

2024-03-01



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 2758 Yorks Corners Road
Legal Description: Part of Lot 22, Concession 9, former Township of Osgoode
File No.: D08-01-24/B-00014
Report Date: February 27, 2024
Hearing Date: March 5, 2024
Planner: Stephan Kukkonen
Official Plan Designation: Rural Transect, Rural Countryside
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 one new parcel for a future residential use. The severed parcels will be approximately 0.869 hectares in area and the retained lands will contain an area of approximately 9.14 hectares.

The subject property is zoned RU, designated as Rural Countryside under the Official Plan, and identified as potentially containing some natural heritage features. The City's Environmental Planners had the opportunity to conduct a site visit and confirmed that the area in which the severance is proposed, did not include any natural heritage features that would be impacted because of the severance. As such, City Planning staff are satisfied with waiving the typical scoped Environmental Impact Study requirement to support such an application.

Section 9.2.3 3) of the Official Plan provides policy direction for severances within the Rural Countryside Designation. This application will be evaluated under the infill

severance policies described in Section 9.2.3 3) b) as it does not meet the typical 0.8 hectare minimum for severed lands and 10 hectare minimum for retained lands. The policy considerations for infill severances are as follows:

- b) Where an infill lot is proposed between two existing dwellings not more than 250 metres apart on the same road and opposite the front yard of an existing dwelling the following conditions apply:
 - i. The proposed lot is a minimum of 0.8 hectares in size and is generally consistent with the size of surrounding lots on either side and immediately opposite;
 - ii. The retained lot is a minimum of 0.8 hectares in size and is generally consistent with the size of surrounding lots on either size and immediately opposite.

The proposed severance will be located between two existing dwellings not more than 250 metres apart and opposite the front yard of an existing dwelling. Currently, the existing dwellings situated on 2726 Yorks Corners and 2758 Yorks Corners are approximately 140 metres apart (distance measured using GeoOttawa Aerial Photography). Also, the subject lot will be opposite an existing Front Yard as defined by the City of Ottawa Zoning By-law. According to the By-law definition Front yard means that yard that extends across the full width of the lot between a **Front Lot Line** and the nearest point of the principal dwelling. And, the Front Lot Line is defined as the lot line, not including a corner lot line, which abut a street for the shortest distance. As such, the yard opposite of the proposed severance should be considered the Front Yard, even though the access is onto McKeown Farm Road.

Sub-policies i) and ii) require there to be a level of consistent parcel fabric as a result of the severance. In this case, the severed lot will meet the minimum lot size and will be similar in size to 2726 Yorks Corners (immediately adjacent), 2780 Yorks Corners (immediately on the other side of the retained lands), and the lot immediately opposite. The retained lot is proposed to be a larger parcel approximately 9.14 hectares in size. The proposed size is similar in size to the 2714 Yorks Corners parcel. And the overall lot fabric severing a smaller parcel from a larger retained parcel remains consistent with the adjacent lots and the lot immediately opposite.

Considering the above discussion, Staff have no concerns with the proposed application subject to the following conditions.

ADDITIONAL COMMENTS

The subject site is identified in the City's GIS mapping as containing potentially thin soils. 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 Yorks Corners Road, pursuant to Section 50.1(25)(c) of the Planning Act and Schedule C16 of the City's new Official Plan, if required. 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 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 home owner.”

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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