

2023-09-14



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 2230 Dunrobin Road
Legal Description: Part of Lot 22, Concession 4, Geographic Township of March
File No.: D08-01-23/B-00180
Report Date: September 14, 2023
Hearing Date: September 19, 2023
Planner: Luke Teeft
Official Plan Designation: Rural Transect, Rural Countryside, Natural Heritage System Linkage Area
Zoning: RU - Rural Countryside

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

This application was previously heard at the Committee of Adjustment on September 5th, where it was adjourned to September 19th. The adjournment was requested due to errors in the Official Plan policies for rural severances. Since then, an Omnibus Bill has gone before City Council that clarifies the wording in these policies.

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 property is zoned RU – Rural Countryside and designated Rural Countryside in the Official Plan. The property also contains unevaluated wetlands and is part of a Natural Heritage System Linkage Area. Staff have concerns over the creation of new lot lines within these features, though the lot being created already has an existing dwelling and structures on it. The requirement for an EIS has been waived as a result.

The property is located within the setback of the Beachburg Railway Corridor. As a result, an environmental noise study was requested by staff. The report notes that the

railway corridor is currently used as a walking trail but does not contemplate the potential operation of a rail line in the future. As a result, a notice on title addressing the potential risks and impacts of an operational rail corridor will be required.

The property is also adjacent to lands zoned for ME - Mineral Extraction. Staff requested an MRIA demonstrating that the proposed severance will not have any negative impacts on the potential expansion of extraction operations. The report submitted in support of the application does not address any potential future expansion or health and safety impacts from an extraction operation, however given that the lots are already developed, and no new development is proposed, staff do not require a revised report. A notice on title identifying potential risks and impacts of expanded extraction operations will be sufficient.

ADDITIONAL COMMENTS

Right of Way Management

- The Right-of-Way Management Department has **no concerns** with the proposed Consent Application (severance), as there are no requested changes to the private approach/driveway.

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 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 has identified that there are potential thin soils in 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 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 property is located next to lands that have an active railway line now, or may have one in the future, and may therefore be subjected to noise, vibration, and other activities associated with this use.”

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

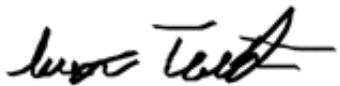
5. That the Owner enter into an Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the **Development Review Manager of the Rural Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, which provides the following covenant/notice that runs with the land and binds future Owner(s) on subsequent transfers:

“This property is located near a Bedrock Resource Area Overlay and mineral extraction lands which permits the designated lands to be licensed for a pit or quarry, which may result in this parcel being subjected to noise, dust, and other activities associated with the extraction of gravel and quarrying operations in the future.”

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

6. That the Owner(s) satisfy the **Chief Building Official, or designate**, by providing design drawings or other documentation prepared by a qualified designer, that as a result of the proposed severance the existing building on [Part 1 on Draft 4R PLAN] shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regards to the limiting distance along the [west] property line between part 1

and part 2 with a limiting distance indicated at 2.51m. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.



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