

2024-10-31

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: 4715 Birchgrove Road
Legal Description: Lot 18, Concession 1, Geographic Township of Cumberland
File No.: D08-01-23/B-00248
Report Date: October 31, 2024
Hearing Date: November 05, 2024
Planner: Stephan Kukkonen
Official Plan Designation: Rural Transect, Rural Countryside, Natural Heritage System Core Area
Zoning: RU

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **requests an adjournment 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.

This application was heard at the December 12, 2023, and the January 16, 2024, hearings. Staff had requested adjournment from the December 12 hearing to allow the applicant to address concerns with the submitted Environmental Impact Study (EIS), and to prepare and submit a Mineral Resource Impact Assessment (MRIA) and Minimum Distance Separation (MDS) Calculations.

During the January 16 hearing, Staff requested adjournment again, as the applicant provided Minimum Distance Separation (MDS) calculations, but did not submit an MRIA or satisfy Staff's concerns with the EIS.

At this time, an MRIA has been submitted and accepted, but Staff's request for a revised EIS addressing concerns regarding the size and location of the proposed development envelope remain outstanding. As such, Staff are requesting adjournment of the

application for the applicant to revise the submitted EIS. The following review comments still apply.

The subject property is zoned RU, is designated Rural Countryside under the *Official Plan*, and is subject to the Natural Heritage Systems Core Area Overlay. In accordance with the applicable policies for development within the Natural Heritage System, the applicant has submitted an Environmental Impact Study (EIS) to identify and mitigate potential impacts as a result of the proposed development. The Environmental Planner has reviewed the EIS and provided feedback that requires addressing before it can be accepted. Currently, the submitted EIS identifies development envelopes on the severed and retained parcels that are approximately 0.35 hectares in size. These development envelopes are required to be a maximum of 0.2 hectares and should be located closer to the road to minimize any impacts to the identified natural heritage features.

ADDITIONAL COMMENTS

- The **Planning, Development and Building Services Department** will do a complete review of grading and servicing during the building permit process.
- 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.
- Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.
- 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**.
- A private approach permit is required for any access off of the City street.
- Asphalt overlay would be required if three or more road-cuts proposed on City Right of way. This includes the road cut for blanking of existing services, and any other required utility cuts (ie, gas, hydro, etc.).

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 All Wards Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, 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 Owner enter into an Agreement with the City, at the expense of the Owner, which is to be registered on Title to deal with the covenants/notices that shall run with the land and bind future owners on subsequent transfers;

“The property is located next to lands that have an existing source of environmental noise (arterial road, highway, airport, etc) and may therefore be subject to noise and other activities associated with that use”

The Agreement shall be to the satisfaction of Development Review All Wards Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate. 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 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 Birchgrove, and 13 meters from the existing centerline of pavement/the abutting right-of-way along Canaan 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 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 and/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 All Wards Manager Branch within Planning, Development and Building Services Department, or their designate.

6. That the Owner(s) prepares and submits a revised Environmental Impact Study (EIS) to the satisfaction of the **Development Review Manager of the Development Review All Wards Branch within Planning, Development and**

Building Services, or their designate. If the accepted report recommends specific mitigation measures or other requirements, the Owner(s) shall enter into a Development Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the **Development Review Manager of the Development Review All Wards Branch within Planning, Development and Building Services, or their designate**, which is to be registered on the title of the property which includes those recommendations.

7. That the Owner(s) provide evidence to the satisfaction of both **the Chief Building Official and Development Review Manager of the Development Review All Wards Branch within Planning, Development and Building Services, or their designate**, that both severed and retained parcels have their own independent water, sanitary and storm connection as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. Further, the Owner(s) shall comply with 7.1.5.4(1) of the Ontario Building Code, O. Reg. 332/12 as amended. If necessary, a plumbing permit shall be obtained from Building Code Services for any required alterations.



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