 28, 2023  
Hearing Date: July 4, 2023  
Planner: Jack Graham  
Official Plan Designation: Rural Countryside  
Zoning: RU – Rural Countryside Zone,

**Committee of Adjustment**  
Received | Reçu le

**2023-06-28**

City of Ottawa | Ville d'Ottawa  
**Comité de dérogation**

**DEPARTMENT COMMENTS**

The Planning, Real Estate and Economic Development Department **requests an adjournment of** the application.

**DISCUSSION AND RATIONALE**

Section 53 (12) of the *Planning Act*, R.S.O. 1990, c .P.13, as amended, permits the criteria for the subdivision of land listed in Section 51 (24) to be considered when determining whether provisional consent may be granted by a committee of adjustment. With respect to the criteria listed in Section 51 (24), staff have concerns with the proposed consent. The concerns relate to the error in Official Plan that incorrectly places overly strict policies on rural severance requirements.

The subject site is designated as Rural Countryside in Schedule B9 of the Official Plan. The site is zoned as RU – Rural Countryside Zone. The subject site is approximately 22.4 hectares. The applicant wishes to sever one new parcel of approximately 1.4 hectares.

Section 9.2.3 Policy 3 of the Official Plan outlines the policy requirements for severances in the Rural Countryside designation. There is currently an error in the Official Plan that combines the standard Rural Countryside severance policies with the infill severance policies. It is expected that a correction to this policy will be brought forward, but at this time staff must recommend an adjournment until the policy is corrected.

A portion of the property is covered by the Flood Plain Overlay. The severed lot does not contain any area mapped as being in the Overlay. The vacant retained parcel must comply with all regulations set out in Section 58 of the Zoning By-law relating to the Overlay.

There are also Natural Heritage Features on site, including a watercourse. An Environmental Impact Statement (EIS) was submitted and reviewed by environmental planning staff. The subject site is largely covered by the Natural Heritage System (NHS) Core Overlay. In Natural Heritage System Core Areas, 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. After review, staff request that the following comments be addressed in an updated EIS:

- Recognizing the NHS Core Area and establishing that the higher standard in Official Plan Section 5.6.4.1 is met.
- A map showing the extent of the flood plains and demonstrating that the proposed development is outside of them.
- A map showing the development envelope of 0.2ha and language indicating that development will not occur outside of this area.

A condition has been requested to amend the EIS to address these comments.

As a condition of approval, a Phase 1 ESA has been requested. The reasoning for this report is that the lot is adjacent to an Unnamed Waste Disposal Site to the north. The waste disposal site would be considered a potentially contaminating activity, Waste Disposal and Waste Management, under Ontario Regulation 153/04. The report will serve to assess the property to determine the likelihood that one or more contaminants have affected any land or water, in or under the property.

A Hydrogeological report was submitted with the application. Staff have not yet reviewed the report, so a condition is requested that the report is to the satisfaction of staff.

In summary, staff are requesting an adjournment due to the error in the Official Plan rural severance policies. All other concerns would be addressed through the requested conditions.

## ADDITIONAL COMMENTS

### Building Code Services

Permission from Conservation Authority will be required for any construction/septic installation in/near floodplain.

### Right of Way Management

A private approach permit is required to establish a driveway/private approach for the new detached dwelling.

## CONDITIONS

If approved, the Planning, Real Estate and Economic Development Department requests that the Committee of Adjustment impose the following conditions 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 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 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 French Hill 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 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 Relevant 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.
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 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.

6. 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 prepare and submit a revised Environmental Impact Statement.
7. 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.
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 buildings (house and shed) on the 'sketch for severance' shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regard to the limiting distance along the West property line. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.



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Jack Graham  
Planner I, Development Review, Rural  
Planning, Real Estate and Economic  
Development Department



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Cheryl McWilliams  
Planner III, Development Review, Rural  
Planning, Real Estate and Economic  
Development Department