

2023-09-28



**CONSENT APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address:	3882 Barnsdale Road
Legal Description:	Part of Lots 6 & 7, Concession 3 (Rideau Front); being Parts 1 and 2 on Plan 4R-28416
File No.:	D08-01-23/B-00222
Report Date:	September 28, 2023
Hearing Date:	October 3, 2023
Planner:	Justin Grift
Official Plan Designation:	Suburban Transect, Neighbourhood & Industrial and Logistics Designations
Zoning:	RU, MR1 & AG

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has no concerns with** the application(s).

DISCUSSION AND RATIONALE

The subject properties fall under the Urban Expansion Area in the Official Plan. They are designated Industrial and Logistics as well as Future Neighbourhood Overlay in the Suburban Transect. The Future Neighbourhood Overlay is applied to lands that have been added to the urban boundary to accommodate city growth.

Policies in Section 5.6.2.1 of the Official Plan state that to develop lands within the Future Neighbourhoods Overlay, an Official Plan amendment is required including the establishment of a Secondary Plan or a Community Design Plan for the lands. Staff has communicated with the Policy team and confirmed that the intent of the policy is not to prevent consolidation of a lot prior to an Official Plan Amendment.

The property is zoned *Mineral Aggregate Reserve Zone, Subzone 1 (MR1), Agricultural Zone, Subzone 2 (AG2), and Rural Countryside Zone (RU)*. The purpose of the *MR1 zone* is to identify the lands where unexploited mineral aggregate resources exist and allow for an interim period and limited range of uses that do not sterilize future mineral extraction. The purpose of the *AG2 zone* is to restrict the range of uses to agricultural, forestry and related accessory uses to preserve agricultural lands from being lost to other uses. The purpose of the *RU zone* is to accommodate agricultural, forestry, country

residential lots created by severance and other land uses characteristic of Ottawa's countryside.

Staff has discussed the potential presence of minerals with the city's Environmental Planner, who confirmed an Environment Impact Study (EIS) will be required but better informed when a development application is submitted. The Environmental Planner was comfortable deferring the EIS to a later date.

As seen in the Draft-4R, the applicant is proposing to create a parcel (Part 2) from 3882 Barnsdale and convey it to the property to the north (Part 3), 3960 Greenbank Road. The lot line adjustment is technical in nature and is to better reflect the ownership of the lands as well as for financing reasons. Prior to development, the subject lands will be subject to an Official Plan amendment and creation of a Secondary Plan.

The new lot line created with this application shall not affect the designations to be created through the future secondary planning process required for this area as per Policies in Section 5.6.2.1 of the Official Plan. Further, Staff have confirmed with the applicant that any adjustment made to the lands that fall within the Industrial and Logistics designation during the Secondary Plan process shall not lead to a net loss of lands dedicated to Employment Areas in the Provincial Policy Statement.

Thus, with respect to the criteria listed in Section 51 (24) of the *Planning Act*, R.S.O. 1990, staff has no concerns with the proposed lot line adjustment.

ADDITIONAL COMMENTS

Forestry

The property is identified as expansion lands under the Official Plan meaning the Tree Protection By-law applies. The significant woodland guidelines may apply to the woodlot found on Part 1, the parcel to be retained. Studies to confirm the condition and status of the woodlot can be expected through the next stages of development review (e.g., Official Plan Amendment).

Right-of-Way

The Right-of-Way Management Department has no concerns with the proposed lot line adjustment application as there are no requested changes to private approaches.

Transportation Engineering Services

Please note that Barnsdale Rd has a protected right of way of 40m per Schedule C16 of the Official Plan.

CONDITIONS

If approved, the Planning, Real Estate and Economic Development Department requests that the Committee of Adjustment impose the following condition on the application:

Lot Line Adjustment

1. That the Owner file with the Secretary-Treasurer of the Committee of Adjustment the following:
 - a. A copy of the Reference Plan and/or legal description of the severed lands and the deed or Instrument conveying the severed lands to the owner of the abutting property to the north, known municipally as 3960 Greenbank Road, so that no new lot is being created, in accordance with paragraph (b) below
 - b. A Certificate of Official attached to the deed/transfer required by paragraph (a) above containing the following endorsement:

“The lands to be severed are for the purpose of a lot addition only to the abutting lands owned by (*insert name*) described as PIN (*insert property identification number*) being Part(s) (*insert numbers*) on Plan (*insert plan number*), not for the creation of a new lot, and any subsequent transfer, charge or other transaction involving the lands to be severed shall be subject to compliance with Section 50(3) or Section 50(5) of the Planning Act, as applicable. Neither the lands to be severed nor the abutting lands are to be transferred, charged, or otherwise re-conveyed in the future without the other parcel unless a further consent is obtained.

The Owner shall cause the lands to be severed to be consolidated on title with the abutting lands and for this condition to be entered on the parcel register for the consolidated parcel as a restriction.”

- c. An Undertaking from a solicitor authorized to practice law in the Province of Ontario, and in good standing with the Law Society of Upper Canada, as follows:

“In consideration of, and notwithstanding the issuance of the Certificate under Section 50(12) of the Planning Act in respect to the subject Application for Consent, I undertake on behalf of the Owner, within **30 days** of the registration on title of the transfer document containing the endorsement set out in the Certificate of Official issued by the Committee of Adjustment, to file an Application to Consolidate Parcels including the severed land (Part of PIN (*insert number*) and the abutting land (PIN *insert*

number). This PIN consolidation is intended to reinforce the Planning Act stipulation in the condition outlined above that both parcels have merged on Title and cannot be conveyed separately in the future. I further undertake to forward a copy of the registered Application to Consolidate Parcels and a copy of the Consolidated Parcel abstract page(s) to the Committee office within 21 days of the registration of the Application to Consolidate Parcels”.

- d. Where the parcel consolidation stipulated in paragraph (b) and the solicitor’s Undertaking in paragraph (c) above cannot be completed because the parcels of land to be merged have different estate qualifiers, an Application to Annex Restrictive Covenant under Section 118 of the Land Titles Act must be registered on the Title of both the severed lands and on the abutting parcel that is to be merged. The Covenant, which is to be to the satisfaction of the Secretary-Treasurer of the Committee, shall advise all future purchasers that the parcels must be dealt with together and not separately, and contain wording set out below or similar wording acceptable to the Secretary-Treasurer of the Committee:

“These lands have been merged and may not be dealt with separately, without applying for a Consent of the Committee of Adjustment.”

In lieu of the Undertaking provided in paragraph (c), a replacement Undertaking by the solicitor must be filed undertaking on behalf of the Owner to register the Restrictive Covenant on both property Titles within 30 days of the registration of the transfer document containing the endorsement of the Certificate of Official issued by the Committee of Adjustment for this application and to file a copy of the registered Restrictive Covenant with the Committee within 21 days of the registration of the document.



Justin Grift
Planner I, Development Review, South
Planning, Real Estate and Economic
Development Department



Mélanie Gervais, MCIP, RPP
Planner III, Development Review, South
Planning, Real Estate and Economic
Development Department