

2024-01-11



**CONSENT APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 3
PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

Site Address: 2750 Dunrobin Road
Legal Description: Part Lot of 27, Concession 4, Geographic Township of March
File No.: D08-01-23/B-00313
Report Date: January 04, 2024
Hearing Date: January 16, 2024
Planner: Stephan Kukkonen
Official Plan Designation: Rural Transect, Rural Countryside Designation
Zoning: RU

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **recommends refusal** 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 subject application seeks to sever one parcel, approximately 0.3 hectares in lot area, containing an existing dwelling and will be municipally known as 1086 Thomas Dolan Parkway. The retained parcel will contain approximately 0.5 hectares in lot area, will remain vacant, and is municipally known as 2750 Dunrobin Road. Staff are concerned that the proposal does not maintain the intent of the *Official Plan*, nor does it meet the minimum lot area provision of the RU zone as prescribed by the *Zoning By-law*.

As it stands, the future use of the retained lands has not been identified, therefore all potential uses must be considered. Section 9.2.3 of the *Official Plan* details the policies for severances in the Rural Countryside Designation. Specifically, lots that permit future residential uses shall be considered against the applicable criteria outlined in Section 9.2.3 3) (*City of Ottawa Official Plan*) – the most relevant of which are as follows:

- a) Where the lot is within a historical settlement the following conditions apply:

- i. The proposed lot is a minimum of 0.4 hectares in size and is generally consistent with the size of adjacent lots;
 - ii. The retained lot is a minimum of 0.4 hectares in size and is generally consistent with the side of the adjacent lots;
 - iii. The application does not extend the historical settlement;
- d) In all other areas 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.

In this case, the subject property is located just outside the historic settlement of Dunrobin Village. The application would not meet the requirements of Section 9.2.3 3) a) as described above, as it does not meet the minimum size requirement for the severed lot. Further, this application could be considered as extending the boundary of the historical settlement. The proposed also does not meet the minimum size requirements for subsection d).

If the proposed retained lot will not include a future residential use, the application can be considered against Section 9.2.3 2) of the *Official Plan*. Planning Staff advised the applicant about this possibility and suggested the pre-application consultation process to determine the rezoning requirements, however, this process has not been initiated. In the case of non-residential proposals, the Zoning By-law shall allow for non-residential uses prior to the application for a consent to sever and the City may require a zoning amendment to prohibit future residential uses. Although the RU zone allows for a range of rural type land uses, it typically requires a minimum lot area of 0.8 hectares. Planning Staff believe that a pre-application consultation prior to severance could determine the best approach for developing the property in such fashion. Otherwise, the proposal to create a 0.5-hectare parcel zoned RU in proximity to Dunrobin Village as retained lands, should not be considered appropriate development.

It should be noted that this scenario would still cause concerns as a result of Section 4.7.2 of the *Official Plan*. Where new lots are proposed for residential purposes on private sewage systems, the minimum lot size shall be 0.8 hectares in the rural transect area outside of villages [Section 4.7.2 8)]. Here, the severed lands containing the existing dwelling would have a lot size of ~0.3 hectares, less than half of the 0.8-hectare previously mentioned *Official Plan* requirement for new residential lots.

Ultimately, the development potential of the subject lands should be considered constrained due to the property size. Although limited development opportunities may exist, Staff recommend that a more robust application process be pursued. The pre-application consultation process would be more appropriate for examining development opportunities and determining suitable requirements for a potential non-residential severance and rezoning.

ADDITIONAL COMMENTS

The subject site is identified as potentially containing sensitive marine clays. 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, or, to remove an existing private approach.

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(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 severed and retained lands to a non-residential zone in compliance with the *Official Plan*, with all levels of appeal exhausted.
3. 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.

4. That the Owner(s) shall provide evidence that a grading and drainage plan, prepared by a qualified Civil Engineer licensed in the Province of Ontario, an Ontario Land Surveyor or a Certified Engineering Technologist, has been submitted to the satisfaction of **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. The grading and drainage plan shall delineate existing and proposed grades for both the severed and retained properties, to the satisfaction of **Development Review Manager of the Relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate**.
5. That the Owner convey a 5 m x 5 m corner sight triangle located at the intersection of Downey Rd and Mitch Owens Rd to the City, with all costs to be borne by the Owner(s), to the satisfaction of the Surveys and Mapping Branch of the City. This area will be free of all structures, plantings, etc. and will allow a proper sighting distance for motorists when performing turning movements within the intersection. The Committee must receive written confirmation from **City Legal Services** that the transfer of the lands to the City has been registered.
6. 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 Thomas A. Dolan Parkway and 15 meters from the existing centerline of Dunrobin Road pavement/the abutting right-of-way along, 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.
7. 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 has identified that there are potential sensitive marine clays within 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.

8. 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.**



Stephan Kukkonen
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