

2024-08-01

City of Ottawa | Ville d'Ottawa  
Comité de dérogation



**CONSENT & MINOR VARIANCE APPLICATION  
COMMENTS TO THE COMMITTEE OF ADJUSTMENT  
PANEL 3**

**PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT**

Site Address: 8597 Franktown Road  
Legal Description: Part of Lot 1, Plan 4M-360, Part 4 & 5 of Plan 4R-19705  
File No.: D08-01-24/B-00121 & D08-01-24/B-00122 & D08-02-24/A-00175  
Report Date: August 01, 2024  
Hearing Date: August 06, 2024  
Planner: Luke Teeft  
Official Plan Designation: Rural Transect; Rural Countryside  
Zoning: RR2[197r]

**DEPARTMENT COMMENTS**

The Planning, Development and Building Services Department **has no 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 no concerns with the proposed consent. The proposed lots are adjacent to lands zoned for mineral extraction, and Lot 2 is within the required setback for Minimum Distance Separation.

Staff have reviewed the subject minor variance application against the “four tests” as outlined in Section 45 (1) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended. Staff are satisfied that the requested minor variance meets the “four tests”.

The property in question is located adjacent to lands zoned ME3[1r]-h and a Mineral Resource impact Assessment (MRIA) has been submitted in support of the application. Staff have not had an opportunity to review the report in advance of the hearing date, but will address the requirement for the report through a condition.

There is a municipal drain (Karl Drain) in close proximity to both proposed new lots. Staff would like to see an Environmental Impact Statement which includes development envelopes that respect the setback from this feature.

The requested variance to the Minimum Distance Separation (MDS) setback has been deemed acceptable subject to the following conditions.

### ADDITIONAL COMMENTS

- 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.
- Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.
- 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.
- Encroachment on or alteration to any easement is not permitted without authorization from easement owner(s).

### CONDITIONS

If approved, the Planning, Development and Building Services 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 enter into an Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the **manager of the Development Review All Wards Branch, or their designate**, which provides the following covenants/notices that run with the land and bind future Owner(s) on subsequent transfers:

"The property is located within an area designated as Rural Countryside, in close proximity to an existing livestock facility, and therefore may become subject to odor, noise, and other activities associated with agricultural and livestock operations."

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

“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 City of Ottawa has identified that there are potential thin soils, sensitive marine clay soils, organic soils, and karst topography 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 home owner.”

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

3. That the Owner(s) provide proof 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 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 their own cost.
4. That the Owner convey a 3m x 9m corner sight triangle located at the intersection of Franktown and Skeel Court to the City, with all costs to be borne by the Owner(s), to the satisfaction of the **Surveys and Mapping Branch** of the City. This area will be free of all structures, plantings, etc. and will allow a proper sighting distance for motorists when performing turning movements within the intersection. The Committee must receive written confirmation from **City Legal Services** that the transfer of the lands to the City has been registered.
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 15 meters from the existing centerline of pavement/the abutting right-of-way along Franktown, 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 provide a Geotechnical Report prepared by a Professional Civil Engineer licensed in the Province of Ontario, that is satisfactory to both the **manager of the Development Review All Wards Branch, or their designate and to the Rideau Valley Conservation Authority** to be confirmed in writing from **PDBS and the Authority** to the Committee, demonstrating the following:

- (a) 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);

- (b) That there are no adverse environmental impacts.

The Geotechnical Report 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.

7. That the Owner(s) provide a Mineral Resource Impact Assessment report, to the satisfaction of the **manager of the Development Review All-Wards Branch, or their designate**, demonstrating that the potential future expansion of an extraction operation in depth or extent, will not be affected by the development. The report must include a review of the impact of the development upon the current mineral extraction or future expansion. The report shall be prepared in accordance with the Province of Ontario's Aggregate Resource Policies and Procedures and the City of Ottawa Official Plan.
8. 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

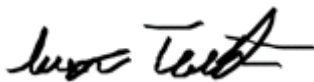
- b. That the quality of the water meets the Ministry of the Environment, Conservation and Parks Regulations, Standards, Guidelines and Objectives;
- c. That the quantity of water meets all the Ministry of the Environment, Conservation and Parks requirements.
- d. That the septic impact assessment meets 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 **manager of the Development Review All Wards Branch, 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".

- 9. That the Owner(s) prepares and submits an Environmental Impact Study (EIS) to satisfaction of the **manager of the Development Review All Wards Branch, or their designate**. If the accepted report recommends specific mitigation measures or other requirements, the Owner shall enter into a Development Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the **manager of the Development Review All Wards Branch, or their designate**, which is to be registered on the title of the property, which includes those recommendations.




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

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



110 Laurier Avenue West, Ottawa ON K1P 1J1      Mail code: 01-14  
110, av. Laurier Ouest, Ottawa (Ontario) K1P 1J1      Courrier interne : 01-14

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