

2023-08-31



**CONSENT APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 3**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 661 David Manchester Road
Legal Description: Part of Lot 6, Concession 5, Geographic Township of Huntley
File No.: D08-01-23/B-00149 & D08-01-23/B-00150
Report Date: August 31, 2023
Hearing Date: September 05, 2023
Planner: Luke Teeft
Official Plan Designation: Rural Transect, Rural Countryside, Overlay
Zoning: RU - Rural Countryside

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 proposed lot geometry results in the fragmentation of wetlands and the applicant has not submitted an Environmental Impact Statement (EIS).

The subject property is zoned RU and designated Rural Countryside in the Official Plan. The applicant is proposing to create two new vacant lots fronting David Manchester Road. Lot 1 will have 89.2 metres of frontage, a depth of 91.5 metres, a lot area of 0.8 hectares and will be known municipally as 645 David Manchester Road. Lot 2 will have 88.2 metres of frontage, a depth of 91.5 metres, a lot area of 0.8 hectares and will be known municipally as 639 David Manchester Road. The retained lands will have a broken frontage of 20 metres and 167 metres, a depth of 217 metres, a lot area of 11.9 hectares and will continue to be known municipally as 661 David Manchester Road.

The property has been identified as containing unevaluated wetlands and significant woodlands. It is the position of the planning department that new lot lines avoid fragmenting these features. Staff are also requesting that the applicant provide an EIS

which must determine the extent of the wetlands and identify appropriate 0.2 hectare development envelopes on each lot which minimize negative impacts to habitat and any species at risk that may be present.

Staff are requesting an adjournment of the application due to an error in the wording of the Official Plan policies for rural severances (Section 9.2.3). A draft Omnibus bill is scheduled for the September 7th ARAC meeting which staff anticipate will address the error. In addition, the adjournment is being requested to give the applicant time to revise their proposal and prepare the requested materials.

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(s) provide evidence that payment has been made to the City of Ottawa for cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal costs. The value of 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.
2. That the Owner enter into an Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the **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 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.

3. 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 organic soils, potential and inferred karst topography, and thin soils 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 homeowner.”

The Committee requires a copy of the Agreement and **written confirmation from City Legal Services** that it has been registered on title.

4. 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, 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.
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:

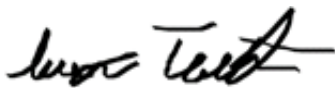
- That the construction of any new well on the severed parcel is in accordance with the Ministry of the Environment, Conservation and Parks; and
- That the quality of the water meets the Ministry of the Environment, Conservation and Parks Regulations, Standards, Guidelines and Objectives; and
- That the quantity of water meets all 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) prepares and submits an Environmental Impact Statement (EIS) to satisfaction of the **General Manager of the Planning, Infrastructure 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.



Luke Teeft
Planner I, Development Review, Rural
Planning, Real Estate and Economic
Development Department



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