

2025-05-14



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

**PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT**

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| Site Address:              | 2020 Lockhead Road East  |
| Legal Description:         | Part of Lot 26, Concession 2, Geographic Township of North Gower           |
| File No.:                  | D08-01-25/B-00074  |
| Report Date:               | May 14, 2025   |
| Hearing Date:              | May 20, 2025   |
| Planner:                   | Dylan Geldart  |
| Official Plan Designation: | Rural Transect, Agricultural Resource Area Designation, Floodplain Overlay |
| Zoning:                    | AG3  |

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**DEPARTMENT COMMENTS**

The Planning, Development and Building Services Department **recommends refusal of** the application.

**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 are of the opinion the proposed consent application does not meet the Provincial Planning Statement or intent of the Official Plan.

The subject property is designated 'Agricultural Resource Area' in the Rural Transect on Schedule B9 of the Official Plan. The purpose of this designation is to maintain large, contiguous blocks of agricultural land and prevent their fragmentation through the creation of new residential lots.

According to Policy 3 of Section 9.1.3 of the Official Plan, consent for a new residential lot may only be considered where the lot contains an existing habitable dwelling that is made surplus through farm consolidation, and where all other associated criteria are met.

The proposed consent application does not meet these criteria as it would contribute to the expansion of residential development within a designated agricultural resource area. Planning Staff are therefore, recommending the proposed consent application be refused.

## **ADDITIONAL COMMENTS**

### **Infrastructure Engineering**

- The Planning, Development and Building Services Department will do a complete review of grading and servicing during the building permit process.
- At the time of building permit application, a grading/servicing plan prepared by a Professional Engineer, Ontario Land surveyor or a Certified Engineering Technologist will be required.
- The surface storm water runoff including the roof water must be self-contained and directed to the City Right-of-Way, not onto abutting private properties as approved by Planning, Development and Building Services Department.
- A private approach permit is required for any access off of the City street.
- Existing grading and drainage patterns must not be altered.
- The Planning, Development and Building Services Department requires proof that the Rideau Valley Conservative Authorities have granted their approval due to development being located within the regulatory limit.

### **Planning Forestry**

There are no tree-related impacts associated with the proposed severance application. A TIR and tree permit application would be required for any work that would require removal of any trees within the City's right-of-way.

### **Right of Way Management**

Lockhead Road East is designated as a collector road and therefore has a 26m ROW protection per Schedule C16 of the Official Plan. Land within the protected ROW of Lockhead Road East must be dedicated to the City of Ottawa as a road ROW widening.

## **CONDITIONS**

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

1. That the Owner(s) provide proof, to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, that the Minimum Distance Separation requirements of the Ministry of Agriculture, Food and Rural Affairs have been met. Notice shall be provided in writing to the Committee from the Department confirming this condition has been fulfilled.

2. That the Owner(s) provide a report, to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, demonstrating the adequacy of the aquifer, with respect to quality and quantity, to support the proposed development.

Where adequacy cannot be demonstrated, the Owner(s) shall construct a new well on the severed lands and provide a report, to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, 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 report must demonstrate the following:

- 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, and
- 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 Owner(s) shall enter into a Development Agreement with the City, at the expense of the Owner(s), to include those recommendations and such agreement shall be registered on title. 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 Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their 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”.

3. That the Owner(s) enter into an Agreement with the City, at the expense of the Owner(s), which is to be registered on title to deal with the following covenant/notice that shall run with the land and bind future owners 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 shall be provided a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

4. That the Owner provide a Geotechnical Study, prepared by a Professional Civil Engineer, licensed in the Province of Ontario, demonstrating the following:
  - That all parcels to be created by this application are or can be made suitable for residential purposes (slope stability, erosion protection, and building limits adjacent to slopes),
  - That there are no adverse environmental impacts, and
  - The Geotechnical Study shall, as a minimum, determine the limit of organic soils/karst topography/sensitive marine clays present on the severed parcel and provide recommendations for construction methods based on the soil types encountered.

The study shall be to the satisfaction of both the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate and the Rideau Valley Conservation Authority.

5. That the Owner(s) enter into an Agreement with the City, at the expense of the Owner(s), which is to be registered on title to deal with the following covenant/notice that shall run with the land and bind future owners on subsequent transfers:

“The City of Ottawa has identified that there are potential sensitive marine clay 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 shall be provided a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

6. The Owner(s) shall:

- a) prepare a Noise Control Study, in compliance with the City of Ottawa Environmental Noise Control Guidelines, to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate. The Owner(s) shall enter into an agreement with the City, at the expense of the Owner(s), that requires the Owner(s) to implement any noise control attenuation measures recommended in the approved study. The Agreement shall also deal with any covenants/notices, recommended in the approved study, that shall run with the land and bind future owners on subsequent transfers, warning purchasers and/or tenants of expected noise levels due to the existing source of environmental noise (arterial, highway, airport, etc.). The Committee shall be provided a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

**or**

- b) Design the dwelling units with the provision for adding central air conditioning at the occupant's discretion and 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, warning purchasers and/or tenants of expected noise levels due to the existing source of environmental noise. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title. The following two conditions will be included in the above-noted Agreement:

**Notices-on-Title respecting noise:**

- i. “The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that this dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the Purchaser/Lessee will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City of Ottawa's and the Ministry of the Environment and Climate Change's noise criteria;” and

- ii. “The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that noise levels due to increasing roadway traffic may be of concern, occasionally interfering with some activities of the dwelling occupants as the outdoor sound level exceeds the City of Ottawa’s and the Ministry of the Environment and Climate Change’s noise criteria.”
7. Pursuant to clause 51 (25) (c) of the Planning Act and Schedule C16 of the City’s Official Plan, the Owner conveys to the City, at no cost to the City, an unencumbered road widening across the complete Lockhead East frontage of the lands, measuring 13 meters from the existing centerline of pavement/the abutting right-of-way. 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 shall be provided 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.



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