

2024-05-08



**CONSENT APPLICATION  
COMMENTS TO THE COMMITTEE OF ADJUSTMENT  
PANEL 3**

**PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

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Site Address: 6930 Fallowfield Road  
Legal Description: Part of Lot 17, Concession 7, Geographic Township of Goulbourn  
File No.: D08-01-24/B-00067 & D08-01-24/B-00068  
Report Date: May 08, 2024  
Hearing Date: May 14, 2024  
Planner: Luke Teeft  
Official Plan Designation: Rural Transect, Rural Countryside, Flood Plain Overlay  
Zoning: RU, Flood Plain Overlay

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**DEPARTMENT COMMENTS**

The Planning, Development and Building Services Department **has some concerns with** the applications.

**DISCUSSION AND RATIONALE**

Section 53 (12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, permits the criteria for the subdivision of land listed in Section 51 (24) to be considered when determining whether provisional consent may be granted by a committee of adjustment. With respect to the criteria listed in Section 51 (24), staff have concerns with the proposed consent.

The new lots are both proposed with lot lines that extend into a flood plain on the property. According to Section 10.1.1, Policy 1 of the Official Plan, development and site alteration, including lot creation is not permitted within a flood plain, however the lots themselves have significant space outside of the flood plain. Staff would like to see realistic development envelopes clearly indicated to ensure that construction can occur outside the floodplain.

Staff have no further concerns with the applications as submitted.

**ADDITIONAL COMMENTS**

**Right of Way Management**

- The Right-of-Way Management Department has no concerns with the proposed Consent Applications, however, upon severance of Parcel 2 there will be a farm/field access that must change designation to a temporary private approach access. The Owner shall be made aware that a private approach permit is required to construct any newly created driveway/approach, as well as to modify, relocate, or remove an existing private approach.

## CONDITIONS

If approved, the Planning, Real Estate and Economic Development Department requests that the Committee of Adjustment impose the following conditions on the applications:

1. That the Owner(s) provide evidence that payment has been made to the City of Ottawa for cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal costs. The value of land otherwise required to be conveyed shall be determined by the City of Ottawa in accordance with the provisions of By-Law No. 2022-280, as amended. Information regarding the appraisal process can be obtained by contacting the Planner.
2. That the Owner(s) provide proof to the satisfaction of the **Development Review Manager of the Relevant Branch within the Planning, Development and Building Services Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, that each existing parcel has its own independent private sewage system, storm/foundation drainage, and well and that they do not cross the proposed severance line. If the systems cross the proposed severance line, are not independent, or do not meet the minimum spacing requirements of the Ontario Building Code and City of Ottawa Hydrogeological and Terrain Analysis Guidelines, the Owner(s) will be required to relocate the existing systems or construct new systems, at his/her own cost.
3. That the Owner enter into an Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the **Relevant Manager of the Relevant Branch within Planning, Development and Building Services Department, or his/her designate**, which provides the following covenant/notice that runs with the land and binds future Owner(s) on subsequent transfers:

“The City of Ottawa does not guarantee the quality or quantity of the groundwater. If, at some future date, the quality or the quantity of the groundwater becomes deficient, the City of Ottawa bears no responsibility, financial or otherwise, to provide solutions to the deficiency, such solutions being the sole responsibility of the homeowner.”

The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

4. The Owner(s) shall prepare a noise attenuation study in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of the **Relevant Manager of the Relevant Branch within Planning, Development and**

**Building Services Department, or his/her designate.** The Owner(s) shall enter into an agreement with the City that requires the Owner to implement any noise control attenuation measures recommended in the approved study. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

5. That the Owner enter into an Agreement with the City, at the expense of the Owner, which is to be registered on Title to deal with the covenants/notices that shall run with the land and bind future owners on subsequent transfers;

“The property is located next to lands that have an existing source of environmental noise (arterial) and may therefore be subject to noise and other activities associated with that use.”

The Agreement shall be to the satisfaction of the **Relevant Manager of the Relevant Branch within Planning, Development and Building Services Department, or his/her designate.** The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

6. That the Owner acknowledges and agrees to convey to the City, at no cost to the City, an unencumbered road widening across the complete frontage of the lands, measuring 15 meters from the existing centerline of pavement/the abutting right-of-way along Fallowfield Road, pursuant to Section 50.1(25)(c) of the Planning Act and Schedule C16 of the City’s new Official Plan, if required. The exact widening must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the widening, to the City Surveyor for review and approval prior to its deposit in the Land Registry Office. Such reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys. The Owner(s) must provide to the **City Surveyor** a copy of the Committee of Adjustment Decision and a draft Reference Plan that sets out the required widening. The Committee requires written confirmation from **City Legal Services** that the transfer of the widening to the City has been registered. All costs shall be borne by the Owner.
7. That the Owners provide a report, to the satisfaction of the **City of Ottawa**, demonstrating the adequacy of the aquifer with respect to quality and quantity to support the proposed development, failing which the Owners construct a new well on the severed lot and provide a report, to the satisfaction of the City of Ottawa, to demonstrate the adequacy of the aquifer with respect to quality and quantity to support the proposed development. The report must include a septic impact assessment to evaluate the water quality impact of the on-site septic system on the receiving aquifer.

The Owners’ report must demonstrate the following to the City of Ottawa:

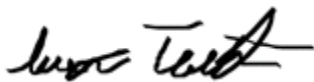
- a. That the construction of any new well on the severed parcel is in accordance with the Ministry of the Environment, Conservation and Parks
- b. That the quality of the water meets the Ministry of the Environment, Conservation and Parks Regulations, Standards, Guidelines and Objectives;
- c. That the quantity of water meets all the Ministry of the Environment, Conservation and Parks requirements.
- d. That the septic impact assessment meets the Ministry of the Environment, Conservation and Parks requirements.

A qualified Professional Engineer or Professional Geoscientist must prepare the report. It is the Owner's responsibility to coordinate the person drilling a new well, if required, and the professional noted herein in order to properly satisfy this condition.

If the accepted report recommends specific mitigation measures or design requirements, the Owners shall enter into a Development Agreement with the City, at the expense of the Owners, which is to be registered on the title of the property, which includes those recommendations. In instances where the subject site has sensitive soils, the drilling of a well and/or the conveyance of a 30-centimetre reserve may be required. Both the report and any required Development Agreement shall be prepared to the satisfaction of the **Relevant Manager of the Relevant Branch within Planning, Development and Building Services Department , or his/her designate**.

The Report shall be prepared as per Procedure D-5-4 "Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment" and Procedure D-5-5 "Technical Guideline for Private Wells: Water Supply Assessment".

8. That the Owner(s) prepare and submit plans which show development envelopes on both parcels which are outside of the flood plain, at their expense and to the satisfaction of the **Relevant Manager of the Relevant Branch within Planning, Development and Building Services Department, or his/her designate**.



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Luke Teeft  
Planner I, Development Review, All Wards  
  
Planning, Development and Building  
Services Department



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Erin O'Connell  
Planner III, Development Review, All  
Wards  
Planning, Development and Building  
Services Department