

Committee of Adjustment
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2025-03-26

City of Ottawa | Ville d'Ottawa
Comité de dérogation



CONSENT APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 3
PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 3130 Roger Stevens Drive
Legal Description: Part of Lots 7 and 8, Concession 5, Marlborough; Part 1 on Plan 4R-27150
File No.: D08-01-25/B-00029
Report Date: March 26, 2025
Hearing Date: April 01, 2025
Planner: Luke Teeft
Official Plan Designation: Rural Transect; Rural Countryside
Zoning: RU

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **recommends refusal 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.

The applicant's property is undersized for a Rural Countryside severance application. Under Section 9.2.3 of the Official Plan, to be eligible for a severance the retained lot must be a minimum of 10 hectares with each severed lot being a minimum of 0.8 hectares in size. The intent of this size requirement is to reduce the fragmentation of rural lands by limiting the number of lots that can be created and maintaining large separation distances between properties. The retained lot is proposed to be 8.12 hectares in size, not consistent with Official Plan policy. It therefore does not satisfy Section 51 (24), Criteria (c) of the Planning Act.

ADDITIONAL COMMENTS

Right of Way Management

There appears to be both a 30cm reserve as well as a strip of the 3106 Roger Stevens property across the frontage. If the owner wishes to establish a driveway, then a Private Approach permit is required. The 30cm reserve will need to be lifted prior to a Private Approach permit being issued.

CONDITIONS

If approved, the Planning, Development and Building Services 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(s) provide proof, to the satisfaction of the **Manager of the Development Review All Wards Branch, or their designate**, that each existing parcel has its own well, independent private sewage system, and storm/foundation drainage and that they do not cross the proposed severance line. If the systems do cross, 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, at their own cost, to relocate the existing systems or construct new systems.
3. That the Owner(s) enter into an Agreement with the City, at the expense of the Owner(s), which is to be registered on title to deal with the following covenants/notices that shall run with the land and bind future owners 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 road) and may therefore be subject to noise and other activities associated with that use.”

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

4. That the Owner(s) provide a report, to the satisfaction of the **Manager of the Development Review All Wards Branch, or their designate**, demonstrating the adequacy of the aquifer, with respect to quality and quantity, to support the proposed development.

Where adequacy cannot be demonstrated, the Owner(s) shall construct a new well on the severed lands and provide a report, to the satisfaction of the **Manager of the Development Review All Wards Branch, or their designate**, 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 report must demonstrate the following:

- 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, and
- d. That the septic impact assessment meets the Ministry of the Environment, Conservation and Parks requirements.

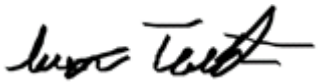
A qualified Professional Engineer or Professional Geoscientist must prepare the report. It is the Owner's responsibility to coordinate the person drilling a new well, if required, and the professional noted herein in order to properly satisfy this condition.

If the accepted report recommends specific mitigation measures or design requirements, the Owner(s) shall enter into a Development Agreement with the City, at the expense of the Owner(s), to include those recommendations and such agreement shall be registered on title. 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 the **Manager of the Development Review All Wards Branch, or their designate**.

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".

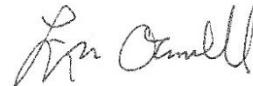
5. Pursuant to clause 51 (25) (c) of the *Planning Act* and Schedule C16 of the City's Official Plan, the Owner acknowledges and agrees to convey to the City, at no cost to the City, an unencumbered road widening across the complete Roger Stevens Drive frontage of the lands, measuring 15 meters from the existing centerline of pavement/the abutting right-of-way, 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 shall be provided 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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