

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON  
MUNICIPALITÉ RÉGIONALE D'OTTAWA-CARLETON

REPORT  
RAPPORT

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Our File/N/Réf.	22-98-0002
DATE	26 June 1998
TO/DEST.	Coordinator, Planning & Environment Committee
FROM/EXP.	Planning and Development Approvals Commissioner
SUBJECT/OBJET	<b>APPEAL TO OMB DECISION BY REGIONAL LAND DIVISION COMMITTEE B29/98</b>

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### **DEPARTMENTAL RECOMMENDATION**

**That the Planning and Environment Committee recommend that Council confirm the Planning and Development Approvals Department's appeal of the attached severance.**

### **BACKGROUND**

Reports on appeals are generally provided to Planning and Environment Committee as an Annex to the quarterly "Summary of Assigned Functions" report. This particular appeal has been brought forward at the request of Councillor Hill because the next quarterly report will not be prepared until next September.

### **DISCUSSION**

The Regional Land Division Committee has approved the severance of a 1.2 ha (3 acre) parcel from an overall holding of 4.9 ha (12 acres).

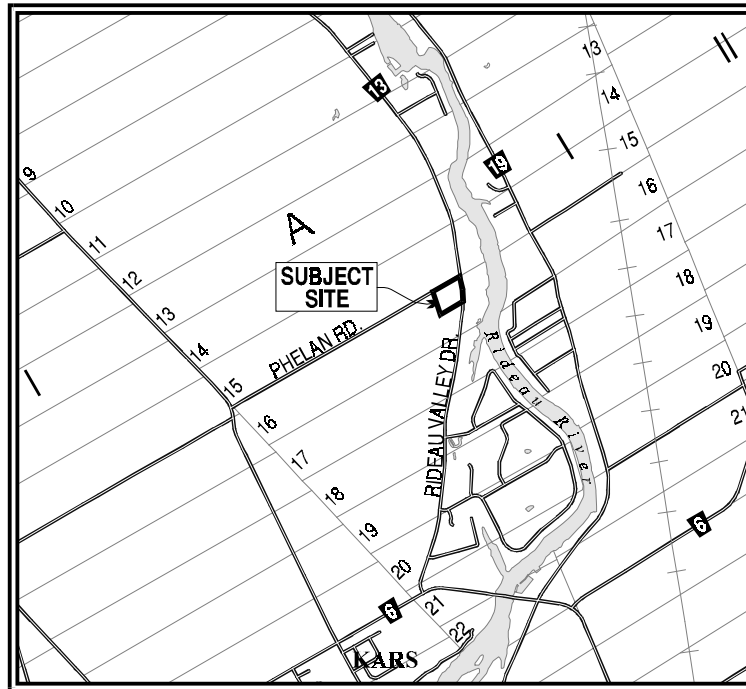
The subject property is legally described as Part Lot 16 Concession A (North Gower) Rideau Township. The land is designated "Agricultural Resource Area" in the newly approved Regional Official Plan, the old Regional Official Plan and the Local Official Plan.

The property is located on the north west corner of Phelan Road and Regional Road # 13 (Rideau Valley Drive). To the north and west of the applicant's property much of the land use activity is devoted to large farm operations. These operations range from 17 ha (41 acres) to 49 ha (120 acres) in size. Immediately south with the exception of one lot of record (vacant) and an 11 ha (26 acre) horse operation there is a farm of 94 ha (233 acres) in size. Residential development exists on the opposite side of Regional Road # 13 along the Rideau River.

The Regional Road represents the dividing line between the agricultural activity and the residential uses; both uses have been designated accordingly. In the interpretation section of the Regional Official Plan Regional roads are the defining boundaries between designations.

The only severances permitted in the agricultural area are limited farm-related lot creation, infill or poor pocket severances. The applicant is not a farmer nor is the application farm-related.

### LOCATION MAP



Development is limited in the immediate area and therefore an infill severance is not possible. The new Regional Official plan and the Provincial Policy Statement only permit residential lots to be created between two existing non-farm residences which are on separated lots of a similar size and which are situated on the same side of the road and are not more than 100 metres apart.

The LEAR study which was undertaken by the Region to determine agriculture potential rated the applicants property as 130 - 140 (good agricultural potential). In addition the soil capability for agriculture as determined by the Ontario Institute of Pedology rates these lands as class 1 soils. This confirms that the property is correctly designated as Agricultural Resource and precludes a poor pocket severance. Furthermore, the Official Plan of the Township of Rideau has no provisions for severances within areas of poor land as permitted by the Regional Official Plan.

In summary this consent does not fall into any of the categories which would allow for lot creation.

CONSULTATION

The public consultation process was not applicable for this report.

FINANCIAL IMPLICATIONS

This recommendation has no financial implications.

*Approved by  
N. Tunnacliffe, MCIP, RPP*

Attach. (3)



Land Division Committee Office  
 Regional Municipality of Ottawa-Carleton  
 Ottawa-Carleton Centre  
 111 Lisgar Street, (Cartier Square) 2<sup>nd</sup> floor  
 Ottawa, Ontario, K2P 2L7

## THE LAND DIVISION COMMITTEE FOR THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

**CHAIRPERSON**  
**J.A. FLEWELLYN**

**SECRETARY-TREASURER**  
**W.D. COOK**

SEVERANCE APPLICATION NO. B29/98 DATE RECEIVED APR 01 1998  
 REGIONAL OFFICIAL PLAN DESIGNATION AGRICULTURAL RESOURCE  
 LOCAL OFFICIAL PLAN DESIGNATION AGRICULTURAL RESOURCE  
 ZONING BY-LAW NO. 84-11 ZONE A1 SECTION 21  
 AUTHORIZATION OF OWNER RECEIVED (if required) YES — NO —  
 ( ABOVE FOR OFFICE USE ONLY )

1) Owner's Name STUART N. EDEY Telephone 697-3038  
 Address 1202 PHELAN RD. E RR#2 MANOTICK K4M 1B3

2) **TYPE & PURPOSE OF TRANSACTION:**  
 Creation of new lot  Addition to a lot (lot line adjustment) ( ) Correction of Title ( ) Mortgage or Charge ( )  
 Partial Discharge of Mortgage ( ) Easement/Right-of-Way ( ) Lease ( ) Other ( )

3) If known, name of person(s) to whom land or an interest in the land is to be transferred, charged or leased.  
 (If family, indicate relationship)  
 .....

4) **LOCATION OF LAND:**  
 (a) Municipality R.M.O.C. RIDGEM TWP. (NORTH GOWER)  
 (b) Lot PT 16 Conc. A  
 (c) Part No. .... Reference Plan No. ....  
 (d) Lot No. .... Registered Plan No. ....  
 (e) Municipal No. & Street/Road 1202 PHELAN RD.

5) **DIMENSIONS OF LAND PROPOSED TO BE SEVERED:**  
 (a) Frontage ..... (b) Average Width .....  
 (c) Average Depth SEE SKETCH (d) Area 3 ACRES

6) **DIMENSIONS OF LAND PROPOSED TO BE RETAINED:**  
 (a) Frontage ..... (b) Average Width .....  
 (c) Average Depth SEE SKETCH (d) Area 9 ACRES

7) Total number of lots (including retained lots) which are the subject of this application. .... 2

8) Are there any easements or restrictive covenants affecting the subject land? Yes ( ) No  If yes, explain and easement/covenant MUST be shown on your sketch. ....

9) **EXISTING USE OF LAND TO BE SEVERED:**

Village ( ) Hamlet ( ) Farm Related Residential ( ) Non-Farm Related Residential  Agricultural ( )  
Commercial ( ) Industrial ( ) Institutional ( ) Other ( )

**PROPOSED USE OF LAND TO BE SEVERED:**

Village ( ) Hamlet ( ) Farm Related Residential ( ) Non-Farm Related Residential  Agricultural ( )  
Commercial ( ) Industrial ( ) Institutional ( ) Other ( )

Elaborate with particulars on any item(s) designated above:

Number and type of buildings on the land to be severed (a) Existing *0 bungalow* .....  
(b) Proposed *1 bungalow* .....

10. **EXISTING USE OF LAND TO BE RETAINED:**

Village ( ) Hamlet ( ) Farm Related Residential ( ) Non-Farm Related Residential  Agricultural ( )  
Commercial ( ) Industrial ( ) Institutional ( ) Other ( )

**PROPOSED USE OF LAND TO BE RETAINED:**

Village ( ) Hamlet ( ) Farm Related Residential ( ) Non-Farm Related Residential  Agricultural ( )  
Commercial ( ) Industrial ( ) Institutional ( ) Other ( )

Elaborate with particulars on any item(s) designated above:

Number and type of buildings on the land to be retained (a) Existing *1 bungalow* .....  
(b) Proposed *NO CHANGE* .....

11. Is the retained parcel to be used as a "Farm Retirement Lot"? Yes ( ) No

12. Is the purpose of the severance to dispose of a surplus farm residence through farm consolidation? Yes ( ) No

13. **SERVICES (Proposed)**

Municipal Water and Sewers ( ) Municipal Water and Private Sewage System ( ) Municipal Sewer and Well ( )  
Well and Private Sewage System  Communal Well and Septic ( ) Lake or other Water Body ( ) Other ( )

When will proposed services be available? .....

14. **ACCESS to Severed & Retained Parcels**

Open Municipal road  Regional Road ( ) Provincial Highway ( ) Private R.O.W. ( ) Water ( ) Other ( )

If access is by water, indicate the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road. ....

15. Is there an agricultural operation, including abattoir, livestock or stockyard, within 600 feet? Yes  No  
If yes, specify details and show on sketch.....

16. Is any part of the land swampy or subject to flooding, seasonal wetness or erosion? Yes ( ) No  If yes, give details.....

17. Type of Soil (Clay, Gravel, Sand, Rock, etc.)..... CLAY

18. Is the subject land currently, or has it ever been, the subject of: A Plan of Subdivision ( ) A Minor Variance ( )  
An Official Plan Amendment ( ) A Zoning By-law Amendment ( ) A Ministers Zoning Order Amendment (Marlborough  
Twp.) ( ) Yes ( ) No  If so, and if known, indicate file number, status &/or decision.....

19. Has the owner severed any land from the parcel "originally" acquired? Yes ( ) No  If yes, and if known,  
indicate the date of transfer, the name of the transferee and the land use.....

20. Is the Owner, Solicitor or Agent applying for any additional consents simultaneous to this application? Yes ( ) No

**21. SKETCH**

Each application must be accompanied by a sketch, preferably to scale, showing:

- (a) the parcel of land that is the subject of the application showing the boundaries and dimensions of the parcel and showing the part of the parcel that is to be severed and the part that is to be retained as well as the location of any land previously severed
- (b) any abutting lands owned by the applicant showing the boundaries and dimensions
- (c) the distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing
- (d) the approximate location of all natural and artificial features on the subject land and on the adjacent land that may affect the application (buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas)
- (e) the existing uses on the adjacent land (residential, commercial, agricultural, etc.)
- (f) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right-of-way
- (g) the location and nature of any easement/covenant affecting the subject land
- (h) the location and distances of all wells and septic systems (tank & tile bed) from existing and proposed property boundaries. The distance between the well and septic system is also to be shown. If known, indicate if the well is "dug" or "drilled", the depth and the water quality.

**COMPLETENESS OF THE APPLICATION**

Ontario Regulation 41/95 made under The Planning Act sets out mandatory information for consent applications. In addition, further information may be requested by the Approval Authority. This additional information is indicated in "italics" within the application form. Should your application be for the purpose of creating a retirement lot or for the severance of a surplus farm residence, an additional "Farm Data" form must be completed. If the mandatory information and fee are not provided, the office of the Land Division Committee will return the application or refuse to further consider the application until the information and fee have been provided.

ONE COPY OF THE APPLICATION SHOULD BE COMPLETED IN DARK BLUE &/OR BLACK INK AND SUBMITTED TO THE OFFICE OF THE LAND DIVISION COMMITTEE ACCOMPANIED BY A FEE OF \$595.00. CHEQUES ARE TO BE MADE PAYABLE TO THE "TREASURER, " R.M.O.C."

AS OF APRIL 1, 1995, THE CONSERVATION AUTHORITIES ASSUMED THE RESPONSIBILITY FOR APPROVING SEPTIC SYSTEMS.  
AS OF APRIL 1, 1997, A NEW FEE SCHEDULE HAS BEEN IMPOSED. FOR EACH SEVERANCE APPLICATION FILED, THAT RESULTS IN THE CREATION OF A NEW LOT, A \$150.00 FEE IS APPLICABLE. A CHEQUE MADE PAYABLE TO "CONSERVATION PARTNERS" MUST ACCOMPANY THIS APPLICATION.

Freedom of Information and Privacy Act - Personal information on this form is collected under the authority of The Planning Act and will be used to process this application.

Name of Owners Solicitor (if any) .....

Address ..... Telephone Number .....

Name of Authorized Agent (if any) CHARLES E. STONEHOUSE .....

Address 1073 ISLANDVIEW DR. MANOTICK Telephone Number 692-4097  
R4M NB .....

Please specify to whom all communications should be sent:

Owner ..... Agent ..... Solicitor .....

IF APPLICATION IS TO BE SIGNED BY AN AGENT OR SOLICITOR ON BEHALF OF THE OWNER, THE FOLLOWING AUTHORIZATION MUST BE COMPLETED AS SET OUT IN SECTION 53(1) OF THE PLANNING ACT.

Authorization of Owner for Agent to Make the Application

I, STUART & MARY EDEY am the owner of the land that is the subject of this application for a consent and I authorize C.E. Stonehouse to make this application on my behalf. Date 10.3.98 Signature of Owner [Signatures]

IF THE OWNER IS A CORPORATION, THE APPLICATION SHALL BE SIGNED IMMEDIATELY BELOW BY AN OFFICER EMPOWERED TO BIND THE CORPORATION.

Date ..... Signature ..... (I have the Authority to bind the Corporation)

AFFIDAVIT OR SWORN DECLARATION (This section must be completed in the presence of a Commissioner of Oaths)

I, CHARLES STONEHOUSE of the TOWN of MANOTICK .....

in the Regional Municipality of Ottawa-Carleton solemnly declare that all above statements and the statements contained in all of the exhibits transmitted herewith are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the CITY of NEPEAN .....

in the Regional Municipality of Ottawa-Carleton this 24th .....

day of MARCH 19 98 .....

[Signature of Commissioner of Oaths] Commissioner of Oaths

[Signature of Charles Stonehouse] Signature of Owner, Agent, or Solicitor

PART OF LOT 16 CON. A & B.F.  
TWP. OF NORTH GOWER

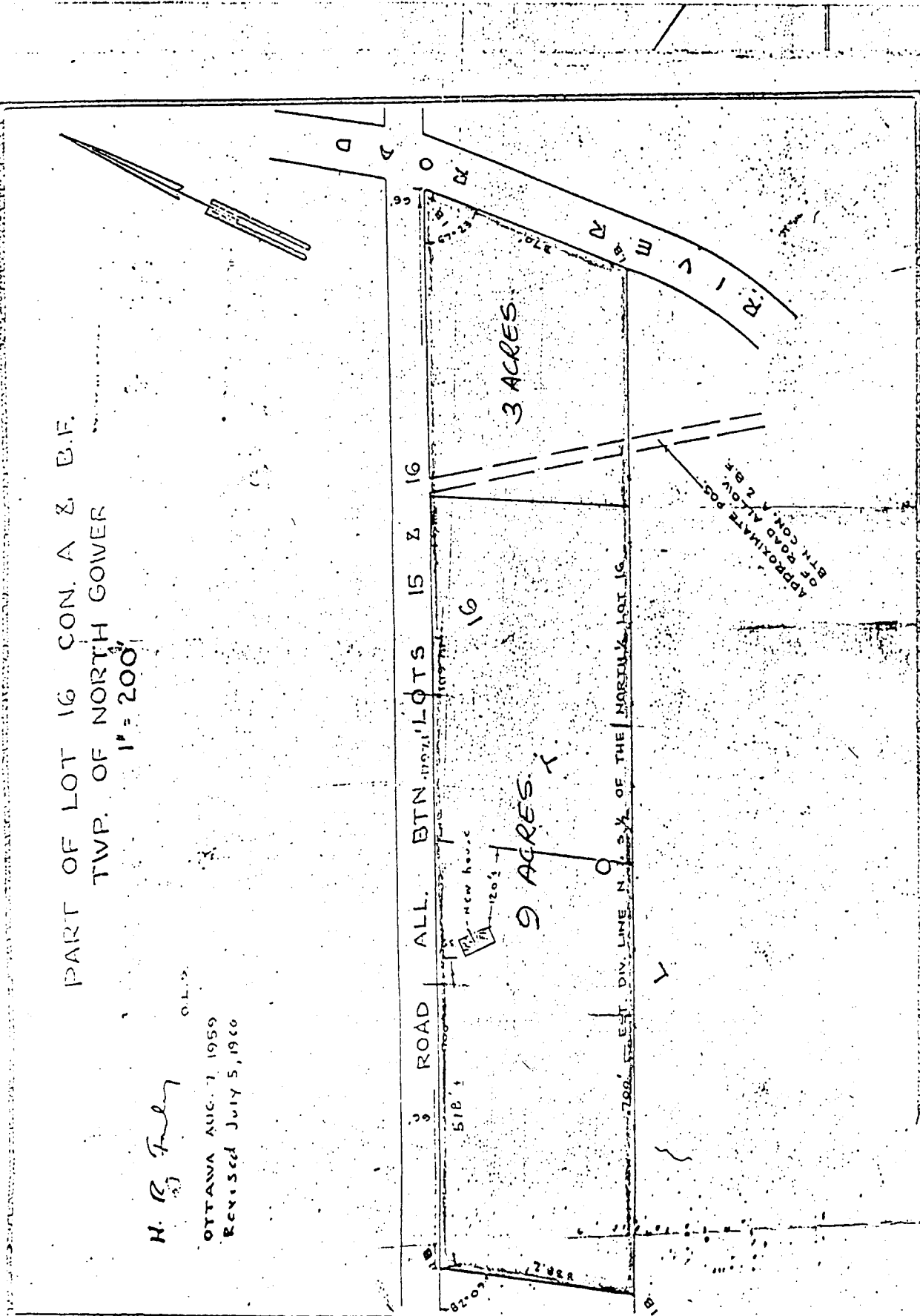
1" = 200'

H. B. Fry

O.L.P.

OTTAWA AUG. 7 1959

REVISED JULY 5, 1960







Our File/N/Réf.            B29/98  
Your File/V/Réf.

DATE                        16 June 1998

TO/DEST.                 Tim Marc, Legal Department

FROM/EXP.                Barry Edgington, Director, Development Approval Division  
                                 Planning and Development Approvals Department

SUBJECT/OBJET            **APPEAL TO OMB**  
                                 **DECISION BY REGIONAL LAND DIVISION COMMITTEE**  
                                 **RIDEAU TOWNSHIP (APPLICANT STUART EDEY)**

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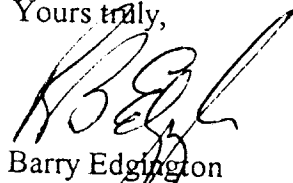
On 03 June, 1998 the Land Division Committee approved consent application B29/98; the last day to appeal is 23 June, 1998 (copy of notice attached).

The lands are legally described as Part of Lot 16 Concession A, Rideau Township (North Gower). The application was for a 1.2 ha. (3 ac.) non farm related residential lot to be severed from an overall holding of 4.9 ha. (12 ac.). Non farm related residential lots are not permitted in areas designated "Agricultural Resource" in the Regional and local Official Plans unless they meet the criteria for infill. This application does not meet those requirements as defined by the ROP and the Provincial Policy Statement.

Rideau Township staff also recommended against the application for similar reasons (report attached).

The subject consent application does not conform to the Regional and local Official Plans and therefore the Planning and Development Approvals Department is requesting that the Legal Department launch an appeal to the Ontario Municipal Board.

Yours truly,

  
Barry Edgington

Attach. (3)

cc: Councillor Betty Hill  
Brian Faddies, DAD

Regional Municipality of Ottawa-Carleton  
Ottawa-Carleton Centre, Cartier Square  
111 Lisgar Street, Ottawa, Ontario K2P 2L7

Office of Land  
Division Committee  
Tel. (613) 560-1231  
Fax. (613) 560-6006



Municipalité régionale d'Ottawa-Carleton  
Centre Ottawa-Carleton, Place Cartier  
111, rue Lisgar, Ottawa (Ontario) K2P 2L7

Bureau du Comité  
des lotissements  
Tél. (613) 560-1231  
Télécopieur (613) 560-6006

June 3rd, 1998

Mr. Chuck Stonehouse  
1073 Island View Drive  
Manotick, Ontario  
K4M 1J8

Dear Applicant:

**Re: Application for Severance B29/98 - Stuart Edey**

Attached herewith please find a copy of the decision of the Land Division Committee on your application for severance. Should you wish to appeal against the decision or against any condition imposed, notice of appeal, setting out written reasons, must be filed by **June 23rd, 1998** with:

Mr. W.D. Cook, Secretary-Treasurer  
Land Division Committee  
Planning & Development Approvals Dept.  
Reg. Mun. of Ottawa-Carleton  
111 Lisgar Street, 2nd Floor  
Ottawa, Ontario K2P 2L7

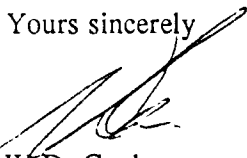
The Ontario Municipal Board Act has set a fee of \$125.00 for a primary appeal and \$25.00 for each related appeal. Cheques or Money Orders are to be made payable to the "Minister of Finance".

Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group.

You will be notified should an appeal be filed by any of the agencies or persons to whom a notice of the decision has been sent.

If additional information is required, please contact this office between the hours of 8:00 a.m. and 4:00 p.m..

Yours sincerely

  
W.D. Cook  
Secretary-Treasurer  
Land Division Committee

**copy to:** Brian Humphrys, Twp. of Rideau  
J. Ostafichuk, Regional Planning Dept.  
G. McDonald, RVCA  
Bev D'Aoust, Regional Legal Dept.  
Stuart Edey

## **Application for Severance B29/98**

Pursuant to Subsection 17 of Section 53 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, your application for consent, to sever a 3 ac. residential lot, as defined in Subsection 50(1), has been granted by the Land Division Committee.

The following conditions must be complied with on or before **June 3rd, 1999**, failing which the application for consent shall be deemed to have been refused as set out in Subsection 53(41) of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

### **Conditions Precedent:**

That executed deeds transferring title be submitted, in triplicate, to the office of the Land Division Committee on or before the above mentioned 1999 date.

That 6 original copies of a reference plan, duly signed by the Registrar, be filed with the office of the Land Division Committee when deeds are submitted for endorsement. The plan shall conform substantially to the sketch filed with the application.

The applicant must provide certification to the RMOC of the following:

- a) that the well has been constructed in accordance with MOEE guideline "Water Wells and Ground Water Supplies in Ontario",
- b) that the quality of the water meets the MOEE "Ontario Drinking Water Objectives" and
- c) that there is sufficient quantity for the intended use.

The certification must be prepared by a Professional Engineer. (This condition applies to all vacant parcels resulting from the severance application.)

**NOTE:** Should you not wish to proceed with the drilling of the well at this time, an Agreement with the RMOC may be entered into and registered on title.

That the title transfer deeds contain the following notice on "Schedule S" where the Certificate of Consent is placed: "This property is located in an agricultural area and may, therefore, be subjected to noise, odours or other nuisances associated with the agricultural industry."

That both the severed & retained parcels be rezoned by the Twp. of Rideau with all levels of appeal exhausted.

That sufficient frontage from the severed portion be deeded, at no charge, to the RMOC to provide for a road right-of-way measuring 15m from the centreline of the existing regional road unless the reference plan demonstrates that the widening is not required. If required, deeds to the Region must be registered by their Legal Department prior to endorsement of consent on the title deeds. In addition, if a widening is required, the reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys. No permanent features are permitted within the road widening.

That the applicant pay to the Twp. of Rideau \$750.00 cash-in-lieu of parkland charges.

**B29/98**

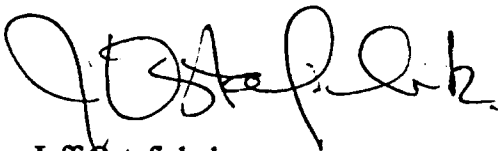
**Edey**

The proposed severance is located in an area designated "Agricultural Resource" in the Regional Official Plan and "Agricultural Resource" in Rideau Township's Official Plan.

The applicant wishes to sever a 1.2 ha (3 ac.) lot for residential use while retaining a 3.6 ha (9ac.) parcel.

Both the Regional and Rideau Official Plans do not permit non farm related residential uses in the agricultural resource areas.

The Planning and Development Approvals Department requests that this application be denied.



Jeff Ostafichuk  
Development Approvals Division

