

**DECISION
CONSENT/SEVERANCE**

Date of Decision	March 15, 2024
Panel:	3 - Rural
File No(s):	D08-01-24/B-00008
Application:	Consent under Section 53 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	OttawaWest Development Inc.
Property Address:	6435 Fallowfield Road
Ward:	21 – Rideau-Jock
Legal Description:	Part of Lot 21, Concession 8, Geographic Township of Goulbourn
Zoning:	RU
Zoning By-law:	2008-250
Hearing Date:	March 5, 2024, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to subdivide the property into two separate parcels of land for residential development. It is proposed to construct a new detached dwelling on each parcel. The existing equestrian facility will remain on one parcel and the existing dwelling and detached garage will be demolished.

CONSENT IS REQUIRED FOR THE FOLLOWING

- [2] The Owner requires the Committee’s consent to sever the land.
- [3] The severed land, shown as Parcel 1 on a sketch filed with the application, will have a frontage of 184.16 metres, an irregular depth of 747.75 metres, and a lot area of 30.52 hectares. This parcel contains the existing dwelling and equestrian facility and is known municipally as 6435 Fallowfield Road.
- [4] The retained land, shown as Parcel 2 on said sketch, will have a frontage of 112.91 metres, an irregular depth of 128.46 metres, and a lot area of 1.46 hectares. This parcel will be municipally known as 6405 Fallowfield Road.
- [5] The proposed development on the retained land will not be in conformity with the requirements of the Zoning By-law and therefore, a minor variance application (File

No. D08-02-24/A-00008) has been filed and will be heard concurrently with this application.

PUBLIC HEARING

- [6] Prior to the scheduled hearing on March 5, 2024, the Committee received an adjournment request from the City's Planning, Real Estate and Economic Development Department to allow the Applicant additional time to submit a revised Mineral Resource Impact Assessment
- [7] At the hearing on March 5, 2024, Benjamin Clare, Agent for the Applicant, requested to have the application heard, noting that, in his opinion, adequate information had been provided. He also highlighted that the City had requested a revised Mineral Resource Impact Assessment as a condition of approval and indicated he would have no objection to the imposition of that condition. The Committee agreed to hear the application without delay.

Oral Submissions Summary

- [8] Mr. Clare provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request. In response to City Planning staff concerns over the proximity of the proposed lots to mineral extraction zones, Mr. Clare submitted that the proposed development will not preclude or hinder existing aggregate operations, or the establishment of new ones, based on the conclusions of the technical studies provided in support of the applications. He explained that the Mineral Resource Impact Assessment and noise and hydrogeological studies also included a hypothetical future aggregate operation on the lands to south, across Fallowfield Road, further noting that the provision of a berm on the lands to the south was anticipated by the noise study. Mr. Clare also identified that there are several existing homes in the immediate vicinity of the subject property.
- [9] City Planner Luke Teeft addressed his concerns with the applications, highlighting that the proposal represents significant reductions from the minimum setback from existing and future aggregate operations, and additional information would be required to satisfy these concerns.
- [10] Marc Steenbakkers, the Owner/Applicant, summarized the current activity at the "Kemp pit," which recently resumed operation on the property to the east. Mr. Clare noted that the Kemp pit is used for sand extraction, and that it is not a quarry that involves blasting and associated noise and vibration impacts.
- [11] Eric LaLande of the Rideau Valley Conservation Authority responded to a question from the Committee regarding the impact of the flood plain on future operations on the property to the south. He noted that the location of the flood plain would not necessarily prohibit the issuance of a pit license, but that more information would be required to determine specific impacts. Mr. Clare explained that the technical

studies provided, including the noise and hydrogeological studies, assumed the greatest possible output from any future operation on the lands to the south.

[12] Mr. Clare confirmed that a previous consent application (D08-01-19/B-00251) was conditionally approved, but was allowed to lapse, as the accompanying minor variance application (D08-02-20/A-00152) had been refused and the Owner/Applicant's preference was to proceed with a new proposal, accompanied by updated studies.

[13] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION REFUSED

Application Must Satisfy Statutory Tests

[14] Under the *Planning Act*, the Committee has the power to grant a consent if it is satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. Also, the Committee must be satisfied that an application is consistent with the Provincial Policy Statement and has regard for matters of provincial interest under section 2 of the Act, as well as the following criteria set out in subsection 51(24):

Criteria

(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- b) whether the proposed subdivision is premature or in the public interest;
- c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- d) the suitability of the land for the purposes for which it is to be subdivided;
 - d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
- e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

- f) the dimensions and shapes of the proposed lots;
- g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- h) conservation of natural resources and flood control;
- i) the adequacy of utilities and municipal services;
- j) the adequacy of school sites;
- k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

Evidence

[15] Evidence considered by the Committee included all oral submissions made at the hearing, as highlighted above, and the following written submissions held on file with the Secretary-Treasurer and available from the Committee Coordinator upon request:

- Application and supporting documents, including cover letter, parcel registers, Lot Development Plan, Planning Rationale, Minimum Distance Separation Report, Aggregate Impact Assessment Compatibility Letter, Noise Control Feasibility Study, Revised Environmental Impact Statement, Hydrogeological Investigation, Phase I ESA, photo of the posted sign, and a sign posting declaration.
- Hydro Ottawa email received February 27, 2024, with comments.
- City Planning Report received February 29, 2024, requesting adjournment.
- Rideau Valley Conservation Authority email received March 1, 2024, with no objections.
- Ontario Septic Systems Office email received March 1, 2024, with no objections.

- Ministry of Transportation email received March 1, 2024, with no comments.

Effect of Submissions on Decision

- [16] The Committee considered all written and oral submissions relating to the application in making its decision and refused the application.
- [17] The Committee notes that the City's Planning Report raises "concerns" regarding the applications, highlighting that the "proposed new lots are in close proximity to lands zoned for mineral extraction and an acceptable MRIA has not yet been submitted."
- [18] Based on the evidence, the Committee is not satisfied that the proposal is consistent with the Provincial Policy Statement that promotes efficient land use and development as well as intensification and redevelopment within built-up areas, based on local conditions. The Committee is also not satisfied that the proposal has adequate regard for the criteria specified under subsection 51(24) of the *Planning Act*, including the reduced setbacks for the lots considered under Minor Variance application D08-01-24/A-00008 which was refused, or that it is in the public interest.

"William Hunter"
WILLIAM HUNTER
VICE-CHAIR

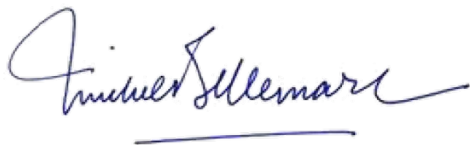
"Terence Otto"
TERENCE OTTO
MEMBER

"Beth Henderson"
BETH HENDERSON
MEMBER

"Martin Vervoort"
MARTIN VERVOORT
MEMBER

"Jocelyn Chandler"
JOCELYN CHANDLER
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **March 15, 2024**.



Michel Bellemare
Secretary-Treasurer

NOTICE OF RIGHT TO APPEAL

To appeal this decision to the Ontario Land Tribunal (OLT), a completed appeal form along with payment must be received by the Secretary-Treasurer of the Committee of Adjustment by **April 4, 2024**, delivered by email at cofa@ottawa.ca and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,
101 Centrepointe Drive, 4th floor, Ottawa, Ontario, K2G 5K7

The Appeal Form is available on the OLT website at <https://olt.gov.on.ca/>. The Ontario Land Tribunal has established a filing fee of \$400.00 per type of application with an additional filing fee of \$25.00 for each secondary application. Payment can be made by certified cheque or money order made payable to the Ontario Minister of Finance, or by credit card. Please indicate on the Appeal Form if you wish to pay by credit card. If you have any questions about the appeal process, please contact the Committee of Adjustment office by calling 613-580-2436 or by email at cofa@ottawa.ca.

Only the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A “specified person” does not include an individual or a community association.

There are no provisions for the Committee of Adjustment or the Ontario Land Tribunal to extend the statutory deadline to file an appeal. If the deadline is not met, the OLT does not have the authority to hold a hearing to consider your appeal.

If a major change to condition(s) is requested, you will be entitled to receive Notice of the changes only if you have made a written request to be notified.

NOTICE TO APPLICANT(S)

All technical studies must be submitted to Planning, Real Estate and Economic Development Department a minimum of **40 working days** prior to lapsing date of the consent. Should a Development Agreement be required, such request should be initiated **15 working days** prior to lapsing date of the consent and should include all required documentation including the approved technical studies.

Ce document est également offert en français.

Committee of Adjustment
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