

2026-01-08



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

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 3404 Yorks Corners Road
Legal Description: Part of Lot 30, Concession 9, Geographic Township of Osgoode
File No.: D08-01-25/B-00218 & D08-01-25/B-00224
Report Date: January 8, 2026
Hearing Date: January 13, 2026
Planner: Wendy Yang
Official Plan Designation: Rural Transect, Agricultural Resources Area, Natural Heritage System Overlay
Zoning: AG1

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **has no concerns with** one of the applications and **recommends refusal** on the other.

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 has no concerns regarding the surplus farm dwelling severance (D08-01-25/B-00224).

However, Staff do not support creation of an additional lot for future residential development in Agricultural Resources Area (D08-01-25/B-00218) and recommends refusal.

The lot is designated as Agricultural Resources Area. These areas are identified as Prime Agricultural Land in the Provincial Planning Statement (PPS) based on high quality soil. The Province has a strong interest in protecting agricultural resources, thus, lands in Agricultural Resources Area are protected from fragmentation and limiting incompatible residential development.

Staff believe that the proposed severance does not meet the following criteria in Section 51(24) of the Planning Act:

(c) Whether the plan conforms the Official Plan and adjacent plan of subdivision:

Lot creation policy in Agricultural Resources Area is outlined in Section 9.1.3(3) of the Official Plan. Staff believe that the proposed severance does not conform with the following policies in Section 9.1.3(3):

- Section 9.1.3(3)(a): This policy speaks to lot creation being prohibited unless the new lot contains an existing habitable dwelling made surplus through farm consolidation. The proposed severance fronting on Springhill Road is a vacant lot, so does not conform with this policy.
- Section 9.1.3(3)(f): This policy speaks to only one lot being created, where the applicant is proposing to create two lots, so does not conform with this policy.

ADDITIONAL COMMENTS

Planning Forestry

- The proposed lots to be severed are largely forested. While a permit is not required for the removal of privately-owned trees in the Rural area, a Tree Information Report and tree removal permit application is required for work that would necessitate removal of any trees within the municipal right-of-way.
- The owners should refer to the [Planning around trees](#) page for guidance on working around their trees. In particular, the [Tree Protection Specification](#) should be implemented when working around trees that are to be protected & retained.

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 one vacant lot for future residential development and one lot for a surplus farm dwelling.
- From the plans there is an existing entrance to LOT #1 to be severed, however, should a new entrance to LOT#2 to be severed or the retained agriculture field LOT require an entrance then a private approach permit would be required.
- Please contact the ROW Department for any additional information at rowadmin@ottawa.ca or visit the City webpage [Driveways | City](#) of Ottawa 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 conditions on the applications:

The following conditions apply to applications D08-01-25/B-00224 & D08-01-25/B-00218

1. That the Owner(s) obtain a Zoning By-law Amendment that restricts residential development on the retained lands, with all levels of appeal exhausted. 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 copy of a legally binding agreement of purchase and sale or a letter indicating the current owner is a farm operator or owner of a registered farm business, satisfactory to the Manager of the Development Review All Wards Branch, or their designate, to be confirmed in writing from the Department to the Committee, that demonstrates that the newly created lot is being sold.
3. The Owner must convey to the City, at no cost to the City, an unencumbered corner sight triangle, overlapping measuring 5 metres by 15 metres, at the intersection of Yorks Corners Road and Springhill Road. The corner sight triangle must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the corner sight triangle, 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 corner sight triangle. The Committee shall be provided written confirmation from City Legal Services that the transfer of the corner sight triangle to the City has been registered. All costs shall be borne by the Owner.
4. 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 demonstrate that the barn on the retained land has been decommissioned as a livestock facility and demolished in accordance with the demolition permit if required or relocated in conformity with the Zoning By-law. Notice shall be provided in writing to the Committee from the Department confirming this condition has been fulfilled.
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 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 property is located next to lands that have an existing source of environmental noise (collector road) and may therefore be subject to noise and other activities associated with that use.”

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

The following condition applies to application D08-01-25/B-00224

6. 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 each existing parcel has its own well, independent private sewage system, and storm/foundation drainage and that they do not cross the proposed severance line. If the systems do cross, 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, at their own cost, to relocate the existing systems or construct new systems.

The following conditions apply to application D08-01-25/B-00218

7. That the Owner(s) provide a Hydrogeological and Terrain Analysis report, 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 by a licensed Professional Geoscientist (P.Geo.) or Professional Engineer (P.Eng.) and be in accordance with the City of Ottawa's council-approved Hydrogeological and Terrain Analysis Guidelines (March, 2021), as amended. The reporting must provide sufficient information with the application to demonstrate:
 - a. That sufficient quantity of groundwater exists on the site to service the development,
 - b. That the quality of the groundwater meets or exceeds the drinking water standards and guidelines referenced in the City's council-approved Hydrogeological and Terrain Analysis Guidelines (March, 2021), as amended, and
 - c. That the operation of sewage systems on the lots will not adversely impact on wells to be constructed or on the wells of neighboring properties.

Where groundwater water quantity or quality are considered marginal, as many as one test well per lot may be required to demonstrate the adequacy of the aquifer to support the proposed development. Technical Pre-Consultation with the City's Hydrogeological staff is highly recommended for sites where quantity or quality are

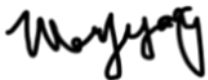
marginal, where dug wells are contemplated, or where the site is likely to be hydrogeologically sensitive.

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 is hydrogeologically sensitive, the drilling of a well and/or the conveyance of a 30-centimetre reserve may be required to ensure that the measures are implemented in accordance with the recommendations of the approved hydrogeological reporting. 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.

8. 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.



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