

2024-10-31



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

**PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT**

Site Address: 3423 Torbolton Ridge Drive  
Legal Description: Part of Lot 7, Concession 1, Geographic Township of West Carleton  
File No.: D08-01-24-B-00185 & D08-01-24-B-00186  
Report Date: October 31, 2024  
Hearing Date: November 05, 2024  
Planner: Nivethini Jekku Einkaran  
Official Plan Designation: Rural Transect, Rural Countryside, Natural Heritage Overlay  
Zoning: RU

**DEPARTMENT COMMENTS**

The Planning, Development and Building Services Department **has no concerns with** the application(s).

**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 no concerns with the proposed consent.

The subject property is zoned as RU – Rural Countryside Zone. The property is within the Rural Transect and designated as Rural Countryside, as per Schedules A and B9 of the Official Plan. This area is generally planned to permit a range of rural-based land uses including country residential lots created by severance which maintain the rural context of large lots and distance separation requirements.

**ADDITIONAL COMMENTS**

**Right of Way Management**

The Right-of-Way Management Department has **no concerns** with the proposed Consent Application to subdivide the property into three separate parcels of land to create two new lots for future residential development.

The land to be severed containing the detached dwelling will be keeping their existing entrance. A Private Approach permit is required to construct any newly created or modified driveway/approaches or close redundant approaches. For a vacant lot a Private Approach Temporary Access permit can be obtained prior to development.

Please contact the ROW Department for any additional information at [rowadmin@ottawa.ca](mailto:rowadmin@ottawa.ca) or visit the City webpage [Driveways | City of Ottawa](https://www.ottawa.ca/urbanisme) to submit a Private Approach application.

## CONDITIONS

If approved, the Planning, Development, and Building Services Department requests that the Committee of Adjustment impose the following condition(s) on the application(s):

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 evidence, to the satisfaction of the **Manager of the Development Review All Wards Branch, or their designate**, to be confirmed in writing from the Department to the Committee, that the Minimum Distance Separation requirements of the Ministry of Agriculture, Food and Rural Affairs have been met.
3. That the Owner enter into an Agreement with the City, at the expense of the Owner(s) and to the satisfaction of **Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their 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. 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 (Torbolton Ridge Road is a Collector Road) and may therefore be subject to noise and other activities associated with that use”

The Agreement shall be to the satisfaction of **Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**. 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 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 13 meters from the existing centerline of pavement/the abutting right-of-way along Torbolton 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.

6. That the Owner enter into an Agreement with the City, at the expense of the Owner(s) and to the satisfaction of **Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**, which provides the following covenant/notice that runs with the land and binds future Owner(s) on subsequent transfers:

“The City of Ottawa has identified that there are potential sensitive marine clay soils, and thin soils within the area that may require site specific detailed geotechnical engineering solutions to allow for development, 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.

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:

- That the construction of any new well on the severed parcel is in accordance with the Ministry of the Environment, Conservation and Parks
- That the quality of the water meets the Ministry of the Environment, Conservation and Parks Regulations, Standards, Guidelines and Objectives;
- That the quantity of water meets all the Ministry of the Environment, Conservation and Parks requirements.
- 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 Development Review All Wards Manager Branch within Planning, Development and Building Services Department, or their designate.



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