

REGION OF OTTAWA-CARLETON  
RÉGION D'OTTAWA-CARLETON

REPORT  
RAPPORT

Our File/N/Réf. 22-00-0005  
 Your File/V/Réf.

DATE 09 June 2000

TO/DEST. Co-ordinator, Planning & Environment Committee

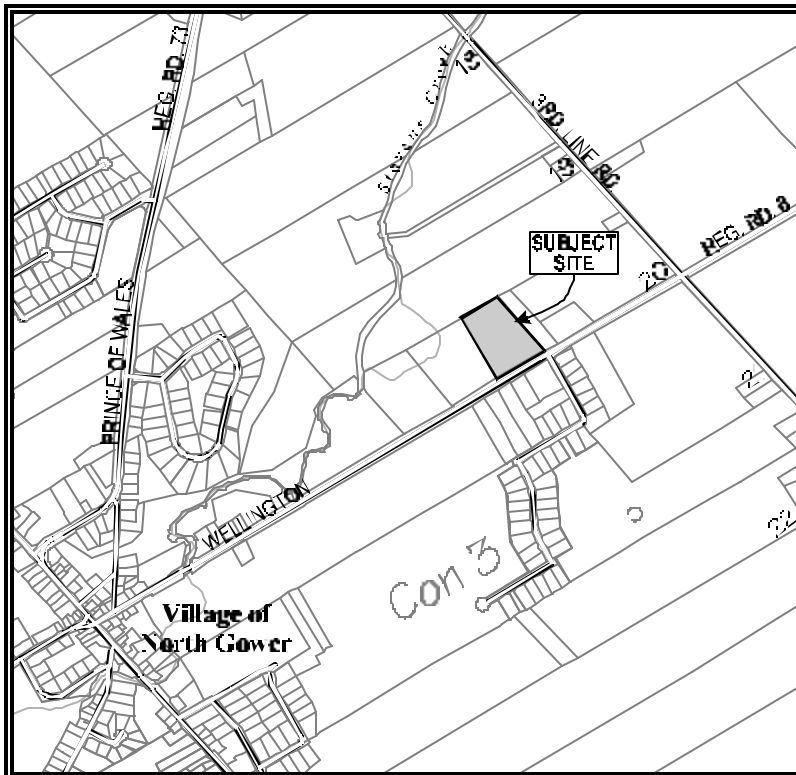
FROM/EXP. Planning and Development Approvals Commissioner

SUBJECT/OBJET **APPEAL TO OMB**  
**DECISION BY RURAL ALLIANCE SEVERANCE COMMITTEE**  
**RA-53/2000 - (STEPHENSON)**

### DEPARTMENTAL RECOMMENDATION

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

### LOCATION



## SUBJECT OF APPEAL

On 04 May, 2000 the Rural Alliance Severance Committee conditionally approved application RA-53/2000. The approval was for the creation of three 1 ha. (2.5 ac.) country estate lots (total land holdings divided equally).

The property is legally described as Lot 20, Concession 3 (formerly North Gower), Township of Rideau. The land is designated “Agricultural Resource Area” in the Regional Official Plan and “Agricultural Resource” in the Rideau Official Plan. The area is further zoned “A2-General Rural Zone”.

The only severances permitted in areas designated as such are:

- Limited farm-related lot creation
- Infill
- Areas of poor land.

The application for three country estate lots does not conform to the designations. The application is not farm-related, there is no opportunity for an infill lot and the parcel under review has not been identified as an area of poor land.

In addition, Section 7. of the Regional Official Plan states:

### 7.1.2 (Objectives)

To ensure that uses that would result in conflicts with agricultural operations are not established in productive farming areas.

In summary, the application does not conform with the Regional and Rideau Official plans, and could result in negative impacts on adjacent farming activities. The land in question is located in an area which has been designated for farming and farm-related uses. Allowing residential development in agricultural areas close to active farm operations has a negative cumulative effect. Residential uses impact directly on the ability for farm operations to expand in land area, remove the option to relocate livestock facilities and restrict the introduction of new livestock units.

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*

Attachments:

- Annex 1- Consent Application
- Annex 2- RMOC Comments
- Annex 3- Rural Alliance Committee Decision
- Annex 4 -Notice of Appeal to OMB



# SEVERANCE COMMITTEE

OFFICE ADMINISTRATOR: Gwen Wilson

FOR OFFICE USE ONLY		
Severance Application No:	RA-53100	Date Received: MAR 20 2000
Regional Official Plan Designation:	AGRICULTURAL RESOURCE	
Local Official Plan Designation:	VILLAGE-AGR-RESOURCE	
Zoning By-law No:	84-77	Zone: A2
Authorization of Owner received (if required)	Yes <input checked="" type="checkbox"/>	No ( )

1. Owners Name: Jane Stephenson Telephone: 489-4298  
 Address: 6485 De Blain Cess North Gower, Ont. K0A 2T0

2. TYPE & PURPOSE OF TRANSACTION

Creation of New Lot	<input checked="" type="checkbox"/>	Addition to a lot line (lot line adjustment) ( )	Correction of Title ( )
Mortgage or Charge	( )	Partial Discharge of Mortgage ( )	Easement/Right-of-Way ( )
Lease	( )		

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

4. LOCATION OF LAND

Municipality:	Rideau (Former North Gower)		
Lot	20	Concession:	3
Part No:	3	Reference Plan No:	SR-948
Lot No:		Registered Plan No:	
Municipal No. and Street/Roadway:	Roger Stevens Drive		

5. DIMENSIONS OF SEVERED PARCEL

Frontage:	182' (55.5M)	Average Width:	160'
Average Depth:	701' (213.66M)	Area:	2.54 acres (1.1a)

6. DIMENSIONS OF RETAINED PARCEL - 2 Parcels

Frontage:	182' each	Average Width:	160'
Average Depth:	701'	Area:	2.54 acres each

7. 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

8. EXISTING USE OF LAND TO BE SEVERED

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

PROPOSED USE OF THE LAND TO BE SEVERED

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

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

currently a treed parcel of land just outside the village of North Gower

Number and Type of buildings on the land to be severed

(a) Existing ..... N/A  
 (b) Proposed (new) ..... N/A by Apple @ this time

9. EXISTING USE OF LAND TO BE RETAINED

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

PROPOSED USE OF LAND TO BE RETAINED

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

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

currently a treed parcel of vacant land.

Number and Type of buildings on the land to be retained

(a) Existing ..... N/A  
 (b) Proposed (new) ..... N/A

10. Is the severed parcel to be used as a "FARM RETIREMENT LOT"? Yes ( ) No (✓)

11. Is the purpose of the severance to dispose of a SURPLUS FARM RESIDENCE through farm consolidation? Yes ( ) No (✓)

12. SERVICES (PROPOSED)

Municipal Water/Sewers	( )	Municipal Sewer/Well	( )	Communal Well/Septic	( )
Municipal Water/Private Sewage System	( )	Well/Private Sewage System	(✓)	Lake/Other Water Body	( )

When will proposed services be available .....

13. ACCESS TO SEVERED AND RETAINED PARCELS

Open Municipal Road	( )	Provincial Highway	( )	Water	( )
Regional Road # 6	(✓)	Private Right of Way	( )		( )

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

14. Is there an agricultural operation or an abattoir, livestock or stockyard, within 800 feet? Yes ( ) No (✓)  
 If yes, specify details and show on sketch

15. Is any part of the land swampy or subject to flooding, seasonal wetness or erosions? Yes ( ) No ()

16. Type of Soil (clay, gravel, sand, rock, etc.) clay

17. Is the subject land currently, or has it ever been, the subject of:  
A Plan of Subdivision ( ) A Zoning By-law Amendment ( )  
A Minor Variance ( ) A Ministers Zoning Order ( )  
An Official Plan Amendment ( ) Amendment (Marlborough Twp) ( )

18. 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

19. What are the previous uses of this property and the lands immediately adjacent, that may have contaminated the site? (i.e. landfill site, former gas station, road construction waste)

Are you satisfied that there are no former uses that may have caused contamination of this site? Yes () No ( )

- 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 and 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.

**APPLICATION FEES (effective May 31, 1999)**  
Separate Cheques for the following amounts must be submitted

If your application is in the Township of Rideau or Goulbourn the following cheques must accompany your application:  
"Conservation Partners" - \$250.00 + "G. Wilson Enterprises Inc." - \$1,000.00

If your application is in the Township of Osgoode or West Carleton the following cheques must accompany your application:  
"Conservation Partners" - \$150.00 + "G. Wilson Enterprises Inc." - \$1,000.00

A cheque for "Conservation Partners" is generally not required if your application is not creating a new lot.

Applications may be dropped off at your local Municipality or the Rural Alliance Severance Office, 6048 Perth Street, Richmond, Ontario K0A 2Z0 - Phone: (813) 838-3337

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): <u>Jacquie Dunbar</u>		
Address: <u>Manotick Ont.</u>	Telephone No: <u>692-0130</u>	
Name of Authorized Agent (if any): <u>Don Stephenson</u>		
Address: <u>6485 Dr. Blair C. North Gower Ont K0A2T0</u>	Telephone No: <u>489-4298</u>	
Please specify to whom all communication should be sent:		
Owner ( )	Agent ( <input checked="" type="checkbox"/> )	Solicitor ( )

IF APPLICATION IS TO BE SIGNED BY AN AGENT/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, Jane Stephenson am the owner of the land that is subject of this application for a consent and I authorize Don Stephenson To make this application on my behalf.

Date March 15, 2000 Signature of Owner [Signature]

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

Date ..... Signature of Owner .....  
(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, Don Stephenson of the Township of Rideau 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 Village of Richmond in the Regional Municipality of Ottawa-Carleton this 20 day of March 2000

[Signature]  
Commissioner of Oaths

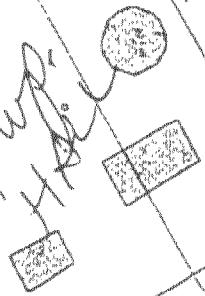
[Signature]  
Signature of Owner, Agent or Solicitor

Gwen Maureen Wilson, a Commissioner, etc.,  
Regional Municipality of Ottawa-Carleton,  
for the Rural Alliance Severance Committee.  
Expires June 16, 2002.



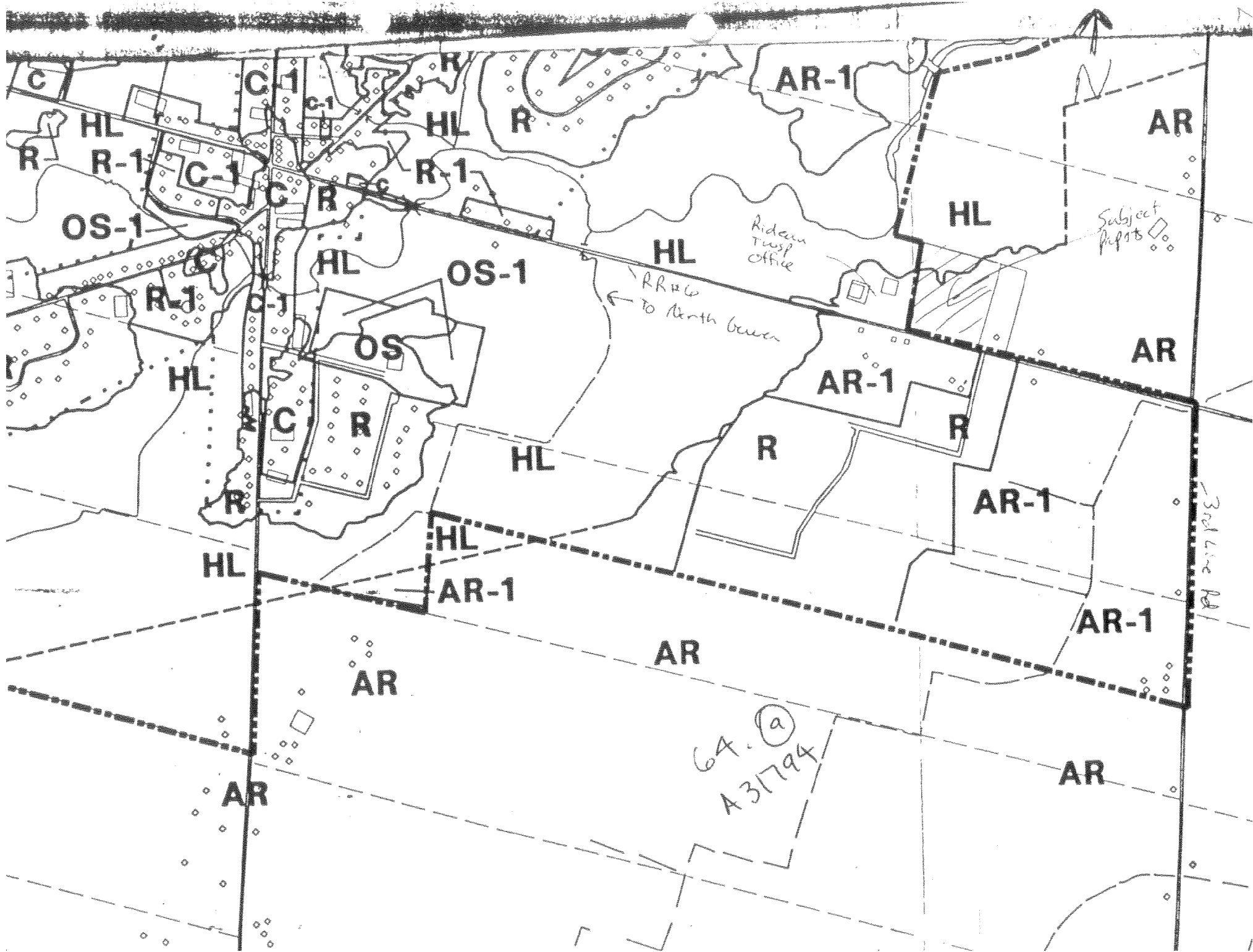


7.5 Acres  
Subject  
Twp. Hail



RA-53/00





Region of Ottawa-Carleton  
Regional Municipality of Ottawa-Carleton  
Ottawa-Carleton Centre, Cartier Square  
111 Lisgar Street, Ottawa, Ontario K2P 2L7  
Planning and Development Approvals Department

Tel. (613) 560-6058  
Fax. (613) 560-6006



Région d'Ottawa-Carleton  
Centre Ottawa-Carleton  
Place Cartier, 111 rue Lisgar  
Ottawa (Ontario) K2P 2L7  
Service de l'urbanisme et de l'approbation des  
demandes d'aménagement  
Tél. (613) 560-6058  
Télécopieur (613) 560-6006

04 May, 2000

Gwen Wilson, Office Administrator  
Rural Alliance Severance Office  
6049 Perth Street, Box 550  
Richmond, Ontario  
K0A 2Z0

Dear Ms. Wilson

**Re: Consent Application  
Hearing of May 2000**

The following consent has been reviewed by the Planning and Development Approvals Department with input from our Environmental and Transportation Sections. We offer the following comments for the Committee's consideration:

**RA-53/2000 (Stephenson)  
Lot 20, Concession 3 (North Gower)  
Township of Rideau**

The proposed severance is located outside the village boundary of North Gower. The property is designated as "Agricultural Resource Area" in the Regional Official Plan and "Agricultural Resource" in the Township of Rideau Official Plan. The lands are further designated "A2-General Rural Zone" in the Township Zoning By-law.

The applicant proposes to create three lots from a total land holding of approximately 3 ha. (7.5 ac.) for non-farm related use.

We note for the Committee's information that the lands associated with this severance form part of a larger agricultural area to the north and east of the village. The subject site including the larger agricultural parcel are identified as having class 2 soils (Ontario Institute of Pedology mapping).

The proposed severance does not conform to the agricultural policies in both the Regional and Rideau Official Plans. We therefore request that this application to create country estate lots be denied.

A handwritten signature in black ink, appearing to read "Jeff Ostafichuk".

Jeff Ostafichuk  
Development Approvals Division



Severance Office  
 6049 Perth Street, Box 550  
 Richmond, Ontario  
 K0A 2Z0  
 (613)838-3337 fax (613)838-3338

May 11, 2000

Jane Stephenson  
 6485 Dr. Blair Crescent  
 North Gower, Ontario  
 K0A 2T0

Dear Applicant:

**Re: Application for Severance RA 53/00**

Attached herewith please find a copy of the decision of the Rural Alliance Severance 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 May 31st, 2000 with:

Ms. Gwen Wilson, Office Administrator  
 Rural Alliance Severance Committee  
 6049 Perth Street, Box 550  
 Richmond, Ontario K0A 2Z0

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 8:30 a.m. and 4:00 p.m..

Yours sincerely

Gwen Wilson  
 Office Administrator  
 Rural Alliance Severance Committee

**Copy to:** B. Humphrys, Twp. of Rideau  
 J. Ostafichuk, RMOC Planning Dept.  
 G. McDonald, BYCA  
 B. DiAugust, CHOR Legal Dept.

RA-1

# RURAL ALLIANCE SEVERANCE COMMITTEE DECISION

## Application for Severance RA 53/00

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 **split your holding into three country estate lots**, as defined in Subsection 50(1), has been granted by the Rural Alliance Severance Committee.

The following conditions must be complied with on or before May 31st, 2001 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 Rural Alliance Committee on or before the above mentioned 2001 date.

That 4 original copies of a reference plan, duly signed by the Registrar, be filed with the office of the Rural Alliance Committee when deeds are submitted for endorsement. The plan shall conform substantially to the sketch filed with the severance application.

That sufficient frontage from the severed & retained portions 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. (A draft plan is to be submitted to the severance office for review by the Regional Surveyor prior to registration.)

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 subject property be rezoned by the Twp. of Rideau with all levels of appeal exhausted.

That the applicant file confirmation with the severance office that cash-in-lieu of parkland charges have been paid to the Twp. of Rideau.

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

Planning and Development Approvals  
Department  
Tel. (613) 560-2053  
Fax. (613) 560-6006



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

Service de l'urbanisme et de l'approbation  
des demandes d'aménagement  
Tél. (613) 560-2053  
Télécopieur (613) 560-6006

Direct Dial: (613) 560-6025 Ex. 1511

31 May 2000

File: O.1.2.pending

Ms. Gwen Wilson  
Rural Alliance Severance Office  
6049 Perth Street, Box 550  
Richmond, Ontario  
K0A 2Z0

Dear Ms. Wilson:

**Re: Ontario Municipal Board Appeal of Consent RA 53/00  
Stephenson, Lot 20 Concession 3 (formerly North Gower),  
Township of Rideau Rural Alliance Land Division Committee**

The Regional Municipality of Ottawa-Carleton hereby appeals Consent RA 53/00 of the Rural Alliance Land Division Committee pursuant to the *Planning Act*, Section 53(19). The reasons for this appeal are as follows:

1. The application is for the creation of three 1 ha. (2.5 ac.) country estate lots from a total land holding of approximately 3 ha. (7.5 ac.). The proposed consent is located in an "Agricultural Resource Area" designation in the Regional Official Plan and "Agricultural Resource" in the Rideau Township Official Plan. The lands are designated "A2-General Rural Zone" in the Township Zoning By-law.
2. The only lot creation permitted within this designation is for farm related residential purposes meeting very specific criteria. Non-farm uses introduce potential conflicts with the farm operation and reduce the amount of land dedicated to agricultural purposes.
3. During the recent review of the Regional Official Plan, all agricultural holdings were subjected to the Land Evaluation for Agriculture. This parcel was given a rating of 150 to 160 (Good Agricultural Potential).
4. The lands associated with this severance form part of a larger agricultural area to the north and east of the village. The subject site, including a larger agricultural parcel, are identified as having class 2 soils (Ontario Institute of Pedology mapping).

5. Such further and other grounds as counsel may advise and the Ontario Municipal Board permit.

Enclosed please find a cheque in the amount of \$125.00 payable to the Minister of Finance.

Yours truly,

A handwritten signature in cursive script that reads "A. Taschereau".

Alexia Taschereau-  
Solicitor

AT/  
Attach. (1)