

- 2. PROVINCIAL SEVERANCE REQUEST – 4649 AND 5370 HALL ROAD, 9045 MITCH OWENS ROAD, 5400, 5420, 5785, 5817 AND 5901 THUNDER ROAD**
- DEMANDE DE MORCELLEMENT ÉMANANT DE LA PROVINCE - 4649 ET 5370, CHEMIN HALL, 9045, CHEMIN MITCH OWENS, 5400, 5420, 5785, 5817 ET 5901, CHEMIN THUNDER**

COMMITTEE RECOMMENDATION

That Council amend the delegated authority by-law to authorize the Director of Planning Services to support the exemption requested by the Province from Section 53(3) of the Planning Act, which pertains to the consent to sever land as drafted in Document 3.

RECOMMENDATION DU COMITÉ

Que le Conseil modifie le Règlement municipal sur la délégation de pouvoirs afin d'autoriser le directeur des Services de planification à appuyer l'exemption demandée par la Province relativement au paragraphe 53(3) de la Loi sur l'aménagement du territoire, qui a trait à l'autorisation des morceler des terrains de la manière énoncée dans le document 3.

DOCUMENTATION/DOCUMENTATION

Report from the Director, Planning Services, Planning, Infrastructure and Economic Development Department, dated August 8, 2018 (ACS2018-PIE-PS-0099)

Rapport de la Directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 8 août 2018 (ACS2018-PIE-PS-0099)

**AGRICULTURE AND RURAL
AFFAIRS COMMITTEE
REPORT 37
12 SEPTEMBER 2018**

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**COMITÉ DE L'AGRICULTURE ET
DES AFFAIRES RURALES
RAPPORT 37
LE 12 SEPTEMBRE 2018**

**Report to
Rapport au:**

**Agriculture and Rural Affairs Committee
Comité de l'agriculture et des affaires rurales
6 September 2018 / 6 septembre 2018**

**and Council
et au Conseil
12 September 2018 / 12 septembre 2018**

**Submitted on 8 August 2018
Soumis le 8 août 2018**

**Submitted by
Soumis par:**

**Lee Ann Snedden
Director / Directrice**

Planning Services / Services de la planification

**Planning, Infrastructure and Economic Development Department / Direction
générale de la planification, de l'infrastructure et du développement économique**

Contact Person / Personne ressource:

**Seana Turkington, Planner / Urbaniste, Development Review Rural / Examen des
demandes d'aménagement ruraux**

613-580-2400, 27790, Seana.Turkington@ottawa.ca

Ward: CUMBERLAND (19)

File Number: ACS2018-PIE-PS-0099

**SUBJECT: Provincial Severance Request – 4649 and 5370 Hall Road, 9045 Mitch
Owens Road, 5400, 5420, 5785, 5817 and 5901 Thunder Road**

OBJET: Demande de morcellement émanant de la Province - 4649 et 5370, chemin Hall, 9045, chemin Mitch Owens, 5400, 5420, 5785, 5817 et 5901, chemin Thunder

REPORT RECOMMENDATION

That Agriculture and Rural Affairs Committee recommend Council amend the delegated authority by-law to authorize the Director of Planning Services to support the exemption requested by the Province from Section 53(3) of the *Planning Act*, which pertains to the consent to sever land as drafted in Document 3.

RECOMMANDATION DU RAPPORT

Que le Comité de l'agriculture et des affaires rurales recommande au Conseil de modifier le Règlement municipal sur la délégation de pouvoirs afin d'autoriser le directeur des Services de planification à appuyer l'exemption demandée par la Province relativement au paragraphe 53(3) de la *Loi sur l'aménagement du territoire*, qui a trait à l'autorisation des morceler des terrains de la manière énoncée dans le document 3.

BACKGROUND

Site location

4649 and 5370 Hall Road, 9045 Mitch Owens Road, 5400, 5420, 5785, 5817 and 5901 Thunder Road

Owner

The Province of Ontario

Applicant

Infrastructure Ontario

Description of site and surroundings

The lands are within proximity to one another and appear in three different clusters; all are undeveloped. The first cluster is known municipally as 5400 and 5420 Thunder

Road. Surrounding these two properties are primarily residential properties. A small watercourse runs through 5361 Thunder Road and ends at 5400 Thunder Road. Currently, both 5400 and 5420 Thunder Road are vacant and contains little to no vegetation. Based on aerial photos, neither site has had much vegetative cover over the last three decades.

The second cluster is comprised of the properties known municipally as 5370 Hall Road and 9045 Mitch Owens Road. These properties are surrounded by agricultural-related uses and lands with significant vegetation. A small watercourse runs through a small portion of 5370 Hall Road, and is protected by a significant amount of vegetation. The watercourse has had some vegetation surrounding it since at least the 1990's. However, only within the last 10 to 12 years has the vegetation grown in size and overall coverage of the area.

The third cluster is comprised of the lands known municipally as 4649 Hall Road, 5785 Thunder Road, 5817 Thunder Road, and 5901 Thunder Road, and is located adjacent to Highway 417 and a hydro corridor, both of which are owned by the Province of Ontario. This third cluster contains a watercourse as well as a small waterbody, which is entirely contained within the lot lines of 5785 Thunder Road. All four properties in this cluster have a significant amount of vegetation. Most of the vegetative cover at the rear of the four properties pre-dates 1980, while the vegetation located at and near the front of the property appears to have grown in over the last decade or so.

The properties subject to this request are currently all vacant.

Summary of request

The Province of Ontario is seeking to sell an assembly of land within what is known as the Carlsbad Springs Land Bank. To achieve this, the Province requires a consent to sever. In June of 2018, Infrastructure Ontario contacted the City of Ottawa seeking an exemption from Section 53(3) of the *Planning Act*, which pertains to consents to sever land. Usually, the Province is exempt from municipal consent requirements; however, in this instance, the lands are to be severed as part of a Class Environmental Assessment. As such, the Province requires approval from the City granting exemption from Section 53(3). The severed lands are to be sold to the Algonquins of Ontario.

DISCUSSION

The lands, known municipally as 4649 Hall Road, 5370 Hall Road, 9045 Mitch Owens Road, 5400 Thunder Road, 5420 Thunder Road, 5785 Thunder Road, 5817 Thunder Road, and 5901 Thunder Road, are currently designated Rural Natural Features Area on Schedule A of the City's Official Plan and are zoned Rural Countryside (RU) zone under the City's Zoning By-law 2008-250.

In both the first and second clusters of land, the parcels have merged on title with one another. In the third cluster however, the lands have also merged on title with the hydro corridor and the 417 highway. A severance has been requested by the Province to formally re-establish the lot lines of the parcels in clusters one, two, and three.

If the lands are ever subject to development applications, all standard requirements would apply. An Environmental Impact Statement (EIS) would be required, as per Section 3.2.4 of the Official Plan pertaining to Rural Natural Features Areas. The first and third cluster front onto the Carlsbad Trickle Feed System and the parcels to be re-created would be required to connect for any development or building. While connections of those original lots are currently available, at the time of building the owner would need to demonstrate that capacity for the use is available. The second cluster fronting on Hall Road would be privately serviced and any lot creation would normally be subject to a satisfactory hydrogeological report prior to approval.

Should the Province not be amenable to submitting a hydrogeological report for the parcels within the second cluster, it is recommended that a condition be placed on the title of the lands noting that the serviceability as well as the quality and quantity of the ground water are unknown and that the City bears no responsibility for the aforementioned.

RURAL IMPLICATIONS

There will be no impact to rural residents, businesses, or existing applicable by-laws. The Official Plan designation as per Schedule A and the zoning of the lands will remain unchanged. The Province has made the Algonquins of Ontario aware of the designation of the lands as per Schedule A of the Official Plan, as well as the zoning as per the City's Zoning By-law.

LEGAL IMPLICATIONS

There are no legal impediments to approving the recommendations contained in the report.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications associated with the recommendation of this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

COMMENTS BY THE WARD COUNCILLOR

Councillor Blais is aware of this report.

ACCESSIBILITY IMPACTS

There are no accessibility impacts.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- SE1: Improve client experience via established service expectations
- GP2: Advance management oversight through tools and processes supporting accountability and transparency

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Carlsbad Springs Land Bank

Document 3 Crown Exemption Letter

CONCLUSION

The severance sought by the Province of Ontario complies with the policies of the Provincial Policy Statement, 2014, the City of Ottawa Official Plan, and the intent of the City of Ottawa Zoning By-law, 2008-250. Having taken this into consideration, it is recommended that the Agriculture and Rural Affairs Committee grant the Director of Planning Services delegated authority thereby allowing the Province of Ontario to be exempt from Section 53(3) of the *Planning Act*. It is recommended that a hydrogeological report be submitted to staff prior to granting consent. Alternatively, the Province could place a notice on title of the lands in cluster two, indicating that the City of Ottawa is not responsible for the potential lack of serviceability or the quality and quantity of the groundwater.

DISPOSITION

City Clerk and Solicitor Department, Legislative Services, to advise legal to prepare a by-law to amend the Delegated Authority By-law for this specific proposal for the September 12, 2018 Council meeting.

Legal Services to forward the by-law to City Council.

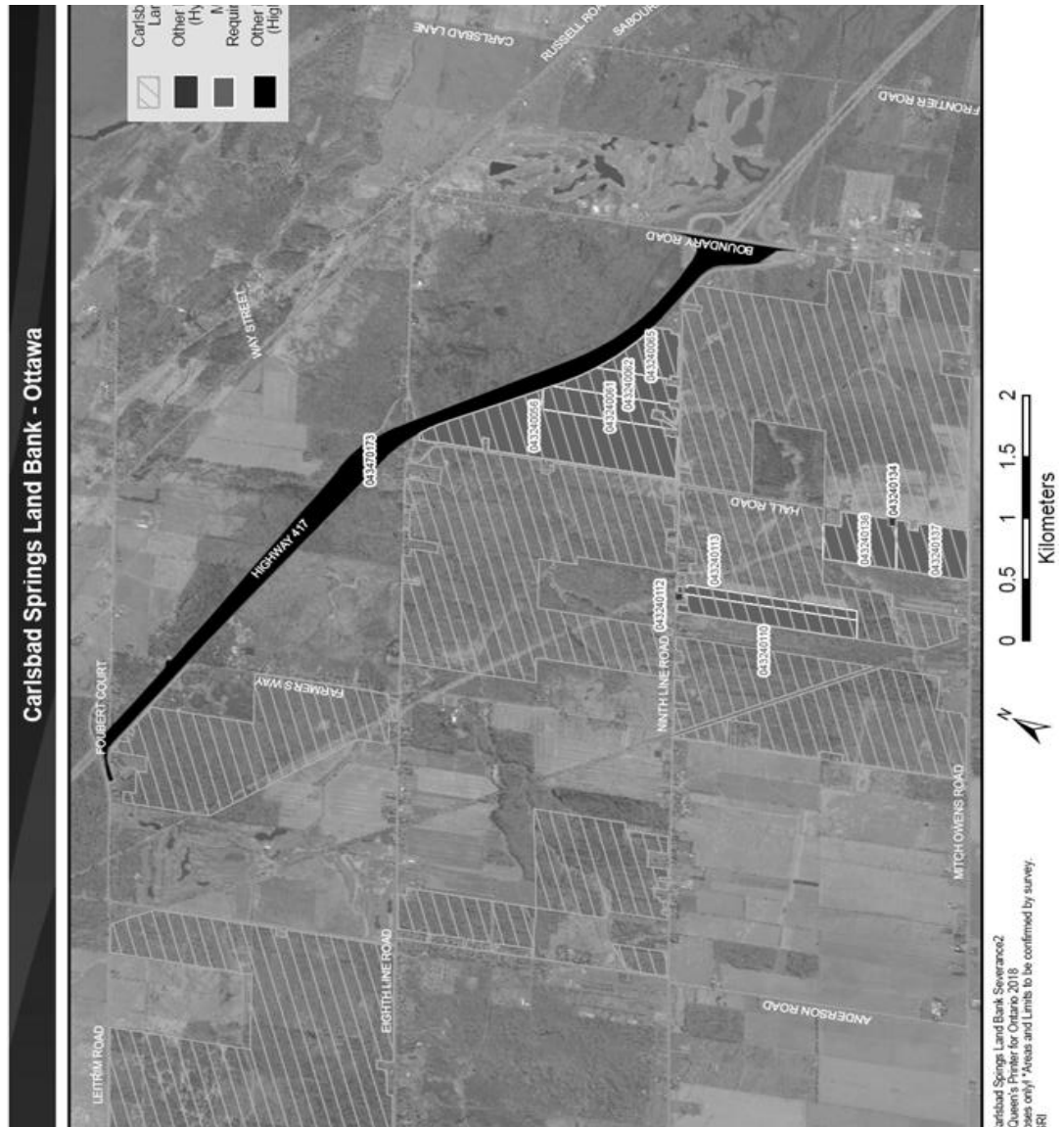
Planning, Infrastructure and Economic Development Department to prepare the crown exemption letter for the Director of Planning Services.

Document 1 – Location Map



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE					
18-0890-D							
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©Parcels data is owned by Teranet Enterprises Inc. and its suppliers. All rights reserved. May not be produced without permission. THIS IS NOT A PLAN OF SURVEY.		<table border="0"> <tr> <td style="border: 2px solid black; width: 30px; height: 15px; display: inline-block;"></td> <td style="padding-left: 5px;"> 5785, 5817, 5901, 5400, 5420 ch. Thunder Road 9045 ch. Mitch Owens Road 4649, 5370 ch. Hall Road </td> </tr> <tr> <td style="border: 1px dashed black; width: 30px; height: 15px; display: inline-block;"></td> <td style="padding-left: 5px;"> Existing Flood Plain (Section 58) / Plaine inondable (Article 58) </td> </tr> </table>			5785, 5817, 5901, 5400, 5420 ch. Thunder Road 9045 ch. Mitch Owens Road 4649, 5370 ch. Hall Road		Existing Flood Plain (Section 58) / Plaine inondable (Article 58)
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	Existing Flood Plain (Section 58) / Plaine inondable (Article 58)						
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REVISION / RÉVISION - 2018 / 07 / 12							

Document 2 – Carlsbad Springs Land Bank



Document 3 – Crown Exemption Letter



Infrastructure Ontario
1 Dundas Street West, Suite 2000
Toronto ON M5G 2L5

DATE

Attention: Jordan Erasmus

Re: Request pursuant to section 9.4 of the Ministry of Infrastructure Public Work Class Environmental Assessment (October 2012) ("Class EA") from the City of Ottawa (the "**Municipality**") (the "**Request**") to Her Majesty the Queen in right of Ontario as represented by the Minister of Infrastructure as represented by Ontario Lands and Infrastructure Corporation (collectively, the "**Crown**") to exercise the Crown's prerogative pursuant to section 50(3)(c) or section 50(5)(b) of the *Planning Act* (Ontario) ("**Crown Right**") as it relates to 4649 Hall Road, 5370 Hall Road, 9045 Mitch Owens Road, 5400 Thunder Road, 5420 Thunder Road, 5785 Thunder Road, 5817 Thunder Road, and 5901 Thunder Road (the "**Property**"), PIN Numbers 043240056, 043240136, 043240137, 043240110, 043240113, 043240061, 043240062, and 043240065 respectively.

Dear Ms. Erasmus:

With reference to your inquiry of June 12, 2018 regarding the Property, the Municipality requests the Crown exercise Crown Right in connection with the Property and accordingly, no consent to a severance concerning the Property by the Crown pursuant to the *Planning Act* (Ontario) is required. I am authorized to make this Request.

Sincerely,

Lee Ann ~~Snedden~~
Director of Planning Services
Planning, Infrastructure and Economic Development Department
City of Ottawa