

2024-06-13



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

PLANNING, DEVELOPMENT AND BUILDING SERVICES 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: June 13, 2024
Hearing Date: June 18, 2024
Planner: Stephan Kukkonen
Official Plan Designation: Rural Transect, Rural Countryside Designation, Natural Heritage System Linkage Area
Zoning: RU

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **has 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 concerns with the proposed consent.

The applications seek 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.

The subject application was originally heard on February 6th, 2024, and was adjourned to allow the applicant time to prepare and submit an Environmental Impact Study (EIS) and

address the location of the severed parcel containing a portion of flood plain. It was requested that the EIS observe how the proposal would impact the environmental linkage function of these lands. City Staff have reviewed the EIS and deemed it acceptable provided all mitigation measures are followed.

Although the EIS concerns were addressed sufficiently, Staff note that a portion of the 1 in 100-year flood plain remains within the proposed lot for File No. B-00343. Staff maintain that the portion of the flood plain should be removed from the proposed lot to meet the requirements of Section 10.1.1 of the Official Plan.

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.

Further, Staff are now aware that the subject property is within three kilometres of the active Carp Landfill. The Official Plan requires new lot creation within the three-kilometre area of influence to include a notice on title to ensure the impacts of the waste disposal site (noise, dust, odours, and haul route) are provided [Section 10.1.7 4)]. In addition, development within the area of influence of a solid waste disposal site shall demonstrate that the solid waste disposal site shall not have any unacceptable adverse effects on the proposed development and will not pose any risks to human health and safety. Staff have reviewed the distance between Carp Landfill and the proposed severances (over 2 kilometres) and do not believe a Phase 1 Environmental Site Assessment (ESA) is required. As such, it is recommended that the only the notice on title for the proximity to the landfill is included as a condition of severance.

ADDITIONAL COMMENTS

1. 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.
2. **Planning, Development and Building Services Department** will do a complete review of grading and servicing during the building permit process.
3. At the time of building permit application, a grading/servicing plan prepared by a Professional Engineer, Ontario Land surveyor or a Certified Engineering Technologist will be required.
4. Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.

5. The surface storm water runoff including the roof water must be self contained and directed to the City Right-of-Way, not onto abutting private properties as approved by **Planning, Development and Building Services Department**.

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, Development and Building Services 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 the Manager of the Development Review All Wards Branch, or their 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 the Manager of the Development Review All Wards Branch, or their designate.

4. That the Owner enter into an Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the Manager of the Development Review All Wards Branch, or their 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."

The Committee requires a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.

5. That the Owner(s) enter into a Development Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the Manager of the Development Review All Wards Branch, or their designate, to be placed on title that includes the development envelopes and mitigation measures identified in the “897 and 919 William Mooney Road Environmental Impact Study – Severances” provided by Muncaster Planning Inc. and dated May 14th, 2024.

The Committee requires a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.

6. That the Owner enter into an Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the Manager of the Development Review All Wards Branch, or their designate which provides the following covenant/notice that runs with the land and binds future Owner(s) on subsequent transfers:

“The property is located within three kilometres of an operating solid waste disposal site and therefore may be subject to noise, dust, odours, trucking traffic, and other activities associated with that use.”

The Committee requires a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.

7. 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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