



Committee of Adjustment

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City of Ottawa | Ville d'Ottawa

Comité de dérogation

Site Address:

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

1500 Thomas Argue

Legal Description: Part Lots 12, 13, 14 And 15, Concession 3, Huntley, Part Lots 13 And 14, Concession 4, Huntley, Part of the Road Allowance Between Concession 3 And 4, Huntley, City of Ottawa

File No.: D08-01-23/B-00167 & D08-01-23/B-00168

Report Date: July 12, 2023

Hearing Date: July 18, 2023

Planner: Jack Graham

Official Plan Designation: Rural Countryside, Volume 2C Carp Airport Area

Zoning: T1B – Air Transportation Facility Zone, Carp Airport Subzone

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 Rural Countryside in Schedule B9 of the Official Plan. The site is zoned as T1B – Air Transportation Facility Zone, Carp Airport Subzone. The subject site is approximately 134 hectares. The proposed consent would create a severed parcel 1.21 hectares to be known as 1508 Thomas Argue Road. This parcel will be vacant. The retained parcel would be approximately 133 hectares and contains the Carp Airport and associated facilities. It is also proposed to create an easement, as shown as Parts 3 and 4 of the included 4R Plan in favour of the retained lands for maintenance and access to private underground hydro lines.

Official Plan Section 9.2.3 outlines the policies for lot creation in the Rural Countryside designation. Policy 1 stipulates that for the creation of 3 or more lots within a 3-year period,

development shall be by plan of subdivision in cases of non-residential uses. This severance is for non-residential uses but there have not been 3 or more lots created from this parcel in the 3-year period, so the policy is met.

Policy 2 states that where less than 3 lots are proposed for a non-residential use, the Zoning By-law shall permit for non-residential uses prior to the application for severance. The T1B Zone permits non-residential uses, and does not allow residential dwellings, except for a dwelling unit for a caretaker or security guard. Therefore this policy is also met. As a condition of severance, the applicant must rezone the parcel to prohibit any residential development.

Policy 5 states that where the lots are being created from within a Plan of Subdivision, the following policies must be met:

- a) *The minimum size of the severed and retained lots are no less than 0.8 hectares;*
- b) *The retained and severed lots can be adequately serviced; and*
- c) *It is demonstrated that the creation of any new lot shall not adversely affect the water and wastewater systems of adjacent developments.*

The lots are of a sufficient size, and as a condition of the severance, it must be demonstrated that the lots can be adequately services and the lot creation will not adversely affect the water and wastewater systems of the adjacent developments.

With the requested conditions, staff have no concerns with the application as submitted.

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 owner.”

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 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 10 meters from the existing centerline of pavement/the abutting right-of-way along Thomas Argue 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:

- 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.**

5. 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.
6. That the Owner(s) provide plans, drawings or reports as may be required to demonstrate, to the satisfaction of the **Manager, Right-of-Way, Heritage, and Urban Design Department or his/her designate** that a private approach that conforms with the Private Approach By-law (2003-447) can reasonably be established on the severed land, to be confirmed in writing from the Department to the Committee.
7. 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 severed lands with all levels of appeal exhausted.



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