

**1. ZONING BY-LAW AMENDMENT – PART OF 8089 AND 8165 FRANKTOWN ROAD**

**MODIFICATION AU RÈGLEMENT DE ZONAGE – PARTIE DU 8089 ET DU 8165, CHEMIN FRANKTOWN**

**COMMITTEE RECOMMENDATION**

**That Council approve an amendment to Zoning By-law 2008-250 for a part of 8089 Franktown Road and 8165 Franktown Road to permit detached dwellings and open space uses, as detailed in Document 2.**

**RECOMMANDATION DU COMITÉ**

**Que le Conseil approuve une modification au Règlement de zonage 2008-250 relativement à une partie du 8089 et du 8165, chemin Franktown, afin de permettre des maisons isolées et des espaces verts, comme le précise le document 2;**

**DOCUMENTATION / DOCUMENTATION**

1. Director, Planning Services, Planning, Infrastructure and Economic Development Department report dated 8 November 2017 (ACS2017-PIE-PS-0119).

Rapport de la Directrice, Services de la planification, Direction de la planification, de l'infrastructure et du développement économique daté le 8 novembre 2017 (ACS2017-PIE-PS-0119).

2. Extract of draft Minutes, Agriculture and Rural Affairs Committee, 23 November 2017.

Extrait de l'ébauche du procès-verbal, Comité de l'agriculture et des affaires rurales, le 23 novembre 2017.

**AGRICULTURE AND RURAL  
AFFAIRS COMMITTEE  
REPORT 30  
13 DECEMBER 2017**

**2**

**COMITÉ DE L'AGRICULTURE ET  
DES AFFAIRES RURALES  
RAPPORT 30  
LE 13 DÉCEMBRE 2017**

**Report to  
Rapport au:**

**Agriculture and Rural Affairs Committee  
Comité de l'agriculture et des affaires rurales  
23 November 2017 / 23 novembre 2017**

**and Council / et au Conseil  
December 6, 2017 / 6 décembre 2017**

**Submitted on November 8, 2017  
Soumis le 8 novembre 2017**

**Submitted by  
Soumis par:**

**Lee Ann Snedden, ,  
Director / Directrice**

**Planning Services / Services de la planification**

**Planning, Infrastructure and Economic Development Department / Direction  
générale de la planification, de l'infrastructure et du développement économique**

**Contact Person / Personne ressource:**

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**Ward: RIDEAU-GOULBOURN (21)**

**File Number: ACS2017-PIE-PS-0119**

**SUBJECT: Zoning By-law Amendment – Part of 8089 and 8165 Franktown Road**

**OBJET: Modification au Règlement de zonage – partie du 8089 et du 8165,  
chemin Franktown**

## **REPORT RECOMMENDATIONS**

1. That Agriculture and Rural Affairs Committee recommend Council approve an amendment to Zoning By-law 2008-250 for a part of 8089 Franktown Road and 8165 Franktown Road to permit detached dwellings and open space uses, as detailed in Document 2.
2. That Agriculture and Rural Affairs Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of Written and Oral Public Submissions, to be prepared by the City Clerk and Solicitor's Office and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to Bill 73 'Explanation Requirements' at the City Council Meeting of 6 December 2017 subject to submissions received between the publication of this report and the time of Council's decision.

## **RECOMMANDATIONS DU RAPPORT**

1. Que le Comité de l'agriculture et des affaires rurales recommande au Conseil d'approuver une modification au Règlement de zonage 2008-250 relativement à une partie du 8089 et du 8165, chemin Franktown, afin de permettre des maisons isolées et des espaces verts, comme le précise le document 2;
2. Que Comité de l'agriculture et des affaires rurales donne son approbation à ce que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et de l'avocat général et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux 'exigences d'explication' aux termes du projet de loi 73 », à la réunion du Conseil municipal prévue le 6 décembre 2017 à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.

## **BACKGROUND**

Learn more about [link to Development Application process - Zoning Amendment](#)

For all the supporting documents related to this application visit the [link to Development Application Search Tool](#).

### **Site location**

8089 and 8165 Franktown Road

### **Owner**

2396251 Ontario Ltd., Westboro Mortgage Investment Corp.

### **Applicant**

Anna Froehlich, Novatech

### **Description of site and surroundings**

The site is comprised of two properties, 8165 Franktown Road, which is fragmented into three parts, and 8089 Franktown Road, also fragmented into three parts and separated by the Jock River. The property, 8165 Franktown Road, has frontage on Franktown Road, whereas 8089 Franktown Road also has frontage to the northwest on Copeland Road. Together the lands, subject of this Zoning By-law amendment application, comprise approximately 30 hectares of land area. The lands are partially vacant rural lands, once operated as a golf course, with a part of the lands still in use as the Riverbend Golf & Country Club, which is legally non-conforming.

### **Summary of requested Zoning By-law amendment proposal**

The lands are currently zoned Rural Countryside (RU) and Open Space, Subzone 1A, with a floodplain overlay affecting only parts of the lands as shown in Document 1. It is proposed to rezone one part of the lands, shown as Area A in Document 1 to formally recognize a part of the existing golf course by amending the Zoning By-law to match the zoning designation of the rest of the course, and to rezone the other part of the lands,

shown as Area B, in Document 1, to permit rural residential uses. It is not proposed to amend the floodplain mapping as part of this application.

### **Brief history of proposal**

The lands are currently subject to a Plan of Subdivision application filed December 9, 2009. The application was placed on hold until such time as issues pertaining to Minimum Distance Separation (MDS) requirements were resolved. The Plan of Subdivision features 19, 0.8 hectare residential lots proposed to be privately serviced. The lots will be accessed from a proposed road off of Franktown Road. The remaining lands, east of the Jock River, are proposed to be separated into two blocks, one to be rezoned to formally recognize the golf course (Area A), and the second block to remain as Rural Countryside (RU). The creation of these two blocks has the effect of creating a new parcel of vacant land. Draft approval on the Plan of Subdivision is pending, in consideration of the outcome of this proposed Zoning By-law amendment.

This report was originally scheduled to be heard by the Agriculture and Rural Affairs Committee on November 2, 2017. However, on November 1<sup>st</sup>, Planning Staff were contacted by the Applicant requesting that additional lands be included in the proposed amendment affecting the existing golf course, described as Area A in Document 1, as the area to be rezoned first proposed by the applicant did not provide for enough space on the playing green. As such, a Deferral Motion moved by Councillor G. Darouze, deferred the item to its meeting of November 23, 2017, in order to allow Staff to sufficiently review the merits of this request.

## **DISCUSSION**

### **Public Consultation**

Notification and public consultation was undertaken in accordance with the Public Notification and Consultation Policy approved by City Council for Zoning By-law amendments. Two information sessions were held related to the proposed Plan of Subdivision on May 16, 2012 and April 20, 2016. The request to add additional lands came after the notice and consultation period. This revised report, including the revised map, was circulated to those who requested notification of this meeting.

For this proposal's consultation details, see Document 3 of this report.

### **Official Plan designation**

The lands are designated in Schedule A, Rural Policy Plan of the Official Plan as General Rural Area. Under the policies of this designation, residential subdivisions are only permitted for those applications filed prior to December 31, 2009. The application for the Plan of Subdivision related to this report was filed on December 9, 2009.

### **Other applicable policies and guidelines**

The lands are surrounded by rural and agricultural uses including livestock facilities and other farming operations. As a result, Minimum Distance Separation (MDS) guidelines are to be applied in consideration of the proposed changes of land use. The MDS Guidelines is a land use planning tool that was developed by the Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA), in order to prevent conflicts in land uses between farming operations and other types of land uses. There are two formulas within these guidelines: MDS I which determines setbacks between new development and existing livestock facilities, and MDS II, which determines setbacks of proposed new, enlarged, or renovated facilities to existing or approved development.

The MDS Guidelines are also applied on the basis of types of land uses, Type A being less sensitive and Type B being more sensitive, characterized by higher density of human occupancy or activity. Implementation Guideline No. 10 states that amendments to rezone or re-designate lands already zoned for a non-agricultural use shall only need to meet the guidelines of MDS I, if the amendment proposed is less sensitive than the existing use. Both the existing golf course and proposed residential land use are considered to be Type B land uses, therefore MDS I does not apply.

### **Planning rationale**

This proposed Zoning By-law amendment is being sought in conjunction with an application for a proposed Plan of Subdivision. The Official Plan of the City of Ottawa requires that residential subdivisions in the rural area conform with the requirements for water and wastewater services and environmental protection. In support of the proposed Plan of Subdivision, staff have reviewed a Hydrogeological Investigation and

Terrain Analysis, to ensure that adequate services are available for the proposed use, as well as an Environmental Impact Statement to ensure that any potential impacts to the site and surrounding area's natural features will be mitigated. With regards to the proximity of the Jock River and existing floodplain, the owner has obtained a cut-fill permit from the Rideau Valley Conservation Authority to ensure that the proposed road and building area per lot will be outside of the floodplain.

The Official Plan also requires that consideration be made for surrounding land uses so as not to create conflicts between proposed and existing uses, including the ability to create new or expand existing operations in the surrounding area. The proposed residential uses are surrounded by an existing country lot estate subdivision and recreational use. The lands are also surrounded by farming operations and on the basis of the proposed changes of land use, from one sensitive land use to another of similar sensitivity, as per the MDS Guidelines, the proposal is consistent.

Following the deferral motion presented on November 2, 2017 at the Agriculture and Rural Affairs Committee, Staff reviewed the proposed change to a zoning boundary, which affects a 0.5-hectare segment of the subject lands, to be rezoned to formally recognize the golf course, and determined that this is acceptable on account that the lands are currently being used for the course and also that the lands to remain as RU continues to meet the minimum size for lot creation in the rural area. In addition, a segment of lands at the north edge of the Jock River, is now included to ensure consistent zoning along a natural boundary. While additional lands have been added for consideration as part of this proposed zoning amendment, these lands are currently subject to the related Plan of Subdivision application.

### **Provincial Policy Statement**

Staff have reviewed this proposal and have determined that it is consistent with the Provincial Policy Statement, 2014.

### **RURAL IMPLICATIONS**

There are no rural implications associated with this report. The proposed uses meet the requirements of the MDS guidelines and are not proposed to conflict with surrounding agricultural land uses.

### **COMMENTS BY THE WARD COUNCILLOR**

Councillor Moffatt is aware of the application associated with this report.

### **LEGAL IMPLICATIONS**

There are no legal implications associated with implementing the recommendations contained within this report.

### **RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications associated with this report.

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications.

### **ACCESSIBILITY IMPACTS**

There are no accessibility impacts associated with this report.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

### **TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priority:



EP2 – Support growth of local economy

### **APPLICATION PROCESS TIMELINE STATUS**

The application was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to the schedule of Committee and Council Meetings.

### **SUPPORTING DOCUMENTATION**

#### **Document 1 Revised Location Map**

Document 2 Details of Recommended Zoning

Document 3 Consultation Details

### **CONCLUSION**

Planning, Infrastructure, and Economic Development do not have concerns with this application, as it is consistent with the Official Plan and Provincial Policy Statement, 2014.

### **DISPOSITION**

Legislative Services, Office of the City Clerk and Solicitor to notify the owner; applicant; Ottawa Scene Canada Signs, 1565 Chatelain Avenue, Ottawa, ON K1Z 8B5; Krista O'Brien, Tax Billing, Accounting and Policy Unit, Revenue Service, Corporate Services (Mail Code: 26-76) of City Council's decision.

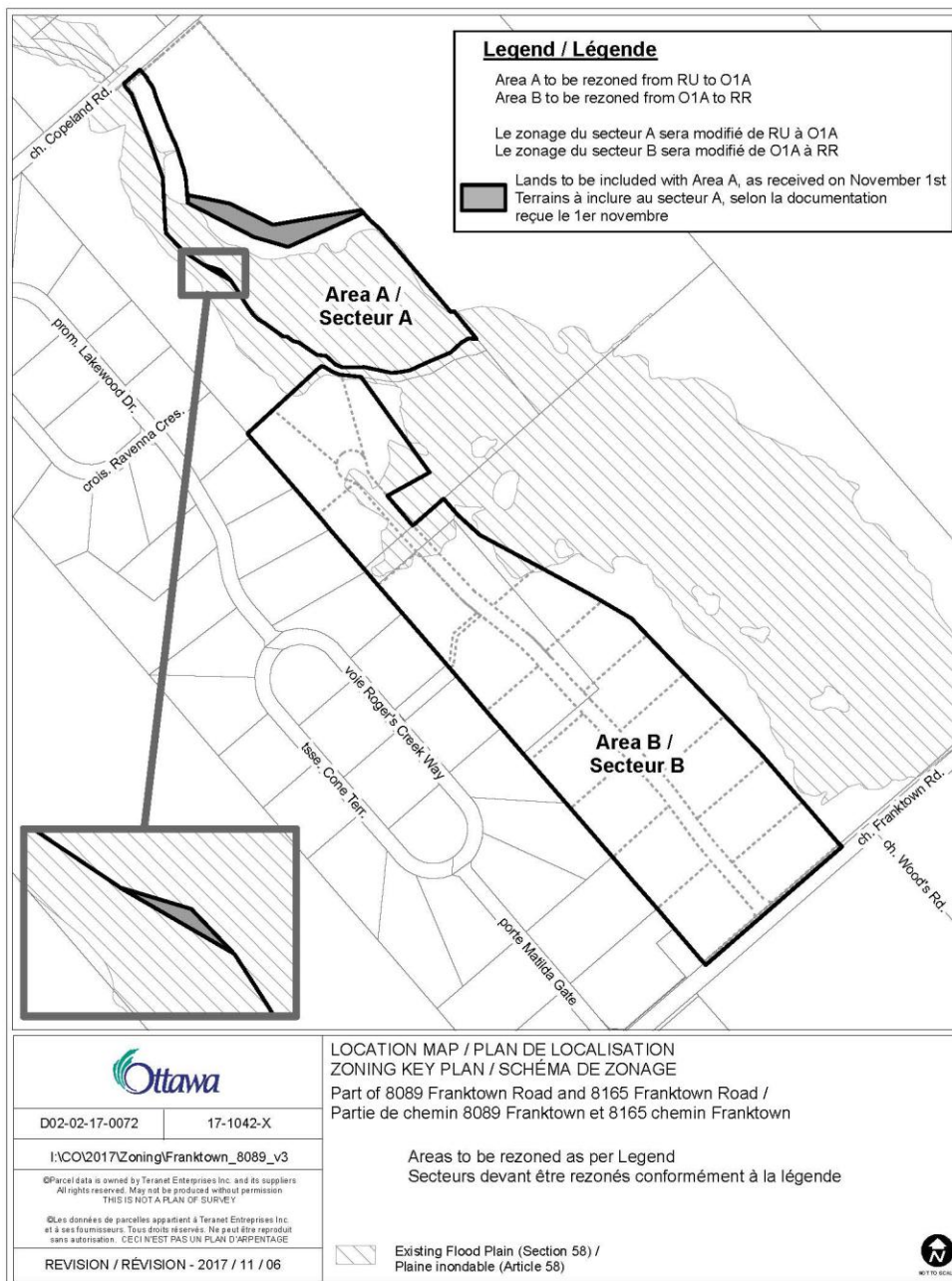
Zoning and Interpretations Unit, Economic Development and Long Range Planning to prepare the implementing by-law and forward to Legal Services.

Legal Services, Office of the City Clerk and Solicitor to forward the implementing by-law to City Council.

Planning Operations Branch, Planning Services to undertake the statutory notification.

## Document 1 – Revised Location Map

For an interactive Zoning map of Ottawa visit [geoOttawa](http://geoOttawa).



**Document 2 – Details of Recommended Zoning**

The proposed change to the City of Ottawa Zoning By-law 2008-250 for Part of 8089 Franktown Road and 8165 Franktown Road

1. Rezone Area A on Document 1 from RU to O1A.
2. Rezone Area B on Document 1 from O1A to RR.

### **Document 3 – Consultation Details**

#### **Notification and Consultation Process**

Notification and public consultation was undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments.

#### **Public Comments and Responses**

##### **Comment:**

There is an operational dairy farm located at 8037 Franktown Road consisting of 150 cattle which are milked twice a day, and includes liquid and solid manure storage. There is also a farming operation which includes the housing only of 25 cattle located at 8120 Franktown Road. Please ensure these operations are considered in review of the proposed zoning amendment and that the formulae for Minimum Distance Separation is being complied with.

##### **Response**

Staff have reviewed OMAFRA's Guidelines and have determined that the proposed change of land use meets the guidelines on the basis that the proposal is to rezone the lands to a use that is not more sensitive than the existing use.

#### **Community Organization Comments and Responses**

No comments from Community Organizations were received.