

REGION OF OTTAWA-CARLETON
 RÉGION D'OTTAWA-CARLETON

REPORT
 RAPPORT

Our File/N/Réf. 22-00-0007
 Your File/V/Réf.

DATE 27 November 2000

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

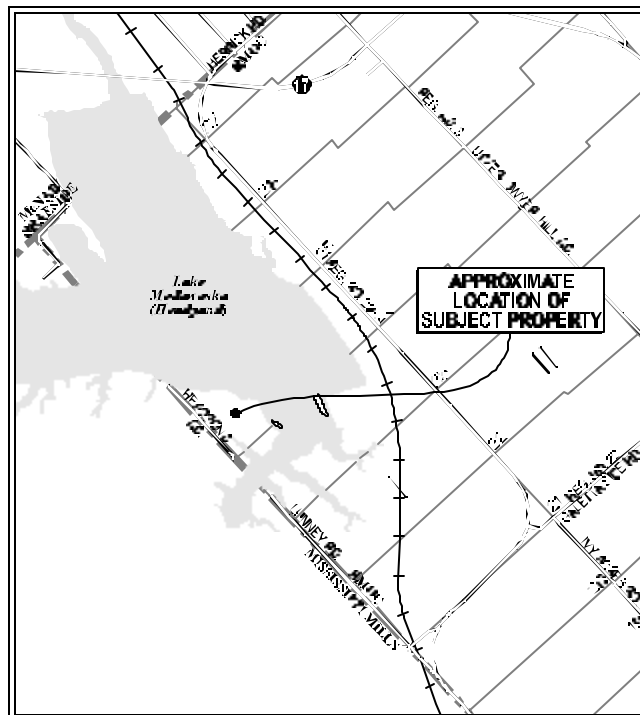
FROM/EXP. Planning and Development Approvals Commissioner

SUBJECT/OBJET **APPEAL TO OMB
 DECISION BY RURAL ALLIANCE SEVERANCE COMMITTEE
 RA-203/2000 - (McHALE)**

DEPARTMENTAL RECOMMENDATION

That the 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 18 October, 2000 the Rural Alliance Severance Committee conditionally approved application RA-203/2000. The approval was for the creation of one non-farm related residential lot of approximately 0.3 ha (.75 ac.) in size. The lands subject of this application were originally created as a farm-related retirement lot.

The property is legally described as Lot 24, Concession 1 (Formerly Fitzroy), Township of West Carleton. The land is designated “Agricultural Resource Area” in the Regional Official Plan and “Marginal Resource” in the Township of West Carleton Official Plan. The area is further zoned “RU-Rural Zone”.

We note for the Committee’s information that on 11 July, 2000, the Township Council adopted a Local Official Plan Amendment (# 80) to bring these lands into conformity with the Regional Official Plan. This amendment recognizes these lands as “Agriculture High Priority”. This amendment is presently under review by the RMOC.

The only severances permitted by the Regional and local Official Plans in areas designated for agriculture are:

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

The application for the creation of one residential lot by means of severing an existing farm-related lot does not conform to the agricultural designations of the Official Plans:

- The consent is not farm-related,
- The consent does not satisfy the requirements for infill development.
- The parcel under review has not been identified as being situated in an area of poor land.
- The lot, at 0.3 ha, is substantially smaller than the normal minimum lot size of 0.8 ha for non- farm related rural residential development

In summary, the application does not conform with the Regional Official Plan and the local Council adopted amendment (LOPA # 80). The land is located in an area which has been identified 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. There is also concern that the practice of splitting lots previously created as farm related severances may set a harmful precedent. Such a practice will undermine the intent of the agricultural land use designation.

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. (4)

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



OFFICE ADMINISTRATOR: Gwen V

FOR OFFICE USE ONLY		
Severance Application No: <u>NA-203100</u>	Date Received: <u>SEP 1 120</u>	
Regional Official Plan Designation: <u>AGRICULTURAL RESOU</u>		
Local Official Plan Designation: <u>MARINIAL RESOURCE</u>		
Zoning By-law No: <u>266/81</u>	Zone: <u>RU</u>	Section: <u>2</u>
Authorization of Owner received (if required)	Yes ()	No ()

1. Owners Name: Elaine McHale Telephone: 613 623-233
 Address: 135 Carleton St Fitzroy Harbour 613 998-2095

2. TYPE & PURPOSE OF TRANSACTION ONT KOA 1 X 0

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

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)

4. LOCATION OF LAND

Municipality: <u>West Carleton, Fitzroy</u>	
Lot: <u>24 Front 1/2</u>	Concession: <u>1</u>
Part No:	Reference Plan No:
Lot No:	Registered Plan No: <u>WR-9478</u>
Municipal No. and Street/Roadway: <u>PE-1</u>	

5. DIMENSIONS OF SEVERED PARCEL

Frontage: <u>55.5 m</u>	Average Width: <u>55.5 m</u>
Average Depth: <u>56 m</u>	Area: <u>.75 acres</u>

6. DIMENSIONS OF RETAINED PARCEL

Frontage: <u>122.10</u>	Average Width: <u>122.10</u>
Average Depth: <u>53 m</u>	Area: <u>1.81 Ae.</u>

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

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

PROPOSED USE OF THE LAND TO BE SEVERED

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

Elaborate with particulars on any items (s) designated above: *Wish to sever house on 3/4 ac from isolated piece of property 1.81 acres. No fair value on either parcel.*

Number and Type of buildings on the land to be severed (a) Existing *House & shed*
 (b) Proposed (new) *None*

9. EXISTING USE OF LAND TO BE RETAINED

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

PROPOSED USE OF LAND TO BE RETAINED

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

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

Wish to build a house on the vacant section - retirement

Number and Type of buildings on the land to be retained (a) Existing *None*
 (b) Proposed (new) *Residence*

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

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

12. SERVICES (PROPOSED)

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

When will proposed services be available *Expect 4 years 2021*

13. ACCESS TO SEVERED AND RETAINED PARCELS

Open Municipal Road	(X)	Provincial Highway	()	Water	()
Regional Road	()	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 600 feet? Yes (X) No ()

If yes, specify details and show on sketch

*store only livestock on north side of existing house
 livestock across road in Pakenham Twp.*

16. Type of Soil (clay, gravel, sand, rock, etc.) *Sandy Loam*
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 | <i>LCPA 80</i> (x) | 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
..... Previous owner - 2 County Estate Lots d & a Retirement Lot
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)
..... Nil
- Are you satisfied that there are no former uses that may have caused contamination of this site? Yes (x) 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 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 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, 6049 Perth Street, Richmond, Ontario K0A 2Z0 - Phone: (613) 838-3337

PLANNING ACT and will be used to process this application.

Name of Owners Solicitor (if any):		
Address:		Telephone No:
Name of Authorized Agent (if any):		
Address:		Telephone No:
Please specify to whom all communication should be sent:		
Owner <input checked="" type="checkbox"/>	Agent <input type="checkbox"/>	Solicitor <input type="checkbox"/>

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, am the owner of the land that is subject of this application for a consent and I authorize To make this application on my behalf.

Date Signature of Owner

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, Elaine McHale of the Township of West Carleton 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 11th day of September 2000

Gwen Wilson Commissioner of Oaths

Elaine McHale 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.

REQUIRED SKETCH

APPLICANT'S NAME: Blaine McHale

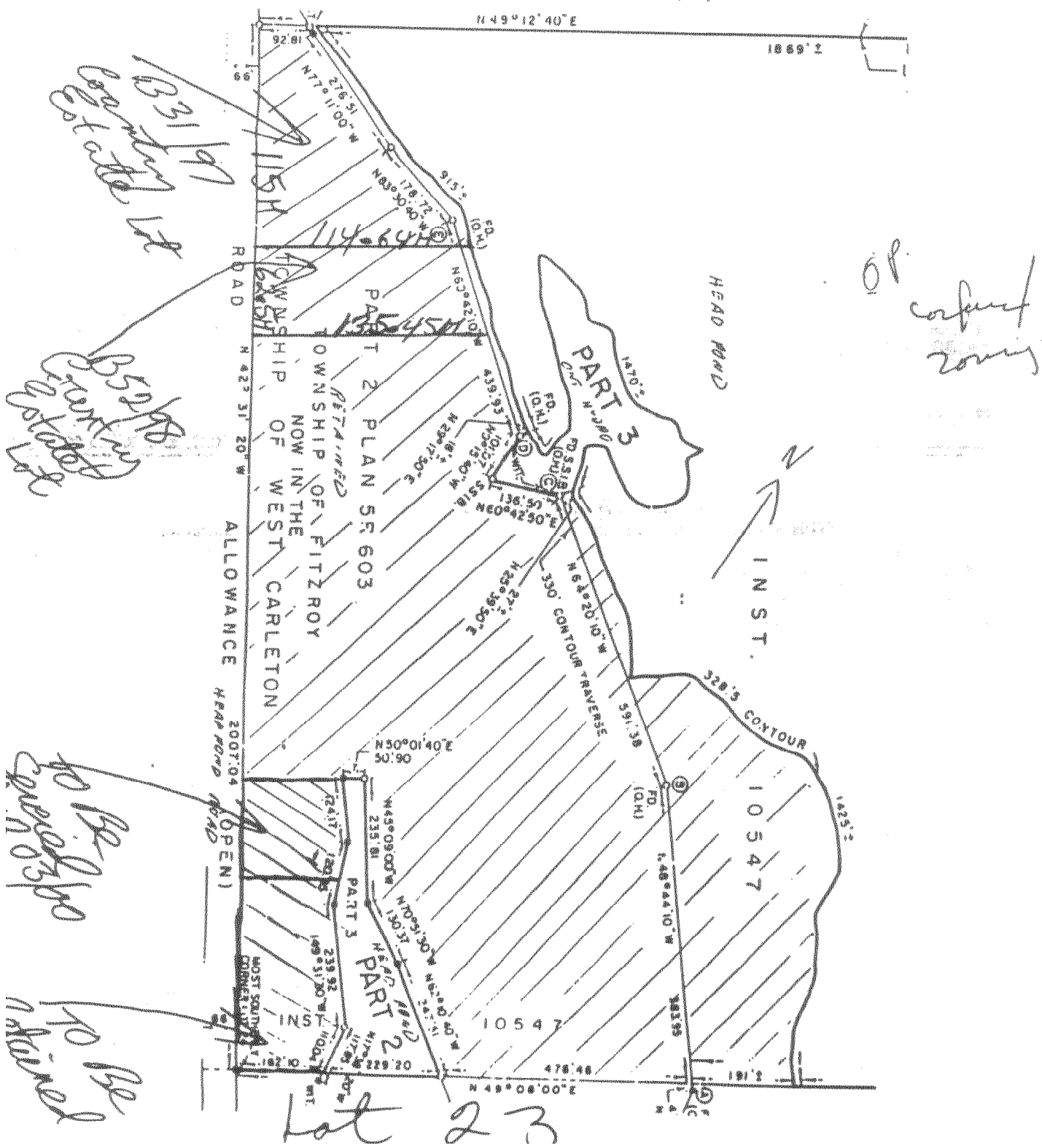
ADDRESS: [Redacted]

LOT: 23 CONCESSION [Redacted] MUNICIPALITY: [Redacted]

REGISTERED PLAN No: [Redacted]

QUARTER OF LOT N.W. () N.E. ()

S.W. () S.E. ()



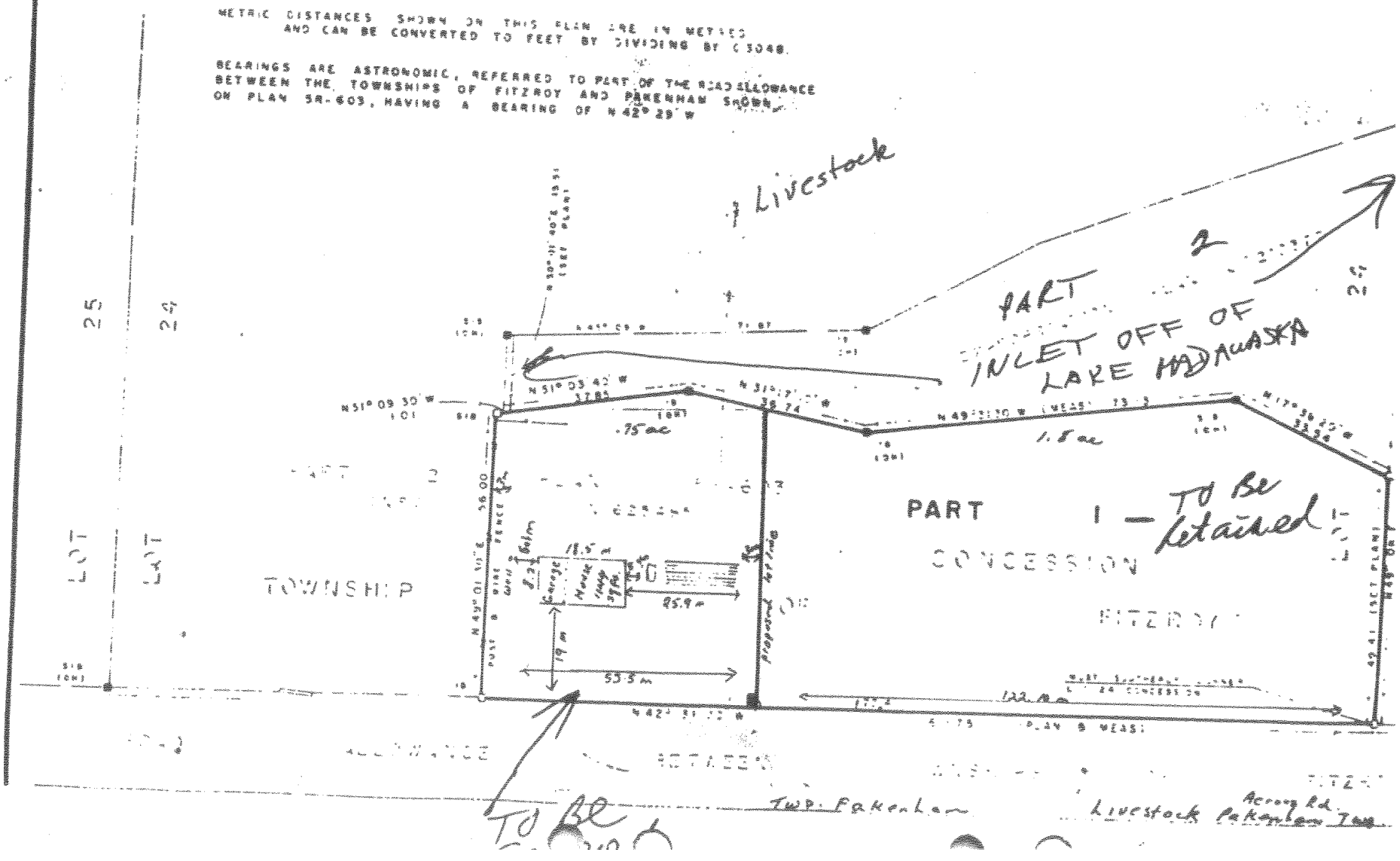
FRONT HALF OF LOT 24
 CONCESSION 1
 TOWNSHIP OF FITZROY
 (NOW IN THE TOWNSHIP OF WEST CARLETON)
 REGIONAL MUNICIPALITY OF OTTAWA-CARLETON
 SCALE 1" = 750'

42-9478

SURY. ROWE & KASPRZAK LIMITED
 1993

METRIC DISTANCES SHOWN ON THIS PLAN ARE IN METERS
 AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

BEARINGS ARE ASTRONOMIC, REFERRED TO PART OF THE ROAD ALLOWANCE
 BETWEEN THE TOWNSHIPS OF FITZROY AND PAKENHAM SHOWN
 ON PLAN SR-603, HAVING A BEARING OF N 42° 29' W



Region of Ottawa-Carleton
Regional Municipality of Ottawa-Carleton
Ottawa-Carleton Centre, Carlier 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 Carlier, 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

17 October, 2000
Gwen Wilson, Office Administrator
Rural Alliance Severance Office
6049 Perth Street, Box 550
Richmond, Ontario
K0A 2Z0
Dear Ms. Wilson

RECEIVED

OCT 18 2000

**RURAL ALLIANCE
SEVERANCE OFFICE**

Re: Consent Application
Hearing of October 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-203/2000 McHale
Lot 24, Concession 1 (Fitzroy)
Township of West Carleton

The proposed severance is located in an area designated "Agricultural Resource Area" in the Regional Official Plan. The lands are further designated "Marginal Resource" in the Township of West Carleton Official Plan.


We note that on July 11, 2000 the Township Council adopted Local Official Plan Amendment #80. This Amendment re-designated the subject lands from "Marginal Resource to Agricultural Resource High-Priority". The Amendment has not received approval from the RMOC.

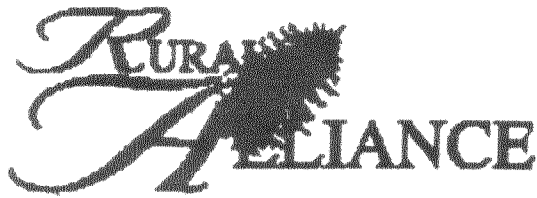
We understand that the applicant wishes to sever a .3 ha. (.75 ac.) lot from an overall holding of 1 ha. (2.6 ac.). It is noted that the property in question was originally severed as a retirement lot.

We can not support an application for a non farm-related lot in an area which is designated for agriculture by the Regional Official Plan. Furthermore, aside from the current designation and LOPA this consent does not conform to the Township Zoning By-law.

Although the parcel may not be viable for agriculture, adding non farm related uses will have an impact on already existing agricultural operations surrounding this property.

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


Jeff Ostafichuk
Development Approvals




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

October 20th, 2000

Elaine McHale
135 Carleton Street
Fitzroy Harbour, Ontario
K0A 1X0

Dear Applicant:

Re: Application for Severance RA 203/00

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  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: T. MacHardy, Twp. of West Carleton
J. Ostafichuk, RMOC Planning Dept., P. MacMillan, MVCA

RURAL ALLIANCE SEVERANCE COMMITTEE DECISION

Application for Severance RA 203/00

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 a farm retirement lot into two parcels, 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 **October 20th, 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 3 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.

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 a 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 the subject property (severed & retained parcels) be rezoned by the Twp. of West Carleton with all levels of appeal exhausted.



9 November 2000

File: O.1.2.75

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 203/2000, McHale Township of West Carleton, Rural Alliance Land Division Committee

The Regional Municipality of Ottawa-Carleton hereby appeals Consent RA 203/2000 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 lands are legally described as Lot 24, Concession 1 (Fitzroy), Township of West Carleton. The application request was for a non farm related residential lot to be severed from an existing retirement lot of 1ha. (2.6ac) in size. The applications, if approved, would permit the severance of a .3ha(.75 ac.) lot from an overall holding of 1 ha. (2.6ac.) The proposed consent is located in an "Agricultural Resource Area" designation in the Regional Official Plan and "Marginal Resource" in the West Carleton Official Plan. Further on 11 July 2000, the Township Council adopted Local Official Plan Amendment # 80. This amendment redesignated the lands subject of this appeal from Marginal Resource to Agriculture High-Priority. This amendment has not received approval from the RMOC.
2. Non-farm residential development is not a permitted use in the "Agricultural Resource Area" designation in the Regional Official Plan. Such new uses would result in potential land use conflicts that could adversely affect the long-term viability of the farming operation. As such, the proposed consent is not in conformity with the objectives of the "Agricultural Resource Area" designation in Regional Official Plan
3. Non-farm related lot development is permitted under very limited circumstances and when specific criteria are met. This consent does not conform to the Township of West Carleton local Council adopted Official Plan Number 80.

4. This application is for a non farm-related lot in an area which is designated for agriculture by the Regional Official Plan. This consent does not conform to the Township of West Carleton Zoning By number 80.
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,



Alexia Taschereau
Solicitor
AT/ce
Attach.(1)