



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

Site Address: 4639 Highway 17  
Legal Description: Part of Lots 18 & 19, Concession 3, former Geographic Township of West Carleton  
File No.: D08-01-23/B-00148  
Report Date: June 28, 2023  
Hearing Date: July 4, 2023  
Planner: Jack Graham  
Official Plan Designation: Agricultural Resource Area  
Zoning: AG – Agricultural 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 **has no concerns with** 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 no concerns with the proposed consent.

The subject site is designated as Agricultural Resource Area on Schedule B9 of the Official Plan. The site is zoned as AG – Agricultural Zone. Section 9.1.3 Policy 3 sets out the requirements for severances of a dwelling made surplus through farm consolidation.

The lot to be severed contains a dwelling, and as a condition the applicant must provide evidence that the remaining farmland will be transferred to a *bona fide* farmer. A condition will also be required that the retained lands be zoned to prevent future residential development. The proposed severance minimizes the loss of agricultural land by limiting the lot to just the extents required to keep the farm storage buildings, with the exceptions of one, on the lot to be severed while maintaining zoning setback requirements.

The building to remain on the retained parcel will contain a farm storage building that is not suitable for a livestock facility. As the remaining buildings will be on the severed lot, Minimum Distance Separation (MDS) calculations are not required for the buildings on the current parcel. MDS guideline #9 1) states that an MDS I setback is not required if before the severance a nearby livestock facility and the dwelling are on separate lots, as a potential odour conflict would already exist prior to the severance. Therefore MDS calculations are not required.

There is a small watercourse that intersects the proposed property line. Due to the constraints of the site, the severance as proposed would not be possible without intersecting the watercourse. Section 4.9.3 of the Official Plan sets out policies for limiting development near surface water features. Policy 8 states that a lot created by severance may include land within the minimum setback if the lot area outside the minimum setback is sufficient to accommodate all structures and water and wastewater services. There is an existing building within the setback, but any future development would be limited to lands outside the setback requirements. There is no proposed construction for the lot at this time. There appears to be sufficient lot area outside the setback to accommodate any future water and wastewater services.

As the proposal complies with the intent of the Official Plan and the Zoning By-law, staff have no concerns with the application subject to the following conditions.

## **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 15 meters from the existing centerline of pavement/the abutting right-of-way along Highway 17, 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) 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
5. 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, with all levels of appeal exhausted.
6. 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.



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