

2024-01-11



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 2824 Goodstown Road
Legal Description: East Half of Lot 4, Concession 9, Geographic Township of Marlborough
File No.: D08-01-23/B-00314
Report Date: January 11, 2023
Hearing Date: January 16, 2023
Planner: Luke Teeft
Official Plan Designation: Rural Transect, Agricultural Resource Area
Zoning: AG, O1O

DEPARTMENT COMMENTS

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

The surplus farm lot is larger than what is typically permitted in the agricultural resource area, though the easement for the TransCanada pipeline results in the functional size of the lot being smaller. The lands to be retained contain two existing accessory structures which will be demolished, along with an un-serviced log structure. The applicant states that the log structure is intended to remain for recreational purposes, though this is not a permitted use in an AG zone. Permitted uses must be agricultural-related, such as storage. As a condition, Planning Staff will require confirmation that the barns and log structure have been demolished or are used in compliance with the permitted uses in the AG zone. There is also a small area of unevaluated wetland on the retained land, though no new property line is proposed to run through it.

Staff have no concerns with the application as submitted.

ADDITIONAL COMMENTS

- The severed parcel is partially located within the wellhead protection area of the Village of Richmond municipal supply wells (Vulnerability Score of 2, WHPA-D).

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 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:
 - a. “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.

2. 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 Goodstown Road and 13 meters from the existing centerline of pavement/the abutting right-of-way along Harbison Road 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.
3. That the Owner(s) provide evidence to the satisfaction **Development Review Manager of the Relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, that the accessory structures have been

demolished in accordance with the demolition permit or relocated and used in conformity with the Zoning By-law.

4. That the Owner(s) provide a copy of a legally binding agreement of purchase and sale or a letter indicating the current owner is a licensed farmer, satisfactory to the General Manager of the Planning, Infrastructure and Economic Development Department, or his/her designate, to be confirmed in writing from the Department to the Committee, that demonstrates that the newly created lot is being sold.
5. That the Owner(s) obtain a Zoning By-law Amendment, satisfactory to the General Manager of the **Planning, Infrastructure and Economic Development Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, that re-zones the retained lands to prohibit residential development, with all levels of appeal exhausted.



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