

2024-04-10

City of Ottawa | Ville d'Ottawa

Comité de dérogation



CONSENT APPLICATION

COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 3

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 2095 Dilworth Road
Legal Description: Part of Lot 35, Concession 3, former Township of North Gower
File No.: D08-01-21/B-00398
Report Date: April 10, 2024
Hearing Date: April 16, 2024
Planner: Luke Teeft
Official Plan Designation: Rural Transect; Rural Countryside, Greenspace; Flood Plain Overlay, Natural Heritage System Core Area
Zoning: RU, Flood Plain Overlay

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

The application was previously heard on November 17, 2021 and was adjourned sine die to provide the applicant time to revise plans and address staff concerns.

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 EIS provided by the applicant demonstrates sufficient space outside of the wetlands for the severed parcel. In addition, the building envelope for the new dwelling on the severed parcel is located entirely outside of the flood plain overlay.

ADDITIONAL COMMENTS

Right of Way Management

- The Right-of-Way Management Department has no concerns with the proposed Consent. However, the Owner shall be made aware that a private approach

permit is required to construct any newly created driveway/approach, to modify, relocate 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 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 their designate**, which provides the following covenants/notices that run with the land and bind 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 property is located next to lands that have an existing source of environmental noise (arterial and collector road) and may therefore be subject to noise and other activities associated with that use.”

“The City of Ottawa has identified that there are potential sensitive marine clay soils and organic 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.

3. That the Owner(s) submit a **Phase 1 Environmental Assessment** prepared by a qualified person who meets the qualifications prescribed by the regulations, for approval by the **Development Review Manager of the Relevant Branch within Planning, Infrastructure and Economic Development Department, or their designate**, to be confirmed in writing from the Department to the Committee, outlining the assessment of the property and determining the likelihood that one or more contaminants have affected any land or water, in or under the property.

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 15 meters from the existing centerline of pavement/the abutting right-of-way along Dilworth Road, and 13 metres from the existing centreline of pavement/the abutting right-of-way along Third Line 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, to the satisfaction of the **Development Review Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate**, to be placed on title that includes the development envelope and mitigation measures identified in the "Environmental Impact Statement, Land Severance Application, 2095 Dilworth Road" provided by Gemtec and dated October 4, 2021.
6. That the Owner(s) provide a Hydrogeological Evaluation and Terrain Analysis, prepared by a Professional Civil Engineer or Professional Geoscientist licensed in the Province of Ontario, demonstrating the adequacy of the aquifer with respect to quality and quantity of groundwater to support the proposed development, and that the lot areas are sufficient for private sanitary sewage systems, to the satisfaction of **Relevant Manager of the Relevant Branch within Planning, Real Estate and Economic Development Department, or their designate**, to be confirmed in writing from the Department to the Committee.

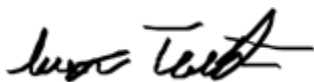
The Owners' report must demonstrate the following to the City of Ottawa:

- 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.

The Report shall be prepared as per Procedure D-5-4 "Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment" and Procedure D-5-5 "Technical Guideline for Private Wells:- Water Supply Assessment".

7. That the Owner(s) provide proof to the satisfaction of the **Development Review Manager of the Relevant Branch within Planning, Real Estate and Economic Development Department, or their designate**, to be confirmed in writing from the Department to the Committee, that each existing parcel has its own independent private sewage system, storm/foundation drainage, and well and that they do not cross the proposed severance line. If the systems cross the proposed severance line, are not independent, or do not meet the minimum spacing requirements of the Ontario Building Code and City of Ottawa Hydrogeological and Terrain Analysis Guidelines, the Owner(s) will be required to relocate the existing systems or construct new systems, at their own cost.



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