

2024-01-11



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

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

Site Address: 7344 Jock Trail  
Legal Description: PT lot 14 Concession 2 Goulbourn Parts 1, 2, 3 & 4, 4R8900  
File No.: D08-01-23/B-00300 & D08-01-23/B-00301  
Report Date: January 05, 2024  
Hearing Date: January 16, 2024  
Planner: Stephan Kukkonen  
Official Plan Designation: Rural Transect, Rural Countryside Designation, Natural Heritage System Core Area  
Zoning: RU

**DEPARTMENT COMMENTS**

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

**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 application seeks to create two new parcels for future residential uses. The severed parcels will be approximately 0.8 hectares in area and the retained lands will contain an area approximately 13.1 hectares.

The subject property is zoned RU, designated as Rural Countryside under the Official Plan, and subject to the Natural Heritage Systems Core Area Overlay. Although the property contains natural heritage features, an Environmental Impact Study was not requested as the features are located towards the middle and rear of the property and will not be affected as a result of the proposal.

Section 9.2.3 3) of the Official Plan provides policy direction for severances within the Rural Countryside Designation. The applicable policies of Section 9.2.3 3) for this application are as follows:

- d) In all other areas (areas not within historical settlements, not infill, and not within a registered plan of subdivision) the proposed lot size is a minimum of 0.8 hectares in size and the retained lot is a minimum of 10 hectares in size.
- e) In all circumstances:
  - i. The proposed and retained lots have frontage on an open, maintained public road;
  - ii. The proposed and retained lots can be adequately serviced without impacting existing private services on adjacent lots;
  - iii. If applicable, provide confirmation of sufficient reserve sewage system capacity and/or reserve water system capacity within municipal water and sewage services, or private communal water and sewage systems; and
  - iv. The city may require development on the lot to be directed to areas away from mature vegetation or natural features. Where the proposed lot is located in an area with mature vegetation or natural features, a development agreement may be required as a condition of severance to ensure the protection of these natural features. The development agreement shall be informed by the conclusions and recommendations of an Environmental Impact Study, and;
  - v. No more than two lots have been created from a lot in existence on May 14, 2003.

The subject application, as proposed, meets the minimum size requirements for the severed and retained lots as prescribed by Section 9.2.3 3) d). Further, it meets the applicable policies listed under 9.2.3 3) e) including, frontage on an open and maintained road, development directed away from the existing natural heritage features, and no lots created since May 14, 2003. To address the policy ensuring adequate servicing, Staff are requesting that applicants provide a satisfactory report prepared by a Professional Engineer or Geoscientist as a condition of severance. As such, subject to the following requested conditions, Staff have no concerns with the proposed applications.

## **ADDITIONAL COMMENTS**

The subject site is identified in the City's GIS mapping as containing, inferred karst, and potentially thin soils and unstable slopes. Staff request a notice on title identifying this potential be included as a condition of severance.

## **Right of Way Management**

The Right-of-Way Management Department has **no concerns** with the proposed consent application as there are no requested changes to private approaches. However,

the Owner shall be made aware that a private approach permit is required to construct any newly created driveway/approach.

## CONDITIONS

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

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 **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 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 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 Relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate.**

- 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 along Jock Trail Rd 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 Owner(s) enter into an Agreement with the City, at the expense of the Owner(s), which is to be registered on the Title of the property, to deal with the following covenant/notice that shall run with the land and bind future owners on subsequent transfers:  
 "The City of Ottawa has identified that there are potential thin soils, inferred karst

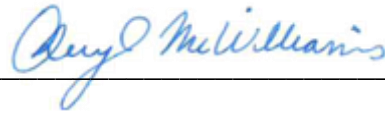
topography within the area, and potentially unstable slopes near the watercourse on the property, which may require site specific detailed geotechnical engineering solutions to allow for development.”

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



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