

2023-08-31



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

**PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

Site Address: 4160 William McEwan Drive  
Legal Description: Part of Lot 3, Concession 4 RF  
File No.: D08-01-23/B-00153  
Report Date: August 31, 2023  
Hearing Date: September 05, 2023  
Planner: Luke Teeft  
Official Plan Designation: Rural Transect, Rural Countryside  
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 development is within 300 metres of a Mineral Aggregate Reserve Zone, though staff are satisfied that the proposed new lot is located outside of all required setbacks.

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 7<sup>th</sup> ARAC meeting which staff anticipate will address the error. The Draft Omnibus is also anticipated to address the concerns surrounding the Sand and Gravel Resource Overlay via the removal of the overlay in this area.

The subject site is designated as Rural Countryside in Schedule B9 of the Official Plan. The site is zoned RU – Rural Countryside Zone. The severed parcel will have frontage of 103.8 metres on William McEwan Road, a depth of 1038.7 metres, and an area of 10.6 hectares. The retained lands will have 103.8 metres of frontage on William McEwan Road, a depth of 1036.5 metres, and an area of 10.7 hectares. The retained lands contain the existing dwelling and are known municipally as 4160 William McEwan Road.

The subject site contains unevaluated wetlands and significant woodlands. It is the position of the planning department that no new lot lines be created that bisect these features. That said, an EIS was prepared and submitted in support of the application. Staff are satisfied with the findings in the report, though it is still recommended that the applicant avoid fragmenting ownership of the features found on site.

## **ADDITIONAL COMMENTS**

### **Right of Way Management**

- The Right-of-Way Management Department has **no concerns** with the proposed Consent Application(severance), as a private approach permit has already been issued to provide access to the retained parcel property. Access to the new severed parcel would require a private approach permit.

## **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 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.

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.

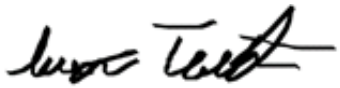
The Owners' report must demonstrate the following to the City of Ottawa:

- 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.**

5. That the Owner(s) enter into an Agreement with the City, 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 be placed on title that includes the report recommendations and mitigation measures identified in the Environmental Impact Study prepared by Muncaster Environmental Planning Inc. dated May 22, 2023.



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