

2024-02-01



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 919 William Mooney Road
Legal Description: Part of Lot 9, Concession 4, Geographic Township of West Carleton
File No.: D08-01-23/B-00343 & D08-01-23/B-00344
Report Date: January 25, 2024
Hearing Date: February 06, 2024
Planner: Stephan Kukkonen
Official Plan Designation: Rural Transect, Rural Countryside Designation, Natural Heritage System Linkage Area
Zoning: RU

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **requests an adjournment of** 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 concerns with the proposed consent.

The application seeks to create two new parcels for future residential uses. The severed parcels will be approximately 8022 square metres in area and the retained lands will contain approximately 30.89 hectares.

The subject property is zoned as RU, designated as Rural Countryside under the Official Plan, is subject to the Natural Heritage Systems Linkage Area Overlay and contains part of the 1 in 100-year flood plain. The Natural Heritage System Linkage Areas consist of lands that are predominantly in natural, semi-natural, or rural condition and function as ecological connections between core natural areas. Staff are requesting that the applicant prepare and submit an Environmental Impact Study (EIS) to support the proposed development. There is particular concern regarding the movement of wildlife between the fields to the South of the proposal and the watercourse to the North. The

EIS should address the potential for the future fencing of the properties and how it would alter movement routes in the area and any potential increase to the likelihood of wildlife road mortality.

Section 10.1.1 1) of the Official Plan states that development is not permitted within the 1 in 100-year flood plain. In this case, development includes lot creation. Although 10.1.1 3) contemplates some exceptions where development may be created, lot creation is not included as one of the exceptions. Given the proposed location of the lot for File No. B-00343 includes a portion of the flood plain, it does not meet these requirements. As such, Planning Staff are requesting adjournment of the application for the flood plain requirements to be addressed and for the submission of an EIS.

ADDITIONAL COMMENTS

The subject site is identified in the City's GIS mapping as containing, potential karst and 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 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:

- That the construction of any new well on the severed parcel is in accordance with the Ministry of the Environment, Conservation and Parks
- That the quality of the water meets the Ministry of the Environment, Conservation and Parks Regulations, Standards, Guidelines and Objectives;
- That the quantity of water meets all the Ministry of the Environment, Conservation and Parks requirements.
- 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 Rural Branch within Planning, Real Estate and Economic Development Department, or his/her designate.

4. 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 karst topography and 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.

5. That the Owner(s) prepares and submits an Environmental Impact Study (EIS) to satisfaction of the General Manager of the Planning, Infrastructure and Economic Development Department, or his/her designate. If the accepted report recommends specific mitigation measures or other requirements, the Owner shall enter into a Development Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the General Manager of the Planning, Infrastructure and Economic Development Department, or his/her designate, which is to be registered on the title of the property, which includes those recommendations.
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 William Mooney 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.



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